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International Institute of Administrative Sciences Institut International des Sciences Administratives



International Conference

Public Administration in a Democratic Society: Thirty Years of Democratic Transition in Europe

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INTRODUCTION

The Berlin Wall fell on 9 November 1989. It had separated East and West Berlin for 28 years as a symbol of political and ideological division of Germany and Europe on the Eastern, socialist block, and the Western, democratic part. In 2019, it will be thirty years since the Wall fell and thirty years of democratic transition in central, east, and southeast Europe.

The transition of the former socialist (communist) countries can be compared with several other democratic, economic, and other transitions in the world, from post-colonial transition in Africa, to post-dictatorial transitions in Greece, Spain, and Portugal, to Arab Spring. European post-socialist transition may be defined as more than partial or sectoral transition, i.e. as a systemic transformation of affected countries. However, the outcomes of this particular transition process are not the same in all countries. The relations between public administration and politics are one of the core themes of theorising, researching, and evaluating transition.

The transition of the former socialist countries in Europe has been accompanied by several important historical events and developments that have marked it and influenced the course and outcomes of the transitional processes. They called for the adoption of new, appropriate types and instruments of public governance. The most prominent process has been Europeanization in terms of accession to the European Union and harmonisation with the EU *acquis communautaire* and other standards. The Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia were in the first and largest group of transition countries that joined the EU on 1st May 2004. Bulgaria and Romania joined the EU on 1st January 2007 and Croatia on 1st July 2013. Other transitional countries have different prospects of the EU accession.

Wars and instability crises especially affected the countries on the former Yugoslav territory, Croatia, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro, and Serbia, asking for fresh, specific governance solutions. Furthermore, transitional countries were also influenced by financial and economic crisis that started in 2007. It led to austerity policy based on implementation of various austerity measures in the governance systems. Finally, a part of transitional countries have been grasped by illiberal tendencies, which may easily endanger democratic values and governance standards. On top of domestic circumstances suitable for development of illiberal movements and politics, certain transitional countries were faced with the 2015-2016 wave of mass migration, the largest migration of people to and within Europe since World War II, mainly caused by the war in Syria which created more than 10 million internally displaced people and refugees.

It is time that political and other social scientists evaluate the results of this massive transition from socialist authoritarianism to political democracy, from command economy to free market economy, from socialist bureaucracy to the rule of law,

and from state administration to public service. Responding to serious challenges, people, politicians, public officials, and scientist can easily lose a clear view of democracy and direct their attention and efforts to more technical issues or to the options which deviate from democracy.

Therefore, the conference is to analyse the role of public administration in a democratic society and to reinforce democratic values as the core dimension of democratic public governance at all governmental levels – local, regional, and national.

The conference organizers particularly welcome evaluative, knowledge utilization, and interdisciplinary approaches based on the neoinstitutional, systemic, transformational, and other relevant theoretical orientations. Multi-dimensional learning (theory-theory, theory-practice, discipline-discipline), practice-relevant knowledge production, and foreseeing the future are desirable paper orientations for the conference.

The conference intends to gather scholars of administrative, political, social, and legal sciences and economics, PhD students, experts, and practitioners worldwide. Special attention will be given to ensuring gender and age representation, as well as good representation of participants from South Eastern Europe, Central and Eastern Europe, and Croatia.

Without being exclusive, the conference organizers wish participants to discuss the following issues:

- What are the key public administration concepts that promote and preserve democratic values in public governance in transition countries?
- How do different types of relations between public administration and politics determine transition outcomes?
- What are the overall results of post-socialist transition in terms of public governance?
- How do people, political actors, and scientists assess and evaluate the results of public governance transition?
- What can be learned from other transition processes in the world?
- To what extent is the post-socialist transition specific, and, consequently, to what extent does it require specific conceptual and research tools in social sciences and particularly in political and administrative sciences?
- What are the public administration tasks and problems caused by transition and how should they be treated in science and in practice?
- How can the observed governance problems in the post-socialist transition countries be cured?
- What is the role of Europeanization in healing transitional “hereditary” and new administrative and governance illnesses?

- What are the prospects of post-socialist transition in terms of public administration and public governance?
- Is there anything good that we have learned from post-socialist transition that can be used (transplanted) to reinforce democratic governance in consolidated democracies?
- How contemporary populist movement and ideologies, spreading in certain transitional countries in CEE and SEE regions, influence transition and its prospects?

The best quality papers will be invited for publication in the edited volume with a well-known international publisher and in the international scholarly journal *Croatian and Comparative Public Administration* (<http://ccpa-journal.eu/index.php/ccpa/index>).

CONFERENCE PROGRAMME

THURSDAY, 3 October 2019

Arrival of participants

19.30 Informal gathering of participants (CAAS premises)

FRIDAY, 4 October 2019

Registration: 08.30 – 9.00

MAIN CONFERENCE HALL

Opening ceremony: 9.00 – 09.30

SESSION 1: KEYNOTE SPEECHES 09.30 – 11.15

Chair: Jill Tao, professor (Incheon National University, South Korea)

- **Professor Geert Bouckaert** (The Catholic University of Leuven, Belgium): *Governance and Democracy: Diverging or Converging?*
 - **Professor Emeritus Hellmut Wollmann** (Humboldt University Berlin, Germany): *The Politico-Administrative Transformation of the Former Communist Countries After 1990*
 - **Professor Edoardo Ongaro**, President of the European Group for Public Administration (The Open University London, United Kingdom): *The Quest for Legitimacy: Philosophical Underpinnings of Administrative Reform Doctrines*
 - **Professor Norbert Kersting** (Westfälische Wilhelms Universität Muenster, Germany): *Democratic Transition, Deficits and Innovation in Europe*
 - **Professor Ivan Koprić**, President of the Institute of Public Administration (University of Zagreb, Croatia): *Democratisation and Administrative Reforms: Lessons Learned from Democratic Post-socialist Transition*
- Coffee break*

SESSION 2: 11.45 – 13.15

Chair: Mihovil Škarica, assistant professor (University of Zagreb & Institute of Public Administration, Croatia)

- **Jasmina Džinić, Romea Manojlović Toman** (University of Zagreb, Croatia): *Transition through the Lens of Academic Papers: Content Analysis of Academic Papers on Administrative Reforms in Post-socialist Countries*
- **Paweł Swianiewicz, Anna Kurniewicz** (University of Warsaw, Poland): *Coming out of the Shadow? Studies of Local Governments in Central and Eastern Europe in European Academic Research after 1990*
- **Jakub Lysek** (Palacký University, Olomouc, Czech Republic): *Quality of Governance in Central and Eastern Europe after 30 Years of Democratic Development: Evidence from a Longitudinal Large-N Analysis*

Lunch

SESSION 3: 14.15 – 15.45

Chair: Vedran Đulabić, associate professor (University of Zagreb & Institute of Public Administration, Croatia)

- **Natalija Perišić** (University of Belgrade, Serbia): *The Emancipatory Paradigm of the Social Welfare Administration in Post-socialist Countries*
- **Pierre Bauby** (RAP, Paris, France), **Maria Horehajova, Jana Marasova** (Matej Bel University, Banská Bystrica, Slovakia): *Central and Eastern Europe: Public Services as the Challenge of European Integration*
- **Nuno Miguel Cunha Rolo** (Instituto Universitário de Lisboa, Portugal): *Is there an Administrative Acquis? The European Administrative Space and the European Assistance Policy to Public Administrative Reforms*
- **Marko Krtolica** (The Ss. Cyril and Methodius University, Skopje, North Macedonia): *The Influence of the Lustration Processes on the Post-communist Transitions in Europe*

Coffee break

SESSION 4: 16.15 – 18.30

Chair: Goranka Lalić Novak, associate professor (University of Zagreb & Institute of Public Administration, Croatia)

- **Predrag Dimitrijević, Dejan Vučetić, Jelena Vučković** (University of Niš, Serbia): *Models of Electoral Administration and Democratic Processes in the Transition Countries*

- **Michal Soukop, Hana Hurtíková** (Palacký University, Olomouc, Czech Republic): *Democratic Innovations at the Local Level in Selected Post-communist Countries of Central Europe*
- **Wendy Kennett** (University of Cardiff, United Kingdom): *Dealing with Debt: A Public Administration Dilemma*
- **Gordana Marčetić, Tijana Vukojičić Tomić, Iva Lopižić** (University of Zagreb, Croatia): *Territorial Administration in Post-socialist Countries: New Skin (f)or the Old Ceremony*
- **Péter Molnár, Gyula Balazs Csáki-Hatalovics, Ferenc Varga** (Károli Gáspár University of The Reformed Church, Budapest, Hungary): *E-government as a Basic Tool for Improving Online Participation in European Post-socialist Countries*

SATURDAY, 5 October 2019

CONFERENCE HALL A

SESSION 1: 09.30 – 11.15

Chair: Polonca Kovač, professor (University of Ljubljana, Slovenia)

- **Mateja Held** (University of Zagreb, Croatia): *The Development of the Administrative Justice System in Transitional Countries and Their Role in Democratic, Economic and Social Transition*
- **Genc Trnavci** (University of Bihać, Bosnia and Herzegovina): *Harmonization and Improvement of National Legal Systems of the Western Balkans: An Effort to Access Regional and Global Integration*
- **Dorota Dabek** (Jagiellonian University in Krakow, Poland), **Jerzy Supernat** (University of Wrocław, Poland): *The Administrative State in Poland Before and After the Accession to the European Union*
- **Łukasz Prus** (University of Wrocław, Poland): *The Rule of Law as a Pillar of Transition Process in Poland*

Coffee break

SESSION 2: 11.45 – 13.15

Chair: Paweł Swianiewicz, professor (University of Warsaw, Poland)

- **Snežana Đorđević** (University of Belgrade, Serbia): *Upgrading Managerial Capacities of Local Government in Post-socialist Countries for the Creation of Good and Effective Public Services for Citizens*

- **Mirko Klarić** (University of Split, Croatia): *New Perspectives in the Development of Sub-municipal Government in Croatia and Beyond*
- **Katarzyna Szmigiel-Rawska** (University of Warsaw, Poland): *Local Service Provision Modes in the Context of Transaction Costs in Poland*
- **Yeşeren Eliçin** (Galatasaray University, Turkey): *The Unbearable Failure of Decentralisation in Turkey*
- **Ferenc Varga, Gyula Balazs Csáki-Hatalovics, Péter Molnár** (Károli Gáspár University of The Reformed Church, Budapest, Hungary): *Economic and Budgetary Efficiency of Local Governments Following the Change of Regime, in the Light of E-government Involvement*

Lunch

SESSION 3: 14.15 – 15.45

Chair: *Tijana Vukojičić Tomić*, assistant professor (University of Zagreb & Institute of Public Administration, Croatia)

- **Goranka Lalić Novak, Teo Giljević** (University of Zagreb, Croatia): *The Janus-faced Character of Migration Governance in CEE Countries*
- **Claudia Anamaria Iov** (Babes-Bolyai University, Romania): *Governance, Democracy and Minority Rights: Lessons Learned from Romania in the Past 20 Years*
- **Barbara Kowalczyk** (University of Wrocław, Poland): *Migration Policy within Transition Process: The Case of Poland*

Coffee break

SESSION 4: 16.15 – 18.30

Chair: *Ivan Koprčić*, professor (University of Zagreb & Institute of Public Administration, Croatia)

- **Polonca Kovač** (University of Ljubljana, Slovenia): *The Principles of Administrative Procedure in Selected CEE Countries: Between Post-socialist Legacy and European Trends*
- **Ana Đanić Čeko, Tunjica Petrašević** (University Josip Juraj Strossmayer, Osijek, Croatia): *Procedural Rights of the Parties to Croatian and European Administrative Procedure – Lack of a Common Administrative Procedure. Is Administrative Procedure Necessary in the EU?*
- **Erzsébet Csatlós** (University of Szeged, Hungary): *Networking European Administration*

- **Jernej Letnar Černič** (New University, Kranj/Ljubljana, Slovenia): *Past, Present and Future of the Rule of Law in the Countries of the Former Yugoslavia*

CONFERENCE HALL B

SESSION 1: 09.30 – 11.15

Chair: Dejan Vučetić, associate professor (University of Niš, Serbia)

- **Vedran Đulabić, Mihovil Škarica** (University of Zagreb): *Co-production of Local Public Services in the Context of the Post-socialist Transition in Croatia*
- **Mariza Menger** (University of Rijeka, Croatia): *Utility Services in Croatian Local Government: Urban Development in Post-socialist Setting*
- **Florin Peci** (University of Peja, Kosovo), **Carter B. Casady** (Stanford University, USA): *Public-Private Partnership in the Waste Management Sector: Lessons from Kosovo*
- **Vera Arežina** (University of Belgrade, Serbia): *Environmental Standards – Assessment, Monitoring and Decision-Making Process*

Coffee break

SESSION 2: 11.45 – 13.15

Chair: Romea Manojlović Toman, assistant professor (University of Zagreb & Institute of Public Administration, Croatia)

- **Veran Stančetić** (University of Belgrade, Serbia): *Development and Effectiveness of the Merit System in the Western Balkans – the Case of Serbia*
- **Charles A. Obiora** (Chukwuemeka Odumegwu Ojukwu University, Igbariam, Nigeria), **Amobi P. Chiamogu** (Federal Polytechnic, Oko, Nigeria): *Chop Politics and Economic Development in Nigeria: A Study of Multiple Pensions by Former Political Office Holders*
- **Amel Delić, Amra Opačin** (University of Sarajevo, Bosnia and Herzegovina): *Administrative Culture Reform as a Precondition for the Implementation of Contemporary Administrative Concepts in Bosnia and Herzegovina*

Lunch

SESSION 3: 14.15 – 15.45

Chair: Jasmina Džinić, assistant professor (University of Zagreb & Institute of Public Administration, Croatia)

- **Nikola Popović** (Croatian Regulatory Authority for Network Industries, Croatia): *Market Policy Journey in Electronic Communications – From Monopoly to Gigabit Society*
- **Jasminka Pecotić Kaufman** (University of Zagreb, Croatia): *On the Development of Immature Competition Law Systems – Findings from an Empirical Study*
- **Dalibor Dvorny** (University of Zagreb, Croatia): *EU Funds in Croatia as an Instrument of Europeanization*
- **Jan Klasinc** (Zagreb, Croatia): *Independent Control Bodies as Guardians of Democracy in Croatia*

