

Aleksandra Stanojevic LLM*

Mechanisms and Initiatives of the Public Administration Reform in the Republic of Serbia

Abstract

Throughout the last decade, reforming the public sectors has proven to be a demanding endeavor, both for the developed and economically strong governments, as well as for the states that are in stadium of development. The concept of reforming and enhancing the performances in public sector is a perennial problem that calls for urgent modification and effort on the side of both employees and clients; it also calls for reassessment of the existing models of managing. Minimizing the expenses and enabling further advancement of employees and technology is among the new ideas that should help the public administration adapt in the near future, reach effectiveness, accountability and creativity.

The primary aim of this work is to point out to the significance of introducing novelties and initiatives that would facilitate the creation of public administration that is client-oriented and with excellent performances. This study discusses the mechanisms that could improve the effectiveness of the public administration in Republic of Serbia through the implementation and realization of reform strategies. A particular emphasis is put on the validity and long-term adoption of control mechanisms, instrumental frameworks, professionalism and other modalities that, once implemented, would lead to a more stable, efficient and EU-oriented public administration. Nevertheless, the question arises here whether there should be a standardized evaluation of everybody's efficiency and progress in the public sector or assessing performances still depends on the social and political factors of each state?

KEY WORDS: public administration, reform strategy, performance, mechanisms, implementation.

* PhD Candidate, BA in English Philology and Literature, Faculty of Law-Belgrade.

Introduction

The term *public administration*, along with the widely accepted terms of *public management* and *public sector management* refers to an entire machinery of procedures, policies and business rules, organizational structures and staff funded by the Government, in coordination with local authorities, coordinating theirs and the work of the executive management and their interaction with other factors in society. The scope of responsibilities of public administration includes the management and implementation of a set of local and national activities of law enforcement, legislation, regulations and decisions of the Government, as well as the coordination of the provision of public services.

In order to make the process of reforming and evaluating the effectiveness of public administration properly understood and comprehensible to the public, it is necessary to point out precisely the 'grandeur' of this project. This is significant, if we take into account the scope of work that public administration takes upon itself, but also the incapacity to engage all proposals and reforms mechanisms at the same time, while setting appropriate benchmarks that would serve as a model for assessing the degree of effectiveness. The existing initiatives and advocating urgent reform as the only way to improve performances relate mainly to the mechanisms that are supposed to influence making appropriate business policies, coordination, decentralization, human resources management and enabling the systems for communication and information. It might seem that performance management in public administration is quite abstruse, but it has a long upward path, even though the new public management has used various alternatives to measure performances. The experts in the field, as well as the academics and management consultants agree that the nature of the performance evaluation is inevitable since the process becomes an integral part of the modern way of handling government and politics. It is, however, up to the public sector organizations to decide how to define goals, monitor the process, handle administrative tasks and, finally, evaluate the results.

The EU's primary focus is to improve performances through advanced responsiveness of clients who use the services of public sector. Second, it means that simplified management structure, clearly delegated authority and responsibility of all employees lead to an active client's participation and cooperation of all segments of the public sector. Clearly defined by the Copenhagen criteria, all states seeking membership are required to implement reforms continuously and steadily, thus effectively forming a democratic society and paving the way for the qualitative development of the economy. The principles of professionalism, political neutrality, transparency, reliability and accountability (including an obligation to perform duties

effectively and efficiently) stand for modalities of enhancing performances. The Strategy on public administration reform and its complementary Action plan that Serbia has adopted clearly define the mechanisms proposed by the EU that can enhance the functioning of the public administration. Therefore, the focus is on making horizontal changes in the system of public administration and human resources management, restructuring the administrative processes, introducing of e-government, compliance of regulations, strategic planning and coordination of policies, public finance and anti-corruption initiatives.¹

Nevertheless, our very presence confirms that the theoretical concept of creating an adequate Administrative space is not always in accordance with the technical and economic possibilities that most Western Balkans countries operate with and that reform initiatives often remain in its initial stage of preparation. In addition to the already mentioned modes, there are growing opinions that advocate for the use of singular models and approaches, which would facilitate the functioning of the public administration. This is primarily related to the public sector productivity, the inclusion of non-governmental organizations and the introduction of the private sector. In the end, it remains questionable whether there can be a unique *modus operandi* applicable and effective in all sectors and is a comprehensive approach to reform targeted to improve performance better than a partial one? According to the general attitude designed to improve performances, one should act corporate rather than in sectors, but then a discourse arises concerning the longevity of effects and the choice of methodology that can most accurately evaluate the realistic performance of the public administration.

