



REPUBLIKA SLOVENIJA
DRŽAVNI SVET

»QUO VADIS, SLOVENIJA?«

Zbornik referatov,
št. 1/2022

»QUO VADIS, SLOVENIA?«

Edited volume,
No. 1/2022



REPUBLIKA SLOVENIJA
DRŽAVNI SVET

»QUO VADIS, SLOVENIJA?«

Refleksije ob tridesetletnici
samostojne in neodvisne
slovenske države

»QUO VADIS, SLOVENIJA?«

Refleksije ob tridesetletnici samostojne in neodvisne slovenske države

Knjižna zbirka: Zbornik referatov in razprav, št. 1/2022

Izdal in založil: Državni svet Republike Slovenije, Šubičeva 4, 1000 Ljubljana

Oblikovanje: ART 32 storitve, d. o. o., ŠPES, grafični studio, Novo mesto

Naklada: 120 izvodov

Januar 2022

CIP - Kataložni zapis o publikaciji
Narodna in univerzitetna knjižnica, Ljubljana

308(497.4)"1991/2021"(082)

"Quo vadis, Slovenija" (posvet) (2022 ; Ljubljana)

"Quo vadis, Slovenija" : refleksije ob tridesetletnici samostojne in neodvisne slovenske države : zbornik uvodnih nagovorov in referatov s posveta 20. 1. 2022 v dvorani Državnega sveta Republike Slovenije.

- Ljubljana : Državni svet Republike Slovenije, 2022. - (Knjižna zbirka Zbornik referatov in razprav / Državni svet Republike Slovenije ; 2022, št. 1)

ISBN 978-961-6453-69-1
COBISS.SI-ID 92317443

KAZALO

UVODNI NAGOVOR	5
RAZPRAVE	7
ANDREJA VALIČ ZVER <i>Sprave ne smemo prelagati na prihodnje generacije.....</i>	9
SIMONA KUKOVIČ MIRO HAČEK <i>Tri desetletja lokalne samouprave v Republiki Sloveniji: izbrane značilnosti in trendi.....</i>	23
JERNEJ LETNAR ČERNIČ <i>Zgodba o pepelki brez čevljev: vladavina prava in varstvo človekovih pravic v prvih tridesetih letih slovenske države.....</i>	38
RADO PEZDIR <i>Gradualistični paradoks: od najrazvitejših do najmanj stabilnih.....</i>	48
BORUT RONČEVIČ MATEVŽ TOMŠIČ <i>Čigavi »psi čuvaji«? Pomanjkanje pluralnosti kot glavna značilnost slovenskega medijskega prostora.....</i>	57
MILAN ZVER <i>Kaj je v ozadju razprav o prihodnosti in strateških usmeritvah Evropske unije?.....</i>	72

UVODNI NAGOVOR

Okrogle obletnice so običajno priložnost za to, da se ozremo na prehojeno pot, da analiziramo dosežene cilje, uspehe, pa tudi neuspehe in zamujene priložnosti. Nastanek samostojne države je verjetno najpomembnejši dogodek v zgodovini Slovencev. Lani je minilo trideset let od tega dogodka. To je dovolj velika časovna distanca za temeljito in sistematično refleksijo tega, kaj se je dogajalo na različnih področjih in predvsem tega, kakšni sta slovenska država in družba danes. Vsekakor lahko rečemo, da je bila osamosvojitve Slovenije izpeljana zelo uspešno. Brez konfliktov in nasilja sicer ni šlo, vendar pa je bila osamosvojitvena vojna krajša in predvsem bistveno manj krvava kot drugod na področjih bivše Jugoslavije. Slovenija je v relativno kratkem času postala članica evroatlantskih integracij, kar predstavlja pomembno zagotovilo njene politične in gospodarske stabilnosti. Po nekaterih kazalnikih, denimo glede varnosti življenja, se uvršča na vrh svetovnih lestvic.

Vendar pa večina ljudi s stanjem v slovenski družbi ni najbolj zadovoljna. Porajajo se številna vprašanja in dileme. Kako je s stanjem demokracije in pravne države, z delovanjem gospodarstva, z življenjskim standardom večine ljudi? Kakšne vrednote danes prevladujejo? In kakšne so perspektivne nadaljnega razvoja Slovenije?

Pričujoči zbornik naslavja nekatera najpomembnejša vprašanja aktualnega trenutka. Prispevki, ki so vanj vključeni, na poglobljen način obravnavajo stanje na ključnih družbenih področjih, kot so državna uprava in lokalna samouprava, pravna država, gospodarstvo in mediji. Zajema pa tudi refleksijo odnosa do preteklosti ter pogled na prihodnost integracijskih procesov na 'stari celine' in s tem evropske perspektive Slovenije. Na ta način ponuja dober vpogled v družbeno dinamiko, pri čemer detektira glavne značilnosti, pa tudi najbolj pereče probleme samostojne Slovenije.

RAZPRAVE

ANDREJA VALIČ ZVER
Inštitut dr. Jožeta Pučnika

Sprave ne smemo prelagati na prihodnje generacije

Avtorica v uvodu, kjer analizira totalitarizme režime in zgodovinski spomin, ugotavlja, da je trpljenje žrtev skupni imenovalac vseh totalitarnih in avtoritarnih režimov. Zgodovinsko gledano sta nacistična Nemčija in komunistična Sovjetska zveza pred dvainosemdesetimi leti oblikovali grozoviti pakt, ki je močno vplival na svetovno zgodovino, tudi slovensko. Preživeli smo vse tri totalitarizme. Najgloblje je strah v ljudi zasidral komunizem, jih pahnil v stanje nesvobode, tiranije in nepojmljivega nasilja nad človekovim dostojanstvom. Kakor je v svojem znamenitem govoru o imperiju zla leta 1982 poudaril ameriški predsednik Ronald Reagan, režimi, ki jih sadijo bajoneti, nimajo korenin. Res je, a povzročijo trajne strukturne in kulturne posledice, s katerimi se mora spoprijemati demokratična družba. Prvi pogoj za spraven proces je delovanje pravne države. V tem okviru je mogoče uresničiti temeljne »spravne« pravice, kakor so pravica vedeti, pravica do poprave krivic, pravica do zakonitosti in zagotovilo neponavljanja. Vse te pravice pri nas niso v celoti uresničljive, saj manjkajo ohranjeno in dostopno arhivsko gradivo, nediskriminatorna področna zakonodaja, identifikacija ostankov žrtev, pietetni pokop vseh preminulih, kostnica, spomeniki žrtvam, celovita pravna presoja medvojnega in povojnega dogajanja itd. Kljub nekaterim dosežkom je spraven proces zašel v slepo ulico. Najprej zato, ker manjka temeljni politični konsenz o pomenu sprave, ker ni ustreznih pravnih okvirov in spravnih dejanj na tej podlagi. Tretja težava slovenskega pravnega procesa pa je kulturna: Pučnik je postavil tezo o poškodovanosti mentalitet, ki je rezultat dolgoletnega bivanja v totalitarnem vzorcu in izpostavljanja posameznika politični indoktrinaciji. Čeprav je sprava proces, je nikakor ne smemo prelagati na naslednje generacije. Je ena od glavnih poti v slovensko normalnost.

1 Uvod: o totalitarizmih in zgodovinskem spominu

Evropski dan spomina na žrtve vseh totalitarnih in avtoritarnih režimov je bil v Sloveniji leta 2012 razglašen za slovenski dan spomina. Vladna odločitev je temeljila na Resoluciji o evropski zavesti in totalitarizmu iz aprila leta 2009, ki jo je sprejel Evropski parlament z veliko večino glasov. Podprli so jo tudi vsi tedanji evropski poslanci iz Slovenije. Resolucija je v ospredje postavila trpljenje žrtev kot osrednji skupni imenovalec vseh totalitarnih režimov.

Prav teptanje in nespoštovanje vsakršnih človekovih pravic in temeljnih svoboščin sta bistvo vseh totalitarizmov in njihovih pojavnih oblik. Človeško dostojanstvo je poteptano v prah in človek kot enkratno bitje je ponižan na raven »kosti«, kakor opozarja slovenski pisatelj Boris Pahor (Pahor, 2009). Filozofinja Hanna Arendt, ki je na začetku petdesetih let prejšnjega stoletja napisala temeljno delo o totalitarizmih, je ugotavljala, da končni cilj totalitarne ideologije ni preoblikovanje zunanjih pogojev človeške eksistence in tudi ne revolucionarno preoblikovanje družbenega reda, temveč sprememba človeške narave same, ki se, taka, kakršna pač je, neprestano zoperstavlja totalitarnemu procesu (Arendt, 2003).

Raziskovalec totalitarizmov Tzvetan Todorov je zapisal, da »totalitarni projekt temelji na antropoloških in zgodovinskih hipotezah, da vojna razkrije pravo človeško naravo. Zatorej legitimizira nasilje, revolucijo in teror, da bi pridobil in obdržal oblast ... Obenem totalitarizem promovira sekularno mesijanstvo oziroma utopije, nebeško kraljestvo na Zemlji in rešitev za vse ... Z represivnim aparatom vzpostavljeni totalitarni režim temelji na unifikaciji ... izničenju razlik med družbenim in zasebnim ... uničenju svobode posameznika in podreditvi vseh oblik družbenega življenja, še posebej ekonomskega, močni državi.« (Todorov, 2011, str. 19–20). Pritrdil mu je eden najvidnejših kulturnih antropologov René Girard, ki je menil, da so totalitarni režimi 20. stoletja »... dejansko nova pojavnost oblika starega, k enoumju stremečega poganstva.« (Girard, 2006, str. 137).

Todorov poudarja tudi, da »... zgodovina evropskega 20. stoletja ne more biti ločena od zgodovine totalitarizma. Izvorna totalitarna država, sovjetska Rusija, je vzniknila med prvo svetovno vojno in kot ena od posledic te vojne ... Kmalu je sledila nacistična Nemčija. Druga svetovna vojna se je začela z zavezništvom teh dveh totalitarnih držav in se sprevrgla v neusmiljeni boj med njima. Obdobje hladne vojne je bila bitka med zahodnim in komunističnim svetom ...«. (Todorov, 2004, str. 6).

Letos mineva dvainosemdeset let od sklenitve pakta med dvema zločinskima režimoma, tj. pakta med Hitlerjem in Stalinom, ter od izbruha druge svetovne vojne. 23. avgusta 1939 sta nacionalsocialistična Nemčija in komunistična Sovjetska zveza, ki sta v dvajsetem stoletju povzročili najhujše zločine (vojne zločine, zločine proti človeštvu, genocid), sklenili pogodbo o nenapadanju. Konec septembra 1939 sta obe državi sklenili še t. i. mejno in prijateljsko pogodbo. Obe pogodbi sta vsebovali tajni dodatni protokol, ki je določal interesna območja obeh držav in medsebojno podporo pri okupaciji sosednjih ozemelj. Neizpodbitno dejstvo je, da sta Nemčija in Sovjetska zveza začeli drugo svetovno vojno kot zaveznici. Nemčija je napadla Poljsko 1. septembra 1939, Sovjetska zveza pa 17. septembra. Sovjetska zveza je nato leta 1940 zasedla in priključila baltske države Estonijo, Latvijo in Litvo. Napadla je tudi Finsko, ki pa se ji je zoperstavila. Obenem je sovjetska partija sebi podrejene komunistične partije, tudi jugoslovansko, ščuvala v upor proti t. i. imperialistom, torej predvsem ZDA in Veliki Britaniji. Jugoslovanska in slovenska partijska nomenklatura sta tako paktirali s Hitlerjem vse do napada na Jugoslavijo na začetku aprila 1941. Tedaj se je Hitler prelevil v smrtnega sovražnika, Stalin pa je ostal zvezda vodnica jugoslovanskemu partijskemu vrhu vse do resolucije Informbiroja. Številne očitne, sistemske in množične kršitve človekovih pravic in temeljnih svobodščin po drugi svetovni vojni v jugoslovanski državi ostajajo do današnjih dni nepreštete. Jugoslovanska, s tem pa tudi slovenska komunistična elita, se je po prevzemu oblasti dosledno zgledovala po doktrini marksistično/boljševističnega razrednega boja in že med vojno, zlasti pa ob koncu vojne in neposredno po njej, eliminirala tisoče ljudi, katerih posmrtni ostanki so še vedno v globelih, rudniških jaških, jamah ... Tako opevana t. i. »svoboda« v povojni komunistični Jugoslaviji je že ob najmanjšem verbalnem deliktu trčila ob meje dopustnega. Ljudem je določala, kaj smejo početi, misliti in govoriti ter česa ne smejo. Strah se je počasi, a prepričljivo zasidral globoko v ljudi. Za dolga desetletja je poškodoval slovenskega človeka in ga pahnil v stanje nesvobode, tiranije in nepojmljivega nasilja nad človekovim dostojanstvom.

A kakor je v svojem znamenitem govoru o imperiju zla leta 1982 poudaril ameriški predsednik Ronald Reagan, »... režimi, ki jih sadijo bajoneti, nimajo korenin ...«. Nadaljeval je z mislijo, da »... že od eksodusa v starem Egiptu zgodovinarji v svojih knjigah pišejo o ljudeh, ki so se žrtvovali ali se borili za svobodo ...« in omenil bitko pri Termopilah, Spartakov upor, rušenje Bastilje, varšavsko vstajo, brutalne policijske intervencije v Vzhodni Nemčiji leta 1953, na Madžarskem leta 1956, Češkoslovaškem leta 1968, Poljskem leta 1981.

»Povsod je vedno znova prišla na dan človekova instinktivna želja po svobodi in samopotrditvi.« (Noonan, 2010, str. 192).

Ta silovita, večna in neustavljiva človekova želja po svobodi in dostojanstvu se je pred dvaintridesetimi leti zlila v veličastno dogajanje, ki ga ponazarjajo padec Berlinskega zidu, železne zavese ter propad komunističnih režimov v srednji in vzhodni Evropi, kar je milijonom ljudi prineslo novo upanje za boljšo prihodnost in življenje v svobodi. Ruski disident in pisatelj Aleksander Solženicin je ob tem zapisal, da »... diktatorji in diktature padejo le takrat, ko se ljudje zoperstavijo lažem z vsem pogumom, ki je za to potreben.« Tudi Slovenke in Slovenci smo se tedaj pogumno zoperstavili nedemokratičnemu režimu in vzpostavili samostojno slovensko državo.

Vendar danes lahko ugotavljamo, da se številna pričakovanja ljudi, ki so bili desetletja dolgo ujeti za železno zaveso, v mnogočem niso uresničila. Številne težave, ki pestijo evropski prostor, so tudi posledica dejstva, da Evropa ne more biti uspešna in demokratična, dokler ne prepozna lastne totalitarne preteklosti v vseh svojih grozljivih razsežnostih. Veliko premalo je zavedanja, da preteklosti ne moremo spremeniti, vendar v marsičem vpliva na zaznavanje, presojanje in ravnanje v sedanjosti in prihodnosti. Deklaracije in resolucije različnih evropskih institucij in organizacij nas že leta dolgo opominjajo k bolj poglobljenemu in zavzetemu odnosu do zgodovinskega spomina, resnice in pravice. Pa vendar je evropski spomin kljub številnim zavezam še vedno razdrobljen, zlasti totalitarne izkušnje komunizma pa žal s težavo najdejo pot v spominsko krajino Evrope. To je med drugim tudi posledica dejstva, da sta bila nacionalni socializem in fašizem v drugi svetovni vojni poražena, komunizem pa se je sklenitvijo zavezništva proti Hitlerju uspel za železno zaveso obdržati na oblasti vse do začetka devetdesetih let prejšnjega stoletja.

2 Primer Slovenije: resnica, pravica, spomin ali novi barbarizem?

Slovenski narod je med tistimi – redkimi – v Evropi, ki je v 20. stoletju občutil nasilje vseh treh totalitarizmov: fašizma, nacionalnega socializma in komunizma. Vsi trije so pustili posledice, ki so vidne še danes. Strokovnjaki, ki se ukvarjajo s posledicami totalitarizmov, med drugim govorijo o še naprej trajajočem strahu in nezmožnosti pravilne presoje družbene stvarnosti. Dediščina prejšnjega režima je tudi žalosten pojav, ko ljudje, namesto da bi se postavili na lastne noge, še vedno razmišljajo, da mora zanje poskrbeti država. Da o tem, da pogosto na določenih proslavah morilce slavijo kot junake, niti ne govorim.

Na žalost Slovenija še zmeraj ne zmore najti temeljnega političnega konsenza o tem, da so vsi totalitarni režimi nekaj slabega in da jih je zato treba na načelni ravni odločno zavreči. Lahko ugotavljamo, da smo v Sloveniji veliko bolje razgradili posledice fašizma in nacionalnega socializma, težko pa bi trdili, da nam je uspelo ustrezno razgraditi ostanke komunizma. Morda se še spomnimo: v devetdesetih letih je neki ugledni nemški časopis nekoliko karikirano zapisal, naj bi bil v Sloveniji komunizem sicer mrtev, a nobeden še ni videl njegovega trupla. Se pa skorajda vsakodnevno srečujemo s še nepreštetimi trupli njegovih nasprotnikov, ki so bili večinoma brez sojenja ali pa na montiranih sodnih procesih obsojeni na smrt, dolgoletne zaporne kazni, koncentracijska in delovna taborišča, izgone iz kraja bivanja, ki so jim odvzeli premoženje ali kako drugače kršili njihove človekove pravice in temeljne svoboščine.

Slovenija spada med redke t. i. postkomunistične države, v kateri za storjene zločine nihče od nekdanje vladajoče skupine ni odgovarjal. Ni bilo lustracije niti v najmilejših oblikah. Ljudje, ki so na najrazličnejše načine kršili človekove pravice in svoboščine, so ostali na položajih. Spodletelo nam je pri mrliških listih za več kakor dvanajst tisoč po krivici umorjenih po drugi svetovni vojni. Seveda bi lahko navedla in celo morala navesti tudi dosežke t. i. pravnega procesa, med njimi delovanje Pučnikove parlamentarne komisije, komisije za prikrita morišča in komisije za popravo krivic, odločbe ustavnega sodišča, akcijo Sprava, delovanje nevladnih organizacij in posameznikov, ne nazadnje tudi dosežke Študijskega centra za narodno spravo, ki je v enajstih letih svojega obstoja več kot opravičil svoje delovanje in se vsestransko uveljavil tudi v mednarodnem prostoru. Če že splošni sistemski in družbeni pogoji niso najboljši, je toliko odgovornejša naloga specializiranih institucij, kakršna je Študijski center za narodno spravo. Ta šele vzpostavlja podlage za celostno, objektivno spoznanje naše polpretekle zgodovine, ki je zgodovinska znanost ni mogla v celoti obravnavati z vidika znanstvene resnice.

EU je glede totalitarizmov, tudi v postkomunističnih državah, večinoma soglasna. Ne povečujejo totalitarnih simbolov, ne poimenujejo ulic po diktatorjih, ne nagrajujejo ljudi, ki so vodili tajno politično policijo, ki je drastično kršila človekove pravice in svoboščine. V nobeni državi EU ne bi monetarnega trga »okužili« z liki revolucionarjev s totalitarnim simbolom. A še bolj kakor simboli je pomembna stvarna razgradnja totalitarnih struktur in praks. Tudi pri tem je Sloveniji precej spodletelo. V razmerah, ko vsi dejavniki, ki bi morali zagotavljati razvoj demokratične politične kulture, ne opravljajo dovolj dobro svojega poslanstva, se lahko upravičeno vprašamo, ali imajo v takšnih pogojih

»resnica, pravica in spomin« še kaj možnosti. Ali pa je alternativa kaj drugega, morda neki novi barbarizem?

Komunizem je med 2. svetovno vojno in po njej povzročil okoli 700 morišč po vsem slovenskem ozemlju. Do začetka devetdesetih let prejšnjega stoletja, torej do slovenske osamosvojitve, je bilo dovoljeno govoriti le o strahotah prvih dveh totalitarizmov. O komunističnih zločinih je vladal zapovedani in prisiljeni molk, ki pa ne zdravi ran, pač pa jih pogloblja (Valič Zver, 2008, str. 219–221).

3 »Celostni pristop« in nekateri poskusi pravnih dejanj v Sloveniji

Po osamosvojitvi Slovenije leta 1991 je slovenska družba v procesu demokratične tranzicije začela t. i. »spravni proces«, »tranzicijsko pravičnost«, »upor proti kulturi pozabljanja«. Med pogoji za spravni proces so védenje, razumevanje, toleranca, spoštovanje človekovih pravic in temeljnih svoboščin. Spravni proces poteka na različnih kompleksnih in med seboj prepletenih ravneh: politični, pravni, zgodovinske, izobraževalni, osebni in drugih. Kakor ugotavljajo mednarodni strokovnjaki, ki se ukvarjajo s posledicami vojn, je za uspeh pravnega procesa odločilen »celostni pristop«, ki ga sestavljajo številni dejavniki, med katerimi so najpomembnejši:

- **delovanje pravne države;**
- **pravica vedeti** (komisije za resnico, preiskovalni sveti, dokumentacija, arhivi, zgodovinske knjige, sezname pogrešanih oseb in podobno);
- **pravica do poprave krivic** (rehabilitacija, kompenzacija, restitucija, spomeniki, javna opravičila, komemoracije, izobraževalno gradivo in podobno);
- **pravica do zakonitosti** (sodni postopki, nadzor nad njimi, sodišča, mednarodni tribunal in podobno);
- **zagotovilo neponavljanja** (na primer institucionalne reforme, lustracija).

Slovenski spravni proces je del evropskega spoprijemanja z zločini totalitarnih in avtoritarnih režimov. Vendar lahko ugotavljamo nekatere svojevrstne poteze, ki so jih druge postkomunistične države uspešneje razrešile.

Spravna maša v Kočevskem rogu julija 1990, ki jo je daroval tedanji nadškof dr. Alojzij Šuštar, je bila simbolno dejanje na začetku slovenskega pravnega procesa. Naj izpostavim nekatere, ki so opravili in opravljajo pomembno delo:

- **parlamentarna preiskovalna komisija o raziskovanju povojnih množičnih pobojev, pravno dvomljivih procesov in drugih tovrstnih nepravilnosti,**

ki je delovala v mandatu 1992–1996 in jo je vodil dr. Jože Pučnik. Komisija sicer zaradi številnih blokad ni mogla v celoti opraviti zastavljenega dela. Pa vendar na desetine fasciklov govori o tragiki povojnega dogajanja v obliki pričevanj žrtev in zaslišanj domnevnih storilcev. Del gradiva, ki ga je Inštitut dr. Jožeta Pučnika objavil leta 2010, ne rekonstruira le dogodkov, procesov, dejanj in vlog posameznikov ter delovanja totalitarnega sistema, ampak kaže na razcepljenost slovenske politike tudi po vzpostavitvi demokracije v devetdesetih letih in na njeno očitno nesposobnost pri sprejemanju zgodovinske resnice.

- Študijski center za narodno spravo je leta 2008 ustanovila prva Janševa vlada, od leta 2008 do leta 2020 pa je deloval pod vodstvom dr. Andreje Valič Zver. Študijski center za narodno spravo se znanstvenoraziskovalno ukvarja s kršitvami človekovih pravic in temeljnih svoboščin iz časa vseh treh totalitarizmov. Izdal je številne strokovne publikacije, zbral številna pričevanja, organiziral številne dogodke in dejavno sodeloval v vzgojno-izobraževalnem procesu na različnih ravneh. Uveljavil se je v mednarodnem prostoru ter sodeloval s številnimi mednarodnimi institucijami in povezavami.
- **Komisija Vlade Republike Slovenije za izvajanje zakona o popravi krivic**, ki jo je dolgo vodila mag. Majda Pučnik Rudl in je rešila več kakor 33.000 vlog.
- **Komisija Vlade Republike Slovenije za reševanje vprašanj prikritih grobišč** s predsednikom dr. Jožetom Dežmanom se je angažirala na področju terenskih raziskav, sondiranja, izkopov in v nekaterih primerih identifikacije ter pokopov žrtev.
- Različne nevladne organizacije (na primer **Nova slovenska zaveza**, **Rafaelova družba**, **Društvo Slovenci po svetu** in druge) ter številni predani posamezniki na različne načine sodelujejo pri odkrivanju novih zgodovinskih dejstev in krepijo pravni proces.
- Evropski poslanec **dr. Milan Zver** si je več let prizadeval za krepitev spomina na žrtve vseh treh totalitarizmov in skupaj s poslanci Tunejem Kellamom, Sandro Kalniete in Laszlóm Tökesem organiziral več mednarodnih dogodkov, bil pa je tudi član *Evropske platforme spomina in vesti* ter skupine *Sprava evropskih zgodovin* v okviru Evropskega parlamenta.

Neuspešni poskus slovenske družbe pri spoprijemanju s totalitarno preteklostjo je policijska akcija Sprava, popolnoma pa so spodleteli tudi redki poskusi pravosodja glede procesiranja izvensodnih sistemskih in sistematičnih

kršitev človekovih pravic in temeljnih svoboščin. Dva poskusa sodnih procesov (proti vodilnemu sodelavcu Ozne, pozneje visokemu komunističnemu funkcionarju Mitji Ribičiču in proti poveljniku koncentracijskega taborišča Šterntal pri Ptujtu Martinu Štorglju) sta se iz različnih razlogov popolnoma izjalovila.

4 Druge težave pravnega procesa pri nas: politika, arhivi in drugo

Spravni proces na Slovenskem je tako kot proces demokratične tranzicije večinoma zašel v slepo ulico. Slovenska družba je še vedno razdvojena, vsaj v javnem diskurzu pa ni bistvenega napredka. Poprava krivic in dostojni pokop umorjenih, kar je sicer ena od temeljnih humanitarnih in civilizacijskih norm, le počasi dobivata domovinsko pravico. Ob izrazito nenaklonjenem medijskem prostoru, zlasti *mainstreamovskih* medijev, ki jih še vedno obvladuje stara nomenklatura s svojimi odrastki, ob lustraciji, ki se ni zgodila, ob uničenih večini arhivskega gradiva tajne politične policije, ob slabo delujočem pravosodju, ob skrivenčenosti levega političnega pola, ki vlada večino časa po letu 1990 in se v tujini predstavlja za »demokrate«, za domače potrebe pa ne zmore jasno obsoditi zločinov komunizma, se nam ne obeta nič dobrega.

Ob tem se zastavlja vprašanje, zakaj je stanje prav v Sloveniji tako zapleteno, zakaj nismo uspešnejši, zakaj nismo storili več v pravnem procesu? Kakor da ne živimo v evropskem prostoru, kjer so bili kljub številnim preprekam sprejeti številni ukrepi za odpravo zapuščine totalitarnih režimov, še zlasti po vstopu novih članic v Evropsko unijo leta 2004.

Zakaj je torej prav slovenski prostor tako zatohel? Zelo poenostavljeni odgovor bi lahko bil, da je kriva politika, ki ni našla volje, da bi se temeljiteje lotila vprašanj, ki bi jih bilo nujno treba razrešiti.

Po tridesetih letih od padca komunističnih režimov v vzhodni in srednji Evropi lahko ugotavljamo, da ostaja totalitarna preteklost eno od ključnih vprašanj demokratičnega razvoja. Na Slovenskem, pa tudi drugje, bodo morali svojo dolžnost v tem pogledu opraviti politika, pravo, zgodovinopisje, izobraževanje, razvoj politične kulture. Ključna za razčiščevanje s totalitarno preteklostjo je dostopnost gradiva tajnih političnih policij, ki so bile najpomembnejši instrument prevlade in represije v rokah vladajočih komunističnih partij. **Arhivsko gradivo**, ki je ohranjeno in ni bilo uničeno ali odtujeno, je neprecenljivi vir podatkov za politično, družbeno in ekonomsko spoprijemanje s totalitarno preteklostjo. Še posebej dragoceno je za žrtve, njihovo rehabilitacijo in raziskovanje njihovih usod. Ne nazadnje so v množici listin tudi podatki o odporu

proti totalitarnim režimom, ki so mladim generacijam zgled pokončnosti in zvestobe idealom.

V Sloveniji, kjer so se zgodili najhujši množični in sistematični izvensodni umori Slovencev, Hrvatov, Srbov, Črnogorcev in drugih, bi med drugim nujno potrebovali dostop do arhivov Udbe in drugih nekdanjih jugoslovanskih totalitarnih institucij, ki so po vsej verjetnosti še vedno v prestolnici razpadle skupne jugoslovanske države.

