

LOCAL GOVERNMENT IN YUGOSLAVIA

*Eugen PUSIĆ**

Local government on the continent of Europe is a many-layered product of social development. Many historical tendencies come together in its institutions leaving their recognizable deposits; many goals and purposes have successively and simultaneously shaped and are shaping its structure, determining its profile.

The memories of feudal estates, of city liberties, of primary local isolation and of self-sufficiency in poverty are alive in many places at the same time as the future holds forth hopes of a better society through local pluralism and self-government. The present citizenry expects local government to provide services of growing variety and complexity for an urbanizing society, to function as local outposts of central administrations, to be a platform for participation, and to serve as a link between the individual and the increasingly alienated and alienating organizational behemoths populating our world.

In the case of Yugoslavia the interplay of past, present and future in the shaping of local government is particularly vivid.

a) History

1

The North and the West of the country were through most of their medieval history part of the more or less uniform, characteristic European type of feudalism. Setting aside such peculiarities as the Hungarian »donational« system with its much stronger linking of the vassals to the crown, this meant the usual sharp cleavage between the countryside, ruled and administered as the property of the nobility and the clergy — a sort of government-through-private-enterprise — and the »royal free« cities and regions enjoying a measure of self-government by their politically relevant groups of craftsmen and notables.

In the rural areas some form of local government can be traced back to the eighteenth century when central monarchic government

*) University of Zagreb.

was able to assert in a definitive manner its domination over the centrifugal tendencies inherent in feudalism. The still feudal system of landholding was reformed under the Habsburg rulers Maria Theresa and Joseph II. The feudal lord, secular or ecclesiastical, had now to appoint in each of his villages a »judge« with two »assessors« »in consultation« with a body consisting of the chiefs of households in the villages. By himself he appointed a clerk for the administrative functions.

The official ending of the feudal landholding system came only in 1848, and the first regulation of local government by central law in 1851. At that time, districts (kotar) were established as outposts of central government and the villages gradually became communes (općina), local contact points between the government and the population and thereby potential platforms for popular participation. The transition of the traditional »royal free« cities to the new regime of local government in cities and urban communes was, by comparison, almost imperceptible.

2

The Adriatic coast-lands were initially Greek settlements and later a part of Roman and Byzantine administration. The emperor-author Constantine VII Porphyrogenetes describes in some detail the administrative structure of the »tema« (province) of Dalmatia, including Split, the old residence of emperor Diocletianus at the time of the partition, Trogir, Šibenik, Zadar, all the main cities at the coast. But little else. The hinterland was inhabited originally by the Illyrs, a population about whose ethnic character and subsequent fate there is still considerable controversy, and between the sixth and ninth centuries settled by Slavic tribes migrating from the North. After the migrants had stabilized and achieved rudiments of political organization, agreements were reached with the Byzantine government, and the cities of the Dalmatian province were gradually incorporated into the Slav principalities.

They remained, however, for a long time socially and culturally separate from the surrounding countryside. With a population of mainly Latin origin, the cities, seats of bishops or ruled by local oligarchies, saw the first flowering of Slavic literature and arts. Ideologically oriented toward the center of Catholic Christendom in Rome and later on taking the Italian city-states of the Renaissance as models for their own administrative organization, they had uneasy and ambiguous relationship with the untamed country around them. They tried, and in part succeeded, to impose upon the peasants in the immediate vicinity of the city walls their own feudal overlordship. But most of the land was for considerable periods without any stable form of government. Perpetuating early forms of tribal and rural social organization, it was a kind of borderland, claimed nominally by the bearers of the crown of Croatia — the Hungarian kings, the Anjouins, the Habsburgs — but actually changing hands among local nobles. After the middle of the fifteenth century, it was practically open, to

incursions by Turkish regular and semi-regular troops, and to the plundering of armed bands whose purpose vacillated between anti-Ottoman resistance and banditry.

The cleavage between city and country was even sharper than in the North and West. It remained as a clear and present memory after 1848 and 1851 when the region, as part of the Habsburg empire, went through the same modernizing process as the rest.