1. Public Administration Development Strategy as an Initial Step in Enhancing Performances

The countries that are in the transitional period focus on the attempt to establish the state on democratic grounds with stable political apparatus, meticulously organized legislature and developed economic agenda that would attract great financial donors and investors. In order to access the Euro-Atlantic integration process and become full members of the EU, one of the necessary preconditions is the modernization and reform of public administration in line with EU legislation (the *acquis communautaire*). Strategic commitments to this reform are an objective and a challenge that must be met for the sake of obtaining the benefits of being a member of the EU. Equally, the

¹Public Administration Reform Strategy in the Republic of Serbia, October, 2004, p. 67, 30.10.2011.

<http://www.uzda.gov.rs/FileSystem/SiteDocuments/strategije/Strategija%20reform%20drzavne%20uprave%202009%202012.pdf>

impetus are the citizens who would be provided with the principles of open government and active participation in the work of public administration, which would only then become productive and effective. Lilic notes that the increasing orientation towards a pragmatic approach is based on verifiable practical principle that "good" government is only one proven as "successful." In this manner, the administration tends to be successful if it achieves its goals efficiently, cost-effectively and rationally. The purpose is to take care that the basis of the administrative action remains achieving goals and protection of human rights and freedoms, on one hand and increasing the general welfare of society as a whole, on the other hand.²

From a historical perspective, it should be acknowledged that the area of the dissolved Socialist Federative Republic of Yugoslavia became a site of ethnic turmoil. That did not work in favor of creating a modern and transparent management that could contribute to the development and social stability. It seems that the biggest problem of the Republic of Serbia remains how to adequately approach the reforms, make them sustainable and consistent, overcome them, surpass their goals, leave initial standards on the sidelines and make a difference in politics.

1.1. Conceptualizing the Mechanisms for Improving and Reforming the Public Administration in Serbia

The platform for enhancing public sector performances was originally related to Public administration reform strategy and its Action plan 2009-12, which the Republic of Serbia adopted and included in its program.³ The reform included six crucial areas: decentralization, fiscal decentralization, retention of professional civil services, newly organized managerial structure (for the purpose of maintaining rationalization), introducing information technologies and control mechanisms. The ultimate goal has been to provide services to the citizens/clients and improve the life standard. In order to secure the implementation of the reform propositions, Serbia set up a Council of Public Administration Reform (Dzinic, 2011:1079). There are several basic principles, used for the sake of successful implementation of the reforms. These include the decentralization, used for the appropriate delegation of authorities between the central and local government levels; depoliticization, which assumes clear and strict distinction between political and professional level of accountability, thus

²Stevan Lilic, 'The Modernization of the Serbian State Administration', Conference on the occasion of Europe Day: *Reforms: Political Will and Administrative Capacities*, Faculty of Economics, Finance and Administration, Singidunum University, Belgrade, 10th of May, 2011, p. 1.

³'Review of Public Administration Reform Strategy and Action Plan for Implementation of Reforms 2009-2012', *Support to Public Administration Reform*, Belgrade, March 2012, p. 32, 02.11.2012.

demeaning political influence and interference on civil servants' work; professionalization, related to creating educated, well-trained and efficient state administration; rationalization, used to optimize functioning and expenses in state administration; modernization – technological advancement of work procedures in the framework of the state administration. Although performance appraisals can be related and attributed to each of these principles, our aim is to point out to certain aspects of the control mechanisms, human resources management and modernization and to underline the importance of applying reforms through practical evaluation rather than by analyzing the principles themselves.

1.1.1. *Mechanisms for Developing Human Resources Management*

Focusing on managing human resources and handling the entire management is tightly linked to the principle of professionalization. We have to bear in mind that dealing with unprofessional, incompetent and unqualified staff has no purpose whatsoever when it comes to implementing mechanisms. Any further initiative in this kind of service would be completely futile, money withdrawing and incapable of improving work and measure performances. This outline requires predominant logistics with numerous prerequisites. The employees are supposed to be selected solely on the basis of abilities and skills. They are required to attend regular professional trainings and upgrading in order to pursue modern reforms and improve their work. There should be objective evaluation of the work of public servants. Mechanisms of motivation and reward, including career development should be established, as well as an appropriate payment system that would further stimulate employment. In addition, there is need of formulating clear rules of behavior and attitudes toward the public affairs. Finally, all forms of corruption, including conflicts of interest should be prevented, particularly for the highest government officials and senior civil servants.