Kljub določbam zakona o arhivskem gradivu iz leta 2006 obveščevalna agencija Sova ni izročila celotnega ohranjenega arhivskega gradiva tajne politične policije. Arhivska referendumata leta 2011 in 2014 sta precej otežila dostop do ohranjenega gradiva, sprejetje zakona o zdravstvenih podatkih leta 2016 pa je skoraj zaprlo znanstvenoraziskovalni dostop do podatkov, ki jih o množičnih in hudih kršitvah človekovih pravic in temeljnih svoboščin v totalitarizmi hranijo zdravstvene ustanove.

Več kakor 80 odstotkov arhivskega gradiva tajne politične policije je bilo uničenega konec osemdesetih in na začetku devetdesetih let prejšnjega stoletja. Za to uničevanje skupne dediščine nihče ni odgovarjal.

Skrivnosti tajne politične policije Udbe, poznejše Službe državne varnosti, »globoka država« torej skriva za vsako ceno, ne glede na zakone, resolucije, deklaracije in politične izjave, ne glede na trpljenje žrtev in razčiščevanje preteklih travm, ki zastrupljajo naš vsakdan. Zdi se, kakor da je treba zaščititi storilce dejanj, torej ljudi, ki bi jih v vsaki normalni državi postavili pred sodišče. S plehkimi izgovori, nabuhlim leporečjem in širjenjem neresnic se zamegljuje temeljno dejstvo, da so spremembe arhivskega zakona znova večinoma zaprle arhive in omejile dostop do podatkov, ki bi bili v razvitih in utrjenih demokratičnih družbah, pa tudi nekdanjih komunističnih državah (primer Nemčija, Poljska) na voljo javnosti.

Slovenci tudi na tem področju kakor tudi na številnih drugih področjih z zavezanimi očmi korakamo »nazaj v prihodnost«. Zagovorniki zapiranja arhivov so med drugim strašili z možnimi posledicami za ljudi, ki so bili – tako ali drugače – vpeti v delovanje tajne politične policije. Privoščili so si celo javno razlaganje neprekinjenega delovanja te službe vse od svinčenih jugoslovanskih časov, ko smo živeli v nedemokratičnem sistemu in nepravni državi s tajnim uradnim listom, imeli 11.000-odstotno inflacijo (podatek je iz oktobra 1989), bone za bencin in takse za prestop meje, da o drugih »pridobitvah« socializma

sploh ne govorimo. Moralnopolitična neoporečnost za vse poklice, ki naj bi bili – po mnenju takratnih oblasti – izpostavljeni (učitelji, novinarji, odvetniki, kulturniki in drugi), se danes zdi kot pradavni anahronizem. Poročila Službe državne varnosti s konca osemdesetih let (leta 1989 je imela SDV odprtih približno 100.000 dosjejev) prejšnjega stoletja se berejo kot opomin, česa vse so bili današnji »demokrati in zagovorniki človekovih pravic« sposobni v ustreznem okolju. Seveda ni dvoma, da se nekateri od teh ljudi upravičeno sramujejo, pa tudi bojijo razkritja kdove kakšnih zavrženih dejanj.

Precej nehigienično je brezkompromisno ščititi ljudi, ki so – iz kakršnih koli razlogov – sodelovali v uničevalnem kolesju tajne politične policije Udbe. Ta se skupaj z nemško Stasi, romunsko Securitate in drugimi tajnimi političnimi policijami uvršča med totalitarne institucije, ki so delovale po sovjetskem vzoru ter katerih prvi in temeljni cilj je bil zaščititi moč vladajoče partije. Kljub razlikam med državami je tajnim političnim policijam skupna podobna struktura, med seboj pa so tudi tvorno sodelovale. Vdirale so v vse dejavnosti, nadzirale družbene sfere, opazovale prebivalstvo, ga kontrolirale ter ustvarjale ozračje strahu in nemoči. Število žrtev še vedno ni znano. Znanstveno raziskovanje je še vedno na začetku, ne nazadnje zato, ker je večina arhivov sovjetske KGB in jugoslovanske Udbe še vedno zaprtih.

5 Življenje drugih

Evropa se torej v zadnjih letih s svojo totalitarno preteklostjo spoprijema tudi z odpiranjem **arhivskega** gradiva tajnih političnih policij. Leta 2008 je bila ustanovljena *Evropska mreža uradnih institucij, ki so odgovorne za arhive tajnih policij*. Združuje arhive iz sedmih držav, in sicer Nemčije, Češke, Bolgarije, Romunije, Madžarske, Poljske in Slovaške. Zanimivo je primerjati ureditev dostopa do arhivskih podatkov v teh državah, ki imajo vse ohranjenega več gradiva tajnih političnih policij, kakor ga imamo Slovenci. Slovenski uničevalci arhivskega gradiva so bili nedvomno bolj zviti in temeljiti kakor na primer njihovi nemški kolegi iz Stasija. Dostop do arhivov Stasija je za posameznika dokaj preprost, nemški zakon pa seveda ne ščiti podatkov o 250.000 uslužbencih in skoraj 600.000 sodelavcih Stasija. Drobovje Stasija ter muke njegovih žrtev in tudi sodelavcev pronicljivo prikaže z oskarjem nagrajeni nemški film *Življenje drugih*, ki seveda niti slučajno ne bi mogel biti posnet na Slovenskem.

Tudi Čehi si lahko tako kakor Nemci brez omembe vrednih omejitev ogledajo arhive, ki so bili v dolgih letih komunističnega totalitarizma ustvarjeni na

različnih čeških ministrstvih in v pisarnah tajne politične policije. Del Inštituta za raziskovanje totalitarnih režimov, ki je bil ustanovljen leta 2008 in zaposluje skoraj tristo ljudi, je tudi obsežni arhiv politične policije. Ohranilo se je skoraj 80 odstotkov dokumentov. Arhiv je postal svetovno znan med izbruhom afere Kundera. Tedaj se je svet zgroženo spraševal, ali je mogoče, da je priznani češki disidentski pisatelj opravljal umazano delo ovaduha, zaradi česar je bil študent Miroslav Dvořáček v zaporu štirinajst let. Ob mojem obisku na Češkem jeseni leta 2008 je dr. Pavel Žáček, tedanji direktor inštituta, potrdil navedbe medijev z izvirnimi dokumenti. Ob tem se lahko le vprašamo, kateri od slovenskih žena in mož, ki vsakodnevno ustvarjajo javno mnenje, bi še veljali za verodostojne, če bi bili na voljo podatki o njihovem ovajanju, prisluškovanju in pisanju poročil za Udbo oziroma SDV. Prav gotovo velja biti previden pri ravnanju s podatki tajne politične policije, saj so bili številni napisani z namenom diskreditacije in zavajanja.

Nadaljnje primerjanje slovenskih in čeških razmer kaže, da so Čehi glede na svoje prostorske, finančne in kadrovske zmožnosti v precejšnji prednosti pred nami. Češki kolegi so bili leta 2008 skupaj z Vaclavom Havlom med pobudniki Praške deklaracije in idejnimi očeti Evropske platforme spomina in vesti, ki jo dejavno oblikujejo tudi na ravni Evropske unije.

Inštitut tako nadaljuje svoje poslanstvo v češkem in evropskem prostoru. Potekajo številne odmevne konference in razstave ter objavljajo različne publikacije. Arhiv tajne politične policije na štirih lokacijah hrani več kakor osemnajst kilometrov gradiva nekdanjega notranjega ministrstva, ministrstev za pravosodje in obrambo ter različnih varnostnih in obveščevalnih služb. Dostop do dokumentov, ki jih hranijo na praškem inštitutu, je relativno nezapleten. Vsak dan digitalizirajo približno 30.000 strani besedila in to bodo počeli vse do leta 2030. Šele tedaj bo arhiv češke tajne politične policije postal del državnega arhiva. Na Slovenskem pa smo ubrali drugačno pot, ki nas pelje nazaj v preteklost in skuša čim bolj skriti še tiste ostanke ostankov, ki med načrtnim uničevanjem spomina niso končali v razbeljenih kurilnicah in skrivnih kletih.

Žal se Slovenci premalo zavedamo, da so zločini totalitarnih režimov, ki jih bodo prihodnji rodovi spoznavali predvsem na temelju arhivskega gradiva in pričevanj, del evropske zgodovine, del njenega celostnega zgodovinskega koncepta. Poljski zgodovinar Bronislav Geremek je večkrat opozoril, da koncept skupne Evrope zajema tudi skupno zgodovino. Evropske institucije dokaj budno in zaskrbljeno spremljajo tovrstne poskuse zapiranja zgodovine v temačne

stolpe skrivnosti. Bojim pa se, da skrivnosti Udbe in Službe državne varnosti za razliko od Aristotelove knjige ljudem niso izvabliale smeha, temveč solze, žalost, strah in obup.

6 Namesto sklepa: uničevanje ali ohranjanje spomina?

Levi del slovenskega političnega prostora žal ni zmogel niti toliko moči, da bi potrdil resolucijo, ki jo je aprila 2009 sprejel Evropski parlament z veliko večino vseh poslancev, vključno z vsemi slovenskimi. V evropski resoluciji so obsojeni prav vsi totalitarni in avtoritarni režimi. Pobalinsko sprenevedanje in nekatere maloumne poslanske razprave brez kančka pietete so dokaj slabo sporočilo za prihodnost mlade in razvijajoče se slovenske demokracije.

Toda ali lahko res vse naprtimo politiki? Ali pri politiki zlasti leve provenience ne gre le za izkoriščanje stanja za lastne interese in dnevne politične koristi? Prav o tem vprašanju je veliko razmišljal tudi demokrat, politični zapornik, državnik in oče slovenske državnosti dr. Jože Pučnik. V demokratični državi državljani odločajo o tem, kaj naj počne politika. Kaj pa pri nas? Pučnik je postavil tezo o poškodovanosti mentalitet, ki je rezultat dolgoletnega bivanja v totalitarnem vzorcu in izpostavljanja posameznika politični indoktrinaciji. Ljudje sčasoma postanejo odvisne, negotove osebnosti; ostanejo nezreli, zato potrebujejo nekoga, ki jih vodi, zato mu služijo, ga ubogajo, se mu udinjajo. So kot otroci! Totalitarizem potrebuje »otroke«; ne prenese zrelih, odraslih, nekonformističnih, avtonomnih osebnosti. Slovenska tranzicija je zaznamovana s tem dejstvom. Pučnik je v svojih poznejših nastopih pogrešal več državljanskega poguma, več kritike in protestov proti totalitarnim sponam. Ugotavljal je, da disidentov ni več. Namesto tega obstajajo pasivni državljani, ki so bolj naklonjeni patološkemu vedenju. In taka je tudi (patološka) politika, ki je na Slovenskem pognala korenine. Znamenj je več kakor dovolj, naj omenim le nekatere. V zrelih in utrjenih demokracijah bi težko našli poteze, primerljive s podeljevanjem visoke nagrade šefu tajne politične policije v totalitarnem režimu. Patološko se zdi, če se po več kakor treh desetletjih po padcu sistema, ki je bil utemeljen na kršitvah ter ogrožanju človekovih pravic in temeljnih svoboščin, ulica poimenuje po njegovem vodji, po krvavem diktatorju. Levi politiki žugajo tistim, ki si prizadevajo za spravo, in da bo paradoks še večji, zanjo si bolj prizadevajo tisti, ki so bili nekoč žrtve; hkrati pa jim očitajo revanšizem. Dvorni zgodovinarji bizarno vpijejo o nevarnosti »revizije« zgodovine, kakor da je zgodovina enkrat za vselej napisana dogma, nespremenljiva resnica; odkritja novih zgodovinskih dejstev

na znanje o preteklosti ne bi smelo imeti nobenega vpliva. Pučnik, ki je bil žrtev montiranega političnega procesa in je nekaj let preživel v celicah jugoslovanskih komunističnih zaporov, nato pa ostal brez možnosti preživljanja družine in je bil prisiljen iskati eksistenco v tujini, je v trenutku stiske v nekem tv-intervjuju ubesedil ves absurd tovrstnih sprevrženih očitkov v vzkliku: »Ja, kaj sem pa jaz komu hudega storil?« Potrebujemo demokratično prenovu na ravni **kulture**, šele po njej bo mogoča normalnost tudi na polju politike in drugih področjih. A normalnost ne bo prišla sama od sebe. Treba jo bo ustvarjati tako, da bodo vsi akterji, ki sooblikujejo politično in siceršnje stvarnost, delovali v isti smeri, tj. spoštovanja človekovega dostojanstva. Potem bo možnosti, da se ponovi temna stran zgodovine z vsemi strahotami, mnogo manjša. Vsi mi imamo v spravnem procesu oziroma procesu tranzicijske pravičnosti, ki bi ga lahko poimenovali (in)kulturacijski proces, neprecenljivo vlogo, tj. prenos resnice na mlade generacije (če že uradne politike in mediji te vloge ne opravljajo). Brez resnice pa ni prihodnosti. Spomin na žrtve vseh totalitarnih in avtoritarnih režimov nas zavezuje k spoštovanju civilizacijskih pridobitev kulturnega civilizacijskega okolja. To je še posebej pomembno v času, ko se drastično zmanjšuje zaupanje v institucije pravne države in demokracije. Spomin potrebujemo tudi zaradi prihodnosti. Naj nas opominja, da demokracija ni dana enkrat za vselej, temveč si je treba zanjo vedno znova prizadevati. Le tako jo lahko ohranimo in preprečimo, da se časi, ki so povzročili toliko gorja slovenskemu narodu, ne bodo nikoli več ponovili. Naša dolžnost je, da prihodnjim generacijam zapustimo demokratično in svobodno družbo, ki bo spoštovala človekovo dostojanstvo. Demokracija zahteva odgovorni odnos do preteklosti.

Literatura:

Arendt, Hanna, 2003: Izvori totalitarizma, Ljubljana: Študentska založba.

Girard, René, 2006: Gledam satana, ki kakor blisk pada z neba, Ljubljana: KUD Logos.

Noonan, Peggy, 2010: Ko je kraljeval značaj: zgodba o Ronaldu Reaganu, Ljubljana: Soleco.

Pahor, Boris, 2009: Nekropola, Ljubljana: Mladinska knjiga.

Strajnar, Neža (ur.), 2020: Širimo pogled: prvo desetletje Študijskega centra za narodno spravo. Ljubljana: Študijski center za narodno spravo.

Todorov, Tzvetan, 2000: Memory as a Remedy for Evil, London: Seagull Books.

Todorov, Tzvetan, 2004. Hope and Memory: lessons from the Twentieth Century, New Jersey: Princeton University Press.

Todorov, Tzvetan, 2011: The Totalitarian Experience, London: Seagull Books.

Valič Zver, Andreja, 2008: *Is it wise to discuss themes that hurt? Jambreč, Peter (ur.): Crimes committed by totalitarian regimes: reports and proceedings of the 8 April European Public Hearing on Crimes Committed by Totalitarian Regimes. Ljubljana: Slovenian Presidency of the Council of the European Union. 219–221.*

Valič Zver, Andreja, 2010: *History education as a tool for the promotion of human rights. Ripka, Vojtěch (ur.): Twenty years after: Central and Eastern European communist regimes as a shared legacy. Prague: Ústav pro studium totalitních režimů. 1–5.*

Valič Zver, Andreja, 2011: *The Slovenian way of »the lives of others«. Südosteuropa-Mitteilungen: Vierteljahresschrift der Südosteuropa-Gesellschaft. 2011, jg. 51, 5/6 2011. 101–109.*

Valič Zver, Andreja, 2015: *Democracy is not set in stone: lessons to be learned. Central European political science review. Fall 2015, vol. 16, no. 61. 115–131, 171–172.*

SIMONA KUKOVIČ

Fakulteta za uporabne družbene študije v Novi Gorici
Univerza v Ljubljani

MIRO HAČEK

Univerza v Ljubljani

Tri desetletja lokalne samouprave v Republiki Sloveniji: izbrane značilnosti in trendi

Po osamosvojitvi Republike Slovenije je bila uvedba lokalne samouprave ena izmed najpomembnejših in hkrati najzahtevnejših nalog, saj je šlo pri tem za korenito spremembo dotedanje samoupravno-komunalne ureditve v smeri klasične lokalne samouprave evropskega tipa. V prispevku prikazujemo trende, ki so se v treh desetletjih razvili v slovenski lokalni samoupravi in so posebnosti, ne samo v primerjavi z državno ravno, temveč tudi v mednarodnem prostoru. Avtorja tako obravnavata nastajanje novih občin, izginjanje političnih strank z lokalne ravni in lokalno demokracijo, ki je tako v neposredni kakor tudi posrednih oblikah dobro razvita in odlično deluje.

1 Uvod

Kljub zgodovinskim virom, po katerih začetek lokalne samouprave na Slovenskem sega v srednji vek, lahko govorimo o dejanski izgradnji ureditve lokalne samouprave šele po osamosvojitvi Republike Slovenije. Osamosvojitve Republike Slovenije in demokratične spremembe so bile namreč tudi priložnost za vzpostavitev evropsko primerljivega sistema lokalne samouprave. Glavni cilj reforme je bil predvsem uvesti preglednejši in obvladljivi sistem upravljanja, ki je bližje ljudem in hkrati omogoča usklajevanje različnih interesov. Politični vrh države je tako imel pomembno in zahtevno nalogo, saj je bila potrebna korenita sprememba dotedanje samoupravno-komunalne ureditve v smeri uvajanja klasične lokalne

samouprave evropskega tipa, ki bi prebivalcem zagotovila pravico do odločanja o javnih zadevah ter izboljšala kakovost življenja v lokalni skupnosti.

Prvi korak k temu je bila izdelava strokovnih podlag za projekt lokalne samouprave, ki so bile pripravljene že v letu 1989. Naslednja koraka sta bila sprejetje nove slovenske ustave s pomembnim poudarkom na lokalni samoupravi konec leta 1991 in dve leti pozneje (21. decembra 1993) še sprejetje krovnega Zakona o lokalni samoupravi (Uradni list RS, št. 72/93). S tem je bila odprta pot za popolno prenavo dotedanje komunalne ureditve v smeri sodobne evropske lokalne samouprave, ki se je v treh desetletjih razvoja izkazala dobro delujoča raven oblasti, za katero so značilni zlasti trdna lokalna demokracija, ki tako v neposredni kakor tudi posrednih oblikah odlično deluje, pa tudi njena čedalje izrazitejša nepolitična narava, kjer politične stranke niso le čedalje šibkejše, temveč celo izginjajo. To pa so trendi, ki jih bomo obravnavali tem poglavju, saj so posebnosti ne samo v primerjavi z državno ravno, temveč tudi v mednarodnem prostoru.

2 Nastajanje novih občin

Izvedbeni temelji za izpeljavo reforme lokalne samouprave so bili postavljeni s sprejetjem Zakona o referendumu za ustanovitev občin (ZRUE, Uradni list RS, št. 5/94) v januarju 1994; referendumu pa so bili izvedeni 29. maja 1994.

Rezultate referendumov je bilo zelo težko, skorajda nemogoče v popolnosti upoštevati, saj so se volivci le na 111 referendumskih območjih (od skupaj 339) izrekli za ustanovitev lastne občine. Zaradi posvetovalne narave referendumov se je Državni zbor Republike Slovenije odločil za ohlapno upoštevanje volilnih izidov in 3. oktobra 1994 sprejel Zakon o ustanovitvi občin ter o določitvi njihovih območij (Uradni list RS, št. 60/94), s katerim je bilo v Sloveniji ustanovljenih 147 občin, od tega enajst mestnih. Stare družbenopolitične skupnosti (komune, občine), ki jih je bilo 62, so tako prenehale obstajati; državne funkcije, ki so jih pred tem opravljale prejšnje ozemelsko večje občine, so bile v prehodnem nekajmesečnem obdobju prenesene na upravne enote, lokalne naloge pa so prevzeli – po opravljenem ustanovitvenem postopku – novi organi novih občin oziroma samoupravnih lokalnih skupnosti (Kukovič, 2021).

Odločitev o ustanovitvi 147 občin je sprožila precej kritik, vrhunec pa je bil dosežen, ko so lokalne skupnosti na Ustavno sodišče Republike Slovenije vložile pobude za oceno ustavnosti tega. Ustavno sodišče je odločilo, da sta zakonska člena, ki določata, katere občine so bile ustanovljene, v neskladju z Ustavo Republike Slovenije (Uradni list RS, št. 33/91) in naložilo Državnemu

zboru Republike Slovenije odpravo neskladnosti najpozneje šest mesecev pred razpisom naslednjih volitev v občinske svete v letu 1998.

Tako je bil julija 1996 sprejet Zakon o postopku za ustanovitev občin ter za določitev njihovih območij (ZPUODO, Uradni list RS, št. 44/96). Zakon se je začel uporabljati v letu 1998, a se je njegova uporaba izkazala za popolnoma neuspešno. S tem zakonom naj bi se namreč odpravila z ustavno odločbo razglašena protiuustavnost celotne prve mreže slovenskih občin iz leta 1994, vendar je bilo, namesto da bi bila ta nova mreža usklajena z ustavo in določbami Zakona o lokalni samoupravi, dodatno ustanovljenih še 45 novih občin, med katerimi jih veliko ni ustrezalo zakonsko določenim zahtevam za ustanovitev občin.

Kljub nerešenemu stanju je Državni zbor Republike Slovenije februarja 2002 obravnaval 31 novih predlogov za ustanovitev občin, med katerimi so le tri izpolnjevale zakonsko predpisane pogoje. Državni zbor Republike Slovenije je odločil, da se bo število slovenskih občin povečalo za eno, in sicer na 193 občin.

Ne glede na obratni trend reform lokalne samouprave v Evropi (glej na primer Swianiewicz, 2002; Kersting in Vetter, 2003; Copus, Roberts in Wall, 2017) se v Sloveniji tudi v poznejših letih fragmentacija in nastajanje novih občin nista umirila, temveč sta se krepila. Že januarja 2006 je bil namreč izveden posvetovalni referendum o občinah, na katerih so prebivalci posameznih naselij glasovali o ustanavljanju novih občin. Državni zbor Republike Slovenije je nato 1. marca 2006 potrdil referendume in nove občine, tako da se je število občin v Sloveniji povečalo na 205. Poleg tega je dva meseca pozneje (4. maja 2006) Vlada Republike Slovenije poslala v državni zbor predlog o ustanovitvi še petih novih občin. Predlog je bil sprejet; število občin se je povečalo na 210.

Februarja 2011 je znova prišlo do sprememb, saj je bila takrat po zakonodajnih zapletih ustanovljena občina Mirna. Zadnja širitev se je zgodila junija 2011, ko je Ustavno sodišče Republike Slovenije v zelo nenavadni odločitvi kar samo ustanovilo občino Ankaran; v skladu z zakonom pa so občani Ankarana svoje predstavnike prvič izvolili na lokalnih volitvah leta 2014 (Kukovič, 2021).

Zaradi številnih pobud za ustanavljanje občin se je število občin z vsakimi lokalnimi volitvami povečevalo vse do lokalnih volitev leta 2018, ko se število občin prvič v zgodovini lokalne samouprave v Sloveniji ni povečalo. Zdaj je slovensko ozemlje razdeljeno na 212 politično decentraliziranih avtonomnih enot, pri katerih tako po številu prebivalcev kakor tudi geografski velikosti naletimo na skrajnosti. Največja občina ima po zadnjih podatkih

294.464 prebivalcev, medtem ko ima najmanjša občina 327 prebivalcev. Po drugi strani meri največja občina 555 km², najmanjša pa samo 6,9 km². Sicer pa velja, da so na geografsko zahtevnejšem zahodu države večje in manj poseljene občine, medtem ko so na nižinskem vzhodu države občine povprečno bolj poseljene in hkrati manjše po površini, saj je bila na tem območju fragmentacija ozemlja najmočnejša.

V zanosu vzpostavitve in ureditve decentraliziranega sistema so bila vsa prizadevanja usmerjena v najnižjo raven lokalne samouprave (torej občine), v senci pa je ostala – naj si bo še tako potrebna – regionalizacija države. Tako je Republika Slovenija še danes ena najbolj centraliziranih evropskih unitarnih držav, v kateri je vzpostavljena le ena lokalna raven oblasti.

3 Nestrankarstvo na lokalni ravni

Župan je s spremembo Zakona o lokalni samoupravi pred lokalnimi volitvami leta 1998 (ko je bila ukinjena institucija predsednika občinskega sveta) postal ključna oseba v občini, saj je od omenjene spremembe v primerjavi z občinskim svetom izrazilo pridobil politično moč, zato je smiselno primarno analizirati rezultate županskih volitev, ki jim tudi sredstva javnega obveščanja običajno namenjajo največ pozornosti.

Preglednica 1: Rezultati županskih volitev na lokalnih volitvah v obdobju 1994–2018

	1994	1998	2002	2006	2010	2014	2018
Nestrankarski kandidati	29	46	60	67	71	115	123
Slovenska ljudska stranka (SLS)	27	39	45	49	41	31	26
Liberalna demokracija Slovenije (LDS)	23	22	28	17	13	2	-
Socialdemokratska stranka / Slovenska demokratska stranka (SDS)	18	21	16	27	33	19	17
Združena lista socialnih demokratov / Socialni demokrati (SD)	13	10	13	13	20	20	16
Slovenski krščanski demokrati / Nova Slovenija (NSi)	21	21	4	10	8	7	10

Različne koalicije	13	26	23	19	14	8	8
Druge politične stranke	3	6	4	8	10	10	12
SKUPAJ	147	192	193	210	210	212	212

Vir: Podatki Državne volilne komisije v Haček (2020).

Analiza županskih volitev je dokaj preprosta, saj sta za županske volitve v slovenskem sistemu lokalne samouprave že od poznih devetdesetih let značilna predvsem dva dopolnjujoča pojava: prvi je povečevanje uspeha nestranskih kandidatov, drugi pa vedno manjši vpliv političnih strank. Kakor izhaja iz preglednice 1, so nestranskih kandidati relativni zmagovalci lokalnih volitev že od prvih lokalnih volitev leta 1994, v letu 2014 pa so postali tudi absolutni zmagovalci lokalnih volitev, saj je prvič več kakor polovica občin dobila nestransko župane; ti so svojo prevlado na zadnjih lokalnih volitvah leta 2018 le še utrdili. Hkrati pa je mogoče ugotoviti, da imamo na lokalni ravni oblasti dejansko samo štiri stalne in večinoma uspešne politične stranke, in sicer tri desnosredinske (SDS, SLS in NSi) ter levosredinsko SD. V obdobju 2010–2014 je najprej ugasnila in *de facto* izginila iz slovenskega političnega prostora Liberalna demokracija Slovenije (LDS), hkrati je zašla v težave tudi še vedno najuspešnejša politična stranka na slovenskih lokalnih volitvah (SLS), saj je po neuspehu na parlamentarnih volitvah leta 2014 postala zunajparlamentarna politična stranka. Štiri najmočnejše politične stranke imajo po lokalnih volitvah leta 2018 skupaj le še 69 županov (32 odstotkov vseh), kar je najmanj doslej v samostojni Sloveniji; preostale politične stranke in različne koalicije imajo skupaj še nadaljnjih dvajset županov (deset odstotkov vseh), vsi preostali župani (123, kar znaša 58 odstotkov) pa so nestranskih.

Seveda pa je popolnoma druga zgodba vprašanje, ali so kandidati, ki so kandidirali s podporo volivcev, tudi dejansko nestranskih kandidati in koliko gre pri tej skupini za kandidate, ki so dejansko izrazito politično usmerjeno. Večji analitični izziv so tako formalno nestranskih kandidati, ki so v preteklosti že bili jasno politično opredeljeni, nekateri celo izvoljeni na politično funkcijo s podporo posamezne politične stranke ali skupine političnih strank in so se pozneje iz različnih razlogov odločili, da se bodo na lokalnih volitvah preoblekli v nestranskih suknič. Gre za pojav, ki na slovenskih lokalnih volitvah ni neznan in se v večjem ali manjšem obsegu dogaja že od prvih lokalnih volitev leta 1994 (glej Kukovič in Haček, 2011, str. 17; Kukovič et al., 2015).