3

The East and South of what is today Yugoslavia were for over four hundred years part of the Ottoman empire. By the end of the fourteenth century Macedonia and Serbia were in Turkish hands, after 1462 Bosnia and Hercegovina as well. The period of Turkish expansion lasted to the end of the sixteenth century. Only a few enclaves remained (e.g. Montenegro) where the Sultan's administration was unable to impose its rule. In most parts, Turkish power was maintained throughout the epoch of degeneration of the Ottoman state, in some parts almost to the brink of World War I.

Turkish administrative organization was based on religion. Only the Islamic population, organized in a territorial hierarchy from the district (*nahya*) to the province (*vilayet*) to the grandvizir's office at the top, was politically and administratively relevant. Below the level of the district, the non-Moslem population were left to their own devices, villages, village-associations (*knežine*) and other traditional forms. Ottoman administration, true to the semi-nomadic spirit of the Turks, was not favorable to the development of cities. It really only knew fortified military camps.

With the reforms of the *Tanzimat* in the first half of the nineteenth century came the first uniform regulation of local administration in villages and city boroughs (*makhala*), under councils of elders and with local Christian religious leaders in positions of responsibility. These reforms, however, came too late to exert much influence. Serbia succeeded in shaking off Ottoman rule, Montenegro remained as an independent principality. Bosnia and Hercegovina were first occupied (1878) and then annexed (1908) by Austria—Hungary, and Macedonia by Serbia after the Balkan wars (1913).

In local government, there developed the same two-tier system of district (*srez*) and commune (*opština*) as in other parts of the country. But the element of popular decision making, reminiscent of the *defacto* local autonomy under the Turks, was more pronounced here than elsewhere. The main decision making body in the commune in Serbia was the communal meeting (*zbor*) of all citizens having political franchise. The issue of local self-government was politically alive from the beginning. There remained a deeply ingrained mistrust of faraway central government, even if it was now the government of a nationally independent State. The general political stance was anti-

centralist and anti-bureaucratic. Slogans of local self-government were the main plank in most political platforms and the main item in all left-wing programs.

— . —

The first Yugoslav state, the Kingdom of Serbs, Croats and Slovenes, was established as a sequel to the outcome of World War I, December 1, 1918. It went through a constitutional phase after 1921, through a monarchic distatorship from 1929. A form of democratic government was reestablished in 1939, immediately before the start of World War II, but in 1941 the country was occupied by the Axis powers.

Local government in the Kingdom of Yugoslavia was gradually unified and its many constituent strands welded into a system. City government remained distinct from rural-type units and the two levels of district and commune were retained. The number of districts was relatively stable between 340 and 400, and they continued to be mainly local outposts of central government. The main official in the district was the district prefect, appointed by central government. The communes were contact points between the network of public authorities and public services on one hand and the population on the other, and arenas for popular participation. Their number was much less stable — from 8,000 to 3,500 — and their government was organized around the commune council and the mayor, both elected.

The relationship between central and local administration was based on the principle that local agencies perform both local and central functions. The first were primarily a local responsibility with central government exercising control only over the legality of local decisions. The second or »delegated« functions were under much stricter central supervision, modeled on the French »tutelle« and including the right to reappraise the reasonableness and wisdom of local measures.

During World War II, four years of enemy occupation and resistance warfare, the governmental machinery in Yugoslavia largely disintegrated. This included local government except possibly for the largest cities. The resistance movement led by the Communist Party of Yugoslavia (CPY) grew step by step into fullscale war. The operations of the Partisan army (the National Liberation Army) were based on the effective control of parts of the territory. These parts rapidly shifted with the movements characteristic of partisan warfare, expanding and contracting but never disappearing completely.

The territory under partisan control was administered by »people's liberation committees,« bodies at first equivalent to the local committees of an ad hoc organized political organization, the National Liberation Front, controlled by the CPY but including other political groups, later elected by popular vote. The people's liberation committees functioned on the basis of some sort of primary cooperation among the population. The elected members of the committees, themselves or with the assistance of partisan detachments and local volun-

teers, provided what administrative service was needed, such as settling of disputes, regulation of agriculture, commerce, transportation, law and order, supplies for the partisan armed forces, problems of refugees, displaced persons and social welfare. The territory controlled by a committee was small, for obvious reasons. And the discontinuity of personnel between pre-war local administration and the liberation committees was almost total. To have been a member of local government bodies in the Kingdom of Yugoslavia was generally considered to disqualify a person for membership in a people's liberation committee.