Coffee break

SESSION 4: 16.15 – 18.30

Chair: Snežana Đorđević, professor (University of Belgrade, Serbia)

- **Gyula Balazs Csáki-Hatalovics, Péter Molnár, Ferenc Varga** (Károli Gáspár University of The Reformed Church, Budapest, Hungary): *Anomalies in the Functioning of Local Authorities in Hungary Following the Change of Regime, with Particular Regard to the Functioning of Democratic Institutions and the Expansion of E-government*
- **Ádám Rixer** (Károli Gáspár University of The Reformed Church, Budapest, Hungary): *The New Functions of State Administration: Direct Community Organising and Identity-Building. The Case of Hungary*
- **Remzije Istrefi** (University of Prishtina, Kosovo and Constitutional Court, Kosovo), **Arben Hajrullahu** (University of Prishtina, Kosovo): *Framing Public Administration in an Atypical Transition and the Need for the Agents of Europeanisation*
- **Adam Kabele** (Palacký University, Olomouc, Czech Republic): *Europeanization of Transport Policy in the CE countries – the Case of Regional Railway Liberalization*

SUNDAY, 6 October 2019

MAIN CONFERENCE HALL

SESSION 1: 09.00 – 11.00

Chair: Stevan Lilić, professor (University of Belgrade, Serbia)

- **Jill Tao** (Incheon National University, South Korea): *Transitioning to Democracy from the Other Side: Revolution, Occupation, and the Rise of the Administrative State in East Asia*
- **Lisheng Dong** (University of Tartu, Estonia): *How Does the Positioning of Party-State Relationship Determine the Outcomes of Administrative Reform in China*
- **Haris Dajč, Maja Vasiljević** (University of Belgrade, Serbia): *The Kosovo Question as the Main Obstacle to the Accession of Serbia to the EU, 2008-2013*
- **Gwenda R. Jensen** (International Public Sector Accounting Standards Board), **John Francis Stuart** (Canada): *Holding Governments Accountable: Fiscal Sustainability and Stewardship Reporting for Citizens*
- **Marko Tmušić** (University of Belgrade, Serbia): *Institutional Reforms Leading to Democracy and Good Governance in the Former Yugoslav Countries*

Coffee break

SESSION 2: Conclusions of the conference 11.30 – 13.00

Chair: Goranka Lalić Novak, associate professor (University of Zagreb & Institute of Public Administration, Croatia)

- **Professor Tom Christensen** (University of Oslo, Norway)
- **Professor Jill Tao** (Incheon National University, South Korea)
- **Professor Stevan Lilić** (University of Belgrade, Serbia)
- **Professor Ivan Koprić** (University of Zagreb, Croatia)

13.00 Award Ceremony – Recognition of Merit – Professor Emeritus Hellmut Wollmann

KEYNOTE SPEECHES

Professor **Geert Bouckaert**

Past President of the International Institute of Administrative Sciences
The Catholic University of Leuven, Belgium

GOVERNANCE AND DEMOCRACY: DIVERGING OR CONVERGING?

Governance and democracy are simultaneously evolving in sometimes turbulent ways and environments. The realities of governance and democracy are contrasting with the ideal types of 'good governance' and 'effective democracies'. This contribution will discuss how governance and democracy are interacting and impacting our systems.

Keywords: governance, democracy, good governance, effective democracy

Professor Emeritus **Hellmut Wollmann**

Humboldt University Berlin, Germany

THE POLITICO-ADMINISTRATIVE TRANSFORMATION OF THE FORMER COMMUNIST COUNTRIES AFTER 1990

In discussing the politico-administrative transformation in the former communist countries, the paper focuses on the transition from the centralist state of the communist era to democratic decentralized government. The (re)introduction of democratically elected and functionally strong regional and local government levels is singled out as a key component and indicator of decentralization. To explore the variation, similarities, and differences of the post 1989/1990 politico-administrative transformation, Hungary, Poland and East Germany are selected as cases in point. Poland and Hungary are chosen as countries that were the frontrunners of post-communist transformation in Central Eastern Europe (CEE). East Germany is included as being an obviously important 'deviant case' convenient for analysing a wide range of post-communist transformations. To widen the comparative perspective, the development in other European countries will be briefly looked at.

Keywords: politico-administrative transformation, decentralisation, Hungary, Poland, East Germany

Professor **Edoardo Ongaro**

President of the European Group for Public Administration
The Open University London, United Kingdom

**THE QUEST FOR LEGITIMACY:
PHILOSOPHICAL UNDERPINNINGS OF ADMINISTRATIVE
REFORM DOCTRINES**

Professor **Norbert Kersting**

Westfälische Wilhelms Universität Muenster, Germany

**DEMOCRATIC TRANSITION, DEFICITS AND INNOVATION IN
EUROPE**

Professor **Ivan Koprčić**

President of the Institute of Public Administration
University of Zagreb, Croatia

DEMOCRATISATION AND ADMINISTRATIVE REFORMS: LESSONS LEARNED FROM DEMOCRATIC POST-SOCIALIST TRANSITION

The paper begins with systematising the purposes, values, tasks, and components of the post-socialist transition. The expected transformation has had several components:

- political (multiparty system, free elections, democratisation, citizen participation),
- governance (decentralisation, 'publicization' of state administration, professionalism, quality of governance, effective control over public administration),
- economic (privatisation, free-market economy, entrepreneurship),
- legal (the rule of law, human rights, constitutionalism, legal protection of citizens),
- cultural (free expression in works of art and culture),
- social (wide interpretation of individual freedoms, protection of disadvantaged social groups, positive assistance of government, social justice).

There are different transition results in different groups of post-socialist countries. The best performers in terms of governance and other results are those countries that joined the European Union. Europeanisation was one of the most powerful driving forces of transformation. The public administration reform results in these countries will be particularly analysed in the paper. In the end, the lessons learnt from thirty years of post-socialist transition will be presented.

Keywords: post-socialist transition, components of transformation, Europeanisation, governance and public administration reform

ABSTRACTS

Vera Arežina

Assistant Professor, University of Belgrade, Serbia

ENVIRONMENTAL STANDARDS ASSESSMENT, MONITORING AND DECISION-MAKING PROCESS

This paper deals with assessment, monitoring, and decision-making process with regard to environmental standards in post-socialist transition countries. The International Organization for Standardization (ISO) has established the Strategic Advisory Group on Environment (SAGE) in 1991 in order to define environmental standards and to improve environmental management in numerous countries. The Environmental Standards, also known as the ISO 14000, are a series of international standards designed to meet the needs of governments, industry, or business. The ISO 14000 refers to standards such as environmental management systems (EMS), environmental labels and declarations, environmental performance evaluation, life cycle assessment, vocabulary, environmental communication and others. The ISO 14001 standard or environmental management systems (EMS) consists of policy - environmental policy; planning - environmental aspects, impacts, and targets; implementation - responsibility, control, emergency response; and review and improvement - measurement and monitoring. Further, the ISO 14045 will establish an internationally standardized methodological framework for eco-efficiency assessment. Environmental Standards have been applied in many post-socialist transition countries, especially the ISO 14001, to define and monitor environmental policy in Serbia and Montenegro or full application of the ISO 14020 series of standards in Croatia. It addresses environmental labels and declarations in order to promote the standardization of terms and symbols used in environmental claims, e.g. 'recycled content'. ISO 14000 has been implemented according to the same Plan-Do-Check-Act (PDCA) cycle. For example, to plan we may implement the ISO 14050 Environmental vocabulary; to do, we implement the ISO 14040 Environmental management – Life cycle assessment; to check the ISO 14015 Environmental management – Environmental assessment of sites and organizations (EASO); and to act the ISO 14020 Environmental labels and declarations. In this paper we will point out the environmental and economic benefits of environmental standards, as well as modernization of the decision-making process and the role of national and local governments, non-governmental organizations, business, industry and media. It is also necessary to improve monitoring of environmental standards at the national and local levels.

Keywords: environmental standards, assessment, methodology, SAGE, post-socialist transition countries

Pierre Bauby

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Maria Horehajova

Assistant Professor, Matej Bel University of Banská Bystrica, Slovakia

Jana Marasova

Assistant Professor, Matej Bel University of Banská Bystrica, Slovakia

CENTRAL AND EASTERN EUROPE: PUBLIC SERVICES AS THE CHALLENGE OF EUROPEAN INTEGRATION

The paper will focus on European liberalization policies, three particularly important sectors of public network services (rail transport, electricity and postal services), and on the specific situation of Slovakia, as a case study. After having described the references to “public service” that may have existed in certain countries of Central and Eastern Europe before the Second World War, the paper will address:

- the legacy of the forty years of domination of the Soviet model, marked by minimal services of very poor quality, low user fees, and the lack of reference to public service doctrine and values connected with this concept;
- the confrontation with the *acquis communautaire* of the 1990s during the accession process; the 1980s were marked by a paradigm shift in Europe, emphasizing the pre-eminence of market and competition rules over incentives and policies of public authorities; the CEE countries had to accept the then *acquis communautaire*, which did not include the Charter of Fundamental Rights, the Lisbon Treaty or the Social Rights Base; the former centrally planned economies joined the process of liberalization of public services only after the completion of a general economic liberalization based on privatization, the emergence of entrepreneurship and competition;
- the contrasting implementation of the internal market directives for the liberalization of public services in the three selected sectors, marked in the CEE countries by expectations of greater freedom of choice and efficiency, and by transformations based more on privatization (capitalization and management logic) than on real development of competition.

Keywords: public services, European integration, Soviet model, Slovakia

Gyula Balázs Csáki-Hatalovics

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ANOMALIES IN THE FUNCTIONING OF LOCAL AUTHORITIES IN HUNGARY FOLLOWING THE CHANGE OF REGIME, WITH PARTICULAR REGARD TO THE FUNCTIONING OF DEMOCRATIC INSTITUTIONS AND THE EXPANSION OF E-GOVERNMENT

One of the most important achievements in Hungary immediately after the system change was the adoption of the local government law. The institution of local government, the possibility for local communities to take their future in their own hands, was a tremendous democratic achievement, especially in terms of fundamental rights and principles. In the euphoria after the socialist era, the institution of government, in an immune response to the regime of socialist arbitrariness, acquired strong foundations. In the years following the political change, especially in the face of economic difficulties, it became clear that it was not primarily constitutional but rather practical, financial-economic crisis that must be treated. The constitutional legislation which objectively provides a strong autonomy has been a less than effective solution. Furthermore, the exceptionally wide freedom led to an economic crisis that resulted in indebtedness, especially in the smaller local government units for which the central intervention was the only way out of the situation (state aid, credit transfer, etc.). Moreover, due to the fragmented local government structure, most local governments in Hungary were not able to manage long-term and predictable management autonomously, which could have been the basis for actual autonomy and independence. The reforms, which, while actually limiting certain rights to the government's side (these were gained during the process of regime change), were still necessary in order to restore sustainable operation because three decades have proved that the lack of resources make the widest constitutional guarantees worth nothing. From the political science perspective, it is possible to criticise the fact that the narrowing of governmental powers and the reduction of autonomy goes against democratic principles. In comparison to the regulatory environment of other Western countries, this kind of apparent withdrawal

is far from being a real democratic deficit, it is merely an exaggerated freedom. In the research, we are trying to answer the following questions:

- Did the local government reforms actually produce effective results that interfered with democratic values?
- How does urban migration affect the fragmented structure of Hungarian settlements, and do the communities (in terms of the number of people) which have been fully independent about 30 years ago actually exist?
- How can e-government and e-democracy tools help to ensure that, in particular in settlements where the impact of depopulation and resource deprivation is more pronounced, in spite of constitutional reforms, the principle of subsidiarity can be retained and to ensure that members of local communities can participate substantially in the exercise of local public affairs?

Keywords: local government, Hungary, democratisation, e-democracy

Erzsébet Csatlós

Senior Lecturer, PhD, University of Szeged, Hungary

NETWORKING EUROPEAN ADMINISTRATION

Democratic transition has a certain domestic meaning for the former socialist (communist) countries. However, since their involvement into the European integration, they have become an element of a greater system, on their way to become democratic and to shed the often-mentioned 'democratic deficit' label. My paper concentrates on this issue from the perspective of European public administration, particularly looking into the relationship of domestic public administrations, the European administrative system and the evolving global administration in the world of network structures. The proper execution of EU law is a matter of common interest and the key for that lies in the properly functioning public administration. Nevertheless, the EU is also a part of the world order, so the global changes and challenges influence it. Globalisation and the improvements of global administrative law have reached its legal system and already appeared in its judicial practice in the form of relying on soft law norms. In international relations, different kind of network structures of non-state actors have been analysed and recognised as producers of practical and useful solutions for global problems (for example the Basel rules, which are important standards for EU as well), while their legal nature and conformity with classical democratic principles suppose a different concept of legal order. Similar network structure types are seen within the EU when the competent authorities interact vertically. The major question is whether there is one notion of democracy for domestic issues that are requested *vis-à-vis* the public administrations of Member States (as their respect was a precondition for accession) and another for the European administration (where Member States' public administrations form an element in indirect level), and whether there is a third interpretation of democracy for global administration and global administrative law. The paper aims to explore these issues.

Keywords: public administration, networks, European administration, democratic transition

Dorota Dąbek

Professor, Jagiellonian University in Kraków, Poland

Jerzy Supernat

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THE ADMINISTRATIVE STATE IN POLAND BEFORE AND AFTER THE ACCESSION TO THE EUROPEAN UNION

The paper offers a concise study of evolution and Gestalt of Polish administrative state before and after the accession of the Republic of Poland to the European Union. Pre-accession and after-accession fundamentals in the field of public administration and administrative law will be identified and analysed, mostly from the perspective of transition of Polish public administration and administrative law in terms of values, functions, and principles. Special attention will be given to the following issues:

1. Axiology of public administration and administrative law:
 - Values and principles of public administration,
 - Values and principles of administrative law,
 - Congruence between administrative values and principles as laid out in legal texts and as applied in practice.
2. The evolution of the concept of administrative law:
 - from the law governing the organization and functioning of the executive power to the law protecting individual rights, freedoms and interests; administrative efficiency vs. protection of rights,
 - from statute law to composite one: statute law and judge-made law,
 - constitutionalisation of administrative law and administrativisation of constitutional law,
 - the emergence and development of new subcategories of administrative law: local government law (nb. new/old as re-introduced in 1990 after forty years of non-existence), regulatory law etc.,
 - multiplicity of sources of administrative law including EU law and local law (law enacted by local authorities / local self-government).
3. Public triumvirate (executive/administrative power, legislative power and judicial power) with special focus on legislative constraints of the executive/administrative power and judicial control of the executive/administrative power.