Partially analyzed, managing human resources (especially when it comes to hiring new staff, appointing them to job responsibilities and adapting in the sector) involves regular monitoring for the sake of assessing which sectors and which areas are in need of hiring new staff as well as the obvious need for openness and transparency in the recruitment process. Employment based on qualifications and skills or conceivably previous experience is one of the prerogatives of the proper fulfillment of the Strategy. Training and professional development of employees must be based on a continuous process of constant personal affirmation. Moreover, this includes essential organization of training centers that would provide training for

specific skills in certain areas. The Law on state administration, Law on civil servants, Civil servant and Government employee salary law and the Law on state agencies form the legal framework regulating human resources in the public sector.⁴ Although one can say that the Government achieved a great progress by introducing these laws, according to some opinions, the quality of their implementation is very questionable. The Civil service act provides for a clear distinction between the civil servants and political appointees. However, the law does not guarantee a merit-system hiring, given that employment in the administration, promotion and dismissal is based on the sole discretion of management and political structures. Confusion arises between the subject of open working positions and employment based on merit system. Although law regulates the decision-making and activities of state bodies, the practice has shown that adherence to the legitimacy and equality before the law in making administrative decisions and administrative actions should be improved in order to achieve better alignment with the European principles of administrative decision-making, especially in terms of greater legal certainty and predictability.⁵ When it comes to initiatives, Dzinic notes that there is not a strong correlation between the results measuring the efficiency of employees and the consistent training programs and mechanisms of advancement. In fact, the estimated performances have no influence whatsoever on the career developments or bonuses for civil servants. The introduction of three-month-evaluation period would probably strengthen restructuring or dismissals from the service, but it could also create redundancies that would bring upon themselves the burden of conducting assessments; the evaluation, per se, will neither boost employee motivation nor strengthen their effectiveness at work (Dzinic, 2011:1092). Since 2011, performance assessment results are taken into consideration in deciding the net salary and career advancement. In addition, the termination of employment for those who receive a negative assessment mark comes after four months, instead of the previous fifteen. Initiatives are oriented toward directing individual commitments with the needs of the organization, as well as the improvement of evaluation system in order to make grade level really match the performance appraisal system (Koprić, 2010:24). The Republic of Serbia (as a genuine mechanism in the field of training and education of employees) introduced in 2010 the

⁴Civil servants and Government employee salary law, *Official Gazette of the Republic of Serbia* 99/2010; Law on state administration, *Official Gazette of the Republic of Serbia* 79/2005, 101/2007, 95/2010; Law on civil servants, *Official Gazette of the Republic of Serbia* 104/2009.

⁵*Assesment Serbia 2010 Democracy and the rule of law*, Sigma, p. 4.
<http://www.oecd.org/site/sigma/publicationsdocuments/47075338.pdf>,
12.04.2013.

General program of professional development for civil servants, which included a range of topics. Within the same year, the Law on ratification of the agreement establishing the Regional school for public administration was adopted as well. It is relevant to mention the Code of conduct for public officials, adopted by the High civil service council, which specifies the standards and rules of conduct for civil servants. By the end of 2011, the Government had completed competitive recruitment for 192 senior civil service positions and, although the process has not been finalized, it is considered to have been progressing. The Government adopted the 2011-2013 Strategy on professional development of civil servants with the aim of creating a new system of professional development through the establishment of a central institution in charge of the implementation of training programs.⁶

1.1.2. Control Mechanisms for Improving the Work of Public Administration

Creating control and accountability mechanisms is one of the main prerogatives for performance improvements in all sectors, whereas the classical forms of administrative and judicial control are extended by the control of the institution of Ombudsman as well as by the public – through the citizens' rights to access the information concerning the operation of state authorities. The mechanisms of proper fulfillment of tasks delegated to local governments by the state government are particularly positioned. Therefore, we can distinguish two types of control. The first is *internal control* during the working process, primarily conducted through the institution of administrative inspection and control of the regularity of state administration work performance. The second is *external control* - controlling the legislation of state administration work by administrative control of the legislation of decision-making process made by superior authorities, which is regulated by the Law on general administrative procedure and judicial revision - control by the courts, based on different parties' lawsuits, which is regulated by the Law on administrative disputes. Furthermore, the control mechanisms of public administration should include all those measures and regulations relating to the prevention and suppression of corruption in the administration. In this regard, first, the Criminal code of the Republic of Serbia traditionally contains an entire set of offenses against the legal duty and it sanctions various illegal acts of misconduct.⁷ The Law

⁶Assesment Serbia March 2012 Civil Service and Administrative Law, Sigma, p. 7, 1.04.2013.

