This paper looks at the broad theoretical issues of social responsibility vis-a-vis depolitisation in Contemporary Civil Service Systems. A clear distinction has been established between the existing models of Public Administration from a politico-administrative perspective. The paper argues for larger involvement of non-governmental organisations (NGOs) in the national policy-making process, and for the promotion of civil education amongst citizens. It also argues for more appropriate and socially responsible Public Administration, capable of meeting the increasing demand from citizens and a modern society. Finally, different theoretical ideas developed in the first part of the paper are applied to the Federal Republic of Yugoslavia's Civil Service(s) in a case study.

1. Introduction

There is a thin line of distinction between politicians in power and the Civil Service, which should perform the affairs of State in an unbiased way. How that distinction is defined and practically exercised depends on how the institutional set is defined. Some countries rely on the positive legal regulation, while others respect tradition. Anglo-American countries
usually show a high respect for tradition, while the countries of Continental Europe are rather more focused on how the positive law regulates Civil Service Affairs.

This paper attempts to analyze a few dependant issues. The first is to focus on the nature and extent of the relationship between political appointees and 'career' civil servants in various institutional settings. Second, to establish a case for introducing different forms of social control and wider societal influence on Civil Service matters. Finally, within the priory established framework, the contemporary Civil Service system in the Federal Republic of Yugoslavia will be presented.

However the civil service is defined, the relationship between public bureaucracy and policy-makers who are elected officials is not of crucial importance for the functioning of the civil service, its professional standards, impartiality and social credibility. Although, there is legally a "clear cut" between policy deliberation and policy implementation, few scholars and practitioners would argue that politics and administration constitute two separate aspects of government. Their mutual influences is of the utmost importance for the definition of global policy. Civil servants and politicians frequently develop networks promoting common interests. Theory says that there are four (or five) models depicting this relationship which range from the ideal model of highly distinctive politicians and bureaucrats' roles to the model in which the roles almost converge (Aberbach, Putnam and Rockman, 1981). Similarly, Peters outlines the five models of this relationship (Peters, 1987), and we will look at them later in the text.

Public has always been interested in public affairs, the extent of which has been changing over the years. Lately, the real meaning of democracy has been rediscovered, with the introduction of many formal and informal social groups into the political process. The area formerly reserved for political parties is now open to a wide variety of social organisations, both formally established and ad hoc pressure (interest) groups. With this change, which appeared in the late 1960s, the very nature of handling public affairs must have been changed. Many public actions are now exposed to the public, and the wider society is willing to take its stake in the conduct of public affairs. Therefore, a new, modern Civil Service must be able to respond to socially (in addition to politically) active citizens. High citizens responsiveness is the growing trend in many countries, especially those with
Anglo-Saxon traditions. In this regard we see the Citizen Charter in the UK, as well as many political documents which have an aim to broaden the area of social responsibility. This paper will analyze all these issues in many developed countries, and will, to some extent, extend a formulated framework on the Yugoslav Civil Service.

2. Politicians and Bureaucrats: Co-operation or Conflict?

Despite our usual perception of the civil service as a monolithic structure, its characteristics, texture and operating principles and procedures, might vary significantly from one policy sector to another. The nature of the politician-civil servant relationship changes not only with respect to a particular policy sector, but also over time and due to changes in the dominant political ideology of the time, or even changes in political leadership. Therefore, the very nature of interactions between the political sector and the (public) administration is influenced by many policy variables which range from the politico-administrative culture in a country to various sector specific properties. A brief cross-country comparison shows that two adverse processes are at work. In some countries there is increasing political control over public administration to ensure that the bureaucracy adopts the new political signals; while in others there appears to be a relaxation of political control in order to enable public administration to adapt to external changes by virtue of its organisational capacities. Since there is also a trend of increasing influence of civic society on the overall political system in a country, the latter behavioural pattern should be more represented. Undoubtedly, some macroeconomic structural changes (privatisation) that sustain the role and influence of the market (and converse), caused a relaxation of political steering and control of public administration. Here, we see the paramount importance of the appearance of "New Right" (Bosanquet, 1983; King, 1987; Pollitt, 1993, etc.) in theoretical thought, as in practice (Baroness Thatcher years in the UK, 1979-1990, and Reaganomics in the USA).

Legal theory, in Continental European legal tradition, creates a firm separation of "executive power" into a executive political power and executive administrative power. Executive political power is in the hands of politicians who are ministers in the government of the day, while executive administrative power is in the hands of separate governmental
portfolios - ministries. The government exercising its executive political power defines the current and strategic policy issues, while ministries in their executive administrative capacity apply laws and implement policy. This concept works fairly well in parliamentary systems, in which the government is "derived" from the parliament, having support from the majority of MPs. However, this is an attempt made by theoreticians to cope with a problem of inter-sections between the government and public administration. Theoretically and de jure it is very easy to define the points of separation between these two but in real life the government-administration relationship is much more complex. In a presidential system the relationship between civil servants and politicians is even more complex.