4. Concluding observations: the impact of the 1989 transition on Polish administrative state including the European (English) influence on the language of public administration and administrative law, resulting in the newspeak – English Polish administrative language.

Keywords: public administration, administrative law, administrative state, accession to the European Union, Poland

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THE KOSOVO QUESTION AS THE MAIN OBSTACLE TO THE ACCESSION OF SERBIA TO THE EU, 2008-2013

The history of populist mainstream parties in post-Yugoslav states is connected to both external and internal challenges. At the beginning of their existence, they mostly drew from populist policies related to internal challenges, fear of other ethnic and religious groups, or domestic enemies. In the period after 2000s, and especially after 2008 and the Eurozone crisis, they gained a new momentum due to increasing Euro-scepticism and xenophobia in the region. The Serbian case is different from the other former Yugoslav states as it was the only former Yugoslav state that inherited so far unresolved and unclear border issue after the emergence of Kosovo as an independent state. The Kosovo question is not only one of the main challenges on the current Serbian prospective accession to the EU but also a great example of how populist politics, hijacked by right wing nationalists in the mid-2000s led to the consequences that are the biggest obstacle to Serbian accession to the EU today. Populism of the Democratic Party of Serbia (DSS) that was the dominant political force from 2004 until 2008 helped to sustain the frozen conflict in Kosovo. The idea of keeping it unresolved was designed for home use. The highlight of the successful Kosovo agenda resulted in confirming the status of Kosovo as an area within the borders of the Republic of Serbia by the adoption of the 2006 Constitution. The Constitution was adopted in a very popular populist manner – by the referendum. However, the most important achievement of the DSS reign was that the Kosovo narrative, as the most popular domestic product on the nationalistic populist agenda, was embraced by the Serbian political mainstream after 2008. The paper will research how much Kosovo narrative cost Serbia from 2008 until 2013 as an obstacle to the EU accession path. For the purpose of this research, the expose and statements of the Ministry of Foreign Affairs from the period in question will be used as the main sources.

Keywords: populist politics, accession to the European Union, Serbia, Kosovo

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ADMINISTRATIVE CULTURE REFORM AS A PRECONDITION FOR THE IMPLEMENTATION OF CONTEMPORARY ADMINISTRATIVE CONCEPTS IN BOSNIA AND HERZEGOVINA

In order to preserve its dominant role of the central regulator, the modern state is must make multiple accommodations. In this process, it is of great importance to remind ourselves of the circumstances that inspired the foundation of first states and that are the driving force of the modern state functioning. The state is the society's best instrument for planning, creating, implementing, controlling, and adapting various individual and group activities. Still, it was never intended to be a narrow, self-purposed organization, but a mechanism that enables stability, prosperity, and security of the society in general and its individual members or specific organizations, groups and territories with more particular interests. Even though historically different experiences of the state's role are recognized, the contemporary state is strongly striving to achieve its primary role by being less repressive and formal and more functional, service- and citizen-oriented, inclusive and managerial. In order to contribute and regulate social relations, the modern state implements the theoretical concepts and administrative practices of the New Public Management, good governance, balanced scorecard, E-governance, citizen participation, decentralization and deconcentration through local and regional government, public-private partnerships, concessions, outsourcing, and other related activities. Bosnia and Herzegovina simultaneously faced several transitions: the one from a socialist, state-controlled economy to the market-oriented, modern economy; the change from the socialist ideology and political system to democracy with multi-party electoral system; and the structural state reform resulting in the new constitutional arrangement. Although seemingly committed to NATO and European Union integration, Bosnia and Herzegovina is insufficiently adjusting its administrative institutions to the modern administrative concepts and practices. Apart from the normative perspective, this paper analyses inter-governmental administrative culture with regard to the intensity and quality of both administrative institutions and their public servants' cooperation and initiatives in relations with other relevant social subjects. It also analyses the forms of cooperation, the importance of such a comprehensive approach to social regulation, and the effects of such culture on the realization of modern state's central role. Multiple stakeholders – politicians, public servants, citizens, businesses, the media, NGOs, and renowned scholars – should be educated, motivated and held accountable for a behavioural reform and development of such administrative culture.

Keywords: administrative culture, administrative concepts, social regulation, service-oriented and inclusive governance, participation, stakeholders

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MODELS OF ELECTORAL ADMINISTRATION AND DEMOCRATIC PROCESSES IN THE TRANSITION COUNTRIES

The essence of the transition processes in European countries was the construction of pluralist democracies with active citizens' participation. Democratic elections (and their constant political engineering) were an integral part or even the crucial element in the development of democratic systems of government. However, one should also bear in mind that in transition democracies, the issue of elections and electoral systems could not be separated from the level of development and the structure of society, social conflicts, political culture, political powers, parties, and their oligarchical structures, or from various forms of corruption. The types and characteristics of electoral administration are also in close connection with the level of legitimacy and democracy of the electoral process as a whole. This paper analyses the correlation between the degree of transition societies' democratization and the degree of professionalization of their electoral administrations, measured via three basic forms of electoral administration organization and essential values of a well-organized electoral administration. With regard to their establishment, their competences, and the ways of selection and internal organization, one can distinguish three main types of electoral administrations: the independent model, the executive model (the government model) and the mixed model. The independent electoral administration model is typical for the newly established democracies or democracies that have been rebuilt after a period of authoritarian rule. It implies that the bodies conducting elections are independent of the executive branch of government, that they have a certain degree of autonomy and are responsible to the legislative or judicial authorities. On the other end of the spectrum, there is the executive or government model, comprising different elements of electoral administration that are under the authority of the executive; it is made up of civil servants, and is accountable to the executive branch of government (most often to the Ministry of the Interior or the Ministry of Public Administration). This model is typical for most developed democracies characterized by a high level of confidence in the activities of the executive branch. These are the countries where trust in non-partisan, professional, and autonomous administration is very high. Finally, there is also the mixed model of organization of electoral administration

that basically represents a combination of the previous two models. The values of a well-managed electoral administration include its durability (members of electoral administrations are elected for a period longer than the duration of the parliamentary term); impartiality (independence from the influence of the executive power or the political parties); expertise (knowledge of the electoral process) and focus (performing this duty as an exclusive activity; inconsistency of the function with other services). The authors explore whether there is a positive correlation between the models of electoral administration and the level of democratization in transitional societies, whether the organization of electoral administration, ranging from the independent model to the executive one is really applied, and in which transitional countries we can find this form of electoral administration.

Keywords: democratic society, transitional societies, electoral systems, legitimacy, electoral administration

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HOW DOES THE POSITIONING OF PARTY-STATE RELATIONSHIP DETERMINE THE OUTCOMES OF ADMINISTRATIVE REFORM IN CHINA?

This paper responds to the following issue raised by the conference organizers: “How do different types of relations between public administration and politics determine transition outcomes?” It intends to provide a lesson from China. Since the reform and opening up drive initiated by Deng Xiaoping in 1978, China has witnessed a cycle of varied understanding and positioning of the relations between the ruling Communist Party and the state, from advocating for political reform centred on separation of the party from the government (until 1989), to a period of halt in adjusting this relationship (until 2012), to re-concentration of powers in the party and individual leaders (up to the present). In this context, the administrative reform has struggled to meet its goals. The paper will analyse how the periodical targets of administrative reform fail to be met. From 1982 to 1998, the party-state leadership placed emphasis of administrative reform on reducing redundant offices and over-staffing. The most drastic attempt was made in 1998, when Premier Zhu Rongji cut the central government ministries by 36 per cent and the number of civil servants by half. However, this reduction was not applied to the party departments. A new strategy thereafter called for transforming the functions of government from direct management of economic and social affairs to macro-regulation. However, the backlash in political ideology in the wake of crackdown on democracy movement in 1989 meant re-enforcement of party control in that new party departments were created parallel with some government departments in such fields as education, finance, and legal affairs. Early this century, the party-state leadership required to establish a service-oriented government. Nevertheless, faced with widespread citizen demonstrations and protests against maladministration and encroachment of civil rights with the background of widening gap between the rich and the poor, between the rural and urban areas and between the developed coastal areas in the east and the stagnant west, the government devoted increasing amount of resources to maintaining social stability. This expenditure, equal to the spending on national defence, squeezed the funding needed in education, health care, pension and housing (for low-income families). The conclusion is that without political reform that separates the party from the government and allows citizens’ participation in political and public affairs, administrative reform and service-oriented government will not be able to attain their goals.

Keywords: party-state relationship, China, administrative reform

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EU FUNDS IN CROATIA AS AN INSTRUMENT OF EUROPEANIZATION

The transition process of the Republic of Croatia certainly shows certain specific features. It has been influenced by many internal and external factors, among which the process of Europeanization is the strongest. Europeanization could be seen as a universal force, a common factor in all EU and candidate countries. However, it was, and still is, especially influential in the countries of Central and Eastern Europe. The societies that went through transition experienced different outcomes of the process. It is argued that the Europeanization process has played a very important role in the democratization of those societies, and it has also helped to shape new governance models. In Croatia, there are many examples of Europeanization; stronger transparency within the public sector is often a direct result of that process. Good examples include the introduction and active enforcement of the right of access to information and the establishment and success of the Committee for the Resolution of Conflict of Interest. These are highly visible results of the process. However, the public structures have been affected in many other ways, sometimes under the surface. One of most direct ways to introduce and transfer the “European” way of doing things or make policy areas increasingly subject to European policy-making is through the use and management of EU funds. This article aims to explore the impact and effects of almost two decades of implementation of EU funds in Croatia, as this might have a deep impact on the national public administration. It will deal with the specific policy practices affected. Even a superficial look on the administrative and management principles governing the use of EU funds in comparison with traditional national policy process shows striking differences. Compulsory strategic planning and policy evaluation, goal setting and monitoring of indicators are but the most obvious differences. The two models peacefully coexist within the same political and administrative system. Therefore, it is reasonable to raise a question whether is it politically or even morally acceptable to have two levels of transparency and accountability of the policy process. Along with the process of Europeanization, all Croatian Governments tacitly allowed the introduction of, for Croatian circumstances, the relatively new and unknown practices of good governance. Some of them have transferred into the national policy system, but so far with limited scope and success.

Keywords: Europeanization, EU funds, policy process, governance

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**TRANSITION THROUGH THE LENS OF ACADEMIC PAPERS:
CONTENT ANALYSIS OF ACADEMIC PAPERS ON
ADMINISTRATIVE REFORMS IN POST-SOCIALIST COUNTRIES**

Post-socialist countries have undergone a long transition period during which administrative reforms had to be conducted. These reforms were mostly conditioned and driven by the EU accession process. Although guided by the same actors, administrative reforms were not the same in all of these countries. During the transition period, because of growing importance of public administration and ongoing administrative reforms, most of the countries started to establish new scientific journals specialized in public administration. The purpose of this paper is to conduct a content analysis and a meta-analysis of papers dealing with administrative reforms in post-socialist transition countries in order to determine which types of administrative reforms were predominant according to scientific community and whether there has been a shift in focus after the EU accession which may be taken as an official termination of transition period. The paper will provide a longitudinal and comparative view on administrative reforms in post-socialist countries seen through the lens of academic papers. The analysis will discuss future prospects for post-socialist transition countries. Methodologically, the analyses will include papers published in top-ranking scientific journals dealing specifically with public administration in post-transitional countries. Only the papers dealing with post-socialist countries (those that joined the EU in 2004, 2007 and 2013, and those in line for accession) will be examined with regard to the following: a) types of administrative reforms the paper deals with (e.g. traditional, managerial, participative); b) main reform subject (e.g. size of government, HRM, capacity and performance); c) parts of public administration concerned (central, local, public services); d) country concerned. Accordingly, the paper will consist of a theoretical framework explaining different types of administrative reforms and setting the indicators for aforementioned examination, a description of methodology, the presentation of research results and a discussion with concluding remarks.

Keywords: administrative reform, post-socialist countries, academic papers, content analysis, meta-analysis

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PROCEDURAL RIGHTS OF THE PARTIES TO CROATIAN AND EUROPEAN ADMINISTRATIVE PROCEDURE – LACK OF A COMMON ADMINISTRATIVE PROCEDURE. IS ADMINISTRATIVE PROCEDURE NECESSARY IN THE EU?

The result of expanding jurisdiction of the European Union (EU) is not only increased number of sectors in which special administrative procedures are enforced but also an increase in the number of corresponding bodies and agencies. The current state of affairs is characterised by incoordination, lack of uniformity and absence of codified procedural rules, which makes it difficult for the EU citizens to understand their administrative rights easily and contributes to deterioration of their legal protection. This is not in accordance with the Charter of Fundamental Rights of the European Union, which guarantees its citizens the right to good administration (Article 41). The authors deem that the standardization of sectoral administrative rules would lead to the simplification and rationalisation of administrative procedures. European Administrative Law is developed through the practice of the Court of Justice of the EU that has formulated a series of general administrative principles to be followed in order for administrative procedures to maintain their legitimacy. Nevertheless, we consider the legislator to be the one who determines clear procedural rules, thus contributing to legal safety and predictability. The first step towards efficient administrative decision-making processes of the European administration is to norm the administrative procedures. Despite the member states' common endeavour to remove the administrative barriers, both fundamental and modern principles of administrative law must be effective and equivalent in EU law. Discussing the need for codification of the Law on Administrative Procedure of the European Union has thus become even more relevant. However, the question that constantly arises is whether the regulation of a common administrative procedure is necessary in the EU legislation and if so, to which extent. The necessity of regulating the minimum of common procedural standards and principles of good administration along with the procedures of EU institutions when resolving individual cases of physical and legal persons is emphasised by the European Parliament Resolution of 15th January 2013 with recommendations to the Commission on the Law of Administrative Procedure of the European Union (2012/2024(INL)). In addition, we emphasize the legal basis contained in Article 298 (1) of the Treaty on the Functioning of the European Union. Pursuant to the aforementioned provisions, the institutions, bodies,

offices, and agencies of the Union in the performance of their duties have the support of an open, efficient and independent European administration. The authors will analyse which basic European principles and standards should be guaranteed to the parties in the proceedings before the European Union's institutions in relation to the provisions of the Croatian General Administrative Procedure Act. This will be followed by a brief review of the results of public consultation on the European Union's administrative law.

