

## **BUREAUCRATIC OBSTACLES TO PARTNERSHIP BETWEEN NGOs AND PUBLIC ADMINISTRATION**

**Josip Kregar**

Faculty of Law, University of Zagreb

My starting point is short and simple - public administration in Croatia is not capable of coping with all the tasks necessary for the integration of Croatia into the European Union nor it is ready for partnership with NGOs. This short statement needs, of course, an additional explanation.

The environment within which NGOs operate has strikingly changed during the last several years. Only a few years ago, working in an NGO was somewhat problematic. Many NGOs were perceived as public enemies. The political perception was far from being in favour of co-operation of the government with NGOs. One of the main goals of the vast majority of NGOs was to participate in politics, which defined their own position as negative. The NGOs based their position on criticism of the inefficiency of the system and on the struggle for its improvement, as well as on the identification of deficiencies in the protection of human rights and on attempts to organise themselves and assume the role of political opposition. Nowadays, the situation has considerably changed, in the sense that NGOs are trying to define some positive goals and programmes, to advocate public interest, to develop certain policy strategies, and to help the government in identifying the methods for their achievement.

It would be probably too optimistic to consider the present situation so much different to the extent that we have no reason to criticize the government any longer. Quite the opposite, I think we have to do so. However, it is a fact that we are now approaching the time when NGOs will become indispensable partners of public administration. It is not because NGOs want that partnership, but because public administration lacks the capacities to deal with serious social problems.

A closer look at the wider social context shows that, in some aspects, the tradition of political culture in Croatia is in favour of the mobilisation of citizens in different associations. Community life in Croatia was very intensive throughout its history, simply because the country has always been predominantly agricultural.

Just to refresh our memories: the first real political movement in Croatia was a peasant movement, a hundred years ago. During centuries, people relied on themselves, doing their best to organise their communities, irrespectively of what kind of public administration existed at the time. The attitude towards public administration was rather negative, mainly because it was considered to exist only to collect taxes, to recruit young people into the army and to maintain law and order, not more than that. In a peasants' country, spontaneous movements and organisations were necessary. Of course, this was one century ago, but this feeling of solidarity has remained in people's attitudes. It manifested itself very clearly during the war when Croatia managed relatively easily to host several hundred thousands of refugees. This solidarity was also emphasised in some aspects during the socialist period of Croatian history. People participated in many activities in different kinds of social organisations. The overall institutional structure itself was not appreciated, but the phenomenon of strong mobilisation remained fresh in people's memories. The success of trade unions could probably be explained in that context.

Nevertheless, rapid social change has produced one extremely significant result - people are becoming increasingly disoriented. At the time of rapid social change, they tend to rely very strongly on public administration, expecting some help from the state. By the contingency of changes, people have developed a feeling that the state and public administration have to provide them with good solutions, with material resources and money for their activities. There is not enough self-reliance.

The overall situation, characterised by economic crisis, a high level of unemployment, a technological lag, and increasing social inequalities, has had an impact on the functioning of public administration. In other words, public administration in Croatia is forced to bear the enormous burdens of social problems, with which it is not capable of coping all by itself.

A short description of public administration in Croatia would be that it is too big, too inefficient, too expensive, and not at all flexible. It is simply an obstacle to any kind of modernisation or reform. The officials in public administration bodies are capable of doing only routine, bureaucratic work, but they are unable of swimming against the tide and changing themselves. All changes have to come due to outside pressure, and not as a result of a regular, internal process of reform. The high level of 'bureaucratisation' of public administration manifests itself in a strong dependence on the written rules, on hierarchy, on formal procedures. It is not because the people in ministries are stupid or not enough

educated, but because it is the way of doing things, it has become a model of public administration.

The next problem is the lack of professional commitment. A large number of people working in public administration do not perceive their work as a vocation. Many top public administration posts are often perceived as sheer political sinecures. Their work is simply considered to be a source of secure employment and probably a way of improving their financial situation. This state of affairs is the result of a negative selection, which has probably very much to do with some characteristics of the political system in Croatia. The Croatian political system is based on deals struck between political parties and, in that context, public administration is perceived as natural spoils for the people fighting for political positions and power. 'To the victor belong the spoils' is a well-known political adage from the United States, from the 19<sup>th</sup> century, before the Pendleton Act was passed.

This adage applies to a large degree also to Croatian public administration, where the distribution of positions depends very much on agreement between political parties and on personal criteria for appointments and promotion. Hierarchy does exist, but it is a flat hierarchy, with too many co-ordinators and not enough workers, or - to put it differently - too many chiefs, and no Indians.

One of the additional problems is the concentration of power. It is not just for the fact that Croatia is presently a highly centralised country, but there is also the problem of concentration of power in some informal bodies, outside constitutional and legal networks. The main decisions are being made outside the Government and outside the Parliament. This was one of the distinct features of the Tudman regime, but it still does exist. In many aspects of everyday conduct found within the public administration, there exists a strong network of informal ties between people, some kind of "old boys networks", based on personal ties - like having gone to school together, coming from the same neighbourhood or family acquaintance. Such type of networking in public administration is very intensive.

The lack of transparency is a huge problem. Bureaucracy is always trying to achieve a kind of secrecy, to isolate itself from the audience, from the public, simply because it is much easier to work without public control. Media representatives, for instance, have a lot of difficulties in obtaining relevant information from ministries, or other public bodies at national, regional or local level. Many ministries do have so-called 'PR officers', officials specialised in public relations. These positions were introduced simply to shield responsible officers, to prevent them from being directly exposed to the public. Their duty is

not perceived as making the activities of ministries more open and transparent, but more or less to prevent the transparency of the decision-making process or to intervene in case of some scandals or incidents.

In conclusion, I would like to stress that it is not that civil society is eager to become the partner of public administration, but it is rather the character of public administration that necessitates this kind of partnership. Otherwise, public administration will remain as bureaucratic as it was before. Without this partnership, there can be no real reforms or changes in public administration. On the other hand, partnership does not imply an equal relationship between NGOs and public administration. NGOs are much more powerful, but under one condition - that they are able to formulate, to aggregate public interest and to rally support for their own activities. The strategy of partnership is the best strategy if Croatian public administration wants to adapt to the criteria of the European Union.