In a parliamentary system the government is, in many ways, an executive body derived from the parliamentary majority, and due to that majority it is likely that government proposals and actions will be backed up by the politicians in the parliament. In a presidential system, the civil service has to maintain 'good' relations with politicians sitting in both the cabinet and legislature. This fact makes the overall situation even more complicated. The president and Cabinet members put pressure upon the public administration, while on the other side the legislative body has its own ideas about the administration. American scholars (Peters, for instance) point out that there is a relatively clear and sharp distinction between the political and administrative aspects of government established in theory and practice developed within an Anglo-Saxon (we would prefer the term: Anglo-American) tradition. This distinction is assumed to exist for policy-making vs. administering adopted public policies, as well as for personnel involved in both processes. Some empirical studies support this assertion (Aberbach, Putnam and Rockman, 1981; Heclo, 1977), along with classical studies of a more theoretical nature concerned with the problem of what constitutes good government (Wilson, 1887; Appleby, 1949). Here, the general assumption is that the individuals in government positions must be career neutral, regardless whether they are civil servants or political appointees (Peters, 1994).

In the Anglo-American concept these two groups (politicians and public servants) are confronted in the struggle for power within the government. It is further believed that elected politicians are 'better' than administrators in serving the public interests, since the dedication of "bureaucrats" to the public is generally in doubt (Niskasen, 1971; Bodiguel and Rouban, 1991). In contrast, the Americans see other democratic concepts more
politicised then their own. For some political (administrative) systems this may be true. It is possible that many appointments depend upon or are heavily influenced by political considerations (Christensen, 1991). Also, the same individuals can be in either position (politician and civil servant) at different stages of their career (Derlien, 1988; Chevalier, 1985). It is also true that the concept of the State prevails over the concept of the public in Continental European Countries. Both public servant and politician as a minister serve the State. In Anglo-American thinking the State and Government are often synonymous, which is certainly not the case in the Continental Europe. The Government has only a time-limited executive political power, while the State as a "concentrated society" has eternal duration. Consequently, the public interest is best served, when the State is being served. The advanced concept of the State is notably lacking in the Anglo-American concept of public policy. The Anglo-American method of reasoning is more individualistic, even when it deals with common values, such as public interest. The public interest is derived from within the society for every particular case and, is checked repeatedly upon regular (or when necessary, extraordinary) general elections.

The theory has classified the civil service systems into five groups (Peters, 1987). A number of authors support this division making some other, usually minor, advancements (Rose, 1987). In the first model a clear separation between politicians and administration exists, in which the civil servants are ready to unquestioningly follow the orders of the political appointees. The second model (called "village life") assumes that civil servants and politicians are both part of unified state elite and they should not be in conflict over power within the government structure itself. The third model (called "functional village life") assumes some degree of some integration in civil service and political careers. A politician and civil servant from one government department has more in common than a minister with his political cabinet colleagues heading different governmental portfolios. The fourth model (named "adverse model") assumes a significant separation between the two groups (politicians and bureaucrats), but also there is no clear resolution in their struggle for power. The fifth model assumes the clear separation between policy-makers and administration, but in which civil servants are the dominant force (see: Wilson, 1975). All these models are rather theoretical, and practice, by itself, shows different patterns of
interaction between politicians and civil service. Models represent, as usual, a stylised illustration of inter-active behaviour (see: Giddens, 1971).
"Functional village life" and "village life" are the most common models for the Continental European Practice. But, with some policy changes even in a presidential system, there have appeared different ways of networking between politicians, public servants and experts working outside the government structure. However, the nature of such networking is rather temporary, and the main characteristics of the civil service system prevail. This shows that every civil service system is "nationally coloured" (Sevic, 1997a), and "ethos-generated" characteristics cannot be neglected or avoided. Each country deals with its own national civil service system, with due attention and tries to utilize other's experiences, but not neglecting its own specifics demonstrated through the legal system and legal order (Sevic, 1996), political culture, democratic traditions (or lack of the same), ethos-characteristics, etc. The same applies to the particular problem of civil service system (de)politisisation.

3. How Different Systems Work: Social Responsibility, Credibility and Control...

In Continental Europe a civil servant should remain loyal to the State, while in Britain civil service is "On Her Majesty Service" and a civil servant is seen as a servant of the Crown. There were long debates in British history over what this really means? It seems that words of Sir Robert Armstrong, at the time Head of Home Civil Service, illustrated the situation in the best way:

"Civil Servants are servants of the Crown. For all practical purposes the Crown in this context means and is represented by the Government of the day. There are special cases in which certain functions are conferred by law upon particular members or groups of members of the public services; but in general the executive powers of the Crown are exercised by and on the advice of Her Majesty's Ministers, who are in turn answerable to Parliament. The Civil Service as such has not constitutional personality or responsibility separate from the duly elected Government of the day. It is there to provide the Government of the day with advice on the formulation of the policies of the Government, to assist in carrying out the decisions of the Government, and to manage and deliver the services for which the Government is
responsible. Some civil servants are also involved, as a proper part of their duties, in the processes of presentation of Government policies and decisions." (HC 92-II, p. 7)