Keywords: EU, procedural rights, sectoral procedures, (European) administrative procedure, administrative principles

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UPGRADING MANAGERIAL CAPACITIES OF LOCAL GOVERNMENT IN POST-SOCIALIST COUNTRIES FOR THE CREATION OF GOOD AND EFFECTIVE PUBLIC SERVICES FOR CITIZENS

The paper analyses the upgrading of post-socialist local governments' managerial capacities to procure good quality public services for their citizens as an important aspect of public administration reform. In post-socialist countries one can observe the process of decentralization, intentions for developing the rule of law, some institutional, organizational, and managerial changes in the system (at both the central and local levels of governance), and the development of education and training of public servants for focusing on citizens' needs. One can notice a certain level of the affirmation of

- professionalism in the whole public sector (inclusion of the merit system in employment, remuneration and professional development; principles of team work; vertical and horizontal mobility and education and trainings for civil servants), as well as
- modernisation of management with affirmation of strategic planning; mission- and result-driven government; procurement of services tailored by citizens' needs; as well as the increase of transparency and public accountability. Modernization of management in all countries also encompasses upgrading the quality of financial, budgetary and project management, including different instruments like affirmation of competition and privatization as well as inclusion of monitoring and evaluation of service results: performance management and benchmarking.

The development of free market economy stimulates efficiency and productivity that are vitally important for public services. In that sense, one can emphasise the process of privatization in provision of public services, both by including private producers and providers of services and by development of public private partnerships in provision of public services. In a system where local government has to guarantee the final quality of services to citizens, although these services are provided by the private sector, it is of huge importance that local government is well prepared to perform this job. Otherwise, this system can lead to abuse, corruption, and poor quality of services for citizens. The paper analyses good practices, good adaptation to the new model of service procurement, as well as the challenges (regulation, resistance to new managerial culture, adaptation to new entrepreneurial institutions like directly elected mayors, city managers, etc.) and will present the examples of problems and bad practice. All these aspects can be useful lessons. The quality of public services and the satisfaction of citizens are important indicators of reform success.

Keywords: local government, post-socialist countries, managerial capacities, reforms

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CO-PRODUCTION OF LOCAL PUBLIC SERVICES IN THE CONTEXT OF POST-SOCIALIST TRANSITION IN CROATIA

Local government bears the main responsibility for the provision of local public services. Due to the trends of administrative (organizational and functional) reform at the local level and downsizing of public expenses that were present in Europe from the late 1970s onwards, several forms of external provision of public services have emerged across European countries. The involvement of private and third-sector organisations is now a widely accepted practice of coproduction of public services. The paper will explore the practice of provision of local public services in Croatia from the perspective of institutional theory taking into consideration two intertwined contextual influences on local government. The first is the transformation of Croatian society, political system and public administration, especially local government, from socialism to capitalism (known as the post-socialist transition). The second influence is a tendency towards coproduction that has emerged in many European countries in the past several decades as a result of a complex mixture of values of and approaches to public governance – predominantly political (participation, empowerment) and economic (efficiency, quality) in nature. Regulatory framework for local public services and the practice of their provision in the past three decades will be presented and critically analysed from the perspective of historical institutionalism and institutional change. The paper will analyse how the transition process affected the provision of local public services in Croatia in the context of fragmentation of local units (and systemic change of local government) that took place after the transition from socialism to capitalism and in comparison to the development of local public services provision in some Western Europe countries. This will allow for conclusive evaluation of the factors that stimulate and constrain the provision of local public services and their overall modernization.

Keywords: co-production, local public services, Croatia, transition

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THE UNBEARABLE FAILURE OF DECENTRALISATION IN TURKEY

During the early 2000s, a comprehensive administrative reform agenda emerged in Turkey due to both domestic and international factors. Turkey's then drive towards the European Union membership was the key element at the national level. Indeed, Turkey also started to attach increased priority to reforming the government, public administration and local administrations in the context of strengthening decentralization and democratization. However, a brusque reversal of decentralizing reforms followed the 2010 constitutional referendum. The tendency to recentralize the local power and to strengthen the central control over local administrations has also been observed in several European countries. Although the same political pattern seems to be followed in some aspects, in Turkey the democratic reform agenda adopted in the 2000s has been overturned to lead to an increasingly authoritarian and centrist rule. This recentralization drive has a direct impact on local governance through:

- the transfer of responsibility from local administrations to the central government;
- the transfer of responsibility to greater local authority;
- suppression of thousands of municipalities and villages which are constitutional local administrations;
- dismissal of thousands of elected mayors and city council members and state-appointed trustees in some Kurdish-populated cities;
- a fast decay in democratic accountability accompanied by clientelism and corruption.

The study will try to ascertain the transition from decentralization agenda to recentralization through the lens of local democracy and try to answer the following questions:

- Do local administrations have effective power to govern?
- Is control over local administration's decisions efficiently safeguarded from arbitrary interferences of the central government?
- Is the arbitrary removal of locally elected officials effectively precluded?

The aim of this study is to analyse the dynamics of recentralization and to assert its consequences on self-government and subsidiarity. The study also tries to understand why sub-national actors fail to resist the authoritarian transformation in local governance which corresponds to a major conversion in Turkish republican history.

Keywords: decentralisation, recentralisation, subsidiarity, local government, Turkey

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THE DEVELOPMENT OF THE ADMINISTRATIVE JUSTICE SYSTEM IN TRANSITIONAL COUNTRIES AND THEIR ROLE IN DEMOCRATIC, ECONOMIC AND SOCIAL TRANSITION

Public administration in general and the organization of administrative courts both underwent tremendous changes in the last decade of the 20th century as a response to the transition process in post-socialist European countries. The development of the administrative justice system was not identical in all transitional countries due to different historical circumstances. In the former Yugoslav countries, legal basis for the control of administration was established by the adoption of the 1952 Administrative Disputes Act, which was the first codified set of rules pertaining to administrative control in socialist countries in general. A new Administrative Disputes Act was adopted in 1977, when the Administrative Court was established in Zagreb as the capital of a former Yugoslav federal unit. After gaining independence in 1991, Croatia took over the 1977 Yugoslav Administrative Disputes Act and the Administrative Court in Zagreb was renamed the Administrative Court of the Republic of Croatia. Its competences encompassed the control of administration without the right to appeal to the court of second instance. Further changes in national legislations of transitional countries were influenced by the standards of international organizations, such as the Council of Europe, SIGMA, OECD, etc., as well as by the process of EU accession and harmonization of national legislatures with *acquis communautaire*. The process of EU accession was characterized by the series of documents and strategies resulting in serious administrative reforms – a process generally known as Europeanisation and modernisation of public administration. They all had the same goal – protecting citizens' rights from unlawful decisions issued by administrative bodies and protection from unlawful procedures conducted by administrative bodies. The main goals included increasing efficiency of court proceedings, enabling an appeal to the higher court and shortening the duration of the proceedings. A major administrative reform in Croatia during its accession to the EU resulted in the 2010 adoption of a new Administrative Disputes Act, which has been in force since 2012. The new administrative justice system with four first instance courts and one High Administrative Court is in conformity with the mentioned European standards. It is likely that the other former Yugoslav countries had a development similar to Croatia. Nowadays, administrative justice procedures in European countries are all based on the same principles of administrative law and on the similar rules of conducting procedures in administrative courts. Generally speaking, they are characterised by similarities in organisation of the judicial control of administration, known in theory as the convergence towards a common

European model of control of administrative courts. The aim of the paper is to research and analyse to what extent the reforms and development of new administrative justice systems in transitional countries affected citizens' rights. Since administrative courts are entitled to perform the control of legality of acts issued by regulatory bodies, for example in the field of energy supply, the development of the administrative justice system affects the economy as well. The paper analyses the role of administrative courts in democratic, economic, and social transition in the former Yugoslav and other transitional countries, which had different background and starting positions from those in Croatia.

Keywords: administrative justice, organisation of administrative courts, transition, Europeanisation, Croatia

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GOVERNANCE, DEMOCRACY AND MINORITY RIGHTS: LESSONS LEARNED FROM ROMANIA IN THE PAST 20 YEARS

This research aims to analyse the impact the European integration process has had on the development of the status of public administration, democracy and minority rights in Romania during the past 20 years through the broader process of Europeanisation. It argues that the constant interaction and the frequently pressure (carrots and sticks) of the European Union have exerted a positive influence on the development and Europeanisation of Romanian public administration, seen as bureaucratic, oversized and unable to attract the best civil servants. The research focuses on the Romanian official position with regard to the issues of minority rights, governance, administration, and EU integration, using the constructivist approach. It also deals with the success of right-wing populism clearly connected with the globalisation crisis of neo-liberal shareholder capitalism and its negative impact on labour markets, wages, interethnic relations and work force qualifications. In Romania, local government units are confronted with two main sources of tension: the tension between the Romanians and the Hungarians, and the tension between the local (relative) majority and the Roma communities. The two types of relations are quite different in character and they need to be addressed in a constructivist manner, with special attention paid to the role the accession negotiations played in the democratisation process. Those two issues can be addressed from the perspective of interdependence relationship that can be established between three concepts: minority, governance, and security. The conclusion is that the particular nature of the Romanian negotiation process has led to a shift of emphasis from the more technical aspects of negotiations (favourable to a developing autonomous public administration) to the compatibility of core values, which has led to tremendous domestic political influence on the negotiation process.

Keywords: governance, democracy, minority rights, integration, Romania

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FRAMING PUBLIC ADMINISTRATION IN AN ATYPICAL TRANSITION AND THE NEED FOR THE AGENTS OF EUROPEANISATION

With the end of socialist regime in the 1990s, the former Yugoslav territories faced an atypical transition. Whereas other communist-ruled countries in central, eastern and southeastern Europe initiated a democratic transition, the former Yugoslav territories faced massive violence, and decline of the state and the economy. Only a massive international intervention, including the military one, made possible for the former Yugoslav territories to move towards state and economic reforms. In comparison to the other states in the region and beyond, the case of Kosovo shows the most atypical transition. The development of modern public administration in Kosovo had several stages – the post WWII socialist period, the discriminatory public administration of the 1990s, and the UN-led interim administration (UNMIK). After a decade of international administration, Kosovo declared its independence in February 2008. Prior to the 1999 war, public administration was characterised by systematic and widespread ethnically-based violations and discrimination of human rights. However, after 1999 international and Kosovo authorities have aimed to build an inclusive public administration that offers fair and reliable public services to all its citizens and inspires overall public trust in public institutions. The first section of this paper will provide a theoretical framework for thirty years of democratic transition including the institutional changes in Europe and the atypical transition in Kosovo. The analysed theoreticians will include Philippe C. Schmitter on consolidation of political democracy (1985; 1988); Wolfgang Merkel's theories of transformation and democratic consolidation, focused on embedded and defective democracies (1996; 2004); Adam Przeworski's work on democracy and the market (1995); Richard Gunther's work on the politics of democratic consolidation in southern Europe (1995); Claus Offe's work on political transformation (1994); Fareed Zakaria's rise of illiberal democracy (1997) and Steven Levitsky and Lucan A. Way's 'competitive authoritarianisms' (2002). The second section will analyse the process of Europeanisation and efforts aimed at harmonisation of legislation with the EU *acquis communautaire* as the main driving force towards a successful transition from dictatorship to a functional democratic regime based on the rule of law and functional public administration. The EU remains highly involved in the re-

form of public administration, as Kosovo has committed itself to the policy dialogue on public administration reforms set up under the SAA agreement. The role and the function of education sector in the Europeanisation process and in enhancing capacities of public administration to comply with *acquis communautaire* will be emphasised in this section. Europeanisation requires its agents and in order for this to be achieved, the article will also address the question of how the process of Europeanisation could be finalised successfully if the educational sector creates only limited human capacities. The third and last section will deal with potential lessons to be learned from the atypical administrative and governance transition in Kosovo and applied to other transition processes in the world such as South Asia, the Middle East, and Africa.

Keywords: public administration, atypical transition, Europeanisation, Kosovo

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HOLDING GOVERNMENTS ACCOUNTABLE: FISCAL SUSTAINABILITY AND STEWARDSHIP REPORTING FOR CITIZENS

Citizens living in countries patterned strongly after the modernizing nation-state live within a wholly monetized economy. Their economic security therefore depends on the fiscal sustainability of their state and the economy it regulates. To hold politicians accountable, voters need information on the state's finances which is not subject to manipulation or distortion by political actors. The search for the rules and principles which shape such information leads to the critical domain of accounting where economics and law meet. All around the world, from the Greek crisis to the situation in Venezuela, from the US debt ceiling to the claims about money flows which formed part of the British Brexit debate, politicians have tried to ignore, with uniformly negative results, the mundane instruments which are available to measure the sustainability of the nation-state. This general phenomenon calls for a generic explanation. We argue that enough is known about the limits of the nation-state as a body-politic pattern to make good public sector accounting one of the great progressive causes of the 21st century. The work of public sector administrative reform needs reliable standards of public accounting to monitor progress towards public interest goals. From the ratio of government debt to GDP to the regulation of monetary policy to restrain inflation, from the creation of sovereign wealth funds to the provision of dependable public pensions and public investment in infrastructure, the demands of fiscal sustainability impinge at every turn. Pursuit of the goal of fiscal transparency, through mechanisms such as accruals-based financial statements that comply with high quality standards like the International Public Sector Accounting Standards (IPSAS), leads neither to socialist Leviathan nor to an unsustainable libertarianism based on outmoded tenants of economic thought. It leads to an ideal of responsible stewardship of resources both public and private. In this paper we outline the structure of a regime of fiscal transparency, drawing in part on our experience as participants in New Zealand in the transition of a quasi-socialist state ('a mixed economy') to a more open market economy and a commitment to such a regime. We also discuss progress towards fiscal transparency in a selection of Eastern European countries, with particular reference to the aspects of public administration found in many parts of the world.