Toward the end of the war the system of liberation committees was extended to the country as a whole. Between the Autumn of 1944 and the Spring of 1945 the number of committees reached some 12,000. This extension imposed a somewhat more relaxed personnel policy. The administrative machinery, particularly in the cities, was, it is true, purged of all who had collaborated with the enemy during the four years of occupation. The leading positions in administration were held by members of the CPY. But on the whole at that moment some continuity in personnel was introduced in local administration. This was possibly a contributing factor to the return of bureaucratic slowness and routine-mindedness which soon came to prevail over the intense dedication of the war-time activists in the liberation committees. Yet the continuity was insufficient to provide the technical elites necessary to train succeeding generations of administrators by the method of apprenticeship; the senior positions were almost without exception manned by new people.

b) Morphology

Until 1963 local government in Yugoslavia was regulated essentially by federal law. The variety introduced by the legislation of the federated units, the republics, was insignificant; and the local charters, spelling out in detail local structure and function, conformed to a centrally devised model-charter. The documents marking the development of the Yugoslav local government system after World War II are four federal laws — of 1946, 1949, 1952 and 1955 — together with additional legislation, bylaws and regulations. This in itself represented a trend from classical local government toward the commune as a territorial association of citizens and a part of a generalized system of self-management (see Table 1).

At the present stage of development, the commune is thought of as an association, indeed a community, of people, having a self-managed organization in a given territory. There are 500 communes in this country of roughly 20 million inhabitants and a territory of a little over 250,000 square kilometers. The desire to build a firm groundwork for local autonomy was one of the main motives for the continuing increase in size of the basic local government units by territory and population — and a corresponding decrease in number — on the assumption that larger size should lead to more income and in this way to less dependence on central government grants.

Table 1

Trends in Development of Local Government in Yugoslavia

Year	Region	Districts	Cities	Communes	Local People's Committees
1946	2	407	81	—	11,556
1947	2	338	85	—	7,886
1948	1	339	88	—	7,967
1949	23	344	198	—	7,782
1950	20	360	236	—	7,101
1951	—	360	236	—	7,104
1952	—	327	265	3,811	—
1953	—	327	264	3,904	—
1954	—	329	268	3,912	—
1955	—	107	—	1,479	—
1956	—	107	—	1,479	—
1957	—	106	—	1,441	—
1958	—	95	—	1,193	—
1959	—	91	—	1,103	—
1960	—	75	—	839	—
1961	—	75	—	782	—
1962	—	75	—	759	—
1963	—	40	—	581	—
1964	—	40	—	577	—
1965	—	40	—	577	—
1966	—	23	—	516	—
1967	—	17	—	510	—
1968	—	—	—	501	—
1969—1974	—	—	—	500	—
1975	—	—	—	510	—

Source: *Statistical Yearbook of the Socialist Federal Republic of Yugoslavia*, 1968, p. 62.
1975, p. 554.

The same consideration led to the conception of the commune as residual caretaker of all public property that was not entrusted to the management of another public body: an enterprise, institution or other organization. In a system not having private ownership of the means of production this meant the trusteeship of considerable assets and is intended to give the commune significant influence.

The commune is, moreover, practically the only contact point between government and citizens. Whatever transaction there is between the public authorities and the individual or the organization — from military recruitment, police and taxation to factory inspection and welfare — it is the commune that represents government. The citizen sees almost no other government official.

The commune became actually the only unit of local government. The distinction between rural and urban local units already having been abandoned in 1955, now the two levels of local government — commune and district — also became a thing of the past. The establishment of districts was left within the powers of each republic, and by 1966 all the republics had abolished this second tier of local government. The main motive was to remove any possible impediment to the full development of the communes as autonomous bodies. Since 1969 the number of communes seems to have stabilized at around 500.

The most important forms of social organization integrated into the commune are the local communities, the working organizations, and the interest associations.