This distinguished senior civil servant emphasised in his unusually straightforward statement that "the British Civil Service is a non-political and disciplined career Civil Service, and those civil servants who cannot accept the consequences of these arrangement should resign, while continuing to respect the confidence obtained during their work in Civil Service" (HC 92-II, p. 9). Some other opinions, although apparently clear, are not so straightforward: "Civil Servants in the United Kingdom are servants of the Queen in Parliament. Executive government as a function of the Crown is carried out by Ministers who are accountable to Parliament. Civil Servants therefore owe to Ministers the duty to serve them loyally and to best of their ability" (FDA, 1984, p. 3). The clarity is lost in the fact that a civil servant is put in a situation to serve the Parliament and the Government. Although, the government in general represents the parliamentary majority, often some enterprises undertaken by the government are of an operative nature and should not be of any prior concern of Parliament. Namely, the political executive power is only in the hands of the government, and the Parliament should exercise only a posteriori control not interfering into regular day-to-day governmental actions. Putting civil servants working under the executive branch into (direct) relationship with the Parliament can undermine the position of the government and serve as an incentive for civil servants to report a minister to the parliament 'behind his/her back'. The question of loyalty is openly posed. In the British case tradition itself provides a solution, as the civil servant is expected to abide by the law and serve a minister.

In the presidential system the Administration must keep fairly good relations with the legislative body, besides following the orders of Presidential political associates who formally head different governmental departments. But, it should also be noticed that the US Congress has its own administrative staff, which is different from those employed by the executive branch. In a parliamentary system the civil service is not as segmented. A civil servant can be deployed within any governmental department as well as holding posts in the Parliament. And, the main employer is the same - the Crown or the State. This is the reason why in a way the government and parliament are, for civil servants, politically appointed superiors. Therefore, there is an argument that the nature of a parliamentary
government is more about seizing control of the entire apparatus of government, and then using the apparatus to implement a party programme (Rose, 1987; Katz, 1986). It is believed that due to such 'a strategy' the administrators have to be more loyal, and the responsibility for policy is much clearer in a parliamentary regime compared to the presidential one (Pasquino, 1986). Namely, the government must ensure that there will not be any failure in policy implementation due to sabotage or a lack of commitment amongst civil servants. In some of the parliamentary systems civil servants can choose to support a notoriously partisan project, but this will clearly disclose their political bias and they would be required to quit when a new government comes in power. In the German system the institution of an 'early retirement' supports this claim. Also, in the parliamentary system accountability is employed through ministerial responsibility. The minister is solely responsible for all the successes and failures of his/her employees, even for the notorious mistakes made by regular, permanent staff. Theory always stresses the British system as the best representative of this model of responsibility (Marshall, 1989), although some adjustments are introduced and the British concept is no longer so 'pure'. Scholars would point out that both ministers and Parliament have contributed to this change. Ministers achieved this by disclosing civil servants whose performance was subject to certain irregularities (Woodhouse, 1994), while Parliament established a number of committees in charge of overseeing departments (Drewry, 1985). In a number of parliamentary regimes the institution of ombudsman helps to establish a practice of the individual responsibility of civil servants. But, in cases in which mala fideae cannot be proved, ministerial responsibility remains the main way of handling the problem.

In contrast, in a presidential system the accountability of the Public Administration is twofold. The administrators are responsible to their superiors in the department, as well as to the committees and sub-committees of the legislative body (the Congress in the US case). Political responsibility remains in the hands of a minister (a Secretary in the US), but his/her civil servants can be summoned to give evidence before a committee or sub-committee of the Congress at an open hearing. Civil servants can be asked a question related to the current management, or whether he/she noticed any mismanagement in the Department. However, they should not be asked questions on current government policy. From the European perspective, this kind of enquiring can be seen as close supervision of
Public Administration by a legislative body, which finally, could seriously affect the overall performance of the Civil Service. Civil servants can become less effective, being concerned that mistakes can be severely penalised by outside bodies (Legislature). Despite the fact that the civil service, generally, perform its functions fairly well, American scholars for a long time have been 'obsessed' with the adverse effects of professionalization. This debate goes back to the early 1940s, and since then has been more or less very present in the literature (see: Friedrich, 1940; Finer, 1941). In practice the US citizens are quite satisfied with their public administration, and experience has shown that they should be less concerned with the improper behaviour of the public administration than countries (Kilpatrick, Cummings and Jennings, 1964; Smith, Taylor and Mathiowetz, 1980; Peters, 1984; Sears and Citrin, 1985; Lipset and Schneider, 1987; Dalton, 1988; Foster and Snyder, 1989; Beck, Rainey and Traut, 1990, etc.). But the US government, in recognition of the value of redundancy in the pursuit of its objectives, has developed new means of control and ways in which the public can affect bureaucratic decision making (Kaufman, 1981; Saltzstein, 1992).