Keywords: public sector accounting, fiscal sustainability, stewardship, public administration, transition

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EUROPEANISATION OF TRANSPORT POLICY IN CE COUNTRIES – THE CASE OF REGIONAL RAILWAY LIBERALIZATION

The paper deals with the process of Europeanisation and its effect on the transport sector and transport policy in Central European post-communist countries: the Czech Republic, Poland, Hungary, Slovakia, and Slovenia. The research is focused on the implementation of European law in this sector and the manner in which liberalisation is mirrored in the national legislation. Along with the theory of Europeanisation used to clarify the process, both the bottom-up and top-down approaches are applied concurrently because member states influence the legislative processes at all levels, and the laws adopted on the upper levels of the EU influence member states and their policies. The process of implementation was difficult in the whole Europe because the railway sector is very specific. The EU has released only four so-called railway packages that have introduced liberalisation measures to national legislatures. The principle of decoupling, which works as a division of the railway operator and the railway manager, is crucial. This measure, according to the European Commission, will help open the railway market to other actors, such as independent or private railway companies, and lead to better functionality and efficiency of the whole sector. Another novelty is related to the competition of service providers for regional railway transport because regional and local railways are heavily subsidized by both regions and the state. This paper addresses the difficulties of implementation of the EU railway agenda in central European countries with specific focus on regional railway tendering. It describes how member states influence the process of liberalisation and tries to answer why it is so difficult to transpose this regulation to CE countries. The post-communist states have a tendency to adopt patterns and approaches from Western Europe, where there are similar problems with the railway agenda. This is due to the effect of state-led railway sector and the unions which are very strong. In many cases, the legislation is circumvented by rather creative solutions as retaining the structure of the railway sector with only formally implemented decoupling. For Example, the Czech Republic and Poland adopted the German approach. Slovakia and Hungary have practically non-competitive services.

Keywords: regional railway, Europeanisation, regional politics, public policy, European Union, railway policy, European law, post-communist countries

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DEALING WITH DEBT: A PUBLIC ADMINISTRATION DILEMMA

Transition to the free market economy has given prominence to the need to improve mechanisms for the enforcement of contracts to encourage investment. Rule of law projects also emphasize the importance of effective enforcement of court orders (largely debt recovery). This has led to the transplantation to the former socialist countries of a French/Benelux model which ‘outsources’ enforcement. (In some former socialist states this is also a ‘revival’ – in a modernised form – of a pre-socialist enforcement institution.) Rather than being undertaken by courts or state agencies, significant enforcement competence has been conferred on a new independent legal profession (Judicial Officers), whose income is largely dependent on successful enforcement. Although leading to efficiency gains, outsourcing has enabled enforcement to become subject to the logic of competition. It is less clearly identifiable as a public function: Judicial Officers are dependent on marketing their services to creditor clients. Over-indebtedness is an increasing problem for citizens and is recognised as an important factor contributing to social exclusion and reduced participation in democracy. The outsourcing of enforcement has encouraged a fragmented approach to citizen debt, whereas a more holistic treatment could assist in the identifying and combating social exclusion. This can be illustrated by comparing the independent professional model with other models of enforcement. The Swedish system provides a notable contrast: the Swedish Enforcement Authority has sole competence for the enforcement of public and private debts, once they are established in an enforcement title (such as a judgment or an instrument authorising enforcement of a public law debt), but it combines its debt recovery role with functions in debt restructuring, education and prevention. As a state agency, it operates in a way that is transparent and it has experienced waves of reform to reflect public management priorities, including better co-ordination with related agencies and an enhanced public service ethos. Moreover, it sets its priorities in terms of debt recovery by reference to public interest factors rather than maximising profit. In a range of jurisdictions, disadvantages flowing from the Judicial Officer model have become apparent and various strategies are being employed to combat them. Nevertheless, social inclusion and participatory democracy will be better promoted if public administrators recognise the role of enforcement agents as part of a coordinated strategy, whereby those in regular contact with debtors are not solely tasked with efficient debt enforcement but also contribute to policy on the education and rehabilitation of debtors.

Keywords: market economy, contracts, investments, debt, enforcement

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NEW PERSPECTIVES IN THE DEVELOPMENT OF SUB-MUNICIPAL GOVERNMENT IN CROATIA AND BEYOND

Sub-municipal government has various positions and official statuses in local public communities of different countries. Those positions depend on the organization of the local government system, on public authorities of local government units, and on the process of decentralization. Local self-government is established as an institutional tool of balance to the central government, while sub-municipal government is established as a part of the decentralization process. It can perform some local tasks important for daily functioning of small communities. In that sense, sub-municipal government has a different role in managing local public tasks. The role of sub-municipal government in the management of local affairs can be twofold: a) active participation, in the sense of strong citizen engagement in the performance of local public tasks, which strengthens the influence of the local community on the creation of local development programs and their implementation at the local level and b) participation in the creation of an efficiency control mechanism where local units can be a corrective mechanism against deviant processes that are not in the public interest. In practice, sub-municipal government in Croatia has an advisory role and the size of its tasks depends on understanding how important the engagement of citizens in managing local public tasks and activities can be. In some local self-government units it may have a significant role, while in others this role is inconsequential. The paper will analyse the present situation of sub-municipal government and the perspective of its possible future development in European countries, with the focus on central and eastern European states. First, it deals with role and position of sub-municipal government in certain western European states. Second, it explores the status, the position and the importance of sub-municipal government in certain central and eastern European countries. Third, it examines the position of sub-municipal government in the context of possible decentralization of the local self-government system in Croatia. These three points show how sub-municipal government can influence the process of democratic transition in central and Eastern Europe.

Keywords: local government, sub-municipal government, decentralisation, Croatia

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INDEPENDENT CONTROL BODIES AS GUARDIANS OF DEMOCRACY IN CROATIA

In the past five years, we have witnessed a tendency of the executive and legislative branches in Croatia to limit the impact of independent control bodies, in particular those regulating the conflict of interest (Commission for Deciding on the Conflict of Interest – Povjerenstvo za odlučivanje o sukobu interesa) or those that enable citizens to request information from public authorities, such as the Public Information Commissioner (Povjerenik za informiranje). This goes further to institutions protecting human rights such as the Ombudsman (Pučki pravobranitelj) and independent regulatory agencies that regulate the media (Agency for Electronic Media). Such developments appear to be related to the changes in political culture in Croatia after it joined the EU, and to the diminished drive for Europeanisation that had characterized Croatian political culture until 2013. This paper aims to assess the mentioned changes and their relation to the weakening of independent control bodies. Similar tendencies of reducing the ‘technocratic’ rule and moving towards populism exists at the EU level as well, but appear to be less profound than in the new member states, especially in SEE countries. The Western Balkan countries were traumatised in the 1990s by wars and authoritarian nationalistic regimes, and were late to catch up with the rest of transition countries in CEE and SEE. The independent control bodies were created in the process of Europeanisation as a guarantee that Croatia would continue in that direction at its own pace instead of regressing to its previous state of a failed democracy. The cases of abuse of judicial and executive powers against journalists and the media suggest that in order to preserve democratic standards and values, the legislator should focus on the better and more available control of public administration by independent control bodies, instead of relying solely on judicial control, with parallel strengthening of the control over judicial standards. In case of failure of independent control bodies, the popular demand for the control of the executive and judicial power may become increasingly political in nature, with the appearance of new political parties and charismatic political actors, which may decrease democratic standards.

Keywords: democratic values, media, independent agencies, judicial control of public administration, judicial standards

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THE PRINCIPLES OF ADMINISTRATIVE PROCEDURE IN SELECTED CEE COUNTRIES: BETWEEN POST-SOCIALIST LEGACY AND EUROPEAN TRENDS

Demanding and changing societal environment brings the necessity of public administration reforms (PAR) in different aspects. These issues are even more emphasised in Central and Eastern Europe (CEE) due to still ongoing transition: The transition has resulted in PAR inconsistencies, implementation gaps, problems with compliance to the EU law, and search for a balance between the rule of law and other classical principles and the contemporary ones, such as administrative efficiency, transparency, participation, etc. The modernisation of administrative procedure and the Administrative Procedure Act (APA) has gained different levels of attention and provided various solutions. Although administrative procedural law is an autonomous area for the EU Member States, there is an increasing convergence in the fundamental principles of the APA across the Union. This is evident from the development of ReNEUAL research (see Model Rules, 2014) and from the draft EU *Regulation for an open, efficient and independent EU administration*, adopted by the European Parliament in 2016 and under public consultation since 2018. Namely, administrative procedures at the EU level have been developing into a dialogue tool between the state and citizens instead of remaining purely hierarchical authoritarian relation as was the case decades ago. This is especially reflected through a set of (new) APA principles and the relation thereof. However, some new democracies, i.e. new EU MS, have redefined their APAs based on these trends while others are still rather reluctant. This paper will address a comparative study of the selected CEE countries and their APAs, in order to verify: (i) the main similarities and differences regarding the APA principles in CEE countries in question; and (ii) the extent to which the national laws comply with the EU draft Regulation and CJEU case law. The analysis will be conducted for Slovenia, Czech Republic, Hungary, and Croatia, since these countries are highly comparable based on their shared history and general legal systems. There is already some evidence available on various paths taken by the respective countries. The tackled research problem is multifold, connected to some of the Conference Call's questions, particularly to those concerning the key PA/R concepts (like good administration combining *Rechtsstaat* doctrine and new public governance) as a framework for APAs modernisation; the influence of post-socialist transition on the said principles and their redefinition/prioritisation; national APAs respect of European minimal standards and trends; and the key role of Europeanisation in the field.

Keywords: administrative procedures, public administration reform concepts, Europeanisation

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MIGRATION POLICY WITHIN TRANSITION PROCESS: THE CASE OF POLAND

For many years, the problem of migration and the need of developing a coherent migration policy has not been a priority for the Polish government. Until 1989, emigration had been above all a political phenomenon and immigration practically did not exist. For the first time since the Second World War Poland faced global migration after 1989. The political transformation from a communist country to a country governed by the rule of law has also had its consequences for migration movements. The political, social, and economic changes forced the Polish authorities to develop a migration policy. However, Poland was not ready for this. Fundamental provisions and procedures, as well as the knowledge of international standards related to the entry and stay of foreigners were lacking. Furthermore, the institutional and logistics system did not correspond to the contemporary challenges. In such conditions, Poland had neither the time nor the possibility to create and plan its own migration policy in a natural cycle characteristic of those European countries that have had a long-time tradition in terms of admission of migrants. The first document, *Migration Policy of Poland – Current State and Postulated Actions*, was adopted by the Council of Ministers only in 2012. The document was revoked in October 2016. It is clear that the present government has a different attitude towards migration problems than the previous one. The approach of the previous government, which was based on the vision of multiculturalism and vast migration absorption, is now deemed wrong. This approach has been replaced by a more restrictive migration policy, especially towards asylum-seekers, which has far-reaching consequences for respect for human rights in Poland.

Keywords: migration policy, asylum seekers, human rights, Poland

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THE INFLUENCE OF THE LUSTRATION PROCESSES ON THE POST-COMMUNIST TRANSITIONS IN EUROPE

The fall of the Berlin Wall opened the gate to democracy for the post-communist countries in Europe. However, the road towards democracy in all post-communist countries in Europe proved to be very difficult. One of the main questions concerning democracy was what to do with the problematic communist totalitarian past: to forgive and forget or to punish and remember. Most of the post-communist countries in Europe decided to punish and remember their communist past. That is why 14 countries in Europe decided to implement the process of lustration in order to confront with their communist past. There is a huge diversity in the way and the time lustration has been enforced. Some countries decided to implement this controversial mechanism immediately after the fall of the Berlin Wall, while others decided to do this many years after the beginning of transition. Some of them decided to ground the lustration processes on retributive justice while others decided to connect lustration with restorative justice. In addition to the diversity of manner and time lustration was enforced, there is a diversity of implementation effects. In some countries, lustration has improved democracy, but in others, it has split the county and had a negative impact on democracy. The paper deals with the manner and time of lustration in post-communist countries in Europe, and with the effects of implementation on democratic consolidation. The main methods used include analysis, historical, normative and political method. The conclusion is that although the process of lustration leaves plenty of space for manipulation, well-implemented and well-regulated lustration, following the recommendations of the Council of Europe, has had a positive impact on democratic consolidation of the post-communist countries.

Keywords: politics, political system, democracy, transition, lustration, post-communist countries

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**THE JANUS-FACED CHARACTER OF MIGRATION GOVERNANCE
IN CEE COUNTRIES**

The migration patterns in post-socialist Central and East European countries have been different when compared to the old EU member states. Between 1945 and 1990, those patterns involved primarily migration to and from other CEE countries (and the Soviet Union) that were part of the Soviet bloc. In the former Yugoslavia, a less oppressive regime, together with a high demand for workers in the Western European countries, opened space for rather massive labour emigration in the 1960s and 1970s. After the collapse of previous regimes and during the transition period in the 1990s, CEE countries experienced an increase in immigration; however, relatively few immigrants have been arriving from outside Europe. The topic of migration was marginal in public and political discourse. At the same time, under the EU accession requirements, CEE countries had to develop migration policies quickly and align their legislation on migration and border security with *acquis communautaire*. The migration governance was considered to be an administrative issue, concentrated on the development of policy documents and legislation, as well as on building administrative capacities for the protection of (EU external) borders and development of asylum systems. The mass migrations in 2015 and 2016 opened a new chapter of migration governance in CEE countries. Some of them, such as Visegrad countries, have strongly opposed the EU initiatives in the area of migration and asylum, which influenced their relations with EU institutions as well as with other member states. CEE countries have begun to consider migration only as an issue of security and matter of internal politics. As a result, public debate on refugees and migrants has hardened, often apart from the objective reality of the country's exposure to mass migrations. In some CEE countries that has led to advocating for halting of immigration by conservative and populist political parties, and influenced the adherence to democratic values and standards. The paper aims to explore the relationship between the transition and Europeanisation at one hand and the development of migration governance in CEE countries on the other, based on the path-dependency approach. The paper will focus on the question of the extent to which (post)socialist factors have influenced national migration governance and policies that are at the same time governed by the EU regulatory framework. The analysis will include an overview of migration policy developments before and after the EU accession, building on

the premises that the EU has been the main accelerator of development of migration policies in CEE countries. It will be argued whether the effectiveness of the transfer of values and norms relating to migration during the accession process has been replaced by a 'national turn' after joining the EU.