3.1 Volitve občinskih svetnikov

Pri analizi rezultatov volitev občinskih svetov v obdobju 1994–2018 lahko opazimo tri skupine političnih strank: a) stranke, ki od prvih volitev v občinske svete leta 1994 stalno izgubljajo delež dobljenih glasov (in s tem delež izvoljenih občinskih svetnikov), b) stranke, katerih volilni rezultati nihajo, ter c) stranke, ki niso nastopile na vseh dosedanjih lokalnih volitvah. V prvo skupino spada predvsem Slovenska ljudska stranka (SLS), v drugo skupino spadajo Slovenska demokratska stranka (SDS), Nova Slovenija (NSi), Socialni demokrati (SD) ter Demokratična stranka upokojencev Slovenija (DeSUS) in Slovenska nacionalna stranka (SNS), v tretji skupini pa je množica strank, ki so v obdobju 1994–2018 nastajale in izginjale, med njimi vsekakor izstopa zmagovalka volitev v občinskem svetu leta 1998 in 2002 Liberalna demokracija Slovenije (LDS). Najslabši rezultat na lokalnih volitvah glede na predhodne lokalne volitve je imela Liberalna demokracija Slovenije, ki je na lokalnih volitvah 2006 izgubila približno osem odstotkov glede na prejšnje lokalne volitve, nato pa se je zgodba ponovila še na lokalnih volitvah leta 2010 in 2014, ko je stranka skoraj izginila iz slovenskega političnega prostora. V posebno skupino lahko uvrstimo nestrankarske liste, ki vse od lokalnih volitev leta 1994 pridobivajo podporo in povečujejo delež glasov. Opazimo lahko, da največji in najbolj organizirani politični stranki v državi (SDS in SD) od lokalnih volitev leta 1994 ohranjata dokaj stabilno podporo (SD med 10 in 13 odstotki, SDS pa med 13 in 18 odstotki), kar kaže tudi na najbolj zvesto in trdno volilno telo. Medtem ko Socialni demokrati nikoli niso bili najuspešnejša politična stranka na volitvah v občinske svete, pa je Slovenska demokratska stranka najuspešnejša politična stranka na volitvah v občinske svete v letih 2014 in 2018 (Haček, 2020).

Druga značilnost, ki jo je opaziti že od lokalnih volitev leta 1994, potrjuje pa se na vsakih lokalnih volitvah odtlej, je nekoliko večja uspešnost tako imenovanih desnosredinskih političnih strank v manjših občinah in obratno, nekoliko večja uspešnost tako imenovanih levosredinskih političnih strank v večjih občinah (Kukovič in Haček, 2018). Ob tem je seveda zanimivo, da (so) se slednje ves čas reforme lokalne samouprave dosledno zavzemajo za oblikovanje nekoliko večjih občin in so večinoma nasprotovale drobljenju občin, medtem ko so bile prve v večini primerov pobudnice ustanavljanja novih (in praviloma manjših) občin.

Preglednica 2: Rezultati volitev v občinske svete* na lokalnih volitvah v obdobju 1994–2018 (v odstotkih)

	1994	1998	2002	2006	2010	2014	2018
Nestrankarske liste	9	12	17	20	22	29	32
Slovenska ljudska stranka (SLS)	13	12	11	9	9	8	6
Liberalna demokracija Slovenije (LDS)	17	23	23	15	7	-	-
Socialdemokratska stranka / Slovenska demokratska stranka (SDS)	14	16	13	17	18	14	17
Združena lista socialnih demokratov / Socialni demokrati (SD)	13	11	10	12	12	10	10
Slovenski krščanski demokrati / Nova Slovenija (NSi)	18	12	8	6	6	7	6
Demokratska stranka upokojencev Slovenije (DeSUS)	4	5	5	5	9	7	5
Stranka modernega centra (SMC)	-	-	-	-	-	11	4
Slovenska nacionalna stranka (SNS)	2	2	2	2	2	1	1
Stranka mladih Slovenije (SMS)		-	4	-	-	-	-
Zares	-	-	-		4	-	-
Levica	-	-	-	-	-	-	3
Lista Marjana Šarca (LMŠ)	-	-	-	-	-	-	2

* Vključene so samo občine s proporcionalnim volilnim sistemom.

Vir: Podatki Državne volilne komisije v Haček (2020).

Na prvih in drugih lokalnih volitvah v letih 1994 in 1998 smo raziskovalci (Haček, 1999) ugotavljali, da je uspeh političnih strank večinoma odvisen tudi od stopnje razvitosti organizacijske mreže občinskih in krajevnih odborov, ki so (ali niso) sposobni najti ustrezne kandidate, oblikovati liste kandidatov in vložiti kandidature. V dobrega četrto stoletja od ponovne uvedbe lokalne samouprave v Sloveniji je skupina političnih strank, ki so doslej kandidirale na vseh lokalnih volitvah, zgradila organizacijsko mrežo po vsej Sloveniji, zato so v ospredje dejavnikov uspešnosti kandidiranja prišli drugi dejavniki, med katerimi je v zadnjem desetletju še posebej pomemben dejavnik splošno nezaupanje volivcev

v politične stranke, ki tem močno otežuje iskanje množice ustreznih kandidatov, ki so na lokalnih volitvah pač nujno potrebni, kar zmanjšuje njihovo uspešnost na lokalnih volitvah. Nestrankarski kandidati in lokalne liste tudi na volitvah članov občinskih svetov vztrajno postajajo čedalje uspešnejši.

4 Živahnost lokalne demokracije

Danes obstajajo čedalje močnejše težnje po krepitvi lokalne demokracije, pri čemer v ospredje postavljajo državljana oziroma občana, ki mu morajo biti namenjene vse dejavnosti lokalnih skupnosti. Pri tem gre za kakovost njegovega življenja, naravnost javnih služb na njegove potrebe in interese. Lokalna demokracija je zato splet neposrednega odločanja prebivalcev in predstavniške demokracije. Če ni neposrednega odločanja prebivalcev na lokalni ravni, ni mogoče govoriti o lokalni samoupravi (Vlaj, 2004, str. 62).

S teoretičnega vidika ločimo dve temeljni participativni obliki lokalne demokracije. *Posredna lokalna demokracija* pomeni odločanje prek organov, izvoljenih na lokalnih volitvah; druga vrsta je *neposredna lokalna demokracija*. Poleg teh, klasičnih oblik lokalne demokracije, poznamo tudi novejše, sodobnejše oblike lokalne demokracije in politične participacije. Ob tem velja, da so klasične oblike lokalne demokracije in participacije pravzaprav temeljni pogoj in podlaga za nastanek sodobnejših oblik in vrst.

V slovenskem sistemu lokalne samouprave občani posredno lokalno demokracijo izvršujejo prek volitev županov, občinskih svetnikov in članov svetov ožjih delov občin; neposredna lokalna demokracija pa vključuje štiri temeljne oblike, in sicer zbor občanov, referendum, ljudsko iniciativo in peticijo. Iz značilnosti lokalne samouprave izhaja, da je pravica do neposrednega sodelovanja prebivalcev pri odločanju o najpomembnejših vprašanjih v lokalni skupnosti neločljivi del ustavne pravice lokalne samouprave (Ustava Republike Slovenije, 9. člen).

4.1 Neposredna lokalna demokracija

Z vidika demokratične ureditve bi bilo idealno, če bi prebivalci lokalne skupnosti vse odločitve sprejemali v celoti sami, kar pa v sodobni lokalni skupnosti ni mogoče, ker so potrebe, ki se v njej zadovoljujejo, preveč raznovrstne in zapletene. Poleg tega sodobno življenje zahteva nenehno odločanje, zato je neposredno odločanje bolj izjema kakor pravilo. Prevladuje namreč odločanje

organov lokalne samouprave (posredna lokalna demokracija). Neposredno odločanje je bolj razširjeno na lokalni ravni, kar je razumljivo, saj so pogoji za uporabo oblik neposrednega odločanja na lokalni ravni veliko ugodnejši kakor na državni ravni. Lokalna skupnost je predvsem mnogo manjša skupnost kakor država tako po ozemlju kakor tudi po številu prebivalstva, zaradi česar je v njej veliko lažje uporabiti različne oblike neposrednega odločanja. Poleg tega je neposredno odločanje tudi organizacijsko, tehnično in finančno veliko lažje izvajati na lokalni kakor državni ravni. Neposredno odločanje je tradicionalno tudi veliko bolj uveljavljeno v lokalni skupnosti kakor na državni ravni. Nekatere oblike neposredne demokracije (zbor občanov) je sploh mogoče uporabiti le še v lokalnih skupnostih, in še to v manjših. Tudi vsebina odločitev je v lokalni skupnosti drugačna, saj ne gre za odločanje o splošnih političnih vprašanjih, temveč o zadevah lokalnega pomena, ki zadevajo vse prebivalce lokalne skupnosti. Zaradi vseh teh razlogov se neposredno odločanje na lokalni ravni uporablja pogosteje in za konkretnjša vprašanja kakor na državni ravni (Haček, 2020).

V letu 2017 smo glede uporabe mehanizmov neposredne lokalne demokracije izvedli empirično raziskavo, ki (vsaj za obdobje 2014–2017) kaže, da je zbor občanov najpogosteje uporabljeni mehanizem neposredne lokalne demokracije, saj ga je v navedenem obdobju uporabilo kar 48 odstotkov občin. Na drugem mestu so uporaba mehanizmov ljudske iniciative in peticije.

Preglednica 3: Uporaba mehanizmov neposredne demokracije v slovenskih občinah v obdobju 2014–2017

	DA
Referendum	1 (1 odstotek)
Zbor občanov	49 (48 odstotkov)
Peticija	24 (24 odstotkov)
Ljudska iniciativa	31 (30 odstotkov)
Neformalne oblike (protesti, demonstracije in podobno)	14 (14 odstotkov)

Vir: Kukovič in Haček (2017).

Najbolj neposredni mehanizem sprejemanja odločitev je zbor občanov, saj o posamezni zadevi odločajo vsi prebivalci lokalne skupnosti. Od drugih načinov neposrednega odločanja se zbor občanov razlikuje predvsem po tem, da gre za veliko bolj spontano in neformalizirano odločanje, v katerem lahko sodelujejo vsi prebivalci lokalne skupnosti. O vseh zadevah se na zboru občanov

glasuje javno, kar je pomemben del povezanosti lokalne skupnosti in vključenosti posameznika v njej. Tak način odločanja je mogoč samo v manjših lokalnih skupnostih, poleg tega pa mora imeti lokalna skupnost kljub neposrednemu odločanju predstaviški organ. Odločitve v lokalni skupnosti je namreč treba sprejemati skorajda vsakodnevno, kar pa z zbori občanov ni mogoče. Vendar naj bi se najpomembnejše odločitve sprejemale na zboru občanov (Haček, 2020). V obdobju 2014–2017 je bil zbor občanov povprečno uporabljen v vsaki občini 4,5-krat (najmanj enkrat, največ pa kar 34-krat). Pri tem je zanimivo, da velika večina občin (78 odstotkov) zbor občanov uporablja večinoma na ravni ožjih delov občin, kar je z organizacijskega vidika tudi razumljivo. Najpogosteje (v 71 odstotkih primerov) je pobudnik zbora občanov župan občine, najmanj pogosto (v desetini primerov) pa občinski svet občine.

Preglednica 4: Pobudniki zbora občanov v slovenskih občinah v obdobju 2014–2017

	DA
Župan	35 (71 odstotkov)
Občinski svet	5 (10 odstotkov)
Prebivalci občine	16 (33 odstotkov)
Organi krajevnih/vaških/četrtnih skupnosti	22 (45 odstotkov)
Drugo	0 (0 odstotkov)

Vir: Kukovič in Haček (2017).

Druga oblika neposredne demokracije v lokalni skupnosti je referendum. Ta se v mnogočem razlikuje od zbora prebivalcev lokalne skupnosti. Referendum je novejšega izvora kakor zbor občanov in pomeni bolj formalizirani in organizacijsko-tehnično zahtevnejši način odločanja. V praksi je referendum ožji od zbora občanov, saj je po svoji naravi uporaben za manjše število zadev in tudi bolj redko se uporablja, kar pomeni, da o večini zadev odloča predstaviško telo. Imata pa tako zbor občanov kakor tudi referendum enako idejno in politično izhodišče, to je odločanje po lokalnih skupnostih, in ne prek njihovih predstavnikov. Referendum se za razliko od zbora občanov uporablja tudi na državni ravni, vendar v veliki večini držav precej manj pogosto kakor na lokalni. Razlogov za to je več. Predvsem je referendum bližji lokalni samoupravi, kjer se ljudje bolj zavzemajo za neposredno odločanje o pomembnih lokalnih zadevah. Poleg tega je referendum na lokalni ravni tehnično in organizacijsko manj zahteven, pa tudi bistveno cenejši

(Haček, 2020). Občani lahko na referendumu odločajo o vprašanih, ki so vsebina splošnih aktov občine, razen o proračunu in zaključnem računu občine ter splošnih aktih, s katerimi se v skladu z zakonom predpisujejo občinski davki in druge dajatve. Referendum se opravi kot naknadni referendum, na katerem občani potrdijo ali zavrnejo sprejeti splošni akt občine ali njegove posamezne določbe. Kakor izhaja iz preglednice 3, je vsaj za obdobje 2014–2017 mogoče ugotoviti, da je referendum najredkeje uporabljeni mehanizem neposredne lokalne demokracije, saj ga je v navedenem obdobju uporabila le ena občina; šlo je za posvetovalni referendum, na katerem so se občani odločali o podpori izgradnji obvoznice.

V lokalni samoupravi sta še dve klasični obliki neposrednega odločanja. To sta ljudska iniciativa in peticija. Ljudska iniciativa se v marsičem razlikuje od drugih oblik neposredne demokracije. Medtem ko je pri referendumu pobudnik za sprejem odločitve prišla organ, ki jo ima pravico predlagati, institut ljudske iniciative omogoča, da ljudstvo samo neposredno sodeluje pri odločitvi s tem, da zahteva ureditev nekega vprašanja, ne sodeluje pa pri sprejemanju odločitve. V primerjavi z referendumom ljudska iniciativa ljudstvu ne omogoča, da odpravi neustrezno rešitev, temveč mu omogoča, da zahteva odločitev, ki mu ustreza. Pravica občanov do peticije v najširšem pomenu označuje pravico posameznika ali skupine posameznikov do pošiljanja pisnih vlog predstavniškemu telesu o vprašanih, ki imajo javni ali politični pomen. Predmet peticije so lahko pritožbe, predlogi, zahteve, pobude ali prošnje. Peticija je v ožjem pomenu podobna ljudski iniciativi, vendar se od nje pomembno razlikuje; predlog na podlagi ljudske iniciative mora predstavniško telo preučiti, pri peticiji pa te obveze ni. Pravico do peticije ima vsak posameznik, medtem ko ljudsko iniciativo lahko uveljavlja le skupina ljudi, katere številčnost je opredeljena z občinskimi normativnimi akti (Haček, 2020). Kakor izhaja iz preglednice 3, je vsaj za obdobje 2014–2017 mogoče ugotoviti, da sta bili peticija in ljudska iniciativa uporabljeni manj pogosto kakor zbor občanov, a precej pogosteje kakor referendum (peticija v 24 odstotkih, ljudska iniciativa pa v 30 odstotkih). V vsaki od občin, kjer je bil uporabljen mehanizem ljudske iniciative, je bilo vloženo v povprečju 1,5 pobude (standardni odklon 1,06; najnižje število ena; najvišje število pet); večina vloženi pobud (55 odstotkov) je uspela.

Anketirance smo v okviru raziskave vprašali tudi o njihovem osebnem mnenju o uporabi različnih mehanizmov neposredne lokalne demokracije, ki so na voljo občanom. Velika večina (69 odstotkov) je izrazila naklonjenost do tovrstnih možnosti sodelovanja občanov pri odločanju, le devet odstotkov vprašanih pa ima do mehanizmov neposredne lokalne demokracije odklonilno mnenje.

4.2 Posredna lokalna demokracija: lokalne volitve v časovni perspektivi

V sodobni demokratični družbi so volitve način postavitve posameznika na določeno funkcijo oziroma položaj, pri čemer se opravi izbira med različnimi kandidati. Demokratična je samo tista oblast, katere nosilec je suvereno ljudstvo; z načelom ljudske suverenosti pa se izraža zamisel o tem, da vsa oblast v državi izhaja iz ljudstva in pripada ljudstvu ter da nosilci oblasti delujejo kot predstavniki ljudstva. V demokraciji torej lahko vladajo le tisti, ki jih je izvolilo ljudstvo in kateremu so tudi odgovorni; prek volitev dobijo vladajoči temelj za izvajanje oblasti. Enako vlogo kakor na državni ravni imajo volitve tudi pri določanju predstavnikov lokalne skupnosti. Volitve organov lokalne samouprave so namreč izraz pravice prebivalcev lokalnih skupnosti, da sami upravljajo lokalne zadeve. Temeljne odločitve v lokalni skupnosti v sodobnih ureditvah praviloma sprejema predstavniško telo, ki je osrednji organ lokalne samouprave. Če naj predstavniško telo res zastopa interese in voljo prebivalcev lokalne skupnosti, morajo člani tega telesa neposredno izvoliti prebivalci lokalne skupnosti. Volitve so hkrati tisto politično dejanje, ki najbolj vključuje občane v lokalno samoupravo, zlasti pa povečuje zanimanje za njihovo udejstvovanje v lokalni samoupravi (Grad, 2020, str. 60). V Republiki Sloveniji ureja izbiro lokalnih predstavnikov Zakon o lokalnih volitvah (ZLV, Uradni list RS, št. 72/93 in poznejše spremembe), ki v 2. členu določa, da se člani občinskih svetov, župani in člani svetov ožjih delov občin volijo na podlagi splošne in enake volilne pravice na svobodnih in neposrednih volitvah s tajnim glasovanjem.

4.3 Volilna (ne)udeležba

Predvidevanje nekaterih političnih strank, da jim bo večje število volilnih enot (občin) omogočilo pomembno večji delež volilnih glasov, sicer ni bilo neutemeljeno, vendar se je iz lokalnih volitev v lokalne volitve to predvidevanje uresničevalo čedalje manj, saj so bili vedno bolj v ospredju nestranski kandidati in liste. A preden analiziramo volilne rezultate, naj opomnimo, da je vzrok za povečevanje števila občin z osamosvojitvenih 62 na sedanjih 212 predvsem stalno povečevanje števila majhnih občin z relativno malo volivci, kjer ima en glas bistveno večji vpliv kakor v velikih občinah. Poleg tega je v teh občinah uveljavljen tudi drugačen (večinski) volilni sistem, kjer se izbirajo predvsem osebe, kandidate in kjer politične stranke že *a priori* nimajo večjega vpliva. Zato

se analitiki lokalnih volitev že od prvih lokalnih volitev po ponovni uvedbi lokalne samouprave leta 1994 sprašujemo, ali zmaga v množici majhnih občin dejansko lahko odtehta volilni uspeh v morda le eni veliki mestni občini, ki ima več volivcev kakor trideset najmanjših občin skupaj. Preglednica 5 prikazuje volilno udeležbo na dosedanjih lokalnih volitvah.

Preglednica 5: Volilna udeležba na lokalnih volitvah v obdobju 1994–2018 (v odstotkih)

Leto lokalnih volitev	Volilna udeležba (prvi krog lokalnih volitev)
1994	63
1998	58
2002	72
2006	58
2010	51
2014	45
2018	51

Vir: Podatki Državne volilne komisije v Haček (2020).

Volilna udeležba na lokalnih volitvah v prvem obdobju po ponovni uvedbi lokalne samouprave (1994–2002) je bila višja kot v poznejšem obdobju (2006–2018), čeprav je pri lokalnih volitvah 2002 treba povedati, da so potekale vzporedno s predsedniškimi volitvami, kar bi se znova lahko zgodilo v letu 2022, in to dejstvo je nedvomno pozitivno vplivalo na višjo volilno udeležbo. Opazimo lahko, da se je volilna udeležba na lokalnih volitvah v zadnjem desetletju ustalila na ravni približno petdeset odstotkov z negativnim dnom leta 2014, a dokaj nepričakovanim šestodstotnim povečanjem volilne udeležbe na zadnjih lokalnih volitvah leta 2018.

Volilna udeležba je sicer tradicionalno večja v manjših občinah; nekoliko večjo volilno udeležbo je mogoče pričakovati v občinah z manj kakor 5.000 prebivalci, v tej skupini občin pa še nekoliko bolj odstopajo tiste z večinskimi volilnim sistemom (Kukovič in Haček, 2019). Ob analizi volilne (ne)udeležbe na lokalnih volitvah je zanimivo zlasti razmišljanje o vzrokih neudeležbe. Raziskovanje volilne udeležbe se manj ukvarja s tistimi, ki se ne udeležujejo volitev, abstinenti ali apatiki, ljudmi, ki sploh ne sodelujejo. Ta skupina poglajlja politično izključenost. Apatiki, ki ne sodelujejo v političnem

(volilnem) življenju, so pravzaprav izključeni iz običajnih načinov, s katerimi državljani kolektivno oblikujejo svojo družbo. Verba, Schlozman in Brody (1997) ugotavljajo, da so vzroki za neudeležbo naslednji: ljudje ne sodelujejo, ker ne morejo (nimajo časa), ker ne želijo (so razočarani nad politiko) ali ker so izolirani od družbenih mrež, ki bi jih lahko vpletle v lokalno politično dogajanje.

5 Kako naprej?

Lokalna demokracija je eno od področij delovanja slovenske družbe in države, na katero smo upravičeno lahko ponosni. Tako neposredni kakor tudi posredni mehanizmi sodelovanja občanov pri odločanju so se v zadnjih treh desetletjih razmahnili in pokazali, da se državljani zelo zanimajo za sodelovanje pri oblikovanju lokalne oblasti in njenih odločitev. Lokalne volitve so postale pokazatelj nezadovoljstva državljanov s političnimi strankami in njihovim načinom vodenja države, hkrati pa tudi upora proti nekaterim županom in njihovemu dolgoletnemu načinu vodenja občin.

Ob zelo dejavni in živahni posredni lokalni demokraciji posebej veseli tudi živahnost neposrednih mehanizmov lokalne demokracije, kar velja tako za pogostost uporabe posameznih mehanizmov neposredne lokalne demokracije kakor tudi za izrazito naklonjenost odločevalcev na lokalni ravni oblasti do mehanizmov neposredne lokalne demokracije. Občine tako ostajajo edini antipod centralni oblasti, edini decentralizirana raven odločanja, ki so kljub občasnim klicem po racionalizaciji njihovega števila (kljub dejstvu, da je povprečna slovenska občina dvakrat večja od povprečne občine v državah Evropske unije) in občasni nestrpnosti političnih strank do lokalnih (pogosto nestranskih) odločevalcev v treh desetletjih obstoja slovenske države uspele vzpostaviti ne le zavidljivi obseg sodelovanja prebivalcev pri odločanju, ampak tudi zavidljivi obseg učinkovitosti in uspešnosti delovanja, pa naj si gre za posamezne lokalne javne politike ali pridobivanje domačih in evropskih projektov, ki nedvomno povečujejo kakovost življenja vseh občanov slovenskih občin.

Literatura:

Brezovšek, Marjan, 2019: *Lokalne volitve 2018: refleksija in/ali avtonomija*. Kukovič, Simona (ur.): *Lokalna demokracija v Sloveniji: značilnosti lokalnih volitev 2018*. Ljubljana: Založba FDV. 33–51.

Copus, Colin, Roberts, Mark in Wall, Rachel, 2017: *Local Government in England; Centralisation, Autonomy and Control*, London: Palgrave Macmillan.

-
- Grad, Franc, 2020: *Pravni vidiki lokalnih volitev. Kukovič, Simona in Haček, Miro (ur.): Petindvajset let lokalne samouprave v Republiki Sloveniji. Ljubljana: Založba FDV. 59–81.*
- Haček, Miro, 1999: *Lokalne volitve v Sloveniji – primerjava 1994–1998. Teorija in praksa 36/2. 218–229.*
- Haček, Miro, 2019: *Uresničevanje pasivne volilne pravice na slovenskih lokalnih volitvah. Kukovič, Simona (ur.): Lokalna demokracija v Sloveniji: značilnosti lokalnih volitev 2018. Ljubljana: Založba FDV. 11–31.*
- Haček, Miro, 2020: *Lokalna demokracija v Sloveniji: Prvih petindvajset let. Kukovič, Simona in Haček, Miro (ur.): Petindvajset let lokalne samouprave v Republiki Sloveniji. Ljubljana: Založba FDV. 9–32.*
- Kaučič, Igor, 2020: *Pravna ureditev lokalnega referenduma. Kukovič, Simona in Haček, Miro (ur.): Petindvajset let lokalne samouprave v Republiki Sloveniji. Ljubljana: Založba FDV. 33–58.*
- Kersting, Norbert in Vetter, Angelika (ur.), 2003: *Reforming Local Government in Europe – Closing the Gap between Democracy and Efficiency. Opladen: Leske+Budrich.*
- Kukovič, Simona, 2021: *Trideset let slovenske državnosti: razvoj lokalne samouprave, Ljubljana: Založba FDV.*
- Kukovič, Simona, Copus, Colin, Haček, Miro in Blair, Alasdair, 2015: *Direct Mayoral Elections in Slovenia and England: Traditions and Trends Compared. Lex Localis 13/3. 697–718.*
- Kukovič, Simona, in Haček, Miro, 2011: *Non-Partisan Candidates and Lists at Slovenian Local Elections, 1994–2010. World Political Science Review 7/1. 1–20.*
- Kukovič, Simona in Haček, Miro, 2017: *Mehanizmi neposredne demokracije na lokalni ravni: baza podatkov, Ljubljana: Center za proučevanje upravno-političnih procesov in institucij.*
- Kukovič, Simona in Haček, Miro, 2018: *Lokalno politično vodenje: glas svetnikov, Ljubljana: Založba FDV.*
- Kukovič, Simona in Haček, Miro, 2019: *Analiza volilne udeležbe na lokalnih volitvah 2018, baza podatkov, Ljubljana: Center za proučevanje upravno-političnih institucij in procesov.*
- Statistični urad Republike Slovenije, 2021: *Prebivalstvo. Dostopno na: www.stat.si (20. 9. 2021).*
- Swianiewicz, Pawel, 2002: *Consolidation or Fragmentation: The Size of Local Governments in Central and Eastern Europe, Budapest: Open society institute.*
- Verba, Sidney, Schlozman, Kay Lehman in Brady, Henry E., 1997: *Solving the Puzzle of Rational Participation: Lessons from the Citizen Participation Study, Washington DC: American Political Science Association.*
- Vlaj, Stane, 2004: *Lokalna samouprava Teorija in praksa, Ljubljana: Založba FU.*

JERNEJ LETNAR ČERNIČ

Nova univerza

Zgodba o pepelki brez čeveljcev: vladavina prava in varstvo človekovih pravic v prvih tridesetih letih slovenske države

Novo ustanovljena slovenska država ob ustanovitvi ustavne demokracije nanjo ni bila pripravljena. Zato se v slovenski družbi od ustanovitve slovenske države spoprijemamo z izjemnimi težavami pri ponotranjanju njenih temeljnih vrednot od človekovega dostojanstva do pluralizma. Po drugi strani je vsem težavam navkljub to zgodba o vsaj delnem uspehu nastanke države, ki se je dobesedno čez noč izvila ne le iz večnacionalne države, temveč tudi iz njenega totalitarnega sistema. V kratkem času je vzpostavila sodobne evropske standarde varstva človekovih pravic in vladavine prava. Priključila se je Svetu Evrope in Evropski uniji.

Namen pričujočega prispevka je kritično oceniti delovanje institucij slovenske demokratične in pravne države z vidika načela vladavine prava in varstva človekovih pravic. V zvezi s tem v prispevku opisujemo dosežke, dobre prakse in težave ter navajamo izzive pri delovanju vladavine pravne in demokratične države v zadnjih tridesetih letih.

1 Namesto uvoda

Slovenska država je pred več kakor tridesetimi leti nastala kot ustavna demokracija, ki temelji na vladavini prava. Ko je bila pred skoraj tridesetimi leti sprejeta ustava, je slovenska družba prvič vstopila v demokratično okolje, ki temelji na varstvu človekovega dostojanstva, svobode, enakosti, solidarnosti ter političnega in družbenega pluralizma. Spoštovanje ustavne demokracije in vladavine prava v slovenski družbi desetletja in stoletja ni bilo nekaj samo-umevnega (Avbelj, Letnar Černič, Justinek, 2020). Prej bi lahko rekli, da sta bili ustavna demokracija in vladavina prava v slovenski družbi nekaj tujega in

nezaželenega. Ustanovitev slovenske ustavne demokracije pred tridesetimi leti je zato za večino prebivalstva, še posebej za vladajoče elite v vseh porah slovenske družbe, šok. Vladajoče elite iz prejšnjega režima so se z bale, da bodo morale čez noč spremeniti svoj *modus operandi*, svoje samovoljne prakse in mentaliteto. A njihov strah je bil votel. Čez nekaj let se je pokazalo, da je do sprememb tudi po zaslugi starih elit prihaja počasi in da so se stari vzorci samovoljnega ravnanja obdržali vse do danes (Zobec, Letnar Černič, 2015).