In today's USA, the public administration (especially at the federal level) is subject to scrutiny by different social groups and the media which certainly makes the principle of (social) responsiveness even stronger. But, some scholars believe that even large social actions cannot prevent the adverse consequences of professionalization (Mosler, 1982), because professional groups have specialised knowledge, which can make them (stated simply) shortsighted and narrow-minded. Narrow field specialisation could promote parochialism which enables bureaucrats to see beyond the assumptions and priorities of a somewhat narrow field (Mosler, 1982). Some other scholars argue that, in contrast, professionalism promotes the responsiveness of the public service to public control (Kearney and Sinha, 1988; Streib, 1992). However, even the New Public Administration School from the 1970s had feared that the civil service (i.e. bureaucracy) would deprive people of their civil rights. They supported the attitude which promoted values such as social equity and civic participation, rather than professionalism (Frederickston, 1980). As we can see, while in the Continental European tradition the professionalization of civil service went hand-in-hand with the enrichment of responsibility and has been generally regarded as a positive development, in the US opinions differ. Regardless of our position
towards this issue the increase of large social (public) supervision over the civil service and its performance (usually) is unlikely to be harmful. The transparency of public work is the best safeguard for society in democratic regimes.

As we have previously seen in classical theory social control is subsumed under the concept of political control. Furthermore, the civil service is seen as an instrument which supports democratically elected politicians in the policy-making process and, implement policy. Some scholars especially in the US have challenged the belief that civil servants have no influence in the policy-making process (see: Hill, 1972). Also, there has been evidence that in the implementation phase policy itself can be altered. Therefore, the employment of responsible public administration officials is required, in order to have services provided for the benefit of the public. For this reason, it is necessary to introduce wider social control, besides the regular, i.e. usual political control of the public administration. This social control is usually exercised through citizens participation and grievance procedures (see: Hirschman, 1970). Citizens can influence civil service actions and decisions in a number of ways. It can be done through political action, participatory behaviour or invoking grievance procedure. A citizen can exercise his influence directly by approaching a civil servant in cases in which the administrative legal procedure must be applied. In this case the civil servant exercises the power invested in him/her by the State, and simultaneously he/she represents the state which is a party in the administrative procedure (while the other party is a citizen).

The citizen participates in the procedure and his/her participation is very important for proper decision-making. Citizens can provide the state organ with the facts which are out of official records, new insights, important information from private sources, etc. In most of the Codes on Administrative Procedure, nonparticipation of one party in the procedure, is enough reason for the repetition of the procedure itself. Although this participation is regarded as political participation, in fact it has only legal implications. Also, another legal means whereby a citizen unsatisfied with the decision made by the first instance governmental organ, which in his/her opinion affects his/her rights in unlawful way, can submit a complaint to the highest administrative organ asking for intervention (a so-called "hierarchical complaint"). Usually, such kinds of complaints have no immediate legal
consequences, but can initiate internal control inquests, or the complaint can be transferred to the organ which is authorised to consider it.

The classical method of citizens' political participation is the participation in elections for local and national bodies. In a liberal democracy citizens in this way choose someone to represent their interests. Modern practice has shown that delegates are usually politicians proposed by organised political parties. Very few independent candidates get elected, especially on a national level. This is an indirect way of influence, since there will be a number of mediators in the process, but a representative democracy is still the best concept known. Again, when the rights of individuals are affected in a supposedly illegal way, a citizen can engage his/her MP or local councillor in the process of bringing up the issue to higher authorities. The more democratic the country, the more effective is the corrective behaviour of an elected politician.

Finally, a citizen can choose to participate in a pressure group, trying in this usually *ad hoc* way to defend his/her interests. A special case are non-governmental organisations (NGOs) which might have a fairly significant influence in the process of policy formulation through the mobilization of the general public (Rabrenovic, 1997). However, NGOs require a highly developed 'democratic infrastructure' to be in place. In the countries in which democracy is in its very nascent phase, NGOs are just an empty shell. But, this is the reason why the programmes of civic education should be practised and citizens informed about their individual and collective rights and different ways of expressing their views. Pressure groups themselves can be a kind of *ad hoc* organizing, incorporated to lobby on a single or a small number of issues, or they may be a multipurpose body. The results of pressure groups can be noticeable or marginal depending on the social environment in which they operate. In developing countries pressure groups are granted a kind of recognised status (in "corporate" or "post-parliamentary" systems), and in such countries, to a large extent, members are really able to participate in order to ensure that "their" officials can speak on their behalf. However, even in developed countries there are considerable differences across countries. Countries in which the pressure groups are favourably regarded (the so-called "participatory regimes") are, for instance the Netherlands and Scandinavian countries, while in the UK the debate over whether the system is really open to informal
groups is open to discussion. But, there is no doubt that in the future the importance of these organisations will increase (see: Rabrenovic, 1997).

4. An Applied Case: Yugoslavian Civil Service(s)

The Federal Republic of Yugoslavia (Savezna Republika Jugoslavija) is a federal country in South-East Europe, consisting of two republics, federal units: Serbia and Montenegro. Like every other federal country, it has two levels of administrations: federal and republican. In the Constitution introduced in 1992, the republics are defined as the sovereign states, while it is assumed that they have transferred some of their original sovereign powers to the federation. De jure, the problem is that both republics introduced their own constitutions before the federal one was made, and those were never properly adjusted to the new federal constitutional agreement. This would not constitute a large problem if these two republics were not previously in the Socialist Federative Republic of Yugoslavia, which was dissolved through armed conflict, and open secession of some of its federal units.