Keywords: migration governance, migration policy, asylum, immigration, European Union, transition countries

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PAST, PRESENT AND FUTURE OF THE RULE OF LAW IN THE COUNTRIES OF THE FORMER YUGOSLAVIA

This paper outlines the state of the rule of law in the countries of the former Yugoslavia and proposes some reforms. It explores the past, the present and the future of the rule of law in Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia and Slovenia. Those countries have faced several challenges of transformation from undemocratic rule to constitutional democracies based on the rule of law. Since democratisation, those countries have experienced almost constant crises of constitutional democracy and the rule of law, where public interest has been hijacked by the private interests of institutional elites, informal economic and political networks, and organised crimes groups. Divided into three main parts, this paper first provides an account of arbitrary practices in the past in Section II. Section III examines the current practice of (non)arbitrary implementation of powers, whereas Section IV looks forward and examines what is necessary to efficiently reform the rule of law in the countries of the former Yugoslavia.

Keywords: the rule of law, former Yugoslavia, constitutional democracies

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QUALITY OF GOVERNANCE IN CENTRAL AND EASTERN EUROPE AFTER 30 YEARS OF DEMOCRATIC DEVELOPMENT: EVIDENCE FROM A LONGITUDINAL LARGE-N ANALYSIS

Since the collapse of the former communist regime, the state of Central and Eastern Europe (CEE) has improved in many dimensions of governance performance. However, the quality is still lagging behind the states of Western Europe. Nevertheless, some CEE countries have improved significantly in their quality of governance while others even score lower compared to the initial levels. As shown in Figure 1, the quality of governance measured by the World Bank has improved in Baltic States (Estonia, Lithuania, Latvia), remained quite high in frontrunners such as the Czech Republic and Slovenia, but declined or is now declining in the countries where the state of democracy is now challenged (Poland and Hungary). The aim of the paper is to investigate the variance both across countries and time since the transition on a large panel dataset 1996-2018 (n=223). Two research questions are put forward: what factors are associated with higher governance quality, and which factor can explain the differences between CEE countries? By means of panel regression, the performance indexes such as the Governance Matters of World Bank are regressed on a set of independent variables that have been hypothesized in the literature as ones that have influence on the performance such as social capital, GDP per capita, government fragmentation, government turnover, type of coalition government, etc. The regression with panel corrected standard errors is employed controlling for unit heterogeneity and stationarity. The main results are that ideologically incoherent governments composed of several parties are, contrary to expectation, positively associated with the quality of governance. Conversely, countries governed by a single dominant party exhibit decline in the quality of governance. This is related to the hypothesis that the quality of governance is related to the quality of liberal democracy. Empirical evidence shows that if the quality of democracy decreases in dimensions of civil liberties, the rule of law and the quality of political competition, there are negative effects on the quality of governance on the throughput (effectiveness, transparency of civil service) and output side (socio-economic well-being). These results have important implication for the debate on the state of democracy and the quality of public administration in the CEE region after 30 years of transition to democracy and after more than a decade of EU membership.

Keywords: quality of governance, democracy, public administration, Central and Eastern Europe

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**TERRITORIAL ADMINISTRATION IN POST-SOCIALIST COUNTRIES:
NEW SKIN (F)OR THE OLD CEREMONY**

The post-socialist transition (further: PST) shows many differences compared to the transitions in Latin America and Southern Europe in the 1970s, which were observed primarily in the context of democratization of political systems, as periods between the old, non-democratic, and the new, democratic political institutions. However, the basic thesis of the classic theory of democratic transition is not quite applicable to the new transition because democratisation is neither the only objective nor it is always part of the transition in post socialist countries. Moreover, this process has been followed by non-democratic occurrences (war, nationalism, plundering privatisation, etc.). The PST is a systemic transition that includes the period of disintegration of the old socialist systems and transition to the new system. At the conceptual level, the PST is geared towards the model of pluralistic democracy and market capitalism of Western type. Therefore, post-socialist countries are faced with not only the changes of political systems but also with the transformation of economic, administrative, social, and other subsystems. The PST includes the process of integration of the Eastern European countries into the wider global community at the national, regional and local levels. It is debatable to what extent the set goals have really been achieved in individual countries. The aim of this paper is to test theoretical approaches to transition by analysing the territorial administration from the fall of socialism to the present. The socialist principle of the unified territorial administration was supposed to be replaced by separating the local from the state level and building a democratic local political system. In addition, according to contemporary perceptions and values, the main players in territorial administration should be local governments. The question is whether the process of transition has strengthened the role of local governments in the management of the territory. The paper discusses the changes in territorial governance of selected countries in transition after the fall of the socialist regime and testes on appropriate theoretical approaches. We have developed an analytical model that allows identifying the changes in territorial administration with a view to determining whether transition leads to democratization and whether the institutional transformation is part of a systematic change or it is natural continuation of the old pre-socialist path.

For that purpose, indicators are developed to analyse whether transitional process has led to democratization of the local political system and institutions. Indicators are developed for the following categories: territorial organization, local affairs, local political system, and state-local relations. For each selected transition country, the state of territorial administration is described by using the indicators and for two periods – in the 1990s, immediately after the fall of the socialist regimes and in modern times, after the stabilization of the political-administrative system. Consideration is given to the impact of environmental factors, primarily to the European integration process that has led to the convergence of political-administrative models and administrative convergence.

Keywords: post-socialist transition, territorial administration, local governments

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UTILITY SERVICES IN CROATIAN LOCAL GOVERNMENT: URBAN DEVELOPMENT IN THE POST-SOCIALIST SETTING

This article reviews the development of Croatian utility services such as water, waste or transport, and contrasts their development with that of the western countries, namely Germany and France. At the same time, it makes comparison between the evolution of utility services in Croatia and in selected eastern European post-socialist countries. Some of the challenges are service provision in non-competitive environment, private providers failing to meet the necessary quality criteria, predominance of public provision, local decisions concerning the best mode of service delivery not being evidence-based (often due to insufficient capacity of local actors), and unclear vision on the part of political leadership on how to steer the process and what goals and values to set for the system in place. During the socialist period, since the 1950s, utility service provision in Croatia was entrusted to large municipalities (communes). Utility companies were established as self-managing organizations for the provision of utility services. The system was criticised for being costly and inefficient. There are two major events that steered the trajectory of the development of utility services: the transition from planned to market economy in the early 1990s and the process of joining the EU that began in the early 2000s. Both reforms, however, have had mixed results with regard to democratic principles of governance (e.g. openness and transparency of the utility sector) and economic performance of the municipal companies entrusted with service provision. In that regard the article seeks to establish to what extent the evolution of utility services in Croatia had a similar path to that of other post-socialist countries. Finally, the article outlines the current problems of utility services in Croatia grouping them into three strands: 1) financing problems 2) problems regarding insufficient or poor regulation and 3) policy and governance problems. The perspective is that of historical institutionalism and the research uses data from government reports and documents as well as interviews with local officials in several municipalities as primary data sources.

Keywords: utility services, urban development, local government, transition, Croatia

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E-GOVERNMENT AS A BASIC TOOL FOR IMPROVING ONLINE PARTICIPATION IN EUROPEAN POST-SOCIALIST COUNTRIES

The opportunity for citizen participation in central or local decision-making is a fundamental democratic value that the inhabitants of the former Eastern Bloc had been able to recognise only to a very limited extent before 1989. Although the newly emerging, constantly changing democratic state organizations have provided the opportunity for all of their citizens to participate, people affected by the characteristics of the region (lack of information, decades of inactivity or material living problems) typically have not used them to the same extent as their West European counterparts. The primary objective of our study is to assess the extent to which the emergence of e-administration has led to a willingness to participate in the states of the old Eastern Bloc. Along with describing the results of the most recent scientific literature, primarily of all the quantitative data published by the European Union and the UN (in particular the E-Participation Index and the related other complex Indicators and indices), we seek to point out the links between participation and the E-administration's range of instruments and its levels of general development available at a given location and time. According to the results, we attempt to group countries showing similar characteristics by identifying the tools, programmes and normative or other regulatory solutions that have had a beneficial effect on the E-Participation Index and related indicators. Based on the above-mentioned methodology, it will be possible to identify the relevant geographic regions (East-Central Europe, the Baltic, South-East Europe) with relevance to the subject as well as good practices that can be used to facilitate the success of certain countries producing weaker results. In addition to presenting good practices, we expect a more accurate picture of the obstacles to be eliminated.

Keywords: e-government, online participation, post-socialist countries

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CHOP POLITICS AND ECONOMIC DEVELOPMENT IN NIGERIA: A STUDY OF MULTIPLE PENSIONS BY FORMER POLITICAL OFFICE HOLDERS

The return to civilian rule and purported entrenchment of the rule of law in Nigeria has occasioned the dawn of elite gangsterism and collusion in pillage of public funds. Law making and sundry processes of legislative programmes have variously been skewed along interests of the ruling class. Elected public officers at the executive arm of government at national and state levels such as the President and Governors have fixed terms of office. The President is eligible for pension after “retirement”. They must leave after two terms. According to the 1999 Constitution of the Federal Republic of Nigeria, and a bill passed by the National Assembly in November 2010, former presidents, heads of state, heads of federal legislative Houses (Senate and the House of Representatives) and chief justices qualify for remuneration on successful completion of their term of office. Governors were not included in the bill but they later colluded with state assembly houses to get juicy packages at retirement. What is more, these former governors and heads of legislative assemblies have incidentally turned out Senate Presidents and governors as appropriate to qualify for multiple pensions. This study, which is situated within the tenets of conspiracy theory, thus interrogates the rationale for the payment of multiple pensions to the former public office holders for serving the country and or their states for a maximum of 8 years whereas civil servants who served meritoriously for 35 years are having running battles to access their pensions in the same country. The study uses mainly secondary sources of information and surmises that those who occupy two or more elective public offices that qualify for pensions should get paid the value of their last office salary.

Keywords: chop politics, economic development, multiple pensions, public office holders, retirement

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PUBLIC-PRIVATE PARTNERSHIP IN THE WASTE MANAGEMENT SECTOR: LESSONS FROM KOSOVO

Public services are created to satisfy the general needs of citizens. However, in post conflict and newly established states, public services continuously face difficulties in offering adequate service delivery. These difficulties typically stem from poor management and operations, limited budgets, and lack of management capacity under legacy governance systems in planned economies. Given these challenges, public-private partnerships (PPPs) in transitional settings have become an increasingly popular method for offering and improving public service delivery. PPP contracts generally transfer significant risks from the public-sector project sponsor to private, third-party actors and link remuneration to performance of the contracted service. However, PPPs also face their own challenges in transition economies. The purpose of this paper is to highlight some of these challenges through an in-depth study of the formal and informal factors affecting Kosovo's first PPP within waste management sector, Ecohigjiena Company (Ecohigjiena sh.p.k). As one of the last countries in transition since the 1999 war, Kosovo serves an ideal case for examining institutional pressures on the PPP model. The main institutional constraints faced by this hybrid organization in Kosovo will be analysed using New Institutional Economics (NIE) and Transaction Cost Economics (TCE). The case study draws upon in-depth interviews with senior managers from Ecohigjiena sh.p.k, using an unstructured questionnaire. Our analysis shows that the PPP's management faces many internal and external difficulties, including low levels of professionalism, questionable ethics from officials in institutions supported by politicians, changing legal frameworks, poor communication/trust between partners, and inadequate enforcement of regulations. These findings in Kosovo ultimately serve as a useful example for other transition countries confronting similar difficulties in their PPP implementation and operation.

Keywords: public-private partnerships (PPP), institutional constraints, New Institutional Economics (NIE), waste management, Kosovo

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ON THE DEVELOPMENT OF IMMATURE COMPETITION LAW SYSTEMS – FINDINGS FROM AN EMPIRICAL STUDY

Immature systems for regulating competition in the market are inherently prone to institutional instability, weak authority, and fragile track-record. Their development can go through a variety of lifecycles, and various factors can impact their evolution. Relying on previous literature to provide a theoretical framework for our research (in particular Kovacic & López-Galdos, 2016, and Aydin & Büthe, 2016), we have conducted an empirical qualitative research study in Croatia, for the period between 1995 and 2018. We have interviewed 40 persons in total (in-depth interviews), including past and current competition authority leadership, key competition authority staff, judges, practitioners, corporate lawyers, journalists, and academics. We have also conducted archival research as well as online research to find press reports related to the inception and subsequent development of the competition law system in Croatia, and we have analysed quantitative data to describe the development of the competition law system. Using content analysis software, we draw numerous insights from the dataset (interview transcripts, press reports, quantitative data). The methodology is based on the grounded theory approach. The aim is to develop a theory from the above-mentioned dataset which would detect, describe and discuss underlying reasons for immaturity of the competition law system in Croatia. Preliminary results point at two major issues. The first is the lack of proper embedding of the competition authority in the national governance landscape, including its visibility and relevance. The second issue is its functional self-suppression, possibly as a result of negative institutional memory. This kind of study has never been conducted for Croatia, and such studies are generally scarce. Our findings contribute to the broader literature on competition law systems development by confirming the relevance of specific factors that influence the evolution of those systems using the experience of a single jurisdiction.

Keywords: competition law, governance system, institutional memory, Croatia, empirical study

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THE EMANCIPATORY PARADIGM OF THE SOCIAL WELFARE ADMINISTRATION IN POST-SOCIALIST COUNTRIES

The focus of the paper is on themes and policies of participatory engagement practiced by the social welfare administration in the countries of the former Yugoslavia. The roots of the practice are in the federal regulations of the 1960s when the political ideology of user participation was transferred to the social welfare sector throughout SFRY. This radical new thinking was in compliance with officially inspired initiatives whose ultimate goal was to give citizens/labourers control and power. Today, the participatory engagement has a similar goal, but it is interpreted and understood as personalization, 'responsibilization' and self-managing. In line with neo-liberalism, the emancipatory paradigms have become practiced predominantly at the individual level, with wide negligence of the collective one. Within the context of changed imperatives of modernizing government and renewing democracy, the complexities around the roles of social welfare administration have become increasingly challenging. The patterns of societal development and social welfare sector reforms have been rather similar in the countries of the former Yugoslavia, resulting in many uniform incentivisation strategies implemented by practitioners. However, there have also been some notable divergences. Still, the impact of growing austerity in the public sector should not be underestimated as one of the factors contributing to the uniformity of social welfare administrations in the former Yugoslav countries today. The paper seeks to explore the outcomes of reforms of social welfare administration in the countries of former Yugoslavia. In doing so, the author researches empowerment vs. disciplinary approaches of social welfare administration practitioners. The qualitative methodological framework starts from an analysis of regulations and practitioners' practices. It is also concerned with the effects of practitioners' performance from the point of view of democracy deficit and the development of "alienated" or "sequestered" administration. Finally, it assesses the impact of organization, structure, culture and expertise to the approaches deployed.