As of December 31, 1974, there were 11,606 *local communities* in Yugoslavia, an average of 22,7 per commune. Each community is established by commune charter and its establishment is mandatory if requested by a majority of voters in its territory. Its activities are oriented toward strictly local matters of the village or borough (village roads, street lighting, welfare, etc.), the establishment of small-scale utilities (kindergartens, washeries, repair shops), consulting and expressing citizens' opinions in decisions contemplated by communal authorities, all financed by a part of the local taxes allocated to them by the commune as well as by additional taxes agreed upon by a majority of voters in the community through referendum. Decisions are taken whenever possible by direct popular vote, and only exceptionally by the council of the community, its collegiate executive organ. The community elects its delegates to the commune assembly, and can recall them at any time. It is important to note that local communities are considered organizations of citizens, not units of local government.

There are 7,741 economic enterprises in the country, and 8,951 self-managed non-economic institutions and organizations. Any organization larger than thirty members elects a workers' council as its governing body, responsible for all main decisions, including the appointment of a director or general manager (total membership of all workers' councils is 343,653). *Working organizations*, as enterprises and institutions are called by the Constitution, are concentrated chiefly in urban communes. They, as well as the local communities, elect delegates to the commune assembly. The number of delegates depends both on the number of voters working in the organizations on the territory of the commune and on the size of the respective chamber of the commune assembly. On the other hand, the commune is mainly responsible for regulating the working organizations in the public interest, both through implementation of central laws and through enactment and application of local regulations and recommendations. (Recommendations are acts that cannot be enforced but do, nevertheless, exercise influence on the addressees because their representations sit on the bodies — councils and committees — issuing them.)

Interest associations are a relatively new feature, introduced for the first time in the late sixties. They are supposed to aggregate and to articulate the interests of the consumers of the services of service networks: education, health, social security, etc. The associations,

through their assemblies and executive organs establish, by contract with the services, the conditions of performance and remuneration and manage the special funds, fed by earmarked taxes and contributions, out of which the services are actually financed. The associations, as well, are represented on the commune's political bodies.

The main political decision making of the *commune* is the commune assembly (total membership in 510 communes 49,071) consisting of 3 chambers: the council of local communities, formed by delegates of the local communities and interest associations, the council of associated labor consisting of delegates from working organizations, and the socio-political council, grouping the delegates from public administrative agencies, army units, and political organizations, all elected for one four-year term.

Below this representative tier is the executive level consisting of an Executive committee, including heads of various agencies of local government and leaders of enterprises, institutions, and various organizations named in the commune charter, all appointed by the commune assembly for a 4-year term. In spite of the restriction against reeligibility, there is the possibility of achieving some continuity of local elites by rotating membership through different elective and appointive local offices or through cumulation of local political office and managerial position in self-managed organizations.

Essentially at the same level as the committees is the president of the commune, chosen by the assembly from among its members for a four-year term. Both theory and legislative practice hesitate between treating the president as a chief executive and considering him merely a representative coordinator of the political — in the wider sense — machinery of the commune (assembly and its councils).

The third, or administrative, tier of the commune consists of (a) one or several secretariats headed by the secretary of the commune assembly or, in the more developed communes, by a general manager of the commune administration, (b) a ring of semiautonomous self-managed service agencies, and, finally, (c) a small special staff servicing the commune assembly. The communal administration in the strict sense — one or several secretariats — is mainly responsible for the regulative tasks of government: issuing rules and regulations; supervision and implementation of central as well as local laws and rules; supervising the local services; conducting quasi-judicial proceedings, designated as administrative procedure, in cases where the rights and legally recognized interests of citizens are involved.

The service activities of local government are performed by an outer ring of semi-autonomous organizations: social service centers, planning institutes, statistical agencies, environmental protection centers, etc. These agencies have internal self-management by a council elected by their workers, but their administrative head is appointed by the commune council, and they are subject to policy decisions of the commune.

In order to make commune assembly independent of possible bureaucratic influences by the commune administration, a special staff attached to the assembly is responsible for the technical work

in preparing the sessions of the assembly councils and the drafts of their decisions.

A number of public services — education, health, social insurance, public utilities, creations, etc. — are left to completely autonomous and self-managed networks of institutions. The policy coordination of these networks by local government is similar to the government's responsibility in regulating economic activity by self-managed enterprises and in coordinating economic development.