Novo ustanovljena slovenska država ob ustanovitvi ustavne demokracije nanjo ni bila pripravljena. Zato se v slovenski družbi vse ustanovitve slovenske države spoprijemamo z izjemnimi težavami pri ponotranjanju temeljnih vrednot od človekovega dostojanstva do pluralizma. Po drugi strani je navkljub vsem težavam to zgodba o vsaj delnem uspehu nastanke države, ki se je dobesedno čez noč izvila ne le iz večnacionalne države, temveč tudi iz njenega totalitarnega sistema. V kratkem času je vzpostavila sodobne evropske standarde varstva človekovih pravic in vladavine prava. Priključila se je Svetu Evrope in Evropski uniji.

Namen pričujočega prispevka je kritično oceniti delovanje institucij slovenske demokratične in pravne države z vidika načela vladavine prava in varstva človekovih pravic. V zvezi s tem opisujemo dosežke, dobre prakse in težave ter navajamo izzive pri delovanju vladavine prava in demokratične države v zadnjih tridesetih letih.

Prispevek je razdeljen na tri glavne dele. V drugem delu opisujemo dosežke in dobre prakse na področju vladavine prava in varstva človekovih pravic. V tretjem delu navajamo težave na področju vladavine prava in človekovih pravic. Četrty del pa obravnava prihodnje izzive na področju vladavine prava in varstva človekovih pravic ter podaja predloge za izboljšanje delovanja slovenske ustavne demokracije, vladavine prava in varstva človekovih pravic.

2 Dosežki in dobre prakse na področju vladavine prava in varstva človekovih pravic

Slovenska država je bila v juniju 1991 ustanovljena na pogorišču nekdanjega jugoslovanske države, kjer je vladal totalitarni komunistični režim, ki je od začetka do njegovega konca na začetku devetdesetih vsesplošno in sistematično kršil vladavino prava, človekove pravice in temeljne svoboščine. Slovenska družba do začetka devetdesetih ni živela kulture spodbujanja spoštovanja, varovanja in uresničevanja človekovih pravic in temeljnih svoboščin. Demokratizacija smo v slovensko družbo uvozili iz drugih držav srednje in vzhodne Evrope (Blokker, 2014; Czarnota,

Krygier, Sadurski, 2005). Novoustanovljena država je že v temeljnem ustanovitvenem aktu – Temeljni ustavni listini o samostojnosti in neodvisnosti Republike Slovenije (2. alineja preambule) – zapisala, da je nastala tudi zaradi sistematičnega kršenja človekovih pravic in temeljnih svoboščin v nekdanji jugoslovanski državi. Slovenska družba je tako v zadnjem stoletju še trpela zaradi sistematičnih kršitev človekovih pravic in temeljnih svoboščin. Kot edina evropska država v primežu vseh totalitarnih sistemov, od fašističnega, nacističnega do komunističnega režima. Varstvo človekovih pravic na slovenskem ozemlju pred sprejetjem slovenske ustave v decembru 1991 ni bilo samoumevno. Zato varstva človekovih pravic v zadnjih tridesetih letih ne gre jemati za nekaj večnega, saj se je zanj treba truditi vsak dan. Po drugi strani nekdanji jugoslovanski režim in z njim slovenska država nista poznala načela vladavine prava, ki omejuje samovoljno moč arbitrarnih elit. Slovenska družba je bila del jugoslovanskega nedemokratičnega in totalitarnega sistema, ki je med letoma 1945 in 1990 sistematično in na splošno kršilo človekove pravice in temeljne svoboščine (Šturm, 1998) V tem obdobju so državne oblasti v nekdanji Jugoslaviji zlorabile vladavino prava v korist ozkih elit, povezanih s komunistično partijo. Državna oblast je sistematično kršila človekove pravice običajnim ljudem. Kršitve človekovih pravic so segale od samovoljnih množičnih pobojev, mučenja in zaslužnjevanje v koncentracijskih in delovnih taboriščih do zanikanja pravice do poštenega sojenja, svobode veroizpovedi, izražanja, združevanja in zbiranja, pravo je bilo uporabljeno le kot instrument za upravičevanje samovoljne oblasti totalitarnega režima. Ustavno sodišče je v zadevi št. U-I-109/10 (Titova cesta) zapisalo, da »V Sloveniji, kjer se je razvoj demokracije in svobodne družbe, ki temelji na spoštovanju človekovega dostojanstva, začel s prelomom s prejšnjo ureditvijo, pri čemer je ta prelom jasno razviden tudi na ustavnopravni ravni (najprej z ustavnimi amandmaji k ustavi Socialistične republike Slovenije, nato pa še s sprejetjem TUL in Ustave kot temeljnih ustavnih dokumentov), je oblastno povečevanje komunističnega totalitarnega režima s poimenovanjem ceste po voditelju tega režima protiustavno. Takšno novo poimenovanje v današnjem prostoru in času nima več svojega mesta, ker je v nasprotju z načelom spoštovanja človekovega dostojanstva, ki sodi v samo jedro ustavne ureditve Republike Slovenije« (18. odstavek odločbe). Novo ustanovljena slovenska država je torej prelomila s prejšnjo nedemokratično ureditvijo, a vzorci in prakse starega totalitarnega režima so ostali.

Novoustanovljena slovenska ustavna demokracija je v prvih letih sprejela slovensko ustavo, ki v prvem do tretjem poglavju vzpostavlja ustavnopravno varstvo človekovih pravic in temeljnih svoboščin. Slovenska država je s sprejetjem slovenske države vsaj formalno prelomila s samovoljni praksami

totalitarnega režima in ustvarila sodobno ustavno sodno varstvo. Leta 1994 je slovenska država postala tudi država pogodbenica Evropske konvencije o varstvu človekovih pravic in temeljnih svoboščin (EKČP), s čimer so prebivalci slovenske države pridobili dostop do Evropskega sodišča za človekove pravice (ESČP) kot regionalnega sodišča za varstvo človekovih pravic. Ustava je tudi vzpostavila načelo pravne države, ki omejuje zlorabe državne oblasti s strani privilegiranih elit. Slovenska država je v prvem in drugem desetletju svojega obstoja ustvarila formalnopravne standarde demokratične in pravne države. Izpolnila je vse formalne zahteve regionalnih organizacij, kakor sta Evropska unija in Svet Evrope, glede formalnih in demokratičnih standardov. Slovenska država je v drugem desetletju po sodbah ESČP izpeljala tudi nekaj normativnih reform v izvršilni in zakonodajni veji oblasti, pri čemer mora sodna veja oblasti še ponotranjiti vrednote EKČP (Letnar Černič, 2018a; Letnar Černič, 2018b).

Zakonodajna veja državne oblasti v zadnjih tridesetih letih ni dosegla posebnih uspehov, razen če mednje štejemo, da parlamentarna demokracija v Sloveniji sploh obstaja. Večina slovenske javnosti sploh ni poznala oziroma ne pozna večine poslancev državnega zbora zaradi narave volilnega sistema. To je omogočilo, da so politične stranke nastajale in izginjale skoraj čez noč. V širši javni upravi je slovenska država ustanovila tudi številne nadzorstvene državne organe, od Komisije za preprečevanje korupcije do urada Varuha človekovih pravic, ki pa so imeli v zadnjem desetletju številne težave pri uresničevanju vladavine prava in izogibanju navzkrižjem interesom od navideznih do dejanskih. Izvršilna in zakonodajna veja oblasti sta na podlagi Zakona o popravi krivic vendarle popravili nekaj krivic s podelitvijo odškodnin in statusa žrtev. Slovensko sodstvo je nastalo na pogorišču komunističnega sodstva, ki je sistematično kršilo pravico do poštenega, nepristranskega in neodvisnega sojenja. Po tridesetih letih se kot dosežek zdi že, da obstaja samostojna in neodvisna sodna veja oblasti. Ob nastanku slovenske države je namreč v sodstvu ostala večina ljudi, ki so sodniško funkcijo opravljali že v prejšnjem režimu. Alternative skorajda ni bilo, saj v primeru prepovedi opravljanja funkcij ljudem totalitarnega sistema v Sloveniji ne bi imeli zadostnega števila sodnikov. Zato so se v slovenskem sodstvu ohranile nekatere samovoljne prakse, kakor so čezmerni formalizem, pozitivizem in avtoritarna mentaliteta. Vrhovno sodišče Republike Slovenije pa je vsemu navkljub vendarle na podlagi zahtev za varstvo zakonitosti razveljavilo nekaj tisoč nepoštenih sodb komunističnih sodišč.

Ključne dosežke slovenske družbe in države v zadnjih tridesetih letih je zato iskati v spremembi nedemokratičnega v demokratični sistem, ki temelji na ustavni

demokraciji in vladavini prava. Ustavno sodišče Republike Slovenije je imelo v prvem mandatu vodilno vlogo pri normativnem prelomu s prejšnjo pravno ureditvijo in vzpostavitvijo polnokrvne ustavne demokracije. Vse tri veje slovenske državne oblasti so v zadnjih tridesetih letih vzpostavile sodobne standarde demokratične in pravne države, pri čemer je bilo premalo uresničevanja v praksi. Doseči bi bilo mogoče veliko več, vendar v danem sociološkem kontekstu slovenske družbe ne smemo biti preveč kritični do dosežkov slovenske države in njenih ljudi. Slovenska ustavna demokracija je vendarle dosežek, o katerem so sanjale številne generacije slovenskega naroda. Zato bo v prihodnje ključnih naslednjih nekaj deset let s ciljem ponotranjenja vrednot slovenske ustavne demokracije.

3 Sistematične in vsesplošne težave na področju vladavine prava in varstva človekovih pravic

Slovenska država si je v zadnjih desetletjih prizadevala ustvariti institucije sodobne evropske ustavne demokracije, ki temeljijo na vladavini prava. Delno ji je to uspelo predvsem z normativnega vidika. Ker pa ustavna demokracija ni bila oziroma še vedno ni polno udomačena v slovenski družbi, lahko v zadnjih desetletjih skoraj vsakodnevno opazujemo samovoljne prakse in zlorabe vladavine prava. Slovenska država že od začetka živi v stalnih krizah svoje ustavne demokracije in vladavine prava, kjer neformalna gospodarska in politična omrežja in organizirane kriminalne skupine izkoriščajo javni interes v zasebne interese. Te skupine so pogosto izkoriščale običajne ljudi za svoje osebne cilje in utopične politične cilje (Zyberi, Letnar Černič, 2015). Institucije demokratične in pravne države so bile v zadnjih desetletjih v primežu neformalnih omrežij, ki so v starih časih uporabljala stare prakse ohranjanja starih praks in spodbujala svoje zasebne interese. Te prakse pomenijo samovoljno zlorabo oblasti v nasprotju z ustavnimi načeli in pravili. Z drugimi besedami, ustavne institucije so prevzele vladajoče elite in neformalna omrežja, včasih povezane tudi z organiziranimi hudodelski družbami. Sistem zavor in ravnovesij v slovenski ustavni demokraciji še vedno ne deluje, saj so meje med izvršilno in sodno vejo oblasti zamegljene, pri čemer so težave zaradi neodvisnosti sodstva ter nepristranskosti do notranjih in zunanjih političnih vplivov. Slovensko sodstvo uporablja prakse pretiranega formalizma in avtoritarne miselnosti iz prejšnjih sistemov (Uzelac, 2010), ki so večinoma vplivale na njihovo zmožnost za zagotavljanje pravice do poštenega, neodvisnega in nepristranskega sojenja (Letnar Černič, 2018). Sodna veja oblasti si že celo desetletje prizadeva, da bi lahko sama imenovala sodnike, čeprav ustava določa, da zakonodajna veja oblasti izvoli kandidate za sodniška mesta. Slovenska državna oblast ni zmožna v

celoti zagotoviti neodvisnih, nepristranskih in poštenih sodnih postopkov. Poleg tega je prišlo do močnega upora proti uvedbi liberalnih vrednot sodobne ustavne demokracije. Ljudje v institucijah slovenske pravne in demokratične države še niso ponotranjili vrednot vladavine prava in ustavne demokracije. Institucijam slovenske demokratične in pravne države od Ustavnega sodišča Republike Slovenije do Komisije za preprečevanje korupcije trideset let po nastanku slovenske države pogosto očitajo kršitev prepovedi nasprotja interesov.

Po drugi strani so na področju varstvo človekovih pravic in temeljnih svoboščin podobne težave kakor glede vladavine prava. Različne politične stranke, interesne skupine in civilnodružbene organizacije uporabljajo človekove pravice kot orožje v ideološkem spopadu (Letnar Černič, 2018c). Človekove pravice in temeljne svoboščine se zato varujejo neenako, selektivno in samovoljno. Kar je za neko interesno skupino kršitev človekovih pravic in temeljnih svoboščin, za drugo skupino ne more biti. Varstvo človekovih pravic je v slovenski družbi zato svetlobna leta oddaljeno od pristnega in enakega varstva človekovih pravic, ki žrtev ne obravnava glede na njihovo ideološko pripadnost. Zdajšnje stanje na področju vladavine prava in varstva človekovih pravic je v slovenski družbi daleč od zelenega (Letnar Černič, Avbelj, Novak, Valentinčič, 2018). Pravni red je v zadnjih tridesetih letih večinoma preslikal normativne standarde sodobne evropske ustavne demokracije. Po drugi strani ti pravni standardi še niso ponotranjeni v praksi. Elite v institucijah slovenske pravne, demokratične in pravne države ohranjajo le lastne interese, pri čemer jim je slovenska ustavna demokracija španska vas. Reforma vladavine prava in ustavne demokracije se mora zato bolj osredotočiti na njeno strožjo in vestno uporabo v institucijah pravne in demokratične slovenske države in drugod v družbi. Ni odveč poudariti, da gre za zelo pomembno vprašanje, saj je od njega odvisna prihodnost slovenskega naroda.

4 Kako naprej na področju vladavine prava in varstva človekovih pravic?

V tem delu navajamo nekatere predloge, kako ponotranjiti vrednote ustavne demokracije in pravne države v institucijah slovenske demokratične in pravne države. Težko je napovedati, kdaj bodo te državne institucije prekinile začarani krog zavzemanja institucionalnega in javnega življenja, kar jih ovira pri hitrejšem napredovanju pri reformah demokratičnih institucij in družbenogospodarskem razvoju. Da bi zagotovili neodvisnost in nepristranskost sodstva ter dobro upravljanje v vseh treh vejah državne oblasti, je treba izboljšati kakovost dela, poštenost

in preglednost institucij ustavne demokracije, ki jo sestavljajo ljudje, ki živijo v slovenski družbi. Morda je hkrati pravi odgovor reforma družbene podstati, ker reforma mentalitete ne more biti uspešna brez reforme družbenoekonomskega okolja in obratno. Učinkovitost reform je odvisna od zmožnosti za spremembo pravne kulture, mentalitete ljudi in njihovih medsebojnih odnosov. Družbeno mentaliteto je mogoče preoblikovati predvsem v mladosti, ko se ljudje šele oblikujejo kot razumne in razmišljujoče osebe. Izobraževanje je primarno orodje, ki omogoča načine, kako učinkovito izvesti reformo ustavne demokracije od znotraj, vendar je za to pogosto potrebno daljše obdobje, ta postopek pa je brez stabilnega izida in odvisen od družbenoekonomskih procesov. Dokončne reforme, ki jih je treba nujno izpeljati, lahko razdelimo na institucionalne in družbenopravne.

4.1 Institucionalne reforme

4.1.1 Uresničevanje načela delitve oblasti

Delitev oblasti je ključno načelo evropske ustavne demokracije, ki temelji na pravni državi. Državnim oblastem omogoča, da se medsebojno nadzirajo in omejujejo moč institucionalnih elit, ki zasedajo javne funkcije. Meje med različnimi vejami vlade so v slovenskem ustavnem redu pogosto zamegljene, kar je mogoče pojasniti s pomanjkanjem spoštovanja vladavine prava in spopadi za moč med institucionalnimi in neformalnimi elitami. Slovenska država mora zato zagotoviti učinkovito delitev oblasti med različnimi vejami državne oblasti. Slovenska država se je v zadnjih desetletjih spoprijemala z več izzivi pravne države in ustavne demokracije, pri čemer je ena najpomembnejših jamstvena pravica do poštenega, neodvisnega in nepristranskega sojenja. Vse razsežnosti pravice do poštenega, neodvisnega in nepristranskega sojenja so zrele za izboljšanje. Sodna veja oblasti mora delovati brez kakršnih koli dejanskih ali domnevnih navzkrižij interesov, ki bi lahko povzročili dvom o meritornem, preglednem in poštenem sojenju. Veliko teh vrednot in načel je odvisnih od ljudi, ki so v nekaterih institucijah slovenske države preveč pod vplivom starih praks.

Treba je ustanoviti učinkovite in močne nadzorne organe, ki bi vsakodnevno spremljali uresničevanje pravne države v praksi, sodstvu, pa tudi zakonodajni in sodni veji oblasti. Ti bi bili lahko sestavljeni iz preverjenih notranjih ali zunanjih sodelavcev, spoštovanih tujih strokovnjakov. Nadzor so delno že izvajale regionalne in mednarodne organizacije, kot sta Evropska unija ali Svet Evrope, ki delno že nadzirata uresničevanje vladavine prava.

4.1.2 Zagotoviti delovanje neodvisnih in pluralističnih medijev kot četrte veje oblasti

Svoboda tiska je srce vsake demokratične pravne države. Pravica do svobode izražanja omogoča izmenjavo različnih stališč in mnenj, ki so prvi pogoj za razvoj pluralne in svobodne družbe. Države imajo pozitivne obveznosti pri zagotavljanju delovanja pluralističnega medijskega okolja, kar je bistveni pogoj za uveljavljanje pravne države in ustavne demokracije v ustaljenih in zrelih demokracijah. Pravica do svobode izražanja tiska je zato zlasti zaščiten v odnosu do institucij v vseh treh vejah državne oblasti in posameznikov, ki opravljajo javne funkcije. Brez pluralističnih in raziskovalnih medijev si je težko zamišljati, da lahko mediji opravljajo vlogo »javnega nadzornika« treh glavnih državnih oblasti, ki se izogibajo samovoljni uporabi oblasti v nasprotju s pravili in zakonom. Medijem je treba omogočiti, da učinkovito izvajajo svojo vlogo nadzora vseh institucij demokratične in pravne države.

4.1.3 Obravnavanje najhujših kršitev človekovih pravic

Državni organi morajo obravnavati vse kršitve človekovih pravic in temeljnih svoboščin, ne le tistih, ki so jim svetovnonazorsko blizu, in zagotoviti, da se sodbe Evropskega sodišča za človekove pravice dosledno spoštujejo in izvajajo v slovenskem pravnem redu. Poleg tega bi morali retoriko vladavine prava in varstva človekovih pravic nadomestiti z njihovo uresničitvijo v praksi. S prevzemom odgovornosti za napačno uporabo pravne države lahko javni prostor postane bolj zrel in družbeno odgovoren. Družbena odgovornost se tu ne nanaša le na temeljno spoštovanje normativnih obveznosti na vseh področjih, saj vključuje tudi delovanje v skupnem interesu v dobro širše skupnosti ob spoštovanju in uresničevanju vladavine prava. Glavni del družbene odgovornosti je torej narediti nekaj več, kakor uresničevati ustavne in druge obveznosti. Družbena odgovornost vključuje tudi odgovornost, da vsi subjekti končno prevzamejo odgovornost za nastali položaj in ponudijo predloge, ki lahko izboljšajo uporabo načela pravne države v praksi.

4.2 Družbenopravne in praktične reforme

Uresničevanje vladavine prava in varstvo človekovih pravic morata v slovenskem pravnem redu postati učinkovitejša in ne smeta biti le uresničevanje zasebnih interesov, pogosto finančne narave. Za izboljšanje delovanja vladavine prave je treba uresničiti vsaj naslednje reforme:

4.2.1 Enako, učinkovito, odgovorno uresničevanje vladavine prava in ponotranjenje temeljnih vrednot ustavne demokracije

Ljudje bi morali ponotranjiti temeljna načela za delovanje ustavnega prava, demokracijo ter varstvo človekovih pravic in temeljnih svoboščin. Uresničevanje izvajanje temeljnih ustavnih načel je večinoma odvisno od ljudi, ki jih uporabljajo vsak dan. Slovenska ustavna demokracija ima prihodnost le, če se bodo ustavna načela delitve oblasti, pravne države, demokracije in svobodne demokratične družbe dosledno uporabljala na vseh področjih vsakdanjega življenja.

4.2.2 Vključitev vsebin o vladavini prava v izobraževalni sistem

O vrednotah ustavne demokracije in pravne države je treba razmišljati na vseh ravneh izobraževalnih procesov. Tako se bodo mlajše generacije lahko naučile in sčasoma ponotranjile vrednote pravne države in ustavne demokracije. Dostop do izobraževanja je treba omogočiti tudi prikrajšanim družbenim skupinam in revnejšim slojem prebivalstva, ki tvorijo pomemben delež celotne družbe, saj so na ta način vsem subjektom omogočeni enaki pogoji in priložnosti za uspešno življenjsko pot. Država bi z uvedbo vladavine prava v izobraževalne programe lahko preprečila samovoljne prakse, ki jih lahko opazimo na vseh ravneh slovenske pravne in demokratične države.

5 Sklep

Uresničevanje vladavine prava in polnokrvnega varstva človekovih pravic sta v slovenski državi in družbi nedokončana zgodba. V prvih desetletjih vladavina prava in človekovo dostojanstvo v slovenski družbi nista bila samoumevna, saj je morala družba prenehati s starimi samovoljnimi praksami. Po tridesetih letih izgovorov ne bi smelo biti več. Preživetje slovenske ustavne demokracije, vladavine prava in navsezadnje slovenskega naroda je odvisno predvsem od njenih ljudi in stopnje njihove predanosti za boljše življenje v slovenski družbi. Čas je že, da pepelka v podobi slovenske države najde svoje čevljuje, se opolnomoči in zaživi življenje zrele ustavne demokracije.

Literatura:

Avbelj, Matej; Letnar Černič, Jernej; Justinek, Gorazd; The impact of European Institutions on the Rule of Law and Democracy in Slovenia, Oxford, Hart, 2020.

Blokker, Paul, *New democracies in crisis: a comparative constitutional study of the Czech Republic, Hungary, Poland, Romania and Slovakia*. New York Routledge, 2012.

Czarnota, Adam, Martin Krygier, Martin, Sadurski, Wojciech, Introduction. V: Czarnota, Adam, Krygier, Martin, Sadurski, Wojciech (ur.) *Rethinking the rule of law after communism*. Central European University, Budapest, 2005.

Letnar Černič, Jernej; Avbelj, Matej (2018), *Introduction to the Special Issue on the Crisis of Constitutional Democracy in Central and Eastern Europe*, *Hague journal on the rule of law*, 2018, vol. 10, št. 1, 1–3.

Letnar Černič, Jernej (2018) *Impact of the European Court of Human Rights on the Rule of Law in Central and Eastern Europe*. *Hague journal on the rule of law*, 2018, vol. 10, no. 1, 111–137 (Letnar Černič, 2018a).

Letnar Černič, Jernej (2018), *The European Court of Human Rights in the States of the Former Yugoslavia*. *East European Yearbook on Human Rights* (1), 1, September 2018, 32–54, (Letnar Černič, 2018b).

Letnar Černič, Jernej (2018), *Slovenija na razpotju: geneza varstva človekovih pravic v slovenski družbi*. Kranj: Nova univerza, Fakulteta za državne in evropske študije, cop. 2018 (Letnar Černič, 2018c).

Uzelac, Alan, (2010), *Survival of the Third Legal Tradition?*, *Supreme Court Law Review*, 49 S.C.L.R. (2d), 377–396.

Letnar Černič, Jernej; Avbelj, Matej; Novak, Marko; Valentinčič, Dejan (2018), *Reforma demokratične in pravne države v Sloveniji*. 1. natis. Kranj: Nova univerza, Fakulteta za državne in evropske študije, cop. 2018.

Ustavno sodišče Republike Slovenije, U-I-109/10, 26. 9. 2011.

Šturm, Lovro, *O kratenju človekovih pravic in temeljnih svoboščin v Sloveniji v obdobju 1945-1950*. V: *Temna stran meseca: kratka zgodovina totalitarizma v Sloveniji 1945-1990* in Drago Jančar (ed.), *Ljubljana: Nova revija*, 1998, str. 65–112.

Temeljna ustavna listina o samostojnosti in neodvisnosti Republike Slovenije (Uradni list RS, št. 1/91-I in 19/91 – popr.).

Zobec, Jan; Letnar Černič, Jernej, *The remains of the authoritarian mentality within the Slovene judiciary*. v: Michal Bobek (ur.) *Central European judges under the European influence : the transformative power of the EU revisited*, (EU law in the member states, vol. 2). Oxford; Portland: Hart, 2015, str. 125–148.

Zyberi, Gentian; Letnar Černič, Jernej; *Transitional justice processes and reconciliation in the former Yugoslavia : challenges and prospects*. *Nordic journal of human rights*, 2015, vol. 33, issue 2, pp. 132–157.

RADO PEZDIR

Univerza na Primorskem

Mednarodna fakulteta za družbene in poslovne študije

Fakulteta za informacijske študije v Novem mestu

Gradualistični paradoks: od najrazvitejših do najmanj stabilnih

Glede na nova odkritja je v prispevku povzet pogled na nekatere ključne teme, ki so bile izpostavljene na ničti točki tranzicije. Prispevek obravnava hitrost reformiranja (»big bang proti gradualizem«) ter način privatiziranja in strukturiranja bančnega trga. Prispevek ponuja nove ugotovitve za interpretacijo konteksta bančne in javnofinančne krize v obdobju 2009–2012. Poseben poudarek je na interakciji političnega in ekonomskega trga med prestrukturiranjem ekonomsko-politične ureditve.

1 Uvod

Danes velja, da je Slovenija med najuspešnejšimi tranzicijskimi srednje- in vzhodnoevropskimi državami. To soglasno mnenje velja na podlagi širokega razpona ekonomskih in drugih kazalcev, in to ne glede na izhodiščno stanje. Zato je slovenski način reformiranja postal vzorčen. Kljub temu pa sta bančno-finančna in javnofinančna kriza med letoma 2009 in 2012, ki sta bili v primerjavi z drugimi tranzicijskimi državami globlji in daljši, pokazali, da smo pri izbiri reformiranja na ničti točki tranzicije spregledali nekatere inherentne nestabilnosti. Te so pozneje med grško krizo slovensko ekonomijo po ravni tveganja uvrstile med najbolj tvegane države. Vse to zahteva ponovni premislek o slovenski izbiri tranzicijske poti, zlasti glede ponovnega odprtja razprave o načinu in hitrosti reformiranja slovenske ekonomije (»big bang proti Gradualizem«) ter razvoju bančnega trga v kontekstu oblikovanja slovenske monetarne politike.

Možnosti za nov premislek pa ne odpira samo paradoks najuspešnejše tranzicijske države, ki se je med krizo v letih 2009–2012 izkazala za daleč najbolj

nestabilno, temveč tudi spoznanja, do katerih je prišlo ob dveh dogodkih. Prvič, odprtje dostopa do dokumentacije Arhiva Republike Slovenije, iz katere je bilo mogoče konstruirati institucionalni prehod, in drugič, sanacija slovenskega bančnega sistema v letu 2014, s katero je bilo mogoče rekonstruirati način vodenja monetarne politike v segmentu delovanja bančnega trga.

2 Obdobje pred tranzicijo

Dokumentacija Arhiva Republike Slovenije (ARS 1931) kaže na potrebo po novem razumevanju začetka slovenske tranzicije. Dokumentacija namreč kaže, da so bilo pred spremembo političnoekonomskega sistema vzpostavljeni mehanizmi, ki so dajali prednost neformalnim skupinam, ki so se oblikovale v času poznega socialističnega samoupravljanja. Pezdir (2021) pokaže okoliščine, ki so določile ničo točko tranzicije:

1. obstajala so neregulirana podjetja, ki pa so bila kljub svojemu statusu uvrščena v institucionalni kontekst socialističnega samoupravljanja,
2. omenjene podjetja so pridobivala posojila pri monopolni banki in jih nikoli niso vrnila, so bila pa umaknjena v podjetja v Švici, Liechtensteinu in Luksemburgu in so se z začetkom tranzicije, torej takrat, ko so se začele določati lastninske pravice, vrnila v Slovenijo in vstopila v različne panoge.