Many, if not all, analysts of Yugoslav affairs envisaged the dissolution of the Socialist Federative Yugoslavia in the early 1990s. All the republics which were the federal units at the time (Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Slovenia) introduced new constitutions attracting all powers to the new republics, disregarding all the norms of the Yugoslav Federal Constitution of 1974. In 1989-1990 the federation de facto ceased to exist as the federal government was prevented, by the republics, from meeting its duties. A year or two later with the formal (although unlawful) secession of Slovenia, followed by Croatia, Bosnia and Herzegovina and Macedonia, the federation de jure ceased to exist. In many respects, the dissolution of the previous Yugoslav federation was an expected consequence of a quasi-federal, (in fact, confederal agreement) contended in the Yugoslav Federal Constitution of 1974, as argued by many (see: Sevic, 1996).

Republics which seceded from the previous Yugoslav Federation entered the process of state-building (Bicanic, 1996), while the Federal Republic of Yugoslavia inherited a government structure from the previous federation, although the international community denies the Federal Republic of Yugoslavia the rights of continuity with the former
federation. As the question of the recognition of continuity has always been a political one, we do not want to enter discussion on an issue which is beyond the scope of our study. However, it should be mentioned that Serbia and Montenegro gave up their sovereignty when the Kingdom of Serbs, Croat and Slovenes (later, in 1929, renamed into the Kingdom of Yugoslavia) was created in 1918. It seems that the new Yugoslavia has not recognised even those rights that Serbia and Montenegro transferred to the new country in which they joined, in 1918.

Yugoslavia applies the concept of a unique civil service which allows civil servants to be more mobile within the Service. It is fairly easy to be transferred from one governmental unit to another, or to a post in the administration of the parliament. Court (judiciary) administration, is somewhat separate, due to the fact that judges are 'elected' by the parliament, where a special legal regime applies. For most of the professional positions in the judiciary a bar examination is required for the appointment. Administrative supporting staff in the courts is however mobile, like their colleagues in the "pure" civil service. Despite the non-existence of legal limitations for the transfer, mobility is to a large extent exercised within the sub-service itself. The civil service in general is under the supervision of the Department for Public Administration Affairs at the Ministry of Justice.

There are currently 22 ministries and 8 separate administrative organisations in Serbia. According to the Law on Ministries of 1991, ministries exercise executive power, while administrative organisations perform professional duties supporting the functioning of the government (Hydro-Meteorological Institute, Statistical Office, etc.). Ministries, as well as administrative organisations are divided into Departments which perform operations in certain branches of executive power. Usually, departments are established to group certain duties and affairs. In multi-portfolio ministries (Science and Technology, for instance), a department covers one of the portfolios, while in "unique" ministries (Finance) departments are organised to group together similar affairs (Budget Planning, Budget Execution, State Property Affairs, Financial and Economic System Affairs, Accounting and National Balances). In all the ministries there is a general department called Secretariat which is in charge of general and common affairs in the Ministry (personnel, general administration, procurement, Minister's Office, welfare, etc.).
In some ministries a special division can be established and directly linked to the Minister, without departmental affiliation. Departments are separated into divisions, which are further divided into groups, and groups into sections. Sections can have units. At all the named level of organisation it is possible to set-up a special advisory post filled by one person, but technically treated the same as an organisational unit. Even a minister is *de jure* allowed to reorganise a ministry, but the by-law on Ministry internal organisation must be approved at a governmental meeting. A special body called a Ministry's Council exists in the ministries in Serbia. Generally, the Council is an advisory body consisting of scholars, professionals, distinguished public figures who can advise a minister on policy and technical issues. In multi-portfolio ministries usually there are two or three councils depending on how many portfolios a ministry covers. Although the body has an advisory role, it can sometimes be quite powerful, since it is usually a "politician-free area", and where leading public figures take part. The council is a special think-tank body.

A ministry is headed by a minister elected by Parliament, who has his/her deputy appointed by the government. Technically, both of them are *pure* political appointees. However, in some exceptional cases a deputy minister can be a distinguished administrator and/or professional, not politically affiliated with (or even backed by) the ruling party (or ruling coalition). The Ministry's Secretariat is headed by the Secretary to the Ministry, who is in charge of providing the necessary technical advise for the day-to-day functioning of the ministry. He is technically a senior civil servant. The department head holds the title of an Assistant Minister. However, sometimes the Deputy Minister can be simultaneously a Departmental head. According to the law they (Assistant Ministers) are fully responsible for law enforcement and the application of governmental policies in his (her) Department's area. However, their responsibility should be considered as technical/professional rather than political. Political responsibility is purely ministerial. The administrative agencies are headed by a Director (or rarely a Secretary, i.e. only in the case of the Secretariat for Legislation), who has a deputy. Departments are headed by assistant directors. In the administrative organisations the position of the permanent Secretary does not exist.