http://www.oecd.org/site/sigma/publicationsdocuments/Serbia_Assess_2012_CS.pdf

⁷Law on general administrative procedure, *Official Gazette of the Republic of Serbia* 20/2010; Law on administrative disputes, *Official Gazette of the*

on prevention of conflict of interest in performing public duties from April 2004 was another regulation that Serbia had adopted. It was supposed to prevent potential situations that might have led to a violation of impartiality and conscientious conduct of persons in managerial positions.⁸ Anyhow, a part of the legislative framework consists of laws that regulate procedural acting of the state administration and regularity of their work - Law on administrative procedure, Law on administrative disputes and Law on the Ombudsman. On the other hand, monitoring the implementation and evaluation of the Law on local self-government and the Law on local elections will show to which extent the existing regulations hinder the process of effective decentralization. Nevertheless, the harmonization of sector laws in all areas, in which transferring of jurisdiction has been conducted onto local governance is an essential part of the regulatory reforms.⁹ Lilić, however, pointed out that the urgency that accompanied the adoption of the Law on administrative disputes in order to establish the Administrative court had substantial drawbacks. Namely, it included the abolition of appeal in the administrative proceedings and provided new legal remedy, such as objections against the ruling of a single judge's decision to dismiss the action in preliminary proceedings, as well as a number of specific linguistic inconsistencies.¹⁰ The primary initiative is that the design and implementation of each legal regulation must be complied with the following procedures: cost analysis, analysis of effects on the future process of Serbia's accession to the EU and regulatory effects assessment prior to their preparation and after their application. Other initiatives include the decree that the Government issued in 2009, which determined the maximum number of employees in state and local administrations (the salaries in the budget were to be planned for the maximum number of employees).¹¹

The adoption of the Ombudsman and the Commissioner for access to information of public importance, in addition to

Republic of Serbia 111/2009; Law on local self-government, *Official Gazette of the Republic of Serbia* 129/2007.

⁸Law on prevention of conflict of interest while performing public duties, Transparency Serbia.

<http://www.transparentnost.org.rs/dokumenti/2104-d04.html>, 12.02.2013.

⁹Public administration reform strategy in the Republic of Serbia, October, 2004, p. 67, 30.10.2011.

<http://www.uzda.gov.rs/FileSystem/SiteDocuments/strategije/Strategija%20reformne%20drzavne%20uprave%202009%202012.pdf>

¹⁰Stevan Lilić, 'Legal Remedies and the New Law on Administrative Disputes of Serbia', Proceedings in honor of professor Naum Grizo, Faculty of Law "Iustinianus Primus", Skopje, 2011, 61-65.

¹¹'Maksimalan broj zaposlenih u drzavnoj administraciji', *Zakon*, 21.12.2009. <http://www.zakon.co.rs/maksimalan-broj-zaposlenih-u-drzavnoj-administraciji.html>, 13.04.2013.

founding the Administrative court and Administrative inspectorate, is among the numerous specificities of the external control of state administration.¹² Based on the amendments adopted by the Government in 2012, the Commissioner gained superior status with greater legal influence and the initiative has been to expand his premises and staff in order to expand providing beneficial services. In favor of this mechanism is the fact that the Commissioner was re-elected in 2011. The Ombudsman became a central figure in expanding citizens' rights related to public administration. Citizens' reports increased by 40% in 2011 and they were mainly related to the insufficient decision-making in various sectors of public administration. The adopted amendments granted greater financial autonomy and protection of the "whistleblowers" as well as those who submit appeals and reports. Within the organization of the Ombudsman, a special category of authorized persons will be established and it will have an unrestricted access to the premises and documents of any public body. The Office of the Ombudsman was strengthened by implementing numerous activities related to the professional development in handling complaints, development of information technology and creation of public awareness campaigns on the importance of the Ombudsman. The Office of the Ombudsman has prepared the Code of good administration, which has been submitted to the Parliament for adoption. It represents a general framework of proper administrative conduct (good governance) for public authorities and public officials and includes professional standards and ethical codes of conduct for the performance of official duties and communication with the public. Further work in this area should focus on solving two key problems in post-transitional countries – the lack of trust in institutions and corruption. It is also necessary to work on improving the quality of institutions and their responsibilities. According to the report of the Ministry of justice and public administration, 33 inspections within 14 ministries and over 1 000 laws and regulations that govern their work currently operate in Serbia. The lack of cooperation, overlapping and duplication of workload in the public administration, as well as frequent and enduring controls, decrease the efficiency of supervision. That calls for the implementation of the Law on inspection supervision.¹³ The Parliament passed the Law on administrative inspection in November 2011, but in order to ensure consistency, the Ministry temporarily suspended the new Law on inspection supervision while the new Law on

¹²Law on the Ombudsman, *Official Gazette of the Republic of Serbia* 79/06, 54/07.