Tak primer je bilo neregulirano podjetje ADIT (ARS 1931, 2661), ki je delovalo pod okriljem izvršnega sveta SRS (tedanje slovenske vlade), ki je po institucionalni ureditvi (SDK 1993 in SRS 1989) pridobilo posojilo pri Ljubljanski banki. To posojilo je podjetje prek tržaških družb preneslo v Luksemburg, kjer je bilo ustanovljeno podjetje Proteus. Ta sredstva so bila nato uporabljena za ustanovitev švicarske banke Proteus Finanz, v katero je leta 1990 z dokapitalizacijo vstopila Ljubljanska banka. S tem je v Švici nastala banka, ki je v času, ko je bil slovenski bančni sektor v sanaciji, financirala tako vrnitev kapitala (prenesenega iz posojil Ljubljanske banke) v slovensko ekonomijo kot financiranje podjetij, ki so imela to skupno lastnost, da jih je država kot lastnik zelo dolgo umikala iz privatizacije (Pezdir 2021, 330). Dodajmo, da so bili vsi ti transferji pozneje označeni za slaba posojila in so bili preneseni v prvo sanacijo slovenskih bank.

Slovenske tranzicije zato ne moremo razumeti kot spontani proces ob spremembi ekonomsko-političnega sistema, ampak v dobršni meri kot proces postopnega in nadzorovanega prehoda od ene točke stabilnosti do druge, pri čemer obe točki stabilnosti določajo interesi neformalnih skupin, ki so se v času

samoupravnega socializma oblikovali v presečni množici med monopolno politiko in gospodarstvom.

3 Ničta točka privatizacije

Ničta točka privatizacije pa ni bila določena le s prikritim kapitalskim odlivom in njegovo vrnitvijo v tranzicijo s strani presečne množice monopolne politike in interesnih skupin v socialističnih podjetjih, ampak sta bila odliv in vrnitev kapitala izvedena tudi na mikro ravni. V Arhivu Republike Slovenije je shranjen arhiv Agencije Republike Slovenije za revidiranje lastniškega preoblikovanja podjetij 1993–2003. Iz tega arhiva izhaja, da so posamezni upravljavci socialističnih podjetij z ustanavljanjem slamnatih podjetij v tujini izvedli umik kapitala, ki jim je pozneje omogočil ali prevzem večinskega lastništva podjetij ali pa najbolj donosnih poslov. Dva primera sta najbolj pregledana v smislu dovolj dobre identifikacije mehanizmov. Prvi primer je podjetje Smelt (ARS 316, 775), ki je leta 1989 ustanovilo mešano podjetje v Švici in začelo nanj prenašati posle vse dokler ni v družbenem podjetju Smelt ostala zgolj poslovna lupina, ki pa so jo, brez poslovne vsebine, vključili v proces privatizacije. Gre torej za mehanizem poslovne izpraznitve podjetja in privatizacijo podjetja brez pravega poslovnega smisla. Drug primer je Hidria Holding (ARS 316, 139), ko je vodilna struktura socialističnega podjetja, v času osamosvojitvene vojne v Beogradu registrirala podružnico v Nemčiji. To nemško podjetje, ki je imelo prikrito lastniško strukturo, je prevzelo dobaviteljske posle domačega podjetja in s tem pridobivalo kapital za financiranje nadaljnjih poslovnih potez in postopkov v procesu privatizacije.

Vse to seveda kaže, da je bil začetek tranzicije glede številnih okoliščin bistveno bolj določen, kakor smo to doslej domnevali. V tem kontekstu je zato treba znova premisliti, zakaj je prišlo do uveljavitve pristopa postopne (gradualne) tranzicije in kako je ta glede na dane okoliščine omogočil nadaljnji razvoj slovenske ekonomije.

4 Ponovni pogled na razpravo »big bang proti gradualizem«

Wyplosz (1999) je povzel glavne lastnosti obeh pristopov k hitrosti reformiranja tranzicijskih držav. Njegovi argumenti za hitro reformiranje oziroma pristop »big bang« so bili: težavnost določanja zaporednih ukrepov ekonomskih politik, kakor to zahteva postopno reformiranje, možnost zamika reform in prehod v anomalije ter Balcerowiczovo okno priložnosti, ki se lahko v daljšem obdobju, ki ga zahteva gradualizem, zapre. Po drugi strani Wyplosz navaja kot ključne prednosti postopnega, torej počasnejšega pristopa vzpostavitev dolgoročnejšega institucionalnega

okvira, višje stroške hitrega reformiranja, ki se odrazijo na trgu dela, rigidnosti na trgu dela med reformiranjem (trg dela se ne more prilagoditi hitrosti reformiranja) ter vpliv na javne finance zaradi plačnih pritiskov ter nepredvidene in močne spremembe relativnih cen ob hitrem reformiranju. Po Wyplosu obstajajo štiri stilizirana dejstva glede hitrosti reformiranja (Wyplosz 1999, 27): i. »big bang« pristop je ustrežnejši, medtem ko je gradualni pristop učinkovitejši, če je obdobje med posameznimi reformnimi koraki krajše, ii. najprej naj se izvede makroekonomska stabilizacija, šele potem naj se uporabijo instrumenti za povečevanje gospodarske rasti, iii. ukrepi morajo biti na mikroekonomski ravni uveljavljeni čim prej (vzpostavitev lastninskih pravic, uveljavitev trdih proračunskih omejitev, vzpostavitev zdravega bančnega trga in zagotovitev konkurenčnih trgov), iv. vprašanja reform monetarne politike pri oblikovanju zdravega bančnega trga so nepomembna in v. obrati v ekonomski politiki so manjši, če so reforme izvedene nepovratno. Da je ključni del reformiranja privatizacija oziroma vzpostavitev lastninskih pravic, sta med drugimi pokazala Fischer in Sahay (2000). Večina avtorjev uvršča Slovenijo med države s postopnim reformnim pristopom, kar je tudi mnenje slovenskih ekonomistov (Šušteršič, 2000 ali Šušteršič et. Al. 2004).

Doslej je bilo narejenih nekaj raziskav na področju ugotavljanja vzrokov za odločitve za postopni reformni pristop k slovenski tranziciji, od katerih je Šušteršič najbolj podrobno pokazal, da je ta odločitev povezana s procesom endogene tranzicije (Šušteršič 2009), torej ekonomskega reformiranja, ki je bil sprožen pred formalnim preходом v sistem tržne ekonomije (Markovičeve reforme). Podobno Golob in Makarovič (2017) opredeljujeta začetek tranzicije ob prelomu z monopolnim političnim sistemom, kar je navsezadnje prav ob sprožitvi endogenega tranzicijskega procesa. Vpliv na potek tranzicije in posredno tudi na hitrost reformiranja pa je bil opredeljen tudi z vidika avtorjev, ki pristopajo k analizi z vidika institucionalne ekonomije. Legner (2008) postavi tezo, ki je glede na dosedanja spoznanja o tranziciji zelo verodostojna, da so neformalna pravila, ki so se oblikovala v socializmu in so vstopila v tranzicijo, sooblikovala izgradnjo institucij in s tem določila reformne poti.

Avtorji (Šušteršič et al., 2008, in Pezdir 2008) pokažejo, da je bil postopni pristop, ki ga je izbrala Slovenija, neučinkovit glede omejevanja konkurence, plitkosti finančnih trgov in oblikovanja stabilnih temeljev gospodarske rasti. Dodajmo, da je oblika privatizacije dodatno določila razvoj slovenske ekonomije, saj so bile lastninske pravice dolgo določene z vlogo politike prek t. i. paradržavnih skladov in njihovih odnosov s pooblaščenimi investicijskimi družbami. Povedano drugače, skorajda vse do krize leta 2009 lastninskih pravic

ni razporejal tržni mehanizem, temveč je bil ta proces določen s političnimi intervencijami v obliki vlad kot skupščin teh paradržavnih skladov.

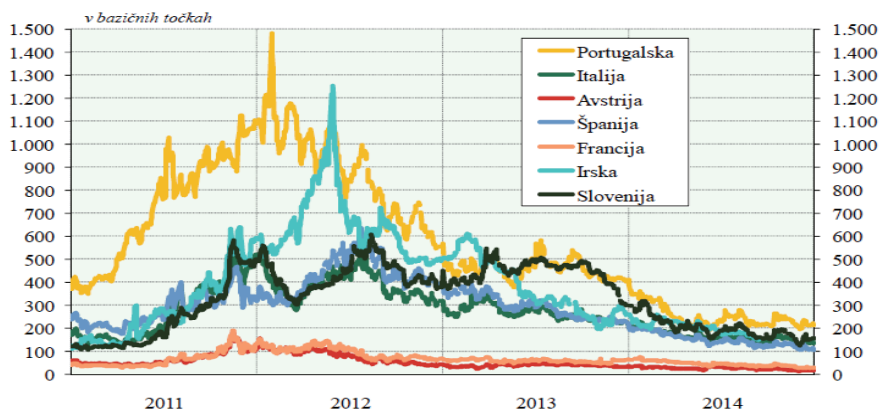
Nedavno odkriti dokument Operacija Merkur (Kavčič 1992) svetovalca uprave Ljubljanske banke Nika Kavčiča je pomemben glede Legnerjevih predvidevanj o pomenu neformalnih skupin za učinkovitost tranzicije. Dokument namreč opisuje, kako je neformalno omrežje odločilno vplivalo na izbiro direktorja uprave najmočnejše slovenske banke, pri čemer so bili člani neformalne skupine sicer tudi tisti, ki so v institucionalnem okolju zasedali ključne položaje, vendar pa z ustavnega vidika niso imeli pristojnosti za formalne spremembe, ki so jih uveljavljali. Dodajmo tudi, da so bile prav te osebe, ki so tvorile neformalni krog, ki ga opisuje omenjeni dokument, hkrati tudi osebe, ki so vzpostavljale zgoraj opisani vzporedni mehanizem (SZDL 1974).

Upoštevajoč razkritje, da je bil tržni mehanizem sprožen v okoliščinah, ko so bile lastninske pravice še nedoločene, bančno-finančni trg v sanaciji in nesposoben zagotavljati vire financiranja ob dejstvu, da se je del kapitala, predvsem v obliki bančnih kreditov, umaknil v tujino, je očitno, da je obstajal dodatni motiv za izbiro postopnega pristopa. Počasna privatizacija, omejevanje priliva neposrednih tujih investicij v slovensko ekonomijo, ohranjanje monopolistične strukture trgov so bili tako mogoči le s postopnim pristopom in so hkrati tisti dejavniki, ki so določili razvoj slovenskih institucij.

5 Bančno-finančna kriza 2009–2012 ali razkritje učinkovitosti slovenske tranzicijske poti

Spodnja slika prikazuje naglo povečanje tveganja slovenske ekonomije v času bančno-finančne in javnofinančne krize. Naglo povečanje pribitkov pri dolgoročnih slovenskih obveznicah nad referenčno slovensko obveznico namreč razkriva, da so bili temelji, zgrajeni med slovensko tranzicijo, takšni, da so slovensko ekonomijo naredili izrazito nestabilno za zunanje šoke. Upravičeno je seveda vprašanje, kaj se je med to krizo razkrilo o načinu delovanja slovenske ekonomske politike.

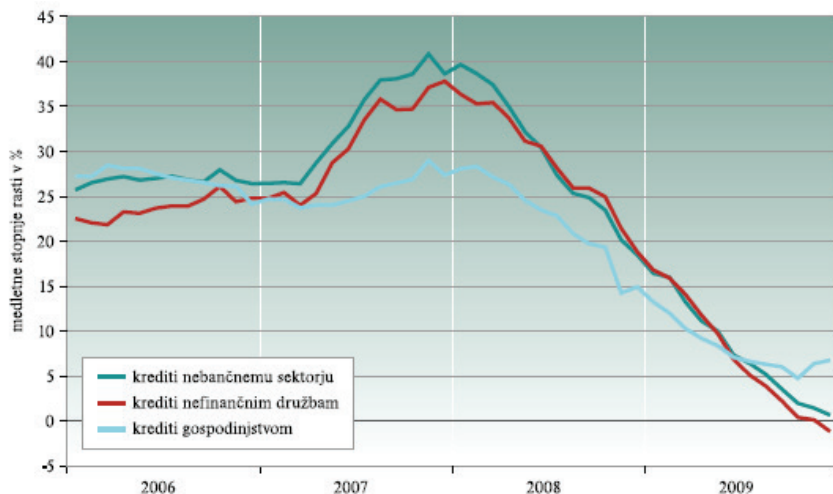
Slika 1: Pribitki pri dolgoročnih državnih obveznicah nad referenčno nemško obveznico



Vir: Letno poročilo Banke Slovenije, 2014.

Danes je na podlagi podatkov Banke Slovenije mogoče trditi, da je v Sloveniji nastal bančni balonček, ki se je začel napihovati z vstopom v mehanizem ERM 2, torej takrat, ko so bila za slovenske banke zagotovljena cenejša posojila na medbančnem trgu. Spodnja slika prikazuje kreditiranje nebančnega sektorja in izkazuje gibanje v času, ki je značilno prav za obnašanje t. i. balončkov. Upoštevajoč dejstvo, da sta dve banki, v katerih je imela večinsko lastniško udeležbo neposredno ali posredno država, je treba spodnji prikaz razumeti predvsem kot aktivnost bank v državnem lastništvu. Bančni sektor je do druge sanacije slovenskih bank veljal za ključni sektor, iz katerega se država nikoli ne sme večinsko umakniti.

Slika 2: Kreditiranje nebančnega sektorja



Vir: Letno poročilo Banke Slovenije, 2009.

Toda to je le en del zgodbe, saj sta poceni dostop do medbančnega trga in izjemno nizka cena posojil (nizka obrestna mera), ki je veljala vse do velike finančne krize, ki se je začela leta 2007, nekaj, kar prikazuje stran ponudbe. Na drugi strani so posojilojemalci, ki so posojila prevzemali in jih lahko razvrstimo v tri velike skupine: i. gradbeni sektor, ki je po koncu državno financirane izgradnje avtocestnega križa iskal priložnosti za nova donosna vlaganja in je z bančnimi posojili ustvaril nepremičninski balonček, ii. menedžerski prevzemi podjetij v zadnji fazi privatizacije, kar je bilo mogoče v sodelovanju z nosilci političnih odločitev, ki so kot skupščina paradržavnih skladov odločali o spremembi lastniške strukture (Pivovarna Laško, Merkur, Mercator), in iii. posojilno financiranje holdingov, ki so nastali iz privatizacijskih skladov oziroma pidov (Aktiva, Zvon 1 in Zvon 2, Pomhold).

Podrobnejša analiza vzrokov za drugo sanacijo slovenskih bank je pokazala, da so bile primarno paradržavne banke skorajda popolnoma izven pristojnosti regulatorja, to je Banke Slovenije, da so se posojila podeljevala kljub neustreznim zavarovanjem, neodplačevanju starih posojil, celo ob očitnih poslovnih goljufijah in izkazanemu presežnemu tveganju.

V vseh navedenih primerih se tako izkaže, da je ključno vlogo imela država, bodisi prek začetnih okoliščin, s katerimi je ob začetku tranzicije določala tržno igro (izostanek konkurence, distribucija lastninskih pravic s političnimi intervencijami, izvajanje intervencij na bančnem trgu prek državnega lastništva v bankah in omejevanje neposrednih tujih investicij kot načina zagotavljanja lastniškega kapitala v finančno plitkih tržnih strukturah) bodisi z ohranjanjem rigidnih in neučinkovitih regulatorjev (primarno Banke Slovenije) ter končno s potekom tržne igre z igralci, ki so v tranzicijo vstopili s prednostjo, ki se je pokazala ob identifikaciji mehanizma umikanja kapitala.

6 Sklep

V članku smo pokazali okoliščine, ki so dejansko povzročile, da je slovenska politika izbrala postopni način reformiranja gospodarstva. Pokazali smo tudi, da je slovenska tranzicija morala biti postopna, saj so na njeni ničti točki že bili določeni lastniški in poslovni interesi neformalnih skupin, ki so se oblikovale v času pred začetkom tranzicije. Takšen način reformiranja je oblikoval inherentno nestabilne institucije kot povzročiteljice mehurčkov in končno implozije, ki je povzročila krizo med letoma 2009 in 2012. Ob tridesetletnici države in vzpostavitve drugačne oblike ekonomskega sistema je potreben nov pogled na slovensko tranzicijo, saj sta prav odprtje Arhiva Republike Slovenije in razkritje sistemskih anomalij ob drugi sanaciji bančnega sistema zagotovila vzpostavitev nove razlage na bistveno širšem naboru informacij, kot je bil doslej na voljo.

7 Pogled v prihodnost

Tridesetletni razvoj slovenske ekonomije je pokazal, da institucije ne delujejo na način, ki bi podpiral tržno igro, temveč jo usmerjajo tako, da lahko politične intervencije določajo razvoj dogodkov. Bančno-finančna in javnofinančna kriza sta sicer zmanjšali moč intervencij in posledično tudi njen vpliv na razvoj tržne igre, vendar pa so institucije ostale inherentno nestabilne. Zato so mogoče nove aberacije in tvorjenje omrežij. Če želimo v Sloveniji oblikovati učinkovit tržni mehanizem, bo največja naloga pri upravljanju države v naslednjih letih vezana na oblikovanje regulatornega okvira, ki ni namenjen samemu sebi in ki ne bo ustvarjal omrežij ter jim dopuščal protipravno delovanje. V tem smislu bo treba razmisliti o delovanju področnih regulatorjev ter normalizaciji razmer v policiji, na tožilstvu in v sodni veji oblasti.

Literatura:

Arhiv Republike Slovenije. ARS 1931 – Republiški sekretariat za notranje zadeve SR. Tehnična enota 2661.

Arhiv Republike Slovenije. ARS 316 – Agencija za revidiranje lastninskega preoblikovanja podjetij 1993 – 2003. Tehnična enota 775. Smelt Intag TC in Smelt International.

Arhiv Republike Slovenije. ARS 316 – Agencija za revidiranje lastninskega preoblikovanja podjetij 1993 – 2003. ARS 316. Tehnična enota 139. Hidria Holding.

Banka Slovenije. 2009. Letno poročilo Banke Slovenije, 2009.

Banka Slovenije. 2014. Letno poročilo Banke Slovenije, 2014.

Fischer, Stanley in Sahay, Ratna, 2000. *The transition economies after ten years*. NBER Working paper series 7664. Cambridge Massachusetts: National Bureau of Economic Research.

Golob, Tea in Makarovič, Matej, 2017. *Self – organisation and development: A comparative approach to post – communist transformations from the perspective of social system theory*. *Europa – Asia Studies* 69/10. 1499–1525.

Kavčič, Niko, 1992. *Operacija »Merkur« in njen potek*. Ljubljana. Osebni arhiv Nika Kavčiča.

Lenger, Alexander, 2008. *Big – bang versus Gradualism? Towards a framework for understanding institutional change in Central and Eastern Europe*. Predstavljeno na *Ökonomik*,

Pezdir, Rado, 2008. *Slovenska tranzicija od Kardelja do tajkunov*. *Finance*.

Pezdir, Rado, 2021. *Vzporedni mehanizem globoke države*. *Podjetniška analitika Rado Pezdir*, s. p.

Politische Ökonomie und Psychologie staatlicher Reformen in Europa, Albert-Ludwigs-Universität Freiburg, 10. in 11. april 2018.

Skupščina SRS, 1989. *Izvršni sklep Skupščine SRS: Poročilo o uresničevanju sklepov in stališč*. Ljubljana: Skupščina SRS.

Služba družbenega knjigovodstva v Republiki Sloveniji, 1993. *Zapisnika o inšpekciji finančno materialnega poslovanja za leta 1989 do 1993 pri podjetju ADIT*. Št.: 93094, 4. 6. 1993. Ljubljana: Služba družbenega knjigovodstva.

SZDL. 1974 Adit. *Zapis sestanka 26. 2. 1974: Interno gradivo*.

Šušteršič, Janez, Rojec, Matija, Vasle, Boštjan, Bednaš, Marijana in Jurančič, Slavica, 2004. *The rise and decline of gradualism in Slovenia. Post-communist economies*, let. 16, št. 4 (december 2004). 459–482.

Šušteršič, Janez, 2000. *From the socialist cycle to the endogenous transition*. *Economic and business review for Central and South-Eastern Europe*. 2000/1. 29–59.

Šušteršič, Janez, 2009. *Endogenous gradualism and the Slovenian puzzle*. *China Economic Review* 20. 265–274.

Wyplosz, Charles, 1999. *Ten years of transformation: Macroeconomic lessons*. Predstavljeno na *Annual World Bank conference on development economics*, Washington D.C. 28–30 april 1999.

BORUT RONČEVIĆ

Fakulteta za uporabne družbene študije v Novi Gorici

MATEVŽ TOMŠIČ

Fakulteta za uporabne družbene študije v Novi Gorici

Čigavi »psi čuvaji«? Pomanjkanje pluralnosti kot glavna značilnost slovenskega medijskega prostora

Mediji posredno, a zelo pomembno vplivajo na potek in rezultate političnega procesa. V tem smislu nastopajo kot del političnega prostora. Ta prispevek se ukvarja s stanjem na področju medijskega pluralizma v Sloveniji. Pri tem šibko pluralnost šteje za ključno značilnost in glavno slabost slovenskega medijskega prostora. V nasprotju s pogostimi trditvami, da si aktualna vlada, predvsem njen predsednik, podreja medije in s tem omejuje njihovo svobodo, na podlagi aktualnih empiričnih podatkov dokazuje, da je politični blok, ki trenutno ne sestavlja vlade, je pa bil na oblasti večino tranzicijskega obdobja, tisti, uživa podporo večine osrednjih medijev.

1 Uvod

Brez medijev je komuniciranje v sodobni družbi nepredstavljivo. Od tod številne razprave in polemike o njihovem mestu v družbenem ustroju in o vlogi, ki jo imajo s tega vidika. Gre za namen, kot je obveščanje javnosti, to je poročanje o dogodkih, pa tudi druge, bolj banalne namene, npr. zabava itd. Njihov pomen je poudarjen tudi v povezavi s političnim življenjem. Ocenimo lahko, da medijske ustanove – časopisi, radijske in televizijske hiše, spletni portali – posredno, a zelo pomembno vplivajo na potek in rezultate političnega procesa, s čimer nastopajo kot del političnega prostora. Ob tod pogosto označevanje medijev za »četrto vejo« oblasti. Seveda v tem primeru ne gre za oblast v smislu uradnih pooblastil (tako kot jih imajo izvršna, zakonodajna in sodna veja), ampak za

vpliv, ki ga imajo mediji s tem, ko državljanom sporočajo informacije o stanju v politiki, gospodarstvu ter na drugih področjih doma in v tujini. V zvezi s tem se pogosto navaja njihovo delovanje v smislu nadzora nad oblastniki, na kar se navezuje sintagma o medijih kot »psih čuvajih demokracije«. Vendar je medije na drugi strani tudi mogoče instrumentalizirati za različne partikularne interese. Običajno to počnejo tisti, ki imajo moč in vpliv v družbi.

V tem prispevku so predstavljene ključne značilnosti medijskega prostora v postkomunistični Sloveniji. Pri tem se še posebej osredotoča na stanje na področju medijskega pluralizma, pri čemer šibko pluralnost šteje za ključno značilnost in glavno motnjo slovenskega medijskega prostora. V nasprotju s pogostimi trditvami, da si aktualna vlada, predvsem njen predsednik, podreja medije in s tem omejuje njihovo svobodo, na podlagi aktualnih empiričnih podatkov dokazuje, da je politični blok, ki trenutno ne sestavlja vlade, je pa bil na oblasti večino tranzicijskega obdobja, tisti, uživa podporo večine osrednjih medijev.

2 Mediji kot instrument ideološke indoktrinacije v nekdanjem režimu

Za nedemokratske režime vseh vrst in ideoloških barv velja, da so v njih mediji podrejeni vladajoči eliti, ki ji služijo kot sredstvo za ohranjanje oblasti. Obsežnejši ko je nadzor te vladajoče elite nad družbo, trdneje so mediji vpeti v pogon režima. Njihova glavna naloga je propagiranje režima in njegove ideologije, z namenom indoktrinacije državljanov in njihove mobilizacije za podporo oblastnikom.

Takšna je bila vloga medijev v komunističnih režimih. Bili so del tega, kar je Louis Althusser (2006) poimenoval »ideološki aparat države«. To je seveda veljalo tudi za slovenske medije v času komunistične Jugoslavije. Ti so bili ves čas podrejeni direktivam državno-partijske nomenklature (Nežmah, 2012). Vse medijske hiše so bile v državni oziroma tako imenovani družbeni lasti. Novinarji in drugi medijski ustvarjalci so bili obravnavani kot »družbenopolitični delavci« (Tomšič, 2020). To pomeni, da so pri svojem delu morali slediti uradni ideologiji tako imenovanega socialističnega samoupravljanja z vsemi njenimi dogmami (kot je bila denimo tista o »bratstvu in enotnosti« jugoslovanskih narodov). V tem smislu je šlo za izrazito regresijo v primerjavi s časom prve Jugoslavije, saj je bil tedaj medijski prostor sicer izrazito polariziran na katoliški in liberalni del ter je bila večina medijev izrazito politično

opredeljena in pristranska v svojem obravnavanju dogajanja v politiki in družbi, vendar pa je bil medijski prostor nedvomno precej pluralen. Ta pluralnost je bila z vzpostavitvijo komunističnega režima popolnoma odpravljena.

Za imenovanje ljudi na osrednje položaje v medijskih hišah je bilo ključno merilo »moralnopolitična primernost«, se pravi privrženost komunistični partiji (pozneje zvezi komunistov) in njenemu nauku. Mesta direktorjev in urednikov na RTV Ljubljana (predhodnici RTV Slovenija) ter v osrednjih časopisnih hišah so zasedli izključno zvesti partijski kadri. Velika večina novinarjev je pristajala na tako družbenopolitično vlogo. Tisti redki med njimi, ki so delovali na nekonformističen ali celo do režima kritičen način, so bili iz novinarskih vrst odstranjeni, nekateri pa celo obsojeni na zaporne kazni, kot se je to zgodilo denimo Viktorju Blažiču ali Dragu Jančarju.

Resda se je v zadnjem obdobju nekdanjega režima (tj. v osemdesetih letih), ko je prišlo do njegovega postopnega mehčanja, pojavila niša za nekonformistično delovanje tudi na medijskem področju. Predvsem tako imenovani mladinski mediji, v prvi vrsti *Mladina* (ki je bila uradno sicer glasilo Zveze socialistične mladine Slovenije), pa tudi študentska časopisa *Tribuna* in *Katedra* med tiskanimi mediji ter *Radio Študent* med elektronskimi mediji so v javni prostor prinašali tematike, ki so bile pri režimskih strukturah nezaželene, ter prispevke, ki so kritično reflektirali takratno stanje v družbi in katerih kritična ost je bila uperjena celo v tedaj »nedotakljive« institucije, kakršna je bila jugoslovanska vojska. Ti mediji so, skupaj z nekaterimi kulturnimi revijami, med katerimi je še posebej izstopala *Nova revija*, odigrali zelo pomembno vlogo v procesih demokratizacije. Vendar je šlo pri tem za izjeme. Tako imenovani osrednji mediji, tako tiskani kot elektronski, so ves čas služili za oporo vladajoči nomenklaturi, ki se je sicer – vsaj navzven – na koncu reformirala, resda pod velikim pritiskom splošnega nezadovoljstva ljudi s stanjem v državi.

3 Značaj medijskega prostora v samostojni Sloveniji

S prehodom v demokracijo je prišlo do vzpostavitve institucionalnih pogojev za razvoj svobodnega, odprtega in raznolikega medijskega prostora (Avbelj in Letnar-Černič, 2020). Vendar so se načela, ki so veljala v nekdanjem komunističnem režimu, v pretežnem delu slovenskega medijskega prostora ohranila tudi po formalnem prehodu v demokracijo (Tomšič, 2020). Govorimo lahko o visoki stopnji medijske reprodukcije. Medijem, ki so obstajali že v nekdanjem režimu, se je večinoma uspelo ohraniti na prizorišču. Vsaj na določenih področjih so

bile spremembe po letu 1990 relativno majhne. To še posebej velja za tiskane medije. Tako se v poosamosvojitvenem obdobju ni uspelo uveljaviti niti enemu samemu resnemu splošnemu dnevniku časopisu. Spomnimo se poskusov s *Slovincem* pa *Republiko* ter kratkotrajne epizode z *Jutranjikom*. Obstali so le dva tabloida, starejše *Slovenske novice* in novejši *Svet 24*, ter specializirani poslovni časnik *Finance*. Uredniki in novinarji, ki so opravljali to delo v nekdanjem režimu, so v veliki meri ohranili svoje položaje tudi v »novih časih«.