The individual institutions are self-managed working organizations electing their council from among their own members. The councils appoint, or rather coopt, new workers and terminate the work relationship; they establish organizational relations, conditions of work and pay within the limits of the agreement reached with the respective interest association; they appoint the director, superintendent or other manager of the institution, and take all other decisions normally incumbent upon general management.

The service systems, which were formerly organized through government, have only now begun to constitute themselves as autonomous network in partnership and bargaining relations with the interest associations. However, the self-management of the individual institutions and their autonomy from government were established in the mid-fifties and have, consequently, a twenty-year stabilization period behind them.

The commune can decide to submit any of its measures to popular decision by *referendum*. The outcome of the referendum binds the commune. Certain types of decisions, e.g. the introduction of a local additional tax, must be approved by referendum in order to be valid.

Another institution meant to give direct expression of popular will is the *voters' meeting*. Organized for roughly every 500 voters, the voters' meeting has important functions in selecting candidates for local and central representative assemblies. Moreover, it makes suggestions and proposals to the commune assembly. The assembly has to put these suggestions and proposals on its agenda, and, if it does not accept them, must give reasons for their rejection at the next meeting of the voters.

The relationship between local and central government, after a short period of extreme decentralization between 1952 and 1956, evolved toward a more differentiated pattern. Whatever is not reserved by law to central government is considered a local matter. The effect of this sweeping general principle is reduced by almost equally sweeping exceptions, conferring upon central government both exclusive and concurring competencies not only in traditionally central matters like defense and foreign affairs but also in the regulation of the economy and the setting of general standards in practically all other fields.

In local matters the intervention of central government is limited to pointing out to local political bodies presumed breaches of the law by local administration, to initiating procedures before the constitutional courts to determine the legality of decisions by local political bodies, and to deciding upon appeal against local administra-

tive decisions in the not too frequent instances when the law gives this authority in local matters to a central administrative agency instead of to a local political body — an executive committee, a committee of the council, a council, the local assembly.

In matters of central competence, where local government in a sense acts on behalf of central authorities, the corresponding department of central government can annul or rescind legally faulty local decisions and, when specifically empowered, can delegate matters to local government as well as step in when local government has not acted in time and transact a case that is normally left to local implementation.

Finally, in matters of inspection — checking on the observation of legal rules by citizens and organizations — central inspectorates are in full control, being empowered not only to change the decisions of local inspectors but also to delegate any matter to them as well as take any matter out of their hands or operate jointly with the local inspecting agency.

(Rad primljen decembra 1975.)

LOKALNA UPRAVA U JUGOSLAVIJI

Eugen PUSIĆ

Re z i m e

Lokalna uprava u Jugoslaviji izrasla je iz određenih historijskih korjena u okviru današnje objektivne društveno-ekonomske situacije i kao odraz očekivanja budućih promjena puta u socijalističko društvo.

Tri se povijesne tradicije sastaju i stapaju na području Jugoslavije: evropski feudalizam habsburške varijante na sjeveru i zapadu, odraz i utjecaj talijanskih gradskih državica uz Jadransku obalu, vojno-društvena hijerarhija otomanskog carstva.

Tradicija oslanjanja na vlastite snage prvenstveno u lokalnim razmjerama došla je u punoj mjeri do izražaja tokom narodnooslobodilačke borbe i revolucije.

Iste tradicije stopile su se u novoj Jugoslaviji s marksističkom teorijom komune u specifični model lokalnog samoupravljanja. Razvoj lokalnih jedinica relativno je stabiliziran nakon 1965. godine. Oko 500 općina i oko 10.000 mjesnih zajednica okosnica su teritorijalnog vida samoupravnog sistema. Nadalje, samoupravne interesne zajednice povezuju udruženi rad u proizvodnji sa samoupravnim ustanovama društvenih službi.

Općina sa svojom delegatskom skupštinom, svojim izvršnim i upravnim organima zamišljena je kao platforma na kojoj se sastaju i usklađuju interesi primarnih samoupravnih organizacija i zajednica na njezinom teritoriju.