

Problems of Offline Government in E-Serbia

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INTRODUCTION

Various aspects of the Eastern European transition have been extensively researched over the past 15 years. Only recently, studies of democratization have begun to specifically recognize and reflect the context of the information age in which they are taking place. This claim particularly applies to the late and ongoing transitions in the Western Balkans along the new borders of Europe. The least researched aspect of their democratization refers to the modernization of their civil service, particularly through the lenses of the informatization (Frissen, Bekkers, Brussaard, Snellen, & Wolters, 1992) of their administrations and development of e-government as an important element of transparent governance. This is a gradual and uneven development, yet it initiates institutional change toward having friendlier administrations that were hardly conceived at the beginning of the transition.

BACKGROUND

Recognizing the relevance of the external EU (European Union) framework in developing national e-government policies, this article departs from the question of how the informatization of administration affects late transitional societies in the building democratic governance. It specifically focuses on problems and actors' choices in pursuing domestic e-government policies in times of major strategic realignment from isolation to Euro-Atlantic integration: What explains the gap between aspirations, policy development, and implementation?

By definition, governments' pursuit of national information-society policies (NISPs) includes e-legislation, e-technologies, e-space, e-commerce and e-business, e-education and e-health, and last but not least e-government; it posits EU standards in the normative reforms of the candidate and aspirant states. NISPs build on technological, organizational, legal, and administrative innovations that profoundly change life in the spheres of work, politics and government, and society (Soete, 1996). We look at the case of Serbia and Montenegro because it exemplified a promising late starter among transitional countries in the region, but had experienced unforeseen problems along the way and failed to maintain the policy pace set by its neighbors. We also take Slovenia as a

benchmarking success case as it is the only ex-Yugoslav country that became an EU member (in 2004) and achieved notable results in the building of the information society and functional electronic government. Many scholars think that information-society development in transitional societies positively contributes to the building of democratic governance and advancement toward consolidation because it enables the development of modernized, outward, transparent, and friendlier e-based administrations.

ARGUMENT

This article argues that the state-led informatization of government may even slow down rather than accelerate the first stage of institutional development in late transitional societies because it increases the levels of transformational complexity. Investments in information society building may increase returns only if the top policy entrepreneurship is combined with deep techno-organizational overhaul of institutions, broad societal preparatory work, and the accumulation of the critical mass of new knowledge. Informatization rests on prior complex, vertical, and horizontal systemic and organizational change. This includes the most difficult aspects of soft reforms, that is, the strengthening of human capacity, serious learning, and attitudinal and cultural change. Such reforms cannot be fulfilled immediately after the breakdown of the old regime (particularly in competition with other state priorities). This is not linear, but a time-consuming, interchangeable process of substantive structural change where informatization creates cycles, stages, and instruments for the deepening of democracy and the advancement of citizen-centered governance.

KEY EXPLANATORY FACTORS

- a. External standards, internal contrasts: One country, two states
- b. Regulatory framework: Complex requirements and leadership problems
- c. Converging strategic areas: Public-administration reform, telecommunications reform, EU accession strategy, free access to public information
- d. Paradoxes and missing points

EXTERNAL STANDARDS, INTERNAL CONTRASTS

After more than a decade of wars, exclusion from virtually all international organizations, and the NATO (North Atlantic Treaty Organization) military intervention, Serbia and Montenegro became members of the South Eastern Europe Stability Pact (SEESP) and soon resumed the chairmanship of the Electronic SEE Initiative. Serbian envoys specifically lobbied to join this group. Europe was setting the pace of constant informational change, so its argument was that the Balkans (traditionally perceived as a turbulent region) cannot possibly reconnect and reduce the digital distance unless there was a mechanism that would allow institutional access to the activities the EU was undertaking. Through this electronic niche, a small group of national politicians of the new generation launched a spirit of genuine modernization and a sense of cooperation to this ever-troubling region. The comprehensive eSEE Agenda was adopted by all member states, and the goals and timelines were set. The agenda served as a mechanism to mirror the Lisbon documents and to transfer the activities undertaken by Europe (eEurope 2002, 2005; eEurope Plus Agenda and the G8 Okinawa Charter) on the Balkan non-member countries; they were to develop NISPs as basic platforms. However, 3 years later, all signatory countries developed such a document except Serbia. Why?

One Country, Two States

Serbia and Montenegro are two federal units but technically two states; Serbia has over 10 million inhabitants while Montenegro has 620,000. With minimal joint functions and even different currencies, they lead separate policies in virtually all aspects of public life, including information-society development. In spite of the existence of the common international framework, eSEE, Serbia and Montenegro took separate paths in developing their NISPs. In the rush toward full state independence, Montenegro formally appeared more productive as it adopted its (lengthy) strategy in June 2004; however, subsequent normative work is stalled or duplicated, which is why controversies in Montenegrin ICT development call for a separate analysis. As an example, Montenegro could not automatically implement the Federal Law on Intellectual Property, but had to (re)write it as its own.

Serbia, which was perceived as a leader of the eSEE initiative, experienced a controversial development. Its late-reforming prime minister was the powerful motor force behind this experiment because he strongly believed that the e-based modernization of economy and society would pull Serbia out from the dark age and

economic backwardness in a relatively short period of time. This is why no efforts were spared in this early period to put things in motion and get on information society tracks. This was a classical state-led, top-down initial push, with the presumption that the opening of the market with the basic positive regulation would take care of the rest. However, his tragic assassination in March 2003 interrupted this process and deeply destabilized the country. In this crisis, which led to early parliamentary elections and regime change, many of the reform processes were discontinued, while others, like informatization, lost priority. Only very recently, recognizing the country's international obligations, policy-development activities were revived with notable urgency. Public awareness about this is still very low and neglected.

REGULATORY FRAMEWORK

Between 2000 and 2004, no single administrative law has been passed. Millions of donor money was spent and training was organized, but there were no results in the domain of adopted strategies, policies, and standards, let alone implementation. Some excellent drafts ended up on bureaucrats' shelves, while incidences of personal vanity got in the way of national informatization. It took the subsequent Serbian government another couple of years to start revisiting the national eSEE obligations and passing critical laws. Although the key strategic document, the National Strategy for Information Society Development, was planned for adoption by the end of 2005, it was long overdue and nowhere near adoption in mid-2006.

National action plans contained an extensive list of activities regarding the creation and implementation of legal infrastructures for IS in accordance with the *Acquis Communautaire*. This required the drafting and adoption of legislation on e-commerce and e-signatures, the ratification and implementation of conventions on cyber crime, and the protection of privacy and intellectual property rights by 2004's end. Ultimately, states were expected to establish benchmarking systems and national implementation mechanisms, starting with the formation of cabinet-level state bodies for the information society. For example, 3 years prior to entrance into the EU, Slovenia (in its capacity of the EU candidate) formed the Ministry for Information Society in 2001 to ensure leadership and policy coherence in this domain. Results were notable as next to Estonia, Slovenia was best rated among all candidate states (although its new government abolished the IS ministry). In Serbia and Montenegro, however, elites are still debating about the single best suitable institution for the national IS governance because the existing ones are inadequate and fragmented. Differences are more political than technical.

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