Nekateri mediji so sicer v določenih obdobjih vzdrževali nekakšno notranjo pluralnost. To je denimo veljalo za nekdanj »osrednji« dnevni časopis *Delo* v prvi polovici devetdesetih let, do odhoda skupine novinarjev pod vodstvom Danila Slivnika, in potem še sredi naslednjega desetletja, ko je taisti Slivnik postal predsednik uprave, Peter Jančič pa odgovorni urednik. Podobno je bilo z *Večerom*. Vendar sta oba na koncu prešla v objem tako imenovanih starih sil.

Če bi morali poudariti glavno značilnost medijskega prostora v postkomunistični Sloveniji, je to šibko razvit pluralizem. Gre za močno neravnovesje, saj večina medijev bolj ali manj odkrito daje prednost tistemu delu slovenske politike, ki se označuje za levico. To so pokazale tudi vse do zdaj opravljene raziskave na temo medijskega pluralizma (več o tem v nadaljevanju). Poleg tega v medijskih vsebinah prevladujejo vrednote in stališča, ki jih v nazorskem smislu lahko označimo za levo usmerjene. Gre, seveda, za opredelitev »levice« in »desnice« v slovenskem kontekstu, ki v določenih elementih ni skladna s tem, kar pomenita ti dve skupini v uveljavljenih demokracijah (tako je, drugače kot na Zahodu, v Sloveniji »levica« kapitalsko bistveno bolj založena kot desnica).

V postkomunistični Sloveniji lahko govorimo o obstoju kulturne hegemonije tranzicijske levice. Gre za hegemonijo, kot jo je opredelil Antonio Gramsci, v smislu ideološke prevlade, s katero oblast pridobi soglasje za svojo vladavino od tistih, ki si jih je podredila. To se izvaja s pomočjo simbolnih sistemov, ki dolgoročno vplivajo na to, kako posamezniki doživljajo določene dogodke, prek oblikovanja kognitivnih in afektivnih struktur, s katerimi posamezniki zaznavajo in vrednotijo družbeno resničnost. Tako se vzpostavi stanje, ko določene ideje in vrednote dobijo status naravnosti ali kar samoumevnosti, zato nanje pristajajo celo tisti, ki jim ne prinašajo nikakršnih koristi. Končni namen hegemonije pa je ohranjanje *statusa quo* in s tem privilegijev vladajoče elite.

V našem primeru hegemonija levice pomeni, da so vrednote, ideje in rešitve, ki jih razglašajo njeni protagonisti, deležne veliko več javne pozornosti in podpore mnenjskih voditeljev ter imajo s tem veliko večjo »težo« v javnosti

kot tiste, ki jih zagovarjajo njihovi nasprotniki z »desnice«. Prve se predstavljajo kot nekaj »običajnega« ali celo »splošno sprejemljivega«, druge pa kot nekaj »nenavadnega«, »problematičnega« ali celo neposredno »nezaželenega«.

Za takšno stanje imajo zelo velike zasluge prav množični mediji, katerih večina, kot navedeno, bolj ali manj odkrito daje prednost »levici«. Mediji namreč pomembno oblikujejo dožemanje družbene in politične resničnosti pri državljanih, s tem pa tudi njihovo ocenjevanje političnih in drugih družbenih akterjev. Pomanjkanje medijskega pluralizma lahko tako povzroči popačeno in pristransko dožemanje javnosti. In prav temu smo priča v Sloveniji. Tu mediji po svojih mnenjskih voditeljih sistematično promovirajo vse tisto, kar sodi v ideološki repertoar levece, in stigmatizirajo vse tisto, kar velja za desničarsko.

Opozorimo naj samo na dva očitna primera – odnos do istospolnih in vprašanje migracij. Pri vprašanju istospolnih je še posebej kontroveržno vprašanje možnosti tovrstno usmerjenih parov, da posvojijo otroka. Glede tega večinski mediji ves čas razlagajo, kako da je to njihova neodtujljiva pravica, zato bi to moralo biti nujno uzakonjeno. Tiste, ki nasprotujejo tej možnosti, pa označujejo za »nazadnjake«, »homofobe« ali še kaj hujšega. Gre za očitno ideološko pristranskost, ki ignorira dejstvo, da je to vprašanje v državah Evropske unije (če se že omejimo na ta okvir) zelo različno urejeno, saj je to stvar odločitve posamezne države. Podobna ideološka pristranskost osrednjih medijev je očitna pri obravnavi migracij, predvsem tistih iz večinsko muslimanskih dežel. Glede tega vztrajno propagirajo multikulturalistično agendo, po kateri bi morala Slovenija in z njo ves zahodni svet izvajati politiko »odprtih meja«, ki v praksi pomeni neomejeno priseljevanje ljudi iz tretjega sveta. Tudi v tem primeru so tisti, ki temu nasprotujejo, deležni diskvalifikacij in etiketiranja z »nestrpneži«, »ksenofobi«, »islamofobi« ali celo »rasisti«. V svojem kulturnem relativizmu multikulturalisti in njim naklonjeni mediji stalno zanikujejo možnost, da ljudje iz določenih kulturnih okolij negujejo vrednote in prakticirajo navade, ki so preprosto nekompatibilne s standardi zahodnih družb. Predvsem to velja za ljudi iz muslimanskega sveta. Ta nekompatibilnost je lahko podlaga za nesporazume, konflikte ali celo nasilje. Vendar osrednji mediji varnostna tveganja praviloma ignorirajo. Tako so tiste, ki so nanje opozarjali ob velikem migrantskem valu leta 2015, odpravljali z zgoraj navedenimi etiketami, čeprav se je izkazalo, da so imeli prav, saj je množičnemu prihodu muslimanskih migrantov sledil razmah nasilja in terorizma.

Množični mediji sistematično zagovarjajo agendo leve politike, tudi če je ta v nasprotju z voljo večine državljanov, kar velja v navedenih primerih. Možnost, da istospolni pari posvojijo otroke, je bila zavržena na dveh referendumih (o *Družinskem zakoniku* in o *Zakonu o družinski zvezi in družinskih razmerjih*). To, da večina ljudi nasprotuje bolj množičnim migracijam iz tretjega sveta, predvsem iz muslimanskih držav, so pokazale tako rekoč vse do zdaj opravljene javnomnenjske raziskave. Tu gre za očitno težnjo po socialnem inženiringu, se pravi po načrtnem preoblikovanju mentalitete ljudi v skladu z načrti določenih političnih krogov.

4 Raziskovanje medijskega pluralizma v Sloveniji

Doslej je bilo opravljenih le nekaj raziskav na temo medijskega pluralizma v Sloveniji. Prvo večjo raziskavo medijskega prostora glede na njegovo pluralnost, prevladujoče vzorce vrednot in politične povezave je izvedla skupina raziskovalcev z Inštituta za oživitve civilne družbe, katere ugotovitve so bile leta 2002 objavljene v reviji *Dignitas* kot posebna tematska številka (št. 13/14) z naslovom *Medijska konstrukcija realnosti* (Aplenc in Jerovšek, 2002). Bolj sistematično in metodološko celovito raziskavo medijskega pluralizma so za potrebe Ministrstva za kulturo leta 2006 opravili raziskovalci Inštituta za strateško in razvojno analizo z naslovom *Stanje medijskega pluralizma v Sloveniji* iz leta 2006 (Adam et al., 2006). Leta 2007 in 2008 so raziskovalci s Fakultete za uporabne družbene študije v Novi Gorici izvedli dve raziskavi, ki sta vključevali tudi analizo pluralnosti medijskega prostora. To sta *Študija medijske svobode in avtonomije medijskega prostora v Republiki Sloveniji* leta 2007 in *Svoboda medijev v Sloveniji* leta 2008. Obe vsebujeta analizo komentarjev v osrednjih slovenskih tiskanih medijih. Na podlagi prve je izšla knjiga z naslovom *Slovenski mediji v družbi in slovenska družba v medijih* (Makarovič et al., 2008). Navesti je treba tudi nekatere študije, ki so obravnavale vprašanje lastništva medijev in njegov vpliv na pluralnost medijskega prostora, pri čemer so opozorile na težavo medijske koncentracije (Bašić Hrvatini in Kučić, 2005; Bašić Hrvatini in Petković, 2007).

Vse te raziskave o medijskem pluralizmu so pokazale, da kljub razlikam v poročanju posameznih medijev obstaja očitno neravnovesje v smislu medijske naklonjenosti različnim političnim opcijam, pa tudi v smislu ideološke usmerjenosti slovenskih medijev. Po njihovem mnenju je večina slovenskih medijev

in mnenjskih voditeljev naklonjenih strankam tranzicijske levice. V medijskih vsebinah prevladujejo vrednote in pogledi, ki jih lahko opredelimo za levičarske.

5 Razvoj medijskega pluralizma v času digitalizacije

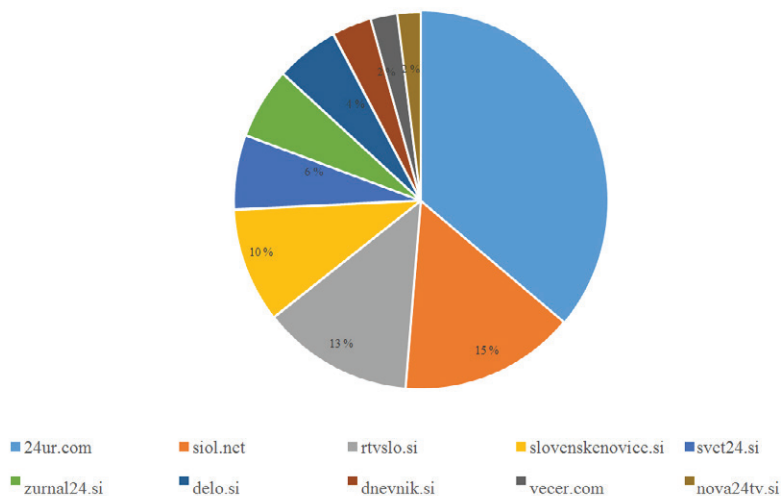
Z digitalizacijo, ki je temeljito posegla na številna področja življenja, se je pojavila priložnost za odprtje in demokratizacijo medijskega prostora. Vendar pa iz zgornjega opisa izhaja, da ne razpolagamo s študijami, ki bi ugotovljale vpliv digitalizacije na pluralnost in demokratizacijo medijskega prostora na Slovenskem. V nadaljevanju predstavljamo izsledke edine študije, ki nam lahko ponudi odgovor na to vprašanje (Tomšič et al., 2020).

Namen te študije sicer ni bil eksplicitno raziskovati vloge digitalizacije medijev in njene posledice, ampak raziskati stopnjo politične in vrednotno-nazorske heterogenosti slovenskih medijev v smislu obstoja/neobstoja različnih političnih afiliacij in idejne usmerjenosti njihovih protagonistov. Vendar pa smo se zaradi navedenih procesov digitalizacije in upadanja dosega klasičnih medijev odločili prav za analizo medijskih portalov z največjo obiskanostjo v Sloveniji. Najbolj obiskana medijska spletna mesta, ki smo jih uporabili v raziskavi slovenske medijske krajine, so: 24ur.com, siol.net, rtvslo.si, slovenskenovice.si, svet24.si, zurnal24.si, delo.si, dnevnik.si, vecer.com in nova24tv.si. Seveda pa vsi portali nimajo enakega dometa. Graf 1 prikazuje relativni pomen oziroma težo posameznega medijskega spletnega portala v Sloveniji.

Več kot polovico medijskega prostora, ki ga razumemo kot obiske na portalih vključenih medijev (51 odstotkov), zavzemata dva medija, in sicer 24ur.com s 36 odstotkov organskih obiskov ter siol.net s 15 odstotkov organskih obiskov. Sledita jima rtvslo.si s 13 odstotkov in slovenskenovice.si z 10 odstotkov. Preostali mediji (svet24.si, zurnal24.si, delo.si, vecer.si in nova24.si) skupno tvorijo manj kot tretjino tega medijskega prostora.

Graf 1: Delež organskega obiska desetih najbolj obiskanih spletnih medijskih portalov

Delež organskega obiska spletnih portalov vključenih medijev



Vir: Tomšič et al., 2020, str. 7.

Pluralnost digitalnega medijskega prostora smo raziskovali z analizo zapisov na teh medijskih portalih. Ta je temeljila na kvalitativni analizi besedil oziroma njihove sporočilnosti za bralca. Na podlagi narave teh zapisov je mogoče ugotoviti zasnovo in prevladujočo usmeritev obravnavanih medijev. Pri tem smo se še posebej osredotočili na medijsko obravnavo tistih tematik, ki so bile v zadnjem času predmet razhajanj v slovenski politiki in javnosti. Pri analizi sta nas zanimala predvsem odnos do domačih političnih akterjev in nazorska usmerjenost besedil. Pri ugotavljanju medijske pluralnosti smo kvalitativno ovrednotili in upoštevali tudi težo, ki jo ima posamezni medij v slovenskem prostoru, v smislu, koliko ljudi ga spremlja. Tako smo lahko zaznali 'domet' in s tem javnomnensko pomembnost njihovih sporočil.

Za raziskavo stopnje politične in vrednotno-nazorske heterogenosti oziroma pluralizma najpomembnejših slovenskih medijev, predvsem z vidika političnih afiliacij in idejne usmerjenosti njihovih protagonistov, smo določili teme, ki v slovenski javnosti sprožajo močne razprave, in določili ustrezna obdobja, pri čemer smo bili pozorni tudi na to, da ustrezno omejimo število člankov, ki jih je

treba analizirati. Analizirali smo medijsko obravnavo ukrepov Vlade Republike Slovenije v zvezi s COVID-19 (obdobje 1. 5. 2020–20. 5. 2020), obravnavo medijske zakonodaje (obdobje 1. 7. 2020–30. 9. 2020, ko so potekale večje medijske in politične razprave o tej tematiki) in odnos politike do migrantske krize (obdobje 15. 3. 2020–30. 9. 2020). V osnovni vzorec smo tako vključili 1246 objav. Te smo kodirali z uporabo ustreznih postopkov (glej Tomšič et al., 2020) in tako oblikovali zbirko podatkov za kvantitativno analizo spletnega medijskega prostora. Ta nam omogoči tako vpogled v celotni medijski prostor kot tudi odnos in usmerjenost posameznega medija.

Pri razporeditvi glede na odnos do nacionalnih političnih akterjev lahko ugotovimo, da prevladujejo objave z uravnoteženim odnosom. Vendar pa podrobnejši pogled razkrije manj uravnoteženo podobo. Med objavami, ki ne izkazujejo uravnoteženega odnosa, teh je 47,4 % vseh objav, močno prevladujejo protivladne objave. Te sestavljajo 31,7 % vseh objav in kar 66,9 % vseh objav, ki ne izkazujejo uravnoteženega odnosa.

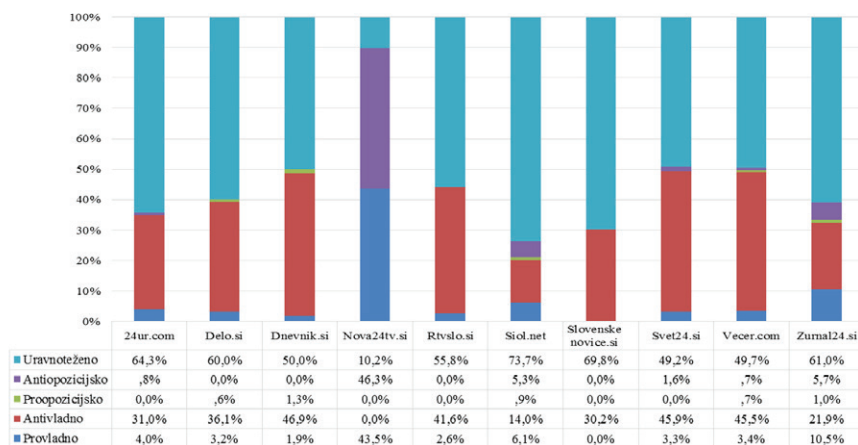
Podobno podobo pokaže pregled objav glede nazorske usmerjenosti. S 66,6 % prevladujejo objave z nevtralnimi nazorom. Med objavami, ki ne izkazujejo nevtralne nazorske usmerjenosti, pa močno prevladujejo objave z levo nazorsko usmerjenostjo. Te sestavljajo kar 66,5 % tovrstnih objav.

5.1 Analiza odnosa do vlade po medijih

Analiza pokaže na znatne razlike med mediji glede na odnos do nacionalnih političnih akterjev. Glede na to merilo izstopa nova24tv.si, ki ima izrazito drugačen odnos od vseh drugih medijev; med njenimi objavami prevladujejo protiopozicijska (46,3 %) in provladna besedila (43,5 %). Sicer pa ima velika večina medijskega prostora izrazito strukturo objav. Med temi mediji ima največji delež medijskih objav z uravnoteženim odnosom siol.net, kjer je takih besedil 73,7 %, sledijo slovenskenovice.si, kjer je takih besedil 69,8 %. Tudi večina preostalih medijev izkazuje znaten delež uravnoteženih medijskih objav. A tudi tu podrobnejši pregled razkrije manj pluralno podobo. Pri besedilih, ki glede na odnos niso uravnotežena, pri vseh medijih močno prevladuje protivladni odnos. Ta delež je najmanjši pri medijih siol.net s 14 % in zurnal24.si z 21,9 %, pri preostalih medijih presega nad 30 % (slovenskenovice.si, delo.si, 24ur.com) in celo nad 40 % vseh objav (dnevnik.si, rtvslo.si, vecer.com, svet24.si). Provladni ali pa protiopozicijski odnos v večini medijev ni pomembno zastopan.

Ker gre za javni medij, ki ga financirajo davkoplačevalci, bi bilo treba posebej opozoriti na rtvsllo.si, v katerem je 55,8 % objav uravnoveženih, med neuravnoveženimi pa zelo izrazito izstopajo protivladna besedila. Neuravnovežena besedila sestavljajo 41,5 % vseh objav v tem javnem mediju, med neuravnoveženimi objavami pa je delež protivladnih kar 94,1 %. Provladnih besedil je med neuravnoveženimi le 5,9 %. Razlike med mediji so statistično pomembne in relativno velike (kontingenčni koeficient $C = 0,628$; mera statistične pomembnosti $p = 0,000$).

Graf 2: Struktura odnosa do nacionalnih političnih akterjev po medijih



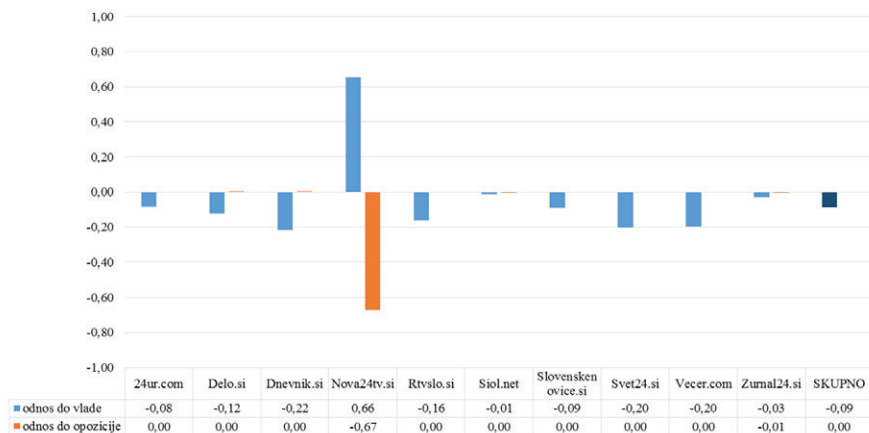
Vir: Tomšič et al., 2020, str. 15.

Odnos v objavah do vlade in do opozicije v različnih medijih nam lepo prikaže Janis-Fadnerjev koeficient (graf 3). Prevlada pozitivnega odnosa do vlade nad negativnim je bila med analiziranimi mediji značilna le za nova24tv.si. Ta medij izkazuje tudi prevlado negativnega odnosa do opozicije nad pozitivnimi. Skoraj vsi drugi mediji izkazujejo izrazito prevlado negativnega odnosa do vlade nad pozitivnim. Izjemi sta siol.net in zurnal24.si, kjer je Janis-Fadnerjev koeficient le rahlo negativen. Siol.net in zurnal24.si torej izkazujejo uravnoveženost objav z vidika odnosa do vlade. Večina medijev, razen že navedenega primera nova24tv.si, izkazuje uravnovežen odnos do opozicije. Je pa treba poudariti, da je to tudi posledica izrazito majhnega števila objav, ki izkazuje odnos do opozicije, v nekaterih primerih takih besedil sploh ni bilo zaznati (rtvsllo.si in slovenskenovice).

si). Javni medij rtslo.si izkazuje zelo visoko stopnjo negativnega odnosa do te vlade. Ta presega povprečje v medijskem prostoru. Janis-Fadnerjev koeficient neravnovesja za rtslo.si znaša $-0,16$. Skupni koeficient za medijski prostor kot celoto pa znaša $-0,08$.

Graf 3 kaže, da v medijskem prostoru prevladuje negativni odnos do vlade nad pozitivnim, v primeru odnosa do opozicije pa prevladuje uravnoteženost objav ali pa odsotnost odnosa do opozicije, še posebej ob upoštevanju razmeroma majhnega deleža organskega obiska na spletnem portalu nova24tv.si, ki je edini medij z močno provladno in protiopozicijsko usmerjenostjo.

Graf 11: Odnos medijev do vlade in do opozicije – Janis-Fadnerjev koeficient



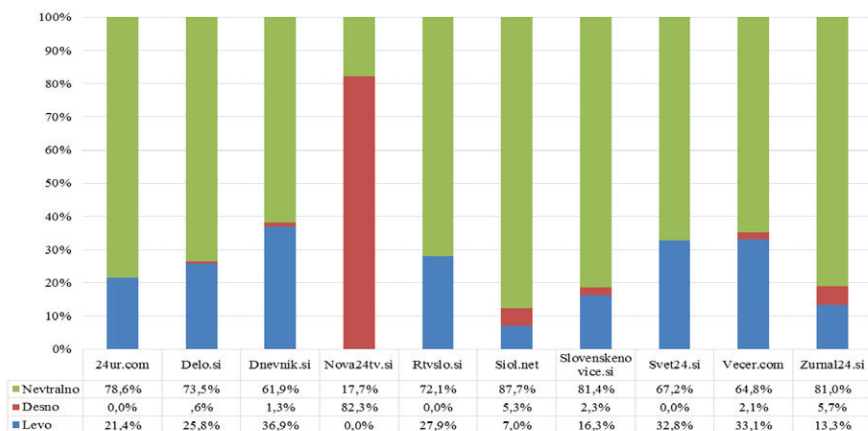
Vir: Tomšič et al., 2020, str. 16.

5.2 Analiza nazorskih usmerjenosti po medijih

Pri analizi strukture nazorske usmerjenosti objav smo ugotovili, da je večina objav v medijih nazorsko nevtralna. Izjema je nova24tv.si, pri kateri izrazito prevladuje desno usmerjeni nazor z 82,3 % vseh objav. Pri preostalih medijih je večina objav vrednotno nevtralna. Ta delež sega od 61,9 % (dnevnik.si) do 87,8 % vseh objav (siol.net). Vendar pa podrobnejši pogled razkrije manj pluralno podobo medijske krajine. Izrazito neravnotežje se namreč izkaže pri objavah, ki izkazujejo določeno vrednotno usmerjenost, saj velikansko večino teh objav

sestavljajo objave z levo usmerjenostjo. V nekaterih medijih člankov z desno usmerjenostjo v svojem vzorcu sploh nismo zasledili (24ur.com, rtvslo.si, svet24.si) ali pa je njihov delež zanemarljiv. Izjema je medij siol.net, kjer je ob velikem deležu nazorno nevtralnih objav razmeroma uravnoteženo tudi razmerje med levimi (7,0 %) in desnimi (5,3 %) objavami. Posebej skrb vzbujajoče je, da je javni medij rtvslo.si glede na nazorsko usmerjenost izrazito neuravnotežen, saj ima ob 72,1 % nazorno nevtralnih prispevkov 27,9 % levo usmerjenih prispevkov. Desno usmerjenih prispevkov v vzorcu sploh nismo zasledili. Tudi v tem primeru so razlike opazne, statistično pomembne in relativno velike (kontingenčni koeficient $C = 0,648$; mera statistične pomembnosti $p = 0,000$).

Graf 4: Struktura nazorske usmerjenosti objav po medijih

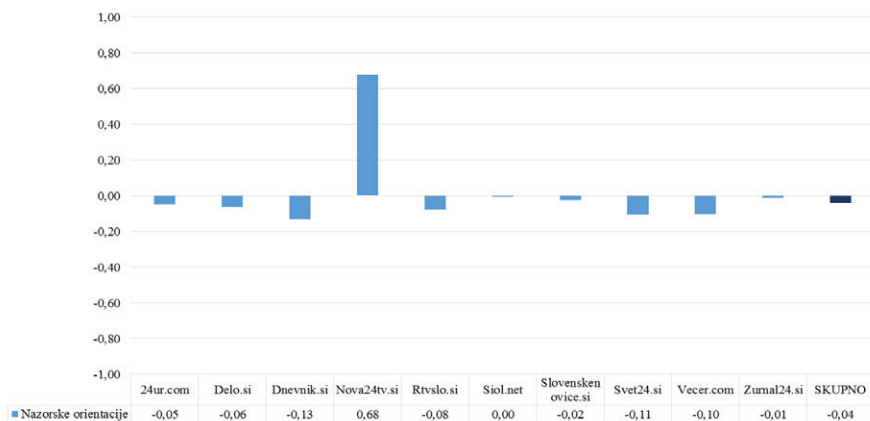


Vir: Tomšič et al., 2020, str. 17.

Tudi Janis-Fadnerjev koeficient neravnovesja nam pokaže prevlado enega tipa nazorske usmerjenosti nad drugimi. Prevlada levo usmerjenih nazorov nad desnimi je bila med analiziranimi mediji v največji meri značilna za dnevnik.si, svet24.si in vecer.com, sledijo rtvslo.si, delo.si in 24ur.com. Za nova24tv.si pa je bila značilna prevlada desno usmerjenih nazorov nad levimi. Pri preostalih medijih je izkazan relativno nevtralen nazor, kar v največji meri velja za siol.net. Temu se dokaj približa tudi zurnal24.si.

Če upoštevamo celotni medijski prostor, je izkazana prevlada levo usmerjenih nazorov nad desnimi.

Graf 5: Nazorska usmerjenost objav po medijih – Janis-Fadnerjev koeficient



Vir: Tomšič et al., 2020: 18.

6 Sklepne ugotovitve

Analiza medijske krajine z osredotočenjem na spletne portale nam ponudi tudi vpogled v njen siceršnji pluralizem in uravnoveženost. To je tako posledica tega, da med najbolj obiskane portale sodijo tudi portali domala vseh ključnih klasičnih medijev, kot tudi tega, da internet postaja ključni kanal dostopa do medijev.

Na prvi pogled bi lahko rekli, da v poročanju obravnavanih slovenskih medijev prevladujeta nevtralnost in uravnoveženost, kar pomeni, da je največ prispevkov, ki ne v pozitivnem ne v negativnem smislu ne izpostavljajo nobenega od političnih akterjev ali svetovnega nazora, hkrati nimajo nekega izpostavljenega ideološkega profila. Vendar pa podrobnejši pogled razkrije manj pluralno podobo, saj pri veliki večini portalov prispevki, ki imajo zaznavno ideološko noto, ti v pretežni meri izražajo levo in protivladno usmerjenost, protivladno seveda izključno v času obstoja desnih vlad. V tem smislu v analiziranem obdobju izstopa nova24tv.si, ki kot edini medijski spletni portal izrazito podpira aktualno vlado oziroma nasprotuje opoziciji in je izstopajoče desno usmerjena. Glede razmerja med prispevki, ki so vladi/opoziciji (ne)naklonjeni, sta dva medija (siol.net in zurnal24.si) razmeroma uravnovežena, čeprav je protivladna nota kljub vsemu

nekoliko bolj poudarjena. Večina medijev pa vlado obravnava izrazito manj naklonjeno kot opozicijo in izraža levo svetovnonazorsko usmerjenost.

Pri obravnavi medijskega sporočanja ne moremo mimo profila Radiotelevizije Slovenija (oziroma njenega multimedijskega portala rtvslo.si). Grenamreč za edini javni medij med obravnavanimi, zato se od njega pričakuje, da v svojih oddajah in prispevkih omogoča soočanje različnih pogledov na najpomembnejša družbena vprašanja. Pomembni del njegovega poslanstva sta pluralnost in nepristranskost. Vendar pa naši rezultati ne kažejo, da bi v smislu politične uravnoveženosti in nazorske nevtralnosti spletni portal nacionalne radiotelevizije kaj posebej izstopal. Ravno nasprotno.