Keywords: social welfare administration, participatory engagement, user participation, former Yugoslavia, qualitative methodology

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**MARKET POLICY JOURNEY IN ELECTRONIC COMMUNICATIONS:
FROM MONOPOLY TO GIGABIT SOCIETY**

Democratic transition in Europe is regarded mostly as a political and economic process which the former socialist European countries underwent in the 1990s. At the time, apart from changing the political system, these countries were simultaneously abandoning the command economy and replacing it with free market principles enshrined in the founding Treaties of the European Union (EU). Most of these countries joined the EU as new member states in 2004 and 2007, and so did Croatia in 2013. Along with this common description of democratic transition in Europe that is obviously true, it is also possible to look at the ongoing transition of some EU markets themselves, network industries in the first place. In particular, the electronic communications sector celebrates thirty years of liberalization that led the founding and early EU member states to relinquish monopoly organizations in their home countries and embrace the challenges of the free market economy. This particular process of telecom liberalisation originally started in the EU member states in the late 1980s and continued until today covering the new EU member states as well. After several EU regulatory frameworks in place, a new one consisting of the European Electronic Communications Code (EECC directive) and the BEREC Regulation entered into force on 20 December 2018. Member states will have to transpose the EECC into their national legislation within two years, by 21 December 2020 at the latest. The 2018 BEREC Regulation does not require transposition. The EECC is the result of review of the outgoing EU regulatory framework for electronic communications. The review took place in the context of the Commission's REFIT programme, which systematically assesses the relevance of existing legislation to make sure that EU laws deliver their intended benefits for citizens, businesses, and society. It also aims to make EU laws simpler and easier to understand. In 2010, the European Commission adopted the Communication Europe 2020 – A strategy for smart, sustainable and inclusive growth. One of the flagship initiatives, a Digital Agenda for Europe, is aimed at delivering economic and social benefits from a Digital Single Market based on the Internet with uniform access to 30 Mbps or above by 2020, and 50% or more of European households subscribing to internet connections above 100 Mbps. These figures are to increase significantly in 2025 and later on as ultra-fast Internet is to be the technological platform on which all the economy and society, both fully digitalized, will be based. The paper aims to assess to which degree the initial idea of opening electronic communications to competition in order to achieve greater value for money to consumers, has changed and evolved into a politically planned and supported process of fundamentally changing the tra-

ditional paradigm of the economy and society into a virtual and digitalized one. Electronic communications have rapidly evolved from simple technological means of communication to a ubiquitous technological platform essential for building the new world data-driven economy and new societal and political lifestyle.

Keywords: electronic communications, monopoly, gigabit society, market policy, post-socialist countries, European Union

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THE RULE OF LAW AS A PILLAR OF TRANSITION PROCESS IN POLAND

The paper analyses the role of the rule of law in transition process in Central and Eastern Europe on the example of Poland. In general, the problem is that younger democracies with new constitutions inherited authoritarian administrative law from the previous system. The relation between the “new” constitutional order and the “old” administrative order reflects two models. The first model is called “the Constitution as an engine” or “the Rule of Law as an engine”. Here the rule of law is the starting point for, and the driving force behind, the new constitutional order. The role of the constitutional court is particularly important for providing an impetus to the liberal, democratic and/or social impulse to the “old” administrative law (e.g. Germany after World War II). The second model is called “the Constitution as a treasury” or “the Rule of Law as a treasury” and presents the new rule of law principle. The new constitutional tribunal may accept the concepts, methods and solutions of the older and wiser administrative courts (e.g. the tradition of jurisprudence of the Prussian administrative court from the 19th century). In case of Polish transition process the following questions are crucial ones:

- 1) Which model was adopted in Poland?
- 2) How was the rule of law shaped during the transition process in Poland?
- 3) What is the content and elements of the principle of the rule of law in Poland?
- 4) What is the role of the rule of law in framing the constitutional order and the philosophy of the functioning of public administration?
- 5) Is the rule of law in crisis in Poland these days? If yes, why?

Keywords: the rule of law, administrative law, new constitutional order, Poland

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THE NEW FUNCTIONS OF STATE ADMINISTRATION: DIRECT COMMUNITY ORGANISING AND IDENTITY-BUILDING. THE CASE OF HUNGARY

It is interesting that several continuously strengthening symptoms of identity crisis can be detected simultaneously at the individual level as well as at the level of the community, of public administration, and of the entire society – regardless which society is on the scene. The argumentation of the paper is based on relatively new examples of the Hungarian state administration, alleging that contours of an undoubtedly new function of *direct* community organising and identity building can be detected at the level of state administrative entities. The majority of examples herein relate to Hungary's current public administration or constitute suggestions for the future prognosis of the country's administrative tasks. In some cases, however, external examples are included, in part to justify the global reach of the phenomenon, but also because of the lack of relevant domestic practices (which also indicates the possibility that these phenomena might emerge in Hungary). The paper introduces a model: the *personalness model*, which can be viewed as a new – yet only emerging, but very real – public management trend, as well as a new conceptual-theoretical framework and descriptive experiment of administrative sciences interpreting public administration. The paper not only deals with identification of these new administrative functions as part of public administration but also examines the manner in which administrative science can detect and systematise new and exciting administrative tasks. The purpose of this paper is to identify a new administrative function that is likely to strengthen and become independent in the near and not too distant future. The peculiarity of this scientific experiment is that today it can only be suspected that the roles of direct community organising, direct building of personal relationships and identity building (identity construction) will gain momentum among the administrative tasks undertaken by the state. The aim is to analyse a new group of phenomena using cases where public administration, particularly state administration, is stimulating the establishment of traditional small and micro communities and is directly building personal relationships belonging to the scope of private autonomy. These are the systems of relations in which *intimacy* is a fundamental principle, denoting closed organisations of people that do not reinforce and implement the endeavours of those outside the given community.

Keywords: state administration, direct community organising, identity building, administrative science

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IS THERE AN ADMINISTRATIVE ACQUIS? THE EUROPEAN ADMINISTRATIVE SPACE AND THE EUROPEAN ASSISTANCE POLICY TO PUBLIC ADMINISTRATIVE REFORMS

The paper is based on research carried out for the purpose of the author's PhD thesis in public policy in the field of European studies. The results suggest that the definition and implementation of the Copenhagen administrative criterion established in 1993, led to the formation of administrative *acquis* through the construct of European Administrative Space, consisting of administrative principles and standards from the administrative conditionality imposed on the European Union candidate countries, particularly between 1993 and 2013. The framework encompasses the pre-accession processes and the assistance policy (including evaluation) aiming to strengthen the horizontal administrative capacities of the applicant states. In this regard, the paper wishes to discuss the Europeanisation policy via (i) the EU's (European Commission) operationalization of the administrative criterion, and the tools and mechanisms and tools required for meeting it; and (ii) the theoretical and practical implications of identification and densification of the assumed European Administrative Space. The purpose of the study is twofold: 1) to examine the process of implementing the European pre-accession policy and analyse the European performance in view of the requirement to comply with the administrative criterion, focusing on the definition, management and evaluation of pre-accession policy and on its respective main instruments and actors, and 2) to determine and deepen the construct of European Administrative Space under the European enlargement policy and by operationalization of the administrative criterion. Consequently, it is necessary to determine whether it is possible to speak of an administrative *acquis*, and how it has contributed to the creation of a consensual European Administrative Space. This is an intriguing endeavour considering that there is no definition of a European management model and the process is top-down, the matter is excluded from the treaties and administrative divergence is a trajectory of all European enlargements, especially in the last three decades.

Keywords: European administrative space, European assistance policy, public administration reform, administrative *acquis*

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DEMOCRATIC INNOVATIONS AT THE LOCAL LEVEL IN SELECTED POST-COMMUNIST COUNTRIES OF CENTRAL EUROPE

Democratic innovations are instruments or procedures designed to improve the functioning of politics at various levels. They enhance participation in political decision-making and policy-making. We argue that democratic innovations could help overcome the political apathy, decreased confidence in democracy, and improve the efficiency of governance. Current research aims to find out how to achieve greater efficiency, legitimacy, and accountability of governance by involving citizens. In many countries, one can observe strong support for new techniques and procedures leading to greater participation of citizens through the use of financial, educative, or legislative instruments. We traditionally consider cities and municipalities to be cradles of democracy and we connect them with discussions on the further development of democratic theory and political praxis. Thus, we argue that the local level is a suitable arena and a laboratory for both changes of institutional settings within the traditional model of representative democracy and for structural changes, which include changing relations between local representatives and citizens. In the post-socialist countries, where the functioning of traditional representative democracy might have been questioned in the period of renewing self-government during the 1990s, greater urgency for democratic innovations that enhance citizen participation might be assumed. It is generally considered that the countries of Central and Eastern Europe have not reached the level of participation found in Scandinavian countries, Germany, Austria, or Switzerland. The environment of post-transition societies can be described as the one with weak civil society, high degree of social mistrust and distrust of institutionalized politics (of parties in particular), strong political alienation and civic helplessness, low degree of civic competence and influence on politics. In addition, we also encounter weaker direct political participation in the form of voter turnout. Despite the persistent problems in post-socialist local politics, there are some attempts to establish the broadest possible citizen involvement in governance and to increase the transparency and accountability of self-government. The paper will introduce the outcomes of research dealing with democratic innovations and instruments at the local level in the Czech Republic, Poland, and Slovakia. The research is based on comparative analyses of an original, custom-made database of innovations in these three countries. It aims to show whether and to what extent the introduction of democratic innovations improves democracy at the local level in selected post-socialist countries.

Keywords: local government, democratic innovations, local politics, local policy-making, citizens' participation, Central Europe

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DEVELOPMENT AND EFFECTIVENESS OF THE MERIT SYSTEM IN THE WESTERN BALKANS – THE CASE OF SERBIA

The paper analyses the development and effectiveness of the merit system in public administrations of the countries in the Western Balkans. The origin and genesis of the merit concept will be described together with the effects that have been achieved predominantly in Western democracies. The basic hypothesis is that in most Western Balkan countries the spoils system is the reality, although the law stipulates the merit system. This will be demonstrated by practical evidence as well as through comparison of the merit system in the Western Balkans and Western democracies (in both formal and practical sense). The paper will also analyse the negative consequences of this state, as well as the benefits that citizens would enjoy in the merit system. In addition, solutions are offered, i.e. a reform model that could rectify the current situation. In the spoils system, public administrators and politicians are often in a mutually “exploitative” relationship. Politicians give them rewards and in return obtain various forms of support for re-election. There are numerous negative consequences for citizens and society as a whole arising from this situation. These consequences can be generally marked as undemocratic and inappropriate (violation of laws, hiding information of public importance, corruption, irrational use of resources, etc.). By contrast, if the merit system existed, citizens would obtain better service quality; the public sector would be more transparent, which would result in a more efficient use of public money and other resources. In addition, the merit system would also contribute to improving political culture and fostering democratic values. When it comes to solutions, it will be shown that the reform of public administration is insufficient without the reform of the overall system of governance, because the core of many problems lies in the political system. Some of the main goals that should be achieved through a comprehensive reform are the following: the emancipation of citizen representatives in the Parliament and local assemblies from political parties and their consequent closer relation to citizens, as well as the emancipation of local self-government from the central government and party centres. In addition, there ought to be competition within the “political-administrative market” introduced through the process of vertical and horizontal dispersion of political power (i.e. decentralization and the real principle of checks and balances). This issue will be addressed on the example of Serbia. However, due to the similarity of the countries in the region, most of the findings are applicable to practically every Western Balkan country.

Keywords: merit system, public administration reform, Western Balkan countries, Serbia

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COMING OUT OF THE SHADOW? STUDIES OF LOCAL GOVERNMENTS IN CENTRAL AND EASTERN EUROPE IN EUROPEAN ACADEMIC RESEARCH AFTER 1990

The paper analyses the changing role and position of research on local governments (Local Government Studies – LGS) in Central and Eastern Europe within mainstream European studies. It refers to dependency theory (Wallerstein, Prebish) as applied to scientific research. Similar to economic life, academic research has its global core (mostly the USA and part of Western Europe) which imposes theoretical concepts and methodological standards upon peripheral and semi-peripheral areas. The paper classifies Central and Eastern Europe as being in the semi-periphery of academic research. The empirical analysis consists of two parts. The first is a qualitative a review of the most important comparative studies of European local governments, including a discussion of the role of local governments and researchers from the eastern part of the continent in these studies. The second is quantitative, based on an analysis of papers published in the best international journals and citations of those papers in Scopus. The authors of papers from Central and Eastern Europe are divided into two groups: “locals” and “colonizers”, i.e. academics from Western universities who conduct their research in Central and Eastern Europe. The publication strategies adopted by academics are classified as separatist, imitator, and insider. The analysis covers 14 countries (all new member states that joined the EU from 2004 onwards, plus the Balkan countries: Albania, Macedonia, and Serbia). The paper claims that LGS in Central and Eastern Europe remain in the position of double-periphery (not only the countries are semi-peripheries but also the subject of LGS is peripheral for respective mother disciplines – political science, public administration, economics etc.). Nevertheless, we may note a gradual “coming out of the shadow” of LGS in “(semi)peripheral” CEE countries manifested in their being more visible in most reputable international academic journals and their presence in international comparative projects. The second dimension of coming out of the shadow is related to the fact that in the initial years of transition international publications on CEE were primarily done thanks to “colonizers”, but the role of the locals has been gradually growing in subsequent decades. Nevertheless, there is still a dominant role of the colonizers in generating widely cited syntheses and theoretical

generalizations, while the role of the locals is typically (although not exclusively) limited to case studies testing theories generated by the centre. The paper also analyses the differences among countries of the region, indicating the role of institutional factors, mainly institutional reforms related to external performance evaluation of academic institutions (inspired by the New Public Management) for the variation.