The law recognises three classes of members in the Civil Service. "Elected" (*izabrana lica*), i.e. ministers, "appointed" (*postavljena lica*), i.e. members of Service who have been appointed by the government and "employed" (*zaposleni*) who are "ordinary" civil
servants, that is "career civil servants". Although there is a unique legal regime for all these three groups there is, in fact, quite a difference between them. First, the Law on Employment Relations in the Public Administration of 1991 lists all of them when speaking about rights, but is usually only employed when it comes to issues of responsibilities (duties). Probably, because there are other responsibility rules of the other two groups. Finally, ministers as elected officials are always, finally, accountable to Parliament, which elected them to the post. The appointed personnel are appointed by the government for four years, but with any change of government, changes amongst the deputy and assistant ministers can be expected. Despite the fact that the socialist government has been in power for last seven years, changes in the Senior Civil Service corps have been noticeable. Usually, when every minister takes a post up, he/she tries to establish his/her own executive team. But, again this pattern cannot be applied to the main ministries (Finance, Internal Affairs, Education...). In these ministries the senior civil servants team has been almost the same for a long time.

The Law stipulates that all, elected, appointed and employed personnel should perform their duties in a responsible and unbiased way, in accordance with the Constitution and law (Art. 4/1 Law on the Employment Relations in the State Administration of 1991). Employed and appointed personnel must not, in the execution of their duties, be guided by their political beliefs, and cannot express and advocate them (publicly). As we can see de jure the Serbian Civil Service is fully apolitical. The law also stipulates that employed or appointed persons cannot be members of the bodies of political parties (Art. 5/3 Law on the Employment Relations in the Public Administration of 1991). In this respect the federal laws are lacking. Due to the problem of transfer of republican rights to the federal level, some of the laws are jammed in the Federal Parliament.

The federal civil service is regulated by the Law on the Federal Organs and Organisations of 1978, although by its amended version. As one may assume the Law is fairly outdated, and cannot in any way suit the needs of the new Federation. This is one of the reasons why some Senior federal civil servants are sitting on the executive committees of the political parties, or are well-known to the general public as prominent party members. In just a few cases they are members of the Socialist Party of Serbia (SPS), but in the vast majority of cases they belong to its coalition partners the United Yugoslav Left (JUL) and the Serbian
Radical Party (SRS). There are cases when some are members of opposition parties as well, especially in the Ministry of Foreign Affairs. In particular, the JUL is distinguished by its disregard of political morality and law in this matter. It seems that they (JUL) even want to appoint as many of their members as possible to public posts (Sevic and Vukasinovic, 1997). In the latest Serbian elections (1997) it appeared that a chief of staff (who is a regular civil servant) to one of the most important Ministers (Internal Affairs) is simultaneously a spokesman for JUL. Certainly, such cases undermine the social credibility of the civil service. At the republican level, the ruling socialists obey the law.

Persons appointed to senior civil service positions at the republican level of government are usually not members of the SPS bodies. However, senior civil servants can be summoned to give their opinion, or report, on policy matter or the state of affairs in the department that they administer in an internal party meeting, although this is fairly rare in practice. This job is usually performed personally by a minister. To our knowledge a membership in the ruling party is not, even de facto, a requirement for entry into the Civil Service. Again, a junior coalition partner, JUL has some other ideas. They try their best to employ young JUL members with the civil service. Until now they have succeeded in a marginal number of cases, and are very persistent in pursuing their endeavour, which is certainly frightening. In many respects, their perception of the Civil Service should be cause for concern, as they revamped the concept for which was believed to have died with the fall of communism. And, as practice has shown a junior coalition partner is always capable of blackmailing a senior partner, especially in a fragile coalition.

Nevertheless, similar patterns of politicization of civil service has been noticed even in cities in which the so-called "democratic opposition" took power (Sevic and Vukasinovic, 1997). The Democratic Party (DS) and the Serbian Renewal Movement (SPO) are the forerunners in this process. Namely, after they took power, they pursued the cleansing of the city administrations not only amongst the "mandarins" but also in the lower ranks. Most of the newly employed were either party-members or party supporters. Usually, members of other parties who were civil servants were fired for a variety of formal reasons. In contrast, in the republican and federal administration there is a significant number of the permanently employed who do not like (or even detest) the ruling Socialist Party (SPS). It was reported that after the Socialist election victory in 1993 some civil servants in the
Prime Minister's Building were literally crying. However, none of the ministers or senior civil servants summoned them before disciplinary commissions because of this public demonstration of clear political bias. In many respects, Yugoslavia, as well as Serbia itself has some characteristics of an arbitrary state (Pejovich, 1996; Sevic, 1997a). Discarding other characteristics for the purpose of this paper, the arbitrary state is characterised by a large discrepancy between the legal system and legal order (see: Sevic, 1996), that is the legal system is fairly well developed, but laws are applied in a discriminatory way. Citizen knows that laws exist, but cannot be entirely sure that they will be properly applied in any particular case. In an arbitrary state, the law is developed, but legal insecurity remains present, due to incompetent or apathetic law enforcement (Sevic, 1997a).

Despite a strong belief that the Serbian civil service is highly politicized, it is not. The Serbian Socialist Party follows the usual pattern of a increased politisation which is fairly common for all the left-wing political parties. If we consider a civil service model which is applicable in the Serbian case, we would certainly consider a "functional village life" model as the most appropriate. Staff in the ministries have been there for ages and are still able to adjust quickly to a new minister, probably knowing that he/she would not last for long. Usually, a minister comes from the business sector which is connected with a particular ministry. This certainly increases the possibility of a special kind of log-rolling or executive rent-seeking, as the minister tries to favour his/her former (or even current) company or its business associates. In our view one of the problems undermining the efficiency of the governmental policies is the fact that a vast majority of Serbian ministers are at the same time a director or CEO of large and influential companies. These companies often uses insider information to earn extra-benefits over expected government policies.