Večina medijev ima prepoznavno politično in nazorsko noto. Upošteva tudi rezultate predhodnih raziskav, sicer maloštevilnih, lahko ugotovimo, da tako stanje velja celotno obdobje slovenske samostojnosti. V tem smislu lahko trdimo, da ima levi pol slovenske politike precej močnejšo oporo v medijskem prostoru, kot to velja za njen desni pol.

Rečemo lahko, da je medijski prostor ena od najšibkejših točk slovenske postkomunistične tranzicije. S svojo enostranskostjo in politično instrumentalizirano stanjo pomeni oviro za vzpostavitev resnično pluralistične demokracije, utemeljene na razpršenosti moči in kontinuiranih menjavah političnih elit na oblasti. Slovenski prevladujoči mediji se dejansko obnašajo kot 'kartel' medsebojno povezanih subjektov. Pogosto se zdi, kot da bi bilo njihovo delovanje usmerjeno iz enega centra. Kot da bi se pri širjenju svojih zgodb in interpretacij usklajevali med seboj. Enaka sporočila, pogosto celo enak slog poročanja. In po pravilu imamo opraviti z enako politično usmerjenostjo. Vendar le-ta ni v sozvočju z usmeritvijo aktualne vlade, ampak z usmeritvijo tranzicijske leve, ki je bila na oblasti večino časa po osamosvojitvi. Ostre besede, ki jih na družbenih omrežjih predstavniki največje, trenutno vladne stranke namenjajo ustvarjalcem medijskih vsebin, je mogoče razumeti bolj kot izraz nemoči kot pa grožnjo medijski svobodi.

Literatura:

Adam, Frane, Makarovič, Matej, Tomšič, Matevž in Lah, Peter, 2006: Nazorski in politični pluralizem v okviru slovenskih tiskanih medijev. Nova revija 25/93-294, 2-32.

Althusser, Louis, 2006: Ideology and Ideological State Apparatuses. Sharma, Aradhana in Gupta, Akhil (ur.): The Anthropology of the State: A Reader. Hoboken: Wiley, 86-111.

Aplenc, Andrej, in Jerovšek, Janez (ur.), 2002: Medijska konstrukcija slovenske realnosti, Dignitas, 13/14.

Avbelj, Matej, in Letnar Černič, Jernej, 2020: The Impact of European Institutions on the Rule of Law and Democracy. Slovenia and Beyond. London: Hart.

Bašič Hrvatina, Sandra, in Kučič, Lenart J., 2005: Monopoli: družabna igra trgovanja z mediji. Ljubljana: Maska.

Bašič Hrvatina, Sandra, in Petković, Brankica, 2007: In temu pravite medijski trg?: vloga države v medijskem sektorju v Sloveniji. Ljubljana: Mirovni inštitut.

Makarovič, Matej, Rončević, Borut, Tomšič, Matevž, Besednjak Valič, Tamara, in Lamut, Urša, 2008: Slovenski mediji v družbi in slovenska družba v medijih medijev. Nova Gorica: Fakulteta za uporabne družbene študije.

Nežmah, Bernard, 2012: Časopisna zgodovina novinarstva. Ljubljana: Beletrina.

Tomšič, Matevž, 2020: Medijski politika in »avtonomna« odvisnost medijev. Štuhec, Ivan (ur.): Z lepilom na podplatih. Trideset let slovenske države Celje: Celjska Mohorjeva družba, 207–217.

Tomšič, Matevž, Rončević, Borut, Erman, Nuša, in Besednjak Valič, Tamara, 2020: Raziskava medijske krajine: raziskovalno poročilo, pripravljeno po pogodbi št. 3340-20-081069. Ljubljana: Fakulteta za medije.

MILAN ZVER

Evropski parlament

Kaj je v ozadju razprav o prihodnosti in strateških usmeritvah Evropske unije?

Evropska unija je relativno mlada skupnost držav in državljanov. Nastala je kot gospodarski in varnostni projekt, kot projekt miru in sožitja. Uvajala je posamične skupne politike, ki so postopoma pripeljale do vse večje povezave. Vloga Bruslja se krepi celo na področjih, ki so v suvereni pristojnosti držav članic. Gre za področja sociale, dela, kulture, izobraževanja, okolja, zdravstva, varnosti, obrambe in zunanje politike. Vsi ti latentni procesi jemljejo veter iz jader državam članicam, ki po drugi strani želijo ohraniti čim več avtonomije oziroma suverenosti (medvladna metoda), del evropske politike pa je naklonjen enoviti in močni zvezi, nekakšni mega EU-državi (skupnostna metoda). Opažamo, da bolj, ko se EU ukvarja s svojim nezavidljivim geostrateškim položajem, bolj se centralizira in unificira. Evropa je bila pred stoletji nedvoumno monopolna kolonialna sila, ki se je skupaj z zavezniki v prejšnjem stoletju morala sprijazniti z bipolarizacijo sveta; danes je le še ena od svetovnih sil, ki skuša z »mehko« močjo konkurirati agresivnim in invazivnim sistemom. Evropska unija je samo v zadnjem desetletju na mednarodnem področju doživela tri težke udarce: izgubila je partnerico Rusijo, izgubila je tesnega zaveznika ZDA, ki so oblikovale novo, t. i. zavezništvo AUKUS, in izgubila je svojo članico Veliko Britanijo. Del evropske politike je prepričan, da EU lahko obnovi svojo vlogo, vendar se mora za to prenoviti glede jedrnega vprašanja demokracije in sistema odločanja, ki je večinoma neučinkovito.

1 EU na razpotju

V Evropi zdaj poteka **Konferenca o prihodnosti Evrope**. Dobro je, da o prihodnosti razpravljajo tudi državljanji na različnih ravneh in da prihodnost ni omejena le na politiko in politike. Vsesplošna razprava poteka v času, ko

je Evropa resnično na razpotju. Ko je pred več kakor desetletjem in pol potekala podobna konvencija o EU, so bile domače in mednarodne razmere za EU zelo spodbudne, vsebinski izid dokaj široke razprave pa je bila Lizbonska pogodba oziroma Pogodba o EU (PEU). Tokratna razprava ne more prinesiti česa podobnega, lahko pa se izteče v kakšno pomembno dopolnilo. To pa ni nujno, da bi prineslo kaj dobrega za vse, zlasti za manjše članice, ki jim PEU z danim načinom odločanja, predvsem v Svetu EU, zagotavlja ustrezno vlogo v razmerjih sil v EU.

Vzporedno z omenjeno razpravo poteka še ena, ki je bolj vezana na Svet EU in države članice. Gre za iskanje t. i. strateške usmeritve (»kompasa«) oziroma novega odziva EU na izzive sedanjega časa. Iščejo se načini za večjo konkurenčnost EU.

Demokracija je živ organizem z vzponi in padci. Zato se živi demokratični sistemi nenehno samoocenjujejo in odpravljajo demokratične pomanjkljivosti ter izboljšujejo demokratične procese. To velja tudi za naše zaveznitvo, ki je s PEU utrdilo unikatni model demokracije. Ta model mora namreč zadovoljiti oba svoja temelja, tj. evropske državljane in države članice. Nastal je kombinirani model z elementi klasične večinske demokracije na eni strani in konsenzualne demokracije na drugi. Dom prve je Evropski parlament (EP), katerega volilni izid vpliva ne le na oblikovanje parlamentarne oblasti, ampak tudi na oblikovanje izvršilne oblasti Evropske komisije (EK). Druga, konsenzualna demokracija, pa prihaja do izraza v Svetu EU. V EP se odločitve sprejemajo na podlagi večine, običajno enostavne, včasih tudi kvalificirane. V Svetu EU, ki ima bolj vključujoči koncept, pa sistem odločanja temelji na soglasju (vetu) in izvedbenih kvalificiranih večinah. Zapleteni sistem odločanja v Svetu EU pomeni veliko usklajevanja in iskanje soglasja, kar je za kakovostno odločanje vsekakor dobrodošlo.

V EU niso vsi zadovoljni z danim modelom demokracije. Nekateri želijo uvesti panevropske liste za evropske volitve in samo eno vseevropsko volilno okrožje. Želijo tudi ukinitve Sveta EU in ga nadomestiti z voljenim senatom, panevropske referendume za občutljivejša vprašanja, in podobno. Ti unitaristični predlogi prihajajo zlasti z leve evropske politične poloble. Desnica skuša demokratizirati obstoječi sistem z manjšimi dopolnili, kakor je koncept »špicenkandidata« (ki predvideva, da zmagovalec na volitvah zasede mesto predsednika Evropske komisije), ali koncept, ki predvideva, da se vsi kandidati

za komisarje pomerijo na evropskih volitvah, in podobno. Skratka, predlogov za zmanjšanje demokratičnega primanjkljaja je več kakor dovolj.

A vprašanje je, ali so vsi sprejemljivi. Za slovenskega poznavalca evropske politike bi morala biti vsaj dve merili: prvič to, kar je dobro za demokracijo, in drugič, kar je v prid Slovenije. V praksi pa je težje iskati prave odgovore. Privrženci t. i. majoritanske (večinske) demokracije ne sprejemajo dejstva, da je tudi Svet EU, izhajajoč iz dane evropske različnosti, demokratično telo. A dejstvo je, da EU potrebuje obe pljučni krili evropske demokracije, tj. Evropski parlament in Svet EU. Oba pomenita temelj evropske demokracije. Vse to je predvideno v PEU, zato tega ne gre na hitro spreminjati.

Toda za to, da demokracija kot doslej najoptimalnejši način skupnostnega bivanja dokaže svoje upravičenje, mora najprej pridobiti zaupanje ljudi. To pa je mogoče, če navznoter in navzven dokaže svojo učinkovitost. Ali EU gre v tej smeri?

2. Drastične geostrateške spremembe

2.1 Globalni vidik

Na notranje razmere vplivajo tudi zunanji odnosi. Evropa je imela v zadnjih več kakor dveh tisočletjih v svetovnem merilu osrednjo vlogo. Svojo prevlado je izkazala predvsem v času kolonializma, ko je pogosto tudi brutalno izkoriščala druge predele v Afriki, Aziji in Ameriki. To evropocentrično pozicijo so nekateri poimenovali »mi in ostali svet«. Iz enopolarnega modela svetovnih odnosov je v 20. stoletju nastal bipolarni svet na izrazito ideološko razcepljenih odnosih med zahodom in vzhodom. Zanje je bila značilna hladna vojna. Obveljal je koncept »mi in vi«. Zahod je (še vedno) imel prevladujoči položaj, saj je uspeval s konceptom demokracije in socialno-tržnega gospodarstva, medtem ko je socialistični svet stagniral vse do svojega konca, tj. simbolnega padca Berlinskega zidu. V času bipolarnega sveta je sicer nastal tudi vmesni pol – gibanje tretjih držav oziroma neuvršenih – ki pa dejanske moči v mednarodnih odnosih ni imelo in ga tudi danes nima. Prevladujočo vlogo oziroma položaj sta imela Zahod in Sovjetska zveza oziroma na področju varnosti Nato in Varšavski pakt.

Po padcu komunizma in razkroju socialističnih imperijev so na prelomu osemdesetih in devetdesetih let prejšnjega stoletja nastale povsem nove razmere v mednarodnih odnosih. EU, ki je imela še med hladno vojno pomembno vlogo,

jo je odtlej postopoma izgubljala. Naenkrat nismo bili več osrednji dejavnik, temveč samo še en del v večpolarnem razdeljenem svetu. Najboljši primer, kako se svetovna moč in vpliv razkrojita, je nekoč kolonialna velesila Velika Britanija.

EU je bila do nedavnega skupnost z najmočnejšim gospodarstvom. Pred desetletjem jo je močno prizadela finančna kriza, ki je imela številne posledice v gospodarstvu, socialnem sistemu in drugih družbenih podsistemih. Pozneje so jo prizadele še terorizem, ki je bil učinkovit tudi zaradi nesodelovanja držav članic, nezakonite migracije in epidemija covid-19. Kakor že omenjeno, je EU poleg tega v zadnjem desetletju izgubila vzhodno partnerico Rusijo, tesnega zaveznika ZDA (že propad prostotrgovinskih pogajanj o čezatlantskem partnerstvu za trgovino in naložbe (TTIP) je pokazal, da »naravna« zavezništva ne štejejo, kadar gre za gospodarske koristi), in članico Veliko Britanijo. Za nobeno od teh neprijetnosti EU ni sama kriva, a dejstvo je, da so močno poslabšale njen položaj navznoter in navzven. Ravnanje Rusije v soseščini in EU (kibernetski napadi, okrepitev obveščevalnih dejavnosti, umori disidentskih politikov, krepitev vojaških sil na mejah z EU itd.) je precej obremenilo našo skupnost. Ameriško blokiranje TTIP pa je močno oslabilo evroatlantske odnose, predvsem gospodarstvu obeh držav, ter ne nazadnje tudi gospodinjstva in posameznike na obeh straneh. Brexit ni oslabil le EU, temveč predvsem Združeno kraljestvo, kar kaže pomanjkanje goriva, zdravil ter drugega blaga in storitev. Vse navedeno je močno vplivalo na način evropskega življenja. Izkazalo se je, da EU ni dovolj **odporna** proti vsem tem izzivom.

Včasih se zdi, da manjka družbene povezanosti, ki so jo s svojo avtoriteto in »težo besede« izkazovali ustanovni očetje EU Alcide De Gasperi, Jean Monnet, Robert Schumann, Konrad Adenauer, Winston Churchill in drugi z začetkov EU. V EU, pa tudi v svetu, primanjkuje močnih in preudarnih voditeljev, ki bi zagotovo vplivali tudi na učinkovitost delovanja zavezništva.

Skratka, Evropa ni več središče sveta, ki je postal razsrediščen; z nevarno možnostjo, da svetovni vladar postane Kitajska. A to spoznanje še ni vse. Zastavlja se ključno vprašanje, kako naj danes, ko ima »trda« moč (simbolično puška) spet večji pomen od »mehke« (beri kultura), Evropa še lahko postane, ne več monopolni, ampak vsaj konkurenčni svetovni akter. Visoka raven spoštovanja človekovih pravic in temeljnih svoboščin, vladavine prava, trajnostni razvoj, brezogljichna družba in kar je še »sladkih« projektov EU, najbrž ne bo dovolj, da spet postanemo svetovni akter. Če je bilo **severnoatlantsko** območje še donekdavno središče svetovnega dogajanja, danes to ne drži več. **Azijsko-pacifiško**

okolje je postalo tisto, kjer se spleča biti prisoten, kjer se interesi najmočnejših najbolj križajo, oplajajo, trkajo. Ta, za nekatere presenetljivi preobrat oziroma preusmeritev zunanje politike ZDA drugam – že videna v 19. stoletju s t. i. Monroejevo doktrino Amerika Američanom! – in ki je močno prizadela Evropo, poteka v različnih fazah že od devetdesetih let. Po padcu Berlinskega zidu Evropa izgublja središčno geostrateško vlogo. Američani postopoma zapuščajo tudi območja, ki so blizu in strateško pomembna za Evropo. Gre za krizna območja, ki sprožajo migrantske valove, kakor sta Sirija in Afganistan. Kaj lahko evropske države, ki predstavljajo komaj pet odstotkov svetovnega prebivalstva, naredijo, da ohranijo svoj način življenja, svojo lastno identiteto, ki temelji na judovsko-grško-krščanskih, rimskih in razsvetljenskih temeljih? Morda je odgovor v t. i. trdi moči z evropsko vojsko ali z enotami v okviru Nata, ali kaj tretjega. Z oblikovanjem lastnih obveščevalnih struktur? Tudi glede tega ni soglasja, a do odločitve bo moralo priti kmalu.

Obrambna in varnostna politika sta sicer v suvereni pristojnosti držav članic. Toda že številni in ponavljajoči teroristični napadi so odprli vprašanje, ali le koordinacija in sodelovanje med suverenimi državami članicami nista premalo za učinkoviti odgovor na stalne grožnje Evropi in njenemu načinu življenja. Enako dilema je glede kibernetičnih napadov. Ali EU potrebuje nekaj več, nekaj več skupnega tudi na tem področju?

Kaj lahko prinese strateški »kompas«?

S čim v prihodnje zagotoviti večjo notranjo povezanost in povečati moč EU navzven? Pustimo ob strani zeleni prehod, ki bo dolgoročno še poslabšal konkurenčno sposobnost EU, pustimo ob strani druge sladke projekte EU, ki jih evropski uradniki ubesedijo v privlačne besedne zveze. Začnimo raje pri jedrnem vprašanju demokracije, to je **načinu sprejemanja odločitev na ravni EU**. Že nekaj let se po kuloarjih na ravni EU-politike razpravlja o tem, da bi morali spremeniti način odločanja, zlasti v Svetu EU. Poteka t. i. strateški »kompas«, usmeritev, ki v bistvu pomeni, da se na področju evropske zunanje in varnostno-obrambne politike oblikuje nov model učinkovitejšega sprejemanja odločitev. V zadnjem času je bilo kar nekaj primerov neučinkovitega odziva EU na tem področju; najbolj aktualen je ta, da države članice niso dosegle enotnosti glede povečanja sankcij zoper Lukašenkov režim v Belorusiji.

Evropa opravlja pomembno zunanjo vlogo z misijami in operacijami kriznega upravljanja. Njene zmogljivosti z vidika številčnosti osebja v

diplomatsko-konzularnih predstavništvi, ki predstavljajo države članice, so trikrat večje, kakor jih imajo ZDA. A učinkovitost EU na svetovni ravni ni primerljiva z ameriško. Lahko rečemo, da je EU na tem področju šele na začetku, saj so bile nekatere strukture in agencije šele ustanovljene, na primer Skupna služba EU za varnostno in zunanjo politiko, Evropski obrambni sklad, Evropski mirovni instrument, Evropska obrambna agencija, stalno strukturno sodelovanje (t. i. PESCO) in podobno. Imamo strukture, denar, nekaj kadra, čeprav ne dovolj. Toda zakaj vse to ustrezno ne zaživi? Zakaj se EU drži sloves papirnatega tigra na varnostno-obravnem in zunanjepolitičnem področju?

Jedro težav je po mnenju številnih strokovnjakov v neučinkovitem sistemu odločanja. Po kuloarjih evropskih institucij se odpira vprašanje, ali je treba za učinkovito odločanje odpraviti **soglasje** (*veto*). Znano je, da v Svetu EU kar 80 odstotkov odločitev sprejemajo na podlagi **kvalificirane večine** (*QMV – quality majority voting*). Ta ima dva pogoja. Prvi zahteva, da se veljavno odloča, če je za odločitev 55 odstotkov držav članic (torej najmanj 15 od 27), drugi pa, da države članice, ki so za odločitev, predstavljajo najmanj 65 odstotkov evropskih državljanov. PEU omogoča tudi konstruktivno vzdržnost (*constructive abstention*), ki pomeni, da država članica lahko odstopi od glasovanja in pri tem ne blokira odločitve.

Skratka, v EU med državami članicami poteka strateški razmislek, deloma v senci Konference o prihodnosti Evrope, vsekakor pa manj pregledno. V okviru pogajanj o t. i. strateškem »kompasu« naj bi bolj jasno določili nevarnosti za EU, pa tudi njene izzive in cilje. Pobudnik te ideje je bil nekdanji predsednik Evropske komisije Jean-Claude Juncker, takoj pa jo je prevzela njegova naslednica Ursula von den Leyen.

Nadomeščanje veta s kvalificirano večino dopušča tudi PEU v prehodnih določbah. Seveda to pomeni, da države članice že zdaj nimajo popolne suverene na zunanjepolitičnem in obravnem področju. A vprašanje je občutljivo in »obvoz«, tj. neupoštevanje veta, se še ni uporabil.

Poglejmo prednosti in pomanjkljivosti popolne uvedbe kvalificirane večine v Svetu EU. Najprej prinaša hitrejše odločanje, odvzema moč morebitnim trojanskim konjem v lastnih vrstah, zagotavlja notranjo večino brez nenehnega iskanja najmanjšega skupnega imenovalca. Preprečevala naj bi tudi ohromitev zunanje politike EU. Seveda pa bi se vpliv visokega predstavnika za obrambno in varnostno politiko in zunanje zadeve (t. i. evropskega zunanjega ministra) s tem močno povečal.

Na drugi strani bi popolna zamenjava veta s kvalificirano večino pomenila šibkejšo EU-skupnost, zmanjšala bi se politična raven odločitev, povečalo tveganje za diskriminacijo majhnih držav članic in tveganje za marginalizacijo držav članic nasploh, demokratičnost odločitev pa bi bila šibkejša. Letošnje leto bo torej odločilno za nadaljnji razvoj EU, saj bosta obe razpravi prinesli nujne odločitve.

3 EU-zavetje nujno za obstanek slovenske države

EU se spoprijema z nekaterim regresijskimi procesi, vključno z zmanjševanjem zaupanja v demokracijo v državah članicah. Na evropski ravni se demokratični primanjkljaj ne odpravlja dovolj hitro, v državah članicah se demokratičnost zmanjšuje. Poleg tega imamo v sosesčini agresivne in invazivne hibridne sisteme, ki se prvič po zmagi demokracije pred več kakor tremi desetletji kažejo kot uspešnejši pri zagotavljanju javnih dobrin svojim državljanom v primerjavi z zahodno »ponudbo« (demokracija in socialno-tržni model).

Zato je pravi čas za temeljito razpravo o prihodnosti Evrope in za njeno prenavo. EU se mora spremeniti, poiskati pravo ravnotežje med skupnostno in medvladno metodo. Ukinitev veta bi ogrozila skupnost, zato ni priporočljivo, da je to izid vseevropske razprave o prihodnosti Evrope in strateškega »kompasa«. Je pa dobrodošlo, če se zlasti na ravni Sveta EU še pogosteje uporabi kvalificirana večina, še posebej, kadar gre za zunanjo, varnostno in obrambno politiko. Sistem odločanja bi bil s tem učinkovitejši, verjetno tudi podpora državljanov in s tem zaupanje v evropsko pot. Toda jasno je tudi, da mora z revizijo sistema odločanja EU svetu pokazati, da ima tudi svojo trdo moč: delujoče skupne vojaške enote, skupno obveščevalno agencijo, učinkovito obrambo pred kibernetiskimi in terorističnimi napadi, okrepljeno delovanje obmejne in zunanje meje Frontex in podobno. Tudi spremembe v Natu so neizbežne zaradi preusmeritve ZDA na pacifiško območje in oblikovanja novega (protikitajskega) zavezništva AUKUS (ZDA, Velika Britanija, Avstralija).

Za Slovenijo je obstoj močne EU pomemben, ne nazadnje tudi zato, ker omenjenih »storitev« sama ne zmore dovolj dobro zagotavljati. Evropska unija je za tridesetletno samostojno in neodvisno slovensko državo njeno »naravno okolje« in še nikoli v vsem svojem obstoju slovenski narod ni živel v ugodnejšem zavetju.



REPUBLIKA SLOVENIJA
DRŽAVNI SVET

»QUO VADIS, SLOVENIA?«

Reflections on the occasion of the
30th anniversary of Slovenia's
independence

»QUO VADIS, SLOVENIA?«

Reflections on the occasion of the 30th anniversary of Slovenia's
independence

Publication series: Edited volume, No. 1/2022

Design: ART 32 storitve, d. o. o., ŠPES, GRAFIČNI STUDIO, NOVO MESTO

Issued and published by: National Council of the Republic of Slovenia,
Šubičeva 4, 1000 Ljubljana

Number of copies printed: 120

January 2022

TABLE OF CONTENTS

OPENING ADDRESS	83
DISCUSSIONS	85
ANDREJA VALIČ ZVER <i>Reconciliation must not be left to future generations</i>	87
SIMONA KUKOVIČ MIRO HAČEK <i>Three decades of local selfgovernment in the Republic of Slovenia: selected characteristics and trends</i>	102
JERNEJ LETNAR ČERNIČ <i>A tale of Cinderella without her glass slippers: The rule of law and the protection of human rights throughout thirty years of the Slovenian state</i>	119
RADO PEZDIR <i>The paradox of gradualism: from the most developed to the least stable</i>	131
BORUT RONČEVIČ MATEVŽ TOMŠIČ <i>Whose »watchdogs«? A lack of pluralism as the main feature of the Slovenian media space</i>	141
MILAN ZVER <i>What is behind the debates on Future of Europe and the strategic compass?</i>	157

OPENING ADDRESS

Round anniversaries are usually an opportunity to look back on the path travelled, to analyse the goals achieved, successes, as well as failures and missed opportunities. The creation of an independent state is probably the most important event in the history of Slovenians. Thirty years have passed since that event last year. This is a long enough distance for a thorough and systematic reflection on what was happening in various fields and, above all, on what the Slovenian state and society are like today. In any case, we can say that Slovenia's independence was carried out very successfully. Conflicts and violence were unavoidable, but the war of independence was shorter and, above all, much less bloody than elsewhere in the former Yugoslavia. In a relatively short time, Slovenia became a member of Euro-Atlantic integration, which is an important guarantee of its political and economic stability. According to some indicators, such as safety of life, it ranks at the top of the world rankings.

However, many people are not the most satisfied with the situation in Slovenian society. Various questions and dilemmas arise, about the state of democracy and the rule of law, the functioning of the economy, the standard of living of most people. What values prevail today? And what are the prospects for Slovenia's further development?

The present edited volume addresses some of the most important issues of the current moment. The contributions, included in it, deal in-depth with the situation in key social areas, such as state administration and local self-government, the rule of law, the economy, and the media. It also includes a reflection on the attitude towards the past and a look at the future of integration processes on the 'old continent' and thus the European perspective of Slovenia. In this way, the book offers a good insight into social dynamics, while detecting the main characteristics as well as the most pressing problems of independent Slovenia.

DISCUSSIONS

ANDREJA VALIČ ZVER

Jože Pučnik Institute

Reconciliation must not be left to future generations

Based on her analysis of totalitarianism and historical memory, the author has found that the common denominator of all totalitarian and authoritarian regimes is victims' suffering. Historically, eighty-two years ago Nazi Germany and Communist Soviet Union formed a terrible pact that has had a profound impact on world history, including Slovenian history. We have lived through three totalitarian regimes. Communism instilled the deepest fear in people, subjecting them to unfreedom, tyranny and inconceivable attacks on human dignity. As US President Ronald Reagan emphatically stated in his famous 1982 speech on the evil empire, »Regimes planted by bayonets do not take root.« True, but they have lasting structural and cultural consequences that democratic societies must confront. The first prerequisite for reconciliation is the application of the rule of law. It is in this context that basic reconciliation rights, such as the right to know, the right to the redress of injustices, the right to legality and the guarantee of non-repetition, can be exercised. These rights are still not all fully exercisable in our country, because we lack preserved and accessible archival material and non-discriminatory sectoral legislation, and have not arranged for the identification of the remains of victims, the respectful burial of the victims, ossuaries, memorials to the victims, and comprehensive legal assessments of inter-war and post-war developments. Despite a number of achievements, the reconciliation process has reached a dead end. First, this is due to a lack of a fundamental political consensus on the meaning of reconciliation and, second, the dead end is the result of a lack of suitable legal frameworks and related acts of reconciliation. The third problem faced by Slovenia on the path to achieving reconciliation is a cultural one: the sociologist Jože Pučnik put forward the theory of damaged mentalities, which are the result of years of individuals living in a totalitarian regime and being exposed to political indoctrination. Although

reconciliation is an ongoing process, it must not be left to future generations to deal with. It is one of the main paths to achieving normality in Slovenia.

1 Introduction: On totalitarianism and historical memory

In 2012, the Europe-wide Day of Remembrance for the victims of all totalitarian and authoritarian regimes was also declared a Slovenian day of remembrance. The Government's decision was based on the resolution on European conscience and totalitarianism of April 2009, which was adopted by the European Parliament by a large majority. It was endorsed by all Slovenian MEPs at the time. The resolution highlighted victims' suffering as the central common denominator of all totalitarian regimes.

It is the trampling on and disrespect for all human rights and fundamental freedoms that is the essence of all totalitarian regimes and their manifestations. As the Slovenian writer Boris Pahor points out, human dignity is trampled to dust and a person, a unique human being is reduced to nothing more than bones (Pahor, 2009). The philosopher Hannah Arendt, who wrote a definitive work on totalitarianism in the early 1950s, observed that the ultimate goal of totalitarian ideology is not to transform the external conditions of human existence, nor even to revolutionise the social order, but to transform human nature itself, which, as it is, constantly resists the totalitarian process (Arendt, 2003).