¹³'Selakovic: Uskoro zakon koji uredjuje rad inspekcija', *Tanjug*, Belgrade, 06.04.2013, 11:23.

<http://www.tanjug.rs/novosti/82842/selakovic--uskoro-zakon-koji-uredjuje-rad-inspekcija.htm>, 15.04.2013.

administrative procedure was to be passed. The difference between the two laws is that the Law on administrative inspection regulates the general procedures for all inspections, either internal or external, whereas the Law on inspection supervision regulates inspections on labor, taxation, education and so forth. The Law on administrative inspection regulates the supervision of administrative bodies' compliance with administrative law. It could be considered redundant if administrative inspectors are not given more competences, such as examining the efficiency and effectiveness of public institutions and programs.¹⁴

The trend of new public management, designed with the aim to make the public administration more profitable, more efficient and more competitive, has given rise to a spontaneous establishment of public agencies. Lilic believes that ratio legis underlying the establishment of public agencies, as well as individual and organizational structures, is in fact associated with more effective implementation of the public interests and cost-effective activities (Lilic, 2010:47-48). In his study, this author also remarks that it is necessary to determine the basic forms of agencies and how does coordination with state authorities affect the control of their work. The public agencies differ among themselves according to the nature of their affairs, developmental, professional or regulatory affairs. The agencies incorporated as a part of the organizational structure of the public administration are subjected to the highest degree of legal, administrative and judicial control, whereas regulatory agencies have the highest level of independence.¹⁵

1.1.3. Mechanisms for Modernization of the Public Administration

The development and concretization of the idea of e-government has become the central focus of the expansion of legal, democratic and reformed public administration, which means application of information and communication technologies in public administration work over the Internet. In his study, Lilic states that the basic premise of the concept of e-government is that public information and public services must be accessible to all citizens without any discrimination. The potential of information and communication technology allows the management to develop

¹⁴ 'Assesment Serbia March 2012 Civil Service and Administrative Law', Sigma, p. 7, 1.04.2013.
http://www.oecd.org/site/sigma/publicationsdocuments/Serbia_Assess_2012_CS.pdf

¹⁵ Based on the legislation in Serbia, the public agencies can be classified in narrow or broad sense. Those with public authority for professional activities and developmental, regulatory and administrative duties are state agencies performing tasks of state administration. More on this in: S. Lilić, P. Dimtrijević, M. Marković, *Administrative Law*, Belgrade, 2006, p. 172.

successfully the concept of e-government. The legal framework of the European Union is set in the document named 'Interoperable delivery of pan-European e-Government services to public administrations, businesses and citizens' IDABC (April 2004).¹⁶ The goal of e-Government is not just posting information on the Internet and providing a variety of services to citizens, but also the vertical and horizontal communication within the public administration and its segments. This flow of information at the state and local government levels increases the level of operability and efficiency significantly.¹⁷ According to the United Nations, the creation of e-government is defined as willingness and readiness of the public sector to perfect information and communication technologies and make them more accessible to citizens. Based on the report submitted in 2005, linked to the involvement of some form of e-government, Serbia found itself on embarrassing 156th place.¹⁸ Lilić states that all e-government managing should include three major decisions: interconnection of all governmental agencies, online services for citizens who could then pay their taxes, collect the certificates or confirmations and that crucial decision lies in the hands of the transparency of governmental agencies. The biggest problem here is the confusion about the legal framework in which e-services and business should act, concerning primarily the legitimacy of certain state agencies and their granted access to data from other sectors.¹⁹ After the Decree on electronic and office management in state administration was passed in June 2010, the Law on electronic commerce was passed as well. Inevitably, it provoked a reaction from a number of agencies, including SEEMO, the Commissioner for information of public importance and the Ombudsman, who stressed that the Law was encroaching on the privacy that allowed browsing of personal communication without permission and thus undermining journalistic freedom.²⁰ A key activity in the development of e-

¹⁶Stevan Lilić, 'Legal Framework and E-Government in Europe of Knowledge', International conference on European processes: *Legal, Political and Economic Initiatives towards Europe of Knowledge*, Kaunas University of Technology, 2006, p. 16-23.

¹⁷Mr. Sasa Pivalica, Special Consultant, Ministry of Public Administration and Local Self-Government, *The Development of E-Government in Serbia, 2009-2012*, conference report: 'Modern Administration for a European Serbia-Public Administration Reform 2009-2012', Belgrade, 1-2 December, 2008, p. 26.