Due to the long-standing political problems in the region, the disintegration of the previous Yugoslavia, civil wars in Bosnia-Herzegovina and Croatia, poor economic situation, etc. people lost their general confidence in the institutions of the system. The citizens of Serbia have the lowest confidence in the Parliament (29 per cent), institutions of civil society (32 per cent), and institutions of political order (43 per cent). Institutions of public order are the best rated, as 43 per cent of citizens have confidence in the institutions of "public services". Citizens of Montenegro do not have confidence in institutions of civil society (31 per cent), parliaments (41 per cent), and institutions of the political system (47 per cent), while they
also believe most in public services (53 per cent). Citizens do not have confidence in the federal state (Yugoslav common institutions). Only about 10 per cent of them believe in the Yugoslav federal institutions. Montenegrins in general are more likely to hold a good opinion of their republican government and president compared to those in all other CEECs (Rose, 1996; IDN, 1996).

Despite the lack of empirical research on the attitude of citizens towards the Civil Service in Yugoslavia, there are some national stereotypes of the Civil Service. Traditionally, the Civil Service has been considered as a wise career choice. This was particularly true until the 1990s where with the dissolution of the previous Yugoslavia the prestige of the Civil Service began to diminish. The Civil Service has always been considered too formal and rigid, due to the influence of its blueprints - the Austrian and German administrations. It has as a consequence, a slow response to new emerging problems, and a degree of inertia in handling affairs of State. At the republican level the Civil Service is more citizen responsive.

In Yugoslavia the third sector has been traditionally very strong, when taking into account a number of organisations. However, their activities were not as developed. Even in the former communist (or in Yugoslav case 'quasi-communist') time, a group of ten citizens could incorporate an organisation. If the aims of organisations were more members oriented, the organisation would be registered as 'citizens' society', while if the aims were more socially directed the organisation would be granted a status of 'social organisation'. But, in practice, there were not significant differences between these two forms.

With the social reorganisation which started in the late 1980s the number of organisations grew, as a system of notification was introduced instead of registration. Therefore, a state body could not refuse to enlist a new organisation, if it has met all the requirements listed in the law. The NGOs sector has grown ever since. But there is still a small number of organisations which are really active. Another problem is how to combat the tradition that citizens do not interfere in State affairs, apart from the classical method of organising into various political parties. There are a few organisations which try to mobilise citizens and to educate them in civic affairs, but it is still far from ideal. We believe that it is necessary to have, at least, one generation entirely brought up on civic society ideas to have a wide range of NGOs involved in over-screening activities of public post holders and overall...
public policy. It is however, very encouraging to notice a growing number of youth NGOs (NGYO’s) which try to raise many social issues, mainly in the field of environmental protection. In the field of public policy, for instance, the following organisations should be mentioned: the Yugoslav Association for Public Administration, the Balkan Center for Public Policy and Related Studies, the Fund for the Humanitarian Law, the Yugoslav Committee of Lawyers for Human Rights, the Centre for Strategic Studies, the PALGO Center, the Belgrade Open School (organised by Dr. Refik Secibovic), Association of Ecological Camps of Serbia, etc. However, most of these organisations have not yet found a way to act in a changing Yugoslav political system. They are usually very close to the opposition parties, and therefore have, as a rule, broken off lines of communication with the current Government. Also, Serbia has, at the moment, a coalition government, the Serbian Radical Party, led by a prominent nationalist Dr. Vojislav Seselj is a member. The Serbian Radicals in many ways despise NGOs, regarding them as the extended hand of foreign powers, and undermine their work; which put another problem on already poor relations. Fairly, similar attitude towards NGOs has another coalition partner, JUL. However, in our opinion the situation must change for better.

5. Conclusion: Politisation vs. Social Responsibility and Over-screening

The precise definition of civil service politisation is very difficult to state. Scholars have generally tended to consider politisation as synonymous with a violation of the principle of political neutrality (Aberbach and Rockman, 1988). Politisation is an extension of politics in general, in order to use political means to achieve political ends. In general, politics is seen as a social action which, if overextended, can be counter-productive. Overextended politics in the civil service is one example. High politisation of the civil service affects its neutrality, professionalism, responsibility and accountability. The Civil Service as an administrative function should provide technical and professional help to the government of the day. And, it does that in democratic regimes. Since there are general elections every four or five years, the civil service is fully aware of possible changes, and keeps its distance from purely partisan actions of the government. Slightly more complex situations arise in the countries in which politics and civil service career, to a certain extent, form the same
career path. As reported, for instance in France, between 65 and 70 per cent of the Cabinet members are appointed from the Civil Service, being Senior Civil Servants prior to taking-up a ministerial armchair. But, also a large number of cabinet members from the late 1960s have not had any political affiliation. In a way, a model French Minister was a successful technocrat, highly respected by politicians sitting in the Parliament, rather than a political activist himself. Similar patterns can be found in some other Continental European countries as well. It seems that comparative studies suggest that tradition and the high political sense of the population (i.e. voters, electors) is the best safeguard against misuse of power and excessive politisation of the civil service. Certainly, as practice has shown in the communist, fascist and similar regimes, over-politisation of the civil service leads to an extensive use of power, whose next stage is organised state terror (Sevic, 1989).