Tzvetan Todorov, an expert on totalitarianism, wrote that the totalitarian project was »based on anthropological and historical hypotheses suggesting that war reveals the true human nature. It therefore legitimises violence, revolution and terror in order to gain and maintain power. At the same time, totalitarianism promotes secular messianism and utopias, the kingdom of heaven on earth and salvation for all. The totalitarian regime, established by means of a repressive apparatus, is based on unification, the blurring of the distinction between the private and the public, the elimination of personal freedom and the subjugation of all aspects of social life, especially the economy, to the powerful state.« (Todorov, 2011, pp. 19–20). He was echoed by one of the most prominent cultural anthropologists, René Girard, who argued that the totalitarian regimes of the 20th century were in fact a new manifestation of an old form of conformity-oriented paganism. (Girard, 2006, p. 137).

Todorov also points out that the history of 20th century Europe cannot be separated from the history of totalitarianism. The archetypal totalitarian state, Soviet Russia, emerged during the First World War and, as one of the

consequences of that war, Nazi Germany soon followed. The Second World War began with the formation of an alliance between these two totalitarian states, but turned into a ruthless fight between them. The Cold War period was a confrontation between the Western powers and the Communist countries ...« (Todorov, 2004, p. 6).

This year marks the eighty-second anniversary of the Molotov-Ribbentrop pact, the pact between the two criminal regimes led by Hitler and Stalin, and the subsequent outbreak of the Second World War. On 23 August 1939, Nazi Germany and Communist Soviet Union, which were responsible for the worst crimes of the 20th century (war crimes, crimes against humanity, genocide), signed a non-aggression pact. At the end of September 1939, the two countries also concluded the German–Soviet Boundary and Friendship Treaty. The pact and the treaty included secret supplementary protocol that determined the spheres of influence of the two countries and provided for mutual assistance in occupying neighbouring territories. Germany and the Soviet Union undeniably entered the Second World War as allies. Germany invaded Poland on 1 September 1939 and the Soviet Union on 17 September. In 1940, the Soviet Union occupied and annexed the Baltic states of Estonia, Latvia and Lithuania. It also invaded Finland, but was met with resistance. At the time, the Soviet Communist Party was inciting its subordinate communist parties, including the Yugoslav Communist Party, to rebel against the so-called imperialists, namely against the US and the UK. The Yugoslav and Slovenian party nomenclatures thus cooperated with Hitler's war machine until the attack on Yugoslavia at the beginning of April 1941. Hitler then became a mortal enemy, while Stalin remained the guiding star of the Yugoslav Communist Party until the Cominform resolution. The exact number of flagrant, systemic and mass violations of human rights and fundamental freedoms in Yugoslavia after the Second World War remains unknown to this day. After coming to power, the Yugoslav, and therefore also the Slovenian, communist elite consistently leaned on the Marxist/Bolshevik doctrine of class struggle and already during the war, and especially as it drew towards a close and immediately after it, took to eliminating thousands of people, the remains of whom still lie in gullies, mine shafts, caves, etc. In post-war communist Yugoslavia, the much-vaunted »freedom« could soon be pushed to its limits with the slightest verbal offence. People were told what they could and could not do, and what they could think and say. Fear slowly but surely took root deep in people's hearts. It weakened the spirit of the

Slovenian people for many decades, subjecting them to unfreedom, tyranny and inconceivable attacks on human dignity.

As US President Ronald Reagan said in that famous 1982 speech on the evil empire, »Regimes planted by bayonets do not take root.« He went on to say that since the Exodus from ancient Egypt, historians have been writing about people who sacrificed their lives or fought for freedom, and gave as examples the Battle of Thermopylae, the Spartacus Revolt, the Storming of the Bastille, the Warsaw Uprising, and the brutal police actions in East Germany in 1953, in Hungary in 1956, in Czechoslovakia in 1968 and in Poland in 1981. »Far and near, man's instinctive desire for freedom and self-affirmation kept resurfacing time and time again (Noonan, 2010, p.192).«

Thirty-two years ago, this fierce, endless and unstoppable human desire for freedom and dignity lead to glorious events, exemplified by the fall of the Berlin Wall and the Iron Curtain and the collapse of the communist regimes in Central and Eastern Europe, which brought millions of people new hope for a better future and a life of freedom. The Russian dissident and writer Aleksandr Solzhenitsyn wrote, »Dictators and dictatorships fall only when the people stand up to the lies with all the courage it takes to do so.« At that time, Slovenians also stood up bravely against an undemocratic regime and established an independent Slovenian state.

Today, however, we can see that numerous expectations of the people who were trapped behind the Iron Curtain for decades have in many ways not been met. Several problems plaguing the wider European space can be traced to the fact that Europe cannot be prosperous and democratic until it recognises its own totalitarian past in all its horrific proportions. There is far too little awareness that the past, though it cannot be changed, can influence our present and future perceptions, judgements and actions in different ways. For years, declarations and resolutions by various European institutions and organisations have reminded us of the need for a more profound and committed attitude towards historical memory, truth and justice. Yet, despite many commitments, European historical memory is still fragmented, particularly the totalitarian communist experience is still struggling to find its way into Europe's memorial landscape. This is, among other things, due to the fact that national socialism and fascism were defeated in the Second World War, while communism, having allied against Hitler, managed to remain in power behind the Iron Curtain until the beginning of the 1990s.

2 The case of Slovenia: truth, justice, memory or new barbarism?

The Slovenian nation is one of the few in Europe to have experienced the violence of all three totalitarian regimes – fascism, national socialism and communism – in the 20th century. All three left marks that are still visible today. Experts dealing with the consequences of totalitarianism speak of issues such as constant fear and the inability to correctly assess social reality. Another aftermath of the previous regime is the distressing phenomenon of people that keep clinging on to the belief that the state should take care of them instead of standing on their own feet. Not to mention the fact that oftentimes, at certain ceremonies, murderers are celebrated as heroes.

Unfortunately, Slovenia has yet to find a fundamental political consensus that all totalitarian regimes are bad and should therefore be promptly dismissed on principle. We can conclude that Slovenia has done a good job in dealing with the consequences of fascism and national socialism, but it would be difficult to argue that we have also successfully dealt with the remnants of communism. As some might recall, in the 1990s, a prominent German newspaper wrote somewhat critically that although communism was dead in Slovenia, no one had yet seen its corpse. Yet almost every day we face bodies of its innumerable victims, most of whom were sentenced, either without trial or in rigged trials, to death, long prison terms, concentration and labour camps, exiles, confiscation of property and other serious violations of human rights and fundamental freedoms.

Slovenia is one of the few post-communist countries where not one person from the former ruling class has been held accountable for the crimes committed. There was no lustration process, not even on a small scale. People who had violated human rights and freedoms remained in their positions. We have failed to properly record murder on the death certificates of more than twelve thousand people after the Second World War. However, there have also been some attempts towards reconciliation which should be mentioned, such as the work of Pučnik's parliamentary commission, the Commission for Concealed Mass Graves and the Commission for Redressing Injustices, the decisions of the Constitutional Court, the Reconciliation Campaign, the work of NGOs and some individuals, and last but not least, the achievements of the Study Centre for National Reconciliation, which has more than justified its work and has made a name for itself on the international stage over its eleven years of operation. If the general systemic and social conditions are not the best, specialised institutions such as the Study Centre for National Reconciliation bear

all the more responsibility. These institutions are laying the foundations for a comprehensive, objective understanding of our recent history, which serious academic history has not been able to address fully from the point of view of rigorously-established, scientific truth.

The EU, including the post-communist countries, has largely reached a consensus on totalitarianism. There is no glorifying totalitarian symbols, naming streets after dictators, or rewarding people who led secret police forces that were responsible for severe violations of human rights and freedoms. In no EU country would the monetary market be »marred« by likenesses of revolutionaries bearing totalitarian symbols. But even more important than symbols is the dismantling of totalitarian structures and practices. Slovenia has failed miserably in this respect too. In a situation where all the parties involved that should be responsible for the development of a democratic political culture are failing to do their job, we can rightly ask whether truth, justice and memory stand a chance in such conditions. Or is the alternative something else, perhaps a new form of barbarism?

There are around 700 killing and burial sites throughout Slovenian territory attributable to communist actions during and after the Second World War. Until the early 1990s, i.e. until Slovenia's independence, we were only permitted to talk about the horrors of fascism and nazism. There was an enforced silence about the communist crimes, which did not allow for the wounds to heal but only to deepen (Valič Zver, 2008, pp. 219–221).

3 A comprehensive approach and examples of attempts at reconciliation in Slovenia

During the transition towards democracy following Slovenia's independence in 1991, Slovenian society embarked on a path of reconciliation, transitional justice, and resistance against the culture of forgetting. The prerequisites of reconciliation include truth, understanding, tolerance, and the respect for human rights and fundamental freedoms. The reconciliation process takes place at various complex and interrelated levels, such as the political, legal, historiographical, educational and personal level, as well as other levels. As international experts examining the aftermath of wars have noted, the success of the reconciliation process depends on a comprehensive approach that takes into account various elements, the most important of which are:

- **the application of the rule of law;**

-
- **the right to know** (truth commissions, commissions of inquiry, documentation, archives, history books, lists of missing persons, etc.);
 - **the right to the redress of injustices** (rehabilitation, compensation, restitution, memorials, public apologies, commemorations, educational material, etc.);
 - **the right to legality** (judicial proceedings, supervision of proceedings, courts, international tribunals, etc.);
 - **the guarantee of non-repetition** (institutional reforms, lustration, etc.).

Slovenia's reconciliation process is part of a Europe-wide coming to terms with the crimes of totalitarian and authoritarian regimes. Yet there are some elements unique to Slovenia, which the other post-communist countries have tackled better.

The reconciliation mass in Kočevski Rog, celebrated by the then archbishop Alojzij Šuštar in July 1990, was a symbolic act that marked the beginning of the Slovenian reconciliation process. Below is listed a number of commissions, institutions, organisations and individuals who have carried out and are still carrying out important work with regard to reconciliation:

- **The parliamentary commission of inquiry on post-war mass killings, legally dubious trials and other irregularities**, which was active during the 1992–1996 term and was headed by Jože Pučnik. Due to many obstacles, the commission was not able to fully conclude its work. Nevertheless, there are dozens of document files that contain testimonies of victims and interrogations of alleged perpetrators and bear witness to the tragedy of post-war events. Some of the material, which the Jože Pučnik Institute managed to publish in 2010, not only reconstructs the events, processes, actions and roles of individuals and the functioning of the totalitarian system, but also shows the fragmentation of Slovenian politics – even after the establishment of democracy in the 1990s – and its apparent inability to accept historical truth.
- The **Study Centre for National Reconciliation** was established in 2008 by the first Janez Janša Government and from 2008 to 2020 it operated under Andreja Valič Zver. The centre conducts scientific research on violations of human rights and fundamental freedoms during the periods of all three totalitarianisms. It has produced numerous scientific publications, collected testimonies, organised many events and actively participated in the

educational process at various levels. It has established itself on the international stage and cooperated with many international institutions.

- The **Commission of the Government of the Republic of Slovenia for the Implementation of the Redressing of Injustices Act**, which was headed for many years by Majda Pučnik Rudl, has resolved more than 33,000 applications.
- The **Commission of the Government of the Republic of Slovenia for the Resolution of Issues relating to Concealed Mass Graves**, headed by Jože Dežman, has been involved in conducting on-site studies and searching for burial grounds with probes, as well as in retrieving and, in some cases, identifying and burying victims' remains.
- Various NGOs (such as the **New Slovenian Covenant**, **St Raphael's Society** and the **Slovenian Emigrant Association**) and many dedicated individuals are working on a range of approaches to uncover new historical facts and boost reconciliation.
- For many years, MEP **Milan Zver** has worked towards strengthening the importance of remembering the victims of all three totalitarian regimes and, together with MEPs Tune Kellam, Sandra Kalniete and Laszló Tökes, has organised several international events. He was also a member of the *Platform of European Memory and Conscience* and the *Reconciliation of European Histories Group* at the European Parliament.

Among Slovenia's failed attempts to confront its totalitarian past are the Slovenian police's Reconciliation Campaign and the occasional and utterly fruitless attempts of the judiciary to handle systemic and systematic extrajudicial violations of human rights and fundamental freedoms. Two attempts at prosecuting trials (against Mitja Ribičič, a key member of the Department for People's Protection, who later became a high-ranking Slovenian communist official, and against Martin Štorgl, the commandant of the Šterntal concentration camp near Ptuj) fell through for various reasons.

4 Other problems with the reconciliation process in Slovenia: politics, archives, etc.

The reconciliation process in Slovenia, like the process of democratic transition, has reached an impasse. Slovenian society is still divided, and the public discourse has not improved much. Righting the wrongs and giving those murdered a decent burial, which is one of the fundamental humanitarian and

civilisation norms, are slow to find their place in our homeland. Given the exceptionally unfavourable media climate, created particularly by mainstream media, which are still controlled by the old guard and its offshoots, the lustration process that never happened, the destruction of nearly all archival materials of the politically-led secret police, the poorly functioning judiciary, the twisted political left that has been in power most of the time since 1990 and that tries to pass itself off as »democratic« abroad while being incapable of explicitly condemning the crimes of communism back home – things do not look good.

It makes one wonder why the situation in Slovenia is so complicated, why we are not more successful, why we have not made more progress in the reconciliation process. As if we did not live in Europe where, despite many obstacles, numerous measures have been taken to expunge the legacy of totalitarian regimes, particularly after the accession of new Member States to the European Union in 2004.

So why is the atmosphere in Slovenia so stifling? A very simplified answer might be that the blame lies with the politicians, who have not found the will to properly address the questions that need to be answered.

30 years after the fall of communist regimes in Eastern and Central Europe, it is clear that the totalitarian past remains one of the key issues of democratic development. Relevant stakeholders in Slovenia and elsewhere will have to fulfil their duty in the areas of politics, law, history, education and the development of political culture. One of the key elements in dealing with our totalitarian past is ensuring access to the archives of the secret police, the most important instrument of domination and repression in the hands of ruling communist parties. The **archival materials** that have been preserved rather than destroyed or appropriated are a priceless source of information in coming to terms with our totalitarian past in the political, social and economic sense. They are particularly valuable to the victims and their rehabilitation and in discovering what had happened to them. After all, the piles of documents also contain information about resistance against totalitarian regimes, which can provide young generations with a model of righteousness and loyalty to ideals.

In Slovenia, which was the scene of terrible mass and systematic extrajudicial killings of Slovenes, Croats, Serbs, Montenegrins and others, we would desperately need access to the archives of the UDBA and the archives of other former Yugoslav totalitarian institutions, which are likely still in the capital of the former common state of Yugoslavia.

Despite the provisions of the 2006 Protection of Documents and Archives and Archival Institutions Act, the Slovene Intelligence and Security Agency (SOVA), failed to produce all the preserved archival materials of the secret police. The 2011 and 2014 referendums on archives greatly restricted access to the preserved materials, and the adoption of the Act Regulating Archives Containing Personal Data from Medical Records in 2016 practically blocked research access to data on mass and severe violations of human rights and fundamental freedoms under totalitarian regimes kept by health care institutions.

More than 80% of archival materials of the secret police were destroyed in the late 1980s and early 1990s. No one was held responsible for this destruction of our common heritage.

The »deep state« is therefore doing whatever it takes to guard the secrets of the secret police (UDBA), later the State Security Service, regardless of the laws, resolutions, declarations and political statements, regardless of the victims' suffering, and regardless of the attempts to overcome past traumas that are poisoning our daily lives. It seems that the perpetrators, which would be prosecuted in any normal country, must be protected. But empty excuses, platitudes and the spread of lies obscure one simple fact: amendments to the Archives Act largely resealed the archives and restricted access to data that would be made available to the public in any developed and well-established democratic society as well as any former communist country (such as Germany or Poland).

Like in many other areas, Slovenians are walking blindfolded »back to the future«. One of the concerns propagated by those advocating the sealing of archives were the potential consequences for the people that were – one way or another – involved in the activities of the secret police. They went so far as to publicly justify the continuity of this service that is supposed to date back to dark Yugoslav times when we lived in a non-democratic system with no rule of law and a secret official gazette, had an 11,000% inflation (according to October 1989 data), petrol vouchers and border crossing fees, not to mention the other »advances« of socialism. The moral and political character requirements for all 'public-facing' professions (teachers, journalists, lawyers, cultural workers, etc.) – in the opinion of the authorities – seem like an ancient anachronism today. The reports of the State Security Services from the late 1980s (in 1989, the service had approximately 100,000 open files) read as a reminder of what those who are today's »democrats and human rights advocates« were capable of given the right conditions. Of course there is no doubt that some of these people are

rightfully ashamed of themselves and afraid that God knows what abominable acts might come to light.

It is highly problematic to offer unequivocal protection to people who – for any reason – participated in the destructive wheels of the secret police. Alongside the German Stasi, the Romanian Securitate and other secret police forces, UDBA is one in a whole set of totalitarian institutions that operated under the Soviet model and whose first and only goal was to protect the power of the ruling party. Despite differences between the countries, secret police forces shared a similar structure and collaborated closely with each other. They were involved in all activities, supervised every sphere of society, kept tabs on the population, controlled them and created an atmosphere of fear and powerlessness. The number of victims is still unknown. Scientific research is still in its early stages, not least because most archives of the Soviet KGB and the Yugoslav UDBA are still sealed.

5 The lives of others

In the last few years, Europe has been dealing with its totalitarian past, including by unsealing the **archival materials** of secret police forces. The *European Network of Official Authorities in Charge of the Secret Police Files* was established in 2008. It brings together the archives of seven countries: Bulgaria, the Czech Republic, Germany, Hungary, Poland, Romania and Slovakia. It is interesting to compare how access to archival data is regulated in each of these countries, all of which have more preserved secret police materials than Slovenia. The Slovenian destroyers of archival materials were clearly more cunning and thorough than, for instance, their German Stasi colleagues. Individuals can access the Stasi archives quite easily, and the data of the 250,000 Stasi employees and almost 600,000 collaborators is of course not protected under German law. The guts of the Stasi and the suffering of their victims and collaborators are exposed in the insightful, Oscar-winning German film *The Lives of Others*, which could never have been made in Slovenia.

Alongside the Germans, the Czechs can also consult, without any major restrictions, the archives amassed at the various Czech ministries and the offices of the secret police over the long years of communist totalitarianism. One of the responsibilities of the Institute for the Study of Totalitarian Regimes, which was founded in 2008 and employs nearly 300 people, is the extensive archives of the secret police. Nearly 80% of documents have been preserved. The archives

gained international fame after the Kundera scandal. The world was horrified; could it be that a renowned Czech dissident author was doing the dirty work of an informant, which even led to the student Miroslav Dvořáček being put behind bars for 14 years? When I visited the Czech Republic in the autumn of 2008, Dr Pavel Žáček, the Director of the Institute at the time, corroborated the media allegations with original documents. It makes one wonder which of the Slovenian women and men who shape the everyday public opinion would still be credible, if it came out that they informed on, listened in on or wrote reports about other people for UDBA or the State Security Service? Caution should be exercised in handling the data of the secret police, as many reports were written to mislead or to discredit.

A further comparison between the Slovenian and Czech situations shows us that, regardless of their spatial, financial and HR capabilities, the Czech have a significant advantage over us. Together with Václav Havel, our Czech colleagues were among the initiators of the 2008 Prague Declaration and among the founding fathers of the Platform of European Memory and Conscience, an EU project in which they are actively involved.

The Institute therefore pursues its mission in the Czech Republic and the European space, preparing prominent conferences, publications and exhibitions. At its four locations, the secret police archives hold more than 18 kilometres of materials from the former ministries of the interior, justice and defence as well as various security and intelligence services. Access to the documents kept at the Prague Institute is relatively straightforward. Approximately 30,000 pages of text are digitalised every day, a task that will continue to be performed until 2030. Only then will the archives of the Czech secret police become part of the state archives. Slovenia, however, has taken a different path that is leading us back into the past, and some people are doing the best they can to hide the few remnants that survived the deliberate destruction of memory and did not end up in burning-hot incinerators or secret basements.

Unfortunately, Slovenians are often unaware that the crimes of totalitarian regimes, which the future generations will learn about mostly from archival materials and testimonies, are part of the European history, part of its overall historical concept. Polish historian Bronisław Geremek has stressed on several occasions that the concept of a joint Europe also includes a joint history. European institutions are keeping a rather close and anxious eye on these attempts at closing history in the dark towers of secrecy. But I am afraid that,

unlike in Aristotle's book, the secrets of USBA and the State Security Service did not make people laugh, but brought them tears, sorrow, fear and desperation.

6 By way of conclusion: The destruction or preservation of memory?

Sadly, the Slovenian left did not even muster the strength to approve that resolution adopted in April 2009 by the European Parliament with a great majority, including all Slovenian MEPs. The EU resolution condemns each and every totalitarian or authoritarian regime. Mischievous pleas of ignorance and mindless parliamentary discussions without a shred of reverence are a rather poor message for the future of the young and developing Slovenian democracy.

But are politicians truly to blame for everything? Isn't politics, especially on the left, all about exploiting the given situation for one's own interests and day-to-day political advantages? This issue was often discussed by democrat, political prisoner, statesman and father of Slovenian statehood, Dr Jože Pučnik. In a democracy, it is the people that decide what politicians should do. And what about in Slovenia? Pučnik put forward the theory of damaged mentalities, which are the result of years of living in a totalitarian regime and exposing individuals to political indoctrination. People gradually become dependent, insecure personalities: they remain immature and need someone to lead them, so they serve, obey, and bow. They are like children! Totalitarianism needs »children«: it cannot stand mature, adult, non-conformist, autonomous personalities. The Slovenian transition is heavily influenced by this fact. In his later appearances, Pučnik expressed regret at the lack of civic courage, criticism and protest against the chains of totalitarianism. He concluded that there were no more dissidents. Taking their place are passive citizens who are more prone to pathological behaviour. And the consequence is the (pathological) politics that has taken root in Slovenia. There are plenty of signs, but let me mention just a few. In mature and well-established democracies, it would be difficult to find moves comparable to bestowing a major award to the chief of the secret police in a totalitarian regime. After more than three decades since the fall of a regime based on violations of and threats to human rights and fundamental freedoms, it seems pathological to name a street after its leader, a bloody dictator. Left-wing politicians wag their fingers at those working for reconciliation and, to make the paradox even greater, the latter are most often former victims who, at the same time, are being reproached with revanchism. Court historians raise bizarre cries of the danger of »rewriting« history, as if history is a dogma set in

stone, an unalterable truth; as if the discovery of new historical facts should not have any bearing on our knowledge of the past. Pučnik, who was a victim of a show trial and spent a few years in the cells of Yugoslav communist prisons, and was then left without the means to support his family and forced to make a life for himself abroad, expressed the absurdity of such twisted allegations in a TV interview, in a moment of distress: »What did I ever do to anybody?« We need a democratic overhaul on the level of **culture**, as only then can we see a return of normality in politics and other areas. But normality cannot be restored on its own. It will require all stakeholders who shape the political and everyday reality to work together in a spirit of respect for human dignity. Then the likelihood of the dark side of history, with all its horrors, repeating itself will be much smaller. All of us have a fundamental role to play in the reconciliation process or the process of transitional justice, which could be called an (in)culturation process, namely passing the truth onto younger generations (seeing as the official politics and the media have failed in this role). And there is no future without the truth. The memory of the victims of all totalitarian and authoritarian regimes compels and obliges us to respect the achievements of our culture and civilisation. This is particularly important in a time when trust in the institutions of the rule of law and democracy has diminished drastically. The memory that we need for the sake of our future. It should serve as a reminder that democracy is not a given for all eternity but must be fought for time and time again. That is the only way to preserve it and prevent the times that brought so much sorrow to the Slovenian people from ever happening again. We owe it to future generations to leave them a democratic and free society that respects human dignity. Democracy demands a responsible attitude to the past.

Literature:

Arendt, Hannah, 2003: *Izvori totalitarizma*, Ljubljana: Študentska založba.

Girard, René, 2006: *Gledam satana, ki kakor blisk pada z neba*, Ljubljana: KUD Logos.

Noonan, Peggy, 2010: *Ko je kraljeval značaj: zgodba o Ronaldu Reaganu*, Ljubljana: Soleco.

Pahor, Boris, 2009: *Nekropola*, Ljubljana: Mladinska knjiga.

Strajnar, Neža (ed.), 2020: *Širimo pogled: prvo desetletje Študijskega centra za narodno spravo*. Ljubljana: Study Centre for National Reconciliation.

Todorov, Tzvetan, 2000: *Memory as a Remedy for Evil*, London: Seagull Books.

Todorov, Tzvetan, 2004. *Hope and Memory: Lessons from the Twentieth Century*, New Jersey: Princeton University Press.

Todorov, Tzvetan, 2011: *The Totalitarian Experience*, London: Seagull Books.

Valič Zver, Andreja, 2008: *Is it wise to discuss themes that hurt?. Jambrek, Peter (ed.): Crimes committed by totalitarian regimes: Reports and proceedings of the 8 April European Public Hearing on Crimes Committed by Totalitarian Regimes. Ljubljana: Slovenian Presidency of the Council of the European Union. 219–221.*

Valič Zver, Andreja, 2010: *History education as a tool for the promotion of human rights. Ripka, Vojtěch (ed.): Twenty years after: Central and Eastern European communist regimes as a shared legacy. Prague: Ústav pro studium totalitních režimů. 1–5.*

Valič Zver, Andreja, 2011: *The Slovenian way of »the lives of others«. Südosteuropa-Mitteilungen: Vierteljahresschrift der Südosteuropa-Gesellschaft. 2011, jg. 51, 5/6 2011. 101–109.*

Valič Zver, Andreja, 2015: *Democracy is not set in stone: lessons to be learned. Central European Political Science Review. Fall 2015, vol. 16, no. 61. 115–131, 171–172.*

SIMONA KUKOVIČ

School of Advanced Social Studies in Nova Gorica
University of Ljubljana

MIRO HAČEK

University of Ljubljana

Three decades of local selfgovernment in the Republic of Slovenia: selected characteristics and trends

After the Republic of Slovenia gained independence, the establishment of local self-government was one of the most important and challenging tasks, as it represented a fundamental change from the existing self-governing communes towards a traditional Europeanstyle local selfgovernment. This contribution highlights the trends that have developed within Slovenian local selfgovernment in the last three decades and demonstrate specific characteristics, not only at the national but also at the international level. The authors highlight the formation of new municipalities, the disappearance of political parties from the local level, and local democracy, which is strongly present both in direct and indirect forms and functions well.

1 Introduction

Despite historical records dating the origins of local self-government in the territory of presentday Slovenia as far back as the Middle Ages, the *de facto* local self-government regime was only established after the independence of the Republic of Slovenia. With the independence of the Republic of Slovenia and the democratic changes that took place, the opportunity arose to establish a comparable European system of local self-government. The main objective of the

reform was to introduce a more transparent and manageable governance system that was closer to the people, while also enabling the reconciliation of different interests. The country's political leaders were thus faced with an important and challenging task, as a fundamental change in the existing self-governing commune system towards the introduction of a traditional European-style local self-government was needed, which would guarantee the right of citizens to decide on public affairs and improve the quality of life in the local community.

The first step in this direction was the preparation of background documents for the local self-government project, which were completed in 1989. The next step was the adoption of the Slovenian Constitution at the end of 1991 which places significant emphasis on local self-government, and the adoption of the framework Local Self-Government Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 72/1993) two years later (on 21 December 1993). This paved the way for a complete overhaul of the existing commune system towards a modern European local self-government, which over the three decades of its development has proven itself to be a solid and well-functioning level of government, characterised in particular by its strong local democracy, functioning well in both its direct and indirect forms, and its increasingly apolitical nature, where political parties are not only weakening, but even disappearing. Some light will be shed on these trends in this chapter, as they represent specific characteristics at both national and international levels.

2 Formation of new municipalities

The foundation for implementing the local self-government reform was the Referendum for the Establishment of Municipalities Act (ZRUE, Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 5/1994), adopted in January 1994; the referendums were held on 29 May 1994. It was extremely difficult, almost impossible in fact, to take the referendum results fully into account, as the voters only voted in favour of establishing their own municipality in 111 referendum areas (out of a total of 339). Due to the consultative nature of referendums, the National Assembly of the Republic of Slovenia decided to loosely adhere to the referendum results and on 3 October 1994 adopted the Establishment of Municipalities and Municipal Boundaries Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 60/1994), with which 147 municipalities were established in Slovenia, eleven of which town municipalities. The 62 former socio-political communities

(communes, municipalities) ceased to exist. During a transitional period of several months, state functions previously carried out by former, territorially larger municipalities were delegated to administrative units, and – after the constitutive process had been completed – local functions were taken over by the new bodies of the new municipalities or self-governing local communities (Kukovič, 2021).

The decision to establish 147 municipalities provoked considerable criticism. Events reached a climax when local communities filed a constitutional challenge with the Constitutional