¹⁸UN Department of Economics and Social Affairs, Division for Public Administration and Development Management, *UN Global e-Government Readiness Report 2005 – From e-Government to e-Inclusion*, New York, 2005, p.13.

¹⁹Stevan Lilić, 'Legal Framework and E-Government in Europe of Knowledge', International conference on European processes: *Legal, Political and Economic Initiatives towards Europe of Knowledge*, Kaunas University of Technology, 2006, p. 16-23.

²⁰'SEEMO zabrinut zbog Zakona o elektronskim komunikacijama', *Blic*, 08.07.2010.

government is the creation of the National interoperability framework, which will define a way of exchanging information within the government and the administration, contribute to the provision of quality services to citizens and business sector, as well as regulate the electronic archiving. Currently in Serbia, e-government involves legal entities, citizens and public administration, including some municipalities that already have their own web portals for communication, recording and use of services (including open discussion on a particular topic and scheduling). However, some municipalities are lagging far behind, which means that the simultaneous development of e-services should include a necessary financial support, as well as increased training of the personnel and public. Major initiatives that Serbia advocates are opening one-stop-shop portal that would enable any service, anytime; more committed training of staff who should realize the full potential of that "paperless" e-government. However, big problem is the centralization, which hinders the full effect of electronic signatures.²¹ The Strategy on information society development in the Republic of Serbia is one of the crucial mechanisms on e-commerce that would transfer management from administration onto health care, trade and justice and thus create a favorable legal and economic framework for the overall modernization of a democratic state.²²

<http://www.blic.rs/Vesti/Drustvo/197437/SEEMO-zabrinut-zbog-Zakona-o-elektronskim-komunikacijama>, 15, 03.2013; Law on electronic communications, *Official Gazette of the Republic of Serbia* 44/2010.

²¹ Predrag Dimitrijevic, 'Basic Characteristics of e-Government in Serbia'.

http://www.prafak.ni.ac.rs/files/nast_mat/e_uprava.pdf, 13.01.2012.

²²Information Society Development Strategy in the Republic of Serbia by 2020th, *Official Gazette* 51 / 2010. Firstly, the Strategy explicitly states action plans, strategies, laws and regulations previously adopted, which confirms that the acceptance of e-SEE Agenda+ for the Information Society Development in South Eastern Europe, was followed by Governmental adoption of the i2010 initiative for the development of an information society as a general framework for a higher economic growth and increasing quality of life. Priorities within eSEE are creation of strategic framework, legal framework, regulatory framework, institutional framework, development programs, technical solutions and indicators measuring progress. The priorities of the development of e-government include users' access, a technology portal that would include users' accounts and personalization, as well as compliance with standards of accessibility. Security of data and electronic communication are also one of the primary steps. They should include the adoption of national policies for ICT security, passing and application of relevant laws, such as the Law on ratification of the Convention on cyber crime, protection of personal data, medical records and capacity building in the field of further training and fostering ICT security. Interoperability between systems of public administration and local self-government is also seeking to define standards, simplification, harmonization and procedural interoperability. The areas of Strategy with its partial priorities are electronic communication, e-Government, e-Health and e-Justice: ICT in education, science and culture; electronic commerce and information security. The insight into this detailed strategy leads to the conclusion that the initiatives and mechanisms of the Government are

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In order to achieve all aforementioned mechanisms, consistent legislative synchronization and legal harmonization with the EU standards and principles are required. As stated in the study conducted by Davitkovski and Pavlovska-Daneva, the process of harmonization with the regulations is the hardest part of the reform mechanism, which requires strong political will of leaders. It is them who have to change and prepare the current administration for substantial changes in accordance with the EU. Equally, they should inform the public about the novelties that affects the operation and behavior of the administration. The authors further discuss one of the most important initiatives of changing the administration, as the most challenging detail of the implementation mechanisms. In order to gain that, the education of personnel, additional staff training and incentives of self-reformation within the public administration are mandatory, which may prove difficult considering the politicized conditions in which the public sector operates (Davitkovski, Pavlovska Daneva, 2011:144-145).

The European Commission's progress report on Serbia for year 2012 noticed a slight improvement in the state administration. It adds that the Council for the public administration failed to direct properly the implementation of the Strategy that required a greater political commitment, better coordination and increased financial and human resources in order to bring about the administrative reform. The new Law on general administrative procedure is yet to be adopted and the Law on administrative disputes is still not fully in line with the European standards in the judicial review of administrative acts. The system of planning and policy coordination should be improved to direct policy development and consistent plans for state administration. The employment system and career development is not yet fully based on merit-system and service is still subjected to political influence. The report states that the new training program for civil servants adopted in 2012 was able to "hold" a few courses, but only a small percentage of civil servants, especially very small percentage of managers participated in these trainings.