In the communist countries there was no clear distinction between a political appointment and civil service post. Also, there was no clear formal distinction between party post and position with the government. In practice, the post in the party apparatus was even more appreciated and conferred with it more privileges. In countries with a lack of any democratic tradition, high politisation can be seen through efficient work or oppressive branches of the civil service (police, secret service, intelligence agencies, et similar), and through the limitation of human rights. But, with civic development and inclusion of many segments of society into the process, and making policy more transparent, the political culture will develop itself. Civic development is a long process which is usually autochthon and foreign help may not be so important for the execution of reforms. The foreign factor can help through supporting civic education, the nascent NGO sector, cultural exchanges with other countries, etc. But, direct support to political parties can prove counter-productive, as it can support the development of rent-seeking behaviour and prevent the development of their own models of party financing and development.

In the case-study, we have considered mainly the Serbian Civil Service, as it has been a blueprint for the definition of relationship on the federal level, as well as to some extent in Montenegro. Although there is wide spread belief that Serbian Public Administration is highly politicized, we could not find direct proof which would strongly support such claims. Certainly, Serbia follows the model of "functional village life", in which there exists the close "bond" between politicians and civil servants in the same governmental
portfolio. Often civil servants, especially senior ones previously held some political positions, although generally, in local and regional governments. Recently, the mobility of civil servants has increased, probably due to the takeover of major cities by opposition parties. If the entry to the Republican public administration is initiated by a change of government on the local level, it strongly suggests that there is still a strong sense of loyalty towards the ruling party; which demonstrates quite a high level of the administration's politisation.

Party membership means nothing with regard to public service employment, as a large number of civil servants are not members of political parties. New young entrants to the service are usually apolitical, although there are attempts by some parties (the Yugoslav United Left, i.e. JUL) to employ the prominent young party members in the Civil Service. The Serbian ruling party coalition members differ on this issue. The JUL has a classical neo-communist concept of the civil service, which threatens to push the whole country forty or fifty years backwards, despite the catchy political slogans launched in the pre-election campaign. In contrast, the SPS does not show any direct interest in civil service appointments, except for the most senior civil servants, who are in fact professionals, but politically approved appointees.

It is also established that with the development of the third sector, the influence of NGOs in the society will grow considerably. At the moment, NGOs interested in civic development are in a fairly nascent phase still, but the situation, with the overall democratic capacity building, should change for better. Young people are already involved in many alternative actions and organisation, and if this become wider it will roll-over the society requiring, first, the adjustments, and then changes in the way the Civil Service operates. That is, it will increase the level of social responsiveness of the Civil Service itself, and redefine its relationship with a wider society.
LITERATURE:

27. IDN (1996), *Javno mnjenje Srbije 129/96* [Public Opinion of Serbia], Belgrade: Institut drustvenih nauka
32. Kavran D. (1997), Promene u javnoj upravi [Changes in the Public Administration], *Pravni zivot*, (46) 9, pp. 703-719
48. Rabrenovic A. (1997), Uloga javnosti i nevladinih organizacija u zastiti zivotne sredine [The role of general public and NGOs in the protection of environment], in D. Kavran and G. Petkovic, eds. (1997), Pravo i zivotna sredina [Law and Environment], Belgrade: Dosije
49. Rabrenovic A. and Z. Vukasinovic (1996), Moguci nacini osnivanja Instituta za javnu upravu [Possible ways of the incorporation of the Institute for Public Administration], Pravni zivot, (45) 9, pp. 781-794
55. Sevic Z. (1989), Logika upotrebe sile i terora u modernom drustvu fasistickog i post-revolucionarnog modela organizacije [The Logic of the Use of Power and Terror in a Modern Society with a Fascist or Post-Revolutionary Model of Organisation], mimeo, Belgrade: Faculty of Law at the University of Belgrade


62. Tomic Z. R. (1989), *Upravna kontrola uprave* [Administrative Control of the Public Administration], Belgrade: Naucna knjiga


LEGAL ACTS:

1. Zakon o drzavnoj upravi [Law on the State Administration], Official Gazette of the Republic of Serbia, No. 3/92
2. Zakon o ministarstvima [Law on the Ministries], Official Gazette of the Republic of Serbia, Nos. 7/91 and 44/91
3. Zakon o nacelima organizacije drzavne uprave [Law on the principles of organisation of the State Administration], Official Gazette of the Republic of Montenegro, No. 56/93
4. Zakon o radnim odnosima u organima uprave [Law on the Employment Relationship in the State Administration], Official Gazette of the Republic of Serbia, Nos. 48/91 and 66/91

Zakon o Vladi Republike Srbije [Law on the Government of the Republic of Serbia], Official Gazette of the Republic of Serbia, No. 5/91

Zakon o Vladi Crne Gore [Law on the Government of Montenegro], Official Gazette of the Republic of Montenegro, No. 45/91