Keywords: studies of local government, academic research, scientific papers, qualitative and quantitative analysis

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LOCAL SERVICE PROVISION MODES IN THE CONTEXT OF TRANSACTION COSTS IN POLAND

In recent decades, we have been witnessing dynamic diversification of local service delivery modes in Central Europe. This trend has a different beginning point and a different institutional background than a similar trend seen in Western Europe. In Central Europe, the source of service delivery modes changes was socialist bureaucracy. The transformation of local government management processes from that point towards the rule of law and public service has not been explained in the literature yet. This paper aims to present and explain modes of service delivery adopted by municipalities in Poland since the beginning of the 1990s in three sectors: water, transport, and daily care. These three sectors represent different specific transaction costs and transaction costs are institutionally driven factors explaining service delivery choices. The scientific goal of the paper is to verify the assumptions of the transaction costs concept in reference to the models of coordination of local services adopted by local governments in Poland. In particular, we aim at:

- determining which models of coordination (hierarchy, market, cooperation/network) dominate in Poland in the specific types of local services;
- identifying the factors that determine the choice of a particular form of the provision of local services.

The results are explained in relation to research results obtained for Western Europe and the United States as there are no reference points for this kind of consideration for Central European countries yet. Both quantitative and qualitative research techniques have been used to meet the aims of the study. Quantitative techniques include a nationwide survey (CAWI) addressed to all municipalities and statistical analyses of data gathered in the survey as well as the data from numerous other sources (collected in previous projects carried out in the Department of Local Policy and Development, Local Data Bank (Main Statistical Office), Ministry of Finance data, etc.). Qualitative techniques are content analysis, discourse analysis, in-depth direct interviews with representatives of local authorities, authorities of municipal unions, municipal companies, private companies providing services on behalf of local government, local associations, and journalists. The study is based on institutional economics in particular on the concepts of transaction costs, principal-agent, and coordination models of inter-organizational relationships closed in the classic directory: market, hierarchy, and cooperation/network. The knowledge gaps in the field of transaction costs may

interfere with the formation of effective management systems and consequently lead to a waste of resources. Bridging the knowledge gap of transaction costs is a prerequisite for the development of public administration as well as of the relationships between the private and the public which are key to a milieu of innovations development. Empirical studies of transaction costs in local service delivery have never been conducted in Poland. Knowledge of transaction costs created by Polish local government system is feeble, and in most areas there are not any previous research results in the subject.

Keywords: local government, local service provision, transaction costs, Poland

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TRANSITIONING TO DEMOCRACY FROM THE OTHER SIDE: REVOLUTION, OCCUPATION, AND THE RISE OF THE ADMINISTRATIVE STATE IN EAST ASIA

Transition in East Asia has been as tumultuous and dramatic as in other parts of the world, but with political results that are somewhat more varied, and with economic results that continue to astound. China now dominates discussions of the region, and by all accounts, it is not becoming a democracy any time soon. However, the region's journey towards democracy began in China, with a group of dissidents headed by Dr Sun Yat-Sen, who proposed a Chinese version of democracy, better suited to the Confucian norms practiced and internalized by most of the population. His ideas spawned the eventual overthrow of the Qing Dynasty and the ousting of the last emperor, Puyi, but they also opened the door to multiple claims on who would rule. This included the Japanese co-option of the emperor, and the justification for their invasion of mainland China. These philosophies offer some insight into how the region has managed its multiple transitions, through revolution, military expansion, occupation, and self-determination. They also provide an interesting backstop to understand how many of the political philosophies borrowed from the West have been modified to better meet the needs of the citizens living throughout the region, and why the role of public administrators remains vital to stability in East Asia. Key to the strength of the administrative state is the classic notion of meritocracy, which includes the right to speak "truth to power". Ironically, the only East Asian state, outside of North Korea, where this practice is not pursued remains China.

Keywords: Chinese revolution, administrative state, East Asia, transitional democracies

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INSTITUTIONAL REFORMS LEADING TO DEMOCRACY AND GOOD GOVERNANCE IN THE FORMER YUGOSLAV COUNTRIES

Institutional changes in most transition countries have resulted in weak and arbitrary governance, inadequate legal frameworks, and regulatory systems which cannot ensure property rights, enforce contracts, or reduce the transaction costs. As a result, the institutional environment is unfavourable for productive investment and economic growth. This paper will analyse the effects of institutional reforms in the former Yugoslav countries, with an emphasis on improving the quality of governance as an essential factor of economic development. The analysis will focus on the types of institutions and policies which have positive impacts on economic development as a key economic prerequisite of democracy and good governance. Property rights will be analysed in greater detail because they are an important incentive for individual productiveness. Starting from the established division of institutions into good and bad (inclusive and extractive) political and economic institutions, we will analyse how economic institutions that encourage economic growth have emerged in the former Yugoslav countries, and when (and if) political institutions allocate power to groups with interests in broad-based property rights enforcement (Acemoglu, Robinson). Given that the transition process is primarily a process of institutional change with the aim of establishing high quality, stable institutions, we will analyse the progress of institutional reforms. We will also analyse whether and to what extent this goal has been achieved, as a precondition for their path to democratic consolidation and the establishment of good governance.

Keywords: transition, institutional reforms, political and economic institutions, property rights, transaction costs, good governance, former Yugoslav countries

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HARMONIZATION AND IMPROVEMENT OF NATIONAL LEGAL SYSTEMS OF THE WESTERN BALKANS: AN EFFORT TO ACCESS REGIONAL AND GLOBAL INTEGRATION

In the past decade, countries of the Western Balkans have enjoyed a great deal of support from the international community in general and the European Union in particular. Despite this, they have continued to suffer from inter-ethnic tensions and conflict. There has been a lack of substantial political or economic development, and the reform of their legal system has been slow. Regardless of the major efforts to stabilize individual countries and the region as a whole, the progress made has been fragile. This is clear from the degree to which it has been jeopardized by the ongoing political strife “by other means”. The region is now at a turning point. A new approach to peace and stability in the wider region, involving both the countries concerned and the European Union is urgently needed. At the time of tremendous upheaval and uncertainty in the region, the international community and the EU have a responsibility to contribute to the resolution of both the immediate instability and, in the longer term, to the general stabilization and development of the region. It is upon the countries of the Western Balkans, however, to make an effort to reform their legal, economic, and social systems in order to accede to regional and global integration. This article will endeavour to suggest ways for transition countries in the Western Balkans to reform both the content and the processes of their legal systems and move toward the rule of law.

Keywords: the rule of law, legislative reform, Western Balkan countries, European integration

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ECONOMIC AND BUDGETARY EFFICIENCY OF LOCAL GOVERNMENTS FOLLOWING THE CHANGE OF REGIME IN THE LIGHT OF E-GOVERNMENT INVOLVEMENT

After the socialist constitutional system, the institution of local government and the possibility for local communities to develop their future on their own can be seen as a huge democratic achievement. However, in the years following the change in the system, it became apparent that it was not constitutional change, but rather practical, financial and economic crisis situations that need to be addressed. In addition to opportunities, economic autonomy has also imposed significant difficulties on the governmental system, which has not been able to cope with the development of electronic government at the same pace. The current options for digital development, such as online services, big data, social media or cloud computing, broaden the scope for the development of e-Government, including local government. However, they have not been built in the same way at the local level. Storing and accessing data and applications through various e-Government tools provides an opportunity for public and local authorities to increase efficiency drastically. Hence, the acceptance of 'cloud' is growing rapidly in the management of economic processes. Nevertheless, we must point out that while cloud computing, storage, and applications are more common than a few years ago there are still barriers. The ICT infrastructure has been considered to be one of the main indicators of the country's preparedness to introduce e-Government, with a relatively high gravity in the current e-Government indices. The benefits of "E-participation" are now well known in the budgetary and economic autonomy, but there is always the question of successful use of the catalytic ability of digital transformation. The main objective of our research is to examine the evolution of e-Government participation of local authorities of different sizes in the decades following the change of regime and their impact on the management efficiency. The study will explore the specificities of each geographic region and identify good practices that can be used to facilitate the success of governments with weaker results. We hope that an

extensive scientific dialogue could be generated through a comprehensive study, which could, in the long run, lead to internationally applicable results, as well as to further research.

Keywords: local government, e-government, ICT infrastructure, digital development, efficiency

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- *Conclusions of the Conference*, Professor **Tom Christensen**, University of Oslo, Norway, Professor **Jill Tao**, Incheon National University, South Korea, Professor **Stevan Lilić**, University of Belgrade, Serbia & Professor **Ivan Koprić**, University of Zagreb, president of the Institute of Public Administration, Croatia
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INSTITUTE OF PUBLIC ADMINISTRATION (IPA) ZAGREB, CROATIA

ABOUT THE INSTITUTE

The Institute of Public Administration (IPA) is an association of scholars and experts in public administration established in 1997 with the purpose of promoting theoretical development, research, and practice of public administration in Croatia. Its main purpose includes contribution to efficient and professional public administration as a prerequisite for the rule of law, development of the economy, and better community life. In order to achieve its main goal, the IPA advocates public administration research and theory development at the national and international levels, builds networks of public administration academics, professionals and practitioners, publishes an international scholarly journal, books, and other publications, performs scientific and research projects, shares best practices and offers consultancy, encourages students and young researchers to study public administration, promotes administrative education and in-service training of civil servants, and cooperates with public authorities at the, local, regional, national, and European levels.

MEMBERS

The members and collaborators are engaged in numerous projects and activities. They include academics from various scientific areas, mostly administrative scientists and law scholars, political scientists, sociologists, and economists, as well as experts-practitioners, public administration managers and professionals, public administration students, etc. The Institute has at its disposal administrative, legal, political science, economic, and various other types of expertise, enabling its engagement in consultancy work and projects at the national and international levels. Several members of IPA have performed important state, public, and professional functions and duties. The President of the Institute is Ivan Koprić, PhD, full professor of Administrative Science at the Faculty of Law, University of Zagreb. Professor Ivan Koprić was awarded the 2016 *Alena Brunovska Award* for teaching excellence based on the decision of the NISPAcee Award Selection Committee.

ACTIVITIES

In performing its activities, the IPA aims to create an institutional framework for professional and public discourse concerning numerous existing and forthcoming proposals and measures for public administration reform. It also provides assistance in outlining alternative solutions for various important issues. The Institute is engaged in scientific research, professional, publishing, educational, and consul-

tancy activities which involve a large number of people from Croatia and abroad. It regularly organizes domestic and international conferences, public forums, and other professional meetings. Since 2008, it has organized and co-organized several international scientific conferences and more than thirty professional scientific meetings and round tables in Croatia. It is currently engaged in several research projects in collaboration with other institutions, including those from abroad. The Institute also participates in scientific projects, studies and analyses for national and international organizations. Alongside the quarterly international scientific journal *Croatian and Comparative Public Administration*, in English and Croatian, the IPA has published 4 books, 12 manuals for professional development and many other publications. The Institute has recently established the Centre for Local and Regional Governance.

Conferences

The Institute has organised scientific and professional conferences and workshops, on its own or in cooperation with partners. Scholars and practitioners specialised in public administration, administrative and public law, political and social science from both Croatia and abroad deliver their presentations and discuss the topical issues. Since 2009, all the presentations of keynote speakers have been available for download. The IPA is a member of the Network of Institutes and Schools of Public Administration in Central and Eastern Europe (NISPAcee) and participates in its conferences, as well as in other activities (lectures, papers, etc.). A number of conferences have been organized in cooperation with the International Political Science Association (IPSA), the Croatian Political Science Association (HPD), the University of Zagreb, the University of Split, and other institutions.

Forums

For fifteen years, the Institute has successfully organised public forums and round tables dealing with challenging issues of administrative theory and practice. The forums consist of presentations held by two or three lecturers who point out their attitudes on a specific topical issue, followed by an extensive discussion of all participants. The lecturers are renowned experts and eminent scholars in administrative science, administrative law, local self-government, public policies, public finances, and in other related fields from Croatia and abroad. Since 2012, the IPA and Friedrich Ebert Stiftung have organised the *Forum for Public Administration* which gathers prominent public administration specialists discussing current public administration issues and problems, and providing policy proposals. The Institute organises an annual conference for public administration practitioners, experts, and scholars, aimed at opening new themes of administrative modernization, such as quality management, performance management, intermunicipal cooperation, administrative simplification, improving administrative justice, agency model in public

administration, and independent regulators. The IPA holds theoretical discussions, emphasising theoretical and methodological issues in the field of public administration. It also organises lectures of renowned foreign professors and public administration experts, open to students and the public.

Training manuals

In 2008 the IPA launched a book series *Manuals for Professional Training*. Its main purpose is to publish contributions whose task is to improve and facilitate the professional training of civil servants. In that manner, the Institute has recognized its responsibility for active contribution to long-term processes of administrative modernization and Europeanization. The manuals are useful reading for students, civil society members, government and local officials, and other interested individuals. Almost twenty manuals have been published since 2008.

Books and textbooks

Members of the IPA have been actively engaged in publishing a wide range of scientific and professional literature in the book series *Contemporary Public Administration*. The books deal with administrative science, administrative law, political science, local governance, civil service law, administrative law and other related scientific fields. The most recent book is an edited book titled “Migrations, Diversity, Integration, and Public Governance in Europe and Beyond” (Zagreb, 2019) with chapters written by authors from the USA to Turkey and from the Netherlands to Kosovo. A book about the current state of Administrative Science and education for public administration will be published at the beginning of 2020.

Awards and research grants

In 2015, the IPA established the *Eugen Pusić Award* for best scientific and research papers in two categories, for students and for young researchers. A research grant for young researchers from abroad was introduced in 2016. The grant aims to support comparative research within the European Administrative Space, and is intended for young researchers (up to 35 years of age), primarily PhD candidates or post-doctoral fellows from abroad.

The Institute of Public Administration has established and organises:

- An annual conference
- Theoretical discussions on public administration
- A forum of public administration
- Round tables
- Other scientific conferences and workshops

- Lectures of foreign professors
- An award for best scientific papers written by students and young scientists
- A research grant for young researchers from abroad
- Statements, participation in expert working groups, advocacy, cooperation with the media

CROATIAN AND COMPARATIVE PUBLIC ADMINISTRATION

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