Generally speaking, the reform of public administration is slow and difficult, due to the lack of political commitment. It is necessary to set a proper legal framework and align it completely with the international standards, as well as intensify monitoring the recommendations of regulatory independent bodies.²³

great, but that this megalomaniacal project requires a lot of investments, diligent and committed work and continuous advancement.

²³Serbia 2012 Progress Report, Commission Staff Working Document, European Commission, Brussels, 10.10.2012, p. 92.

2. Performance Assessment Discrepancies in the Public Sector

The need to measure, assess and monitor public administration task fulfillment has proven to be an indispensable tool in evaluating effectiveness and efficiency of the public sector. The biggest problems revolve around the adequate source of information that should be the benchmark of proper insight into the state sector and around the quality assessment tools, whose methodology should be specified and rigorously identify the indicators that will be assessed. Classification on how to set the key elements that should be evaluated often differs according to whether we analyze individual parts of the reformed sector or we take into account political climate in which the public administration operates. Paradigmatic shift towards open government as a necessary component of democratic government sought to make the public administration involved in a dynamic relationship with the civil society and the private sector, thus ensuring significant participation of citizens in decision-making and performance monitoring in the public sector (Brown, Repucci, 2009:4). The authors point out that in order to obtain valid and accurate data, an attitude on objectives, specific measures and research methodology needs to be coordinated. Goals should include: *diagnosis*, where various instruments can serve as purposeful, such as surveys, public opinion polls, direct insight into the functioning of the sector; *monitoring*, which can relatively accurately determine sectors' performances (but, again depending on whether it is the current phase of reforms or further progress in question). The assessment instruments must be closely monitored and specified to track fluency of the market, policy situation and development of the area or reflect the specific objectives; *comparison and benchmarking of countries*, as well as placing guidelines on how to measure certain elements of performance appraisal in other countries, including the benchmark standard; *dialogue and shared decision-making*, where information can be used for the improvement, development and the future course of reform initiatives.²⁴ Introducing of the new public management revealed the incorrectly formed belief that each effect and performance should have been measured and processed, prosecuted in relation to key performance indicators and all activities not presented in numbers and percentages were not only

http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/sr_rapport_2012_en.pdf

²⁴This study includes a detailed analysis of the modalities of measuring efficiency in the financial sector, human resources management and policy-making, including external and internal indicators. The necessity of providing opinions and feedbacks, consisting of the views and attitudes of ministers, civil servants, professionals and citizens is also specified.

irrelevant results but had negligible effect as well (Dooren, Thijs, 2011:14). The authors are closely linked to the theme of the ambivalent attitude towards experts and professionals, who are expected to run services smoothly and bring maximum results and clients' satisfaction, but also point out that performance indicators should be related to learning rather than on measuring the efficiency and effectiveness. According to the study published by the Office for social and cultural planning, performance assessment is determined based on the results of four factors: stability and economic growth, wealth distribution, distribution of public services and quality of public services.²⁵ The study of the National Academy of Public Administration shows that the factors to be taken into account when measuring performances of a sector need to include objectives, input, output, efficiency gains, quality of service provided and the outcome.²⁶ The very concept of performance management is not easy to determine and it is especially related to the private sector where organizations use a variety of measures and not just profit evaluation (Hughes, 2003:161-162). According to the author, competition is by far more dynamic driving force than any other kind of measuring performances, but the public sectors still compete among themselves for the sake of budget allocations. Further discrepancies arise concerning the implementation of performance measurement and, while creating adequate assessment is quite difficult, management menagerie is waiting for the results, so that painstaking effort is inevitable. The types of used indicators are also arduous, since the measures are expected to be substantial and with a direct impact on the business. It is estimated that incorrectly approved performance assessment outcome may result in management focus on achieving satisfactory results instead of building better overall business in the entire public sector.

The concept of performance measurement is a form of insuring consistent implementation of the principles of efficiency, transparency and accountability. Therefore, it must necessarily exist, so that the personnel and organizational-technical establishment is assessed, adapted, modified and maintained. This analysis provokes broad discussion on the methodology, principles, modalities of assessment, methods of data updates and most importantly, acting on the results, which deserves special "fostering". Here, it serves as an insight into the intertwined problems that the management is facing. The Republic of Serbia conducts its internal assessment of performance within their sectors, but extensive analyses and adequate estimates are still not

²⁵*Public Sector Performance: An international comparison of education, health care, law and order and public administration*, Social and Cultural Planning Office, The Hague, September 2004, p. 316.

²⁶*Powering the FUTURE: High-Performance Partnerships*, National Academy of Public Administration, Washington DC, April 2003, p. 69.

implemented and do not give complex results that could significantly impact the business environment and the concept of politics. Such an evaluation of the effectiveness of post-transition countries almost constantly has to be accompanied by penal provisions and it somehow proves why consecutive reform agendas in the developed countries have to be confronted with difficulties and obstacles.

Conclusion

The development of public administration in Serbia can be summed up as an enterprise that requires cooperation of all agencies in the public sector, simultaneous alignment with the reform, technological innovations, active participation of citizens in decision-making dynamics and conscious policy-making business. We believe that only such a synchronization of the public, private sector and non-governmental organizations with the help of foreign investors and the EU support can lead to the formation of efficient, effective and economical sectors; only these methods can modernize and depoliticize the state of affairs. The concept of public administration in the Republic of Serbia can be regarded as theoretically well crafted, legally savvy and prepared for the promotion and development. However, the practical disadvantages are primarily related to the eradication of corruption, harmonization with the EU standards, performance measures and usability for the purposes of professional development, improvement of performances and structural and educational efforts that could make the countries of the Western Balkans competitive in the economic and political issues.

Measuring performance in the public administration cannot be perceived as a valid indicator of the effectiveness for the country in the midst of reforms that have been occurring for quite some time. As such, they do not have a benchmark by which to operate and look upon. Grizo, Davitkovski and Pavlovka-Daneva give examples of the countries that should be looked up to and which have adopted a series of consulting measures as indicators, such as citizens' opinions on the quality of service provided. Thus, many EU countries tend to receive feedback from clients and get an insight into their performances through general initiatives, direct consultations, measures for receiving suggestions and praise and via internal consultation (Grizo, Davitkovski and Pavlovka-Daneva, 2011:434 -438).²⁷ A merit system should serve as the best

²⁷In fact, Germany has introduced a process model for improving relationships with clients with seven participating institutions of government. Finland has developed a plan to meet the needs of clients that would foster cooperation between the public and governing officials and thus provide support and access to leaders and staff with developed creativity. Sweden established the Commission against bureaucracy to get through the public direct access to the difficulties they face when making contacts with government agencies. In

indicator of performance measurement and reward, but it is still not possible to apply it, since the very term "merit" must be clearly defined for each segment and each type of engagement. The performance measurement should focus primarily on evaluating the entire sector rather than an individual, as it develops a negative working environment and has a detrimental effect on motivation. The research will probably show that the measurement of efficiency must be based on the results analysis, which would serve as a tool for further development rather than focusing on less successful employees. Open system for evaluation aligns individual performance to organizational objectives and tests competences. It creates an atmosphere of open discussion within the public sector. Impartial supervision with appropriate complaints mechanisms is a prerequisite for any performance management system.²⁸ According to other authors, correctly determined techniques of performance measurement are an essential part of the process, including: planning, actualization of planned operations, monitoring and follow-up processes, development or stagnation and browsing to point to the obvious problems that need to be fixed (Lin, Lee, 2011:87).

Finally, it remains to be seen if our state administration will be motivated to improve the performances by increasing the financial benefits or the measurement procedure has to be explained to the employees as a side effect of the job - inevitable, regular and continuous in order to improve the overall image of the sector. There are many ambiguous questions concerning the validity of the assessment and it incites a discussion on whether standardized tests can be applied to all sectors or one should introduce specially designed tests that would evaluate specific points? The process of performance measurement requires a lot of financial support, which unfortunately prevents performance improvement in the first place, so that the entire process seems somewhat paradoxical.

Australia, the need for active involvement of public opinions is very important and there are public debates and questionnaires, which are perfected to the extent that members of the community receive draft legislation to which they should give their opinion. In France, however, the Commission is established for regional users that functions as a consultative body between the government and its citizens, and explains administrative procedures and regulations in an easy way. Many countries have introduced green phones, the ability to get direct contact with ministers, sending letters to the Prime Minister as a mechanism that would really help the public sector to get a realistic picture of their departments. Internal consultations and suggestions can be inter-ministerial or within a single body, and in addition to self-assessment, manager analysis and customer reactions provide useful insights into how to prosper nowadays and what should be changed in order to improve responsiveness and efficiency.

²⁸*Public Administration Reform: Practice Note*, UNDP, p. 32. http://www.undp.org/content/dam/aplaws/publication/en/publications/democratic-governance/dg-publications-for-website/public-administration-reform-practice-note-/PARPN_English.pdf, 11.05.2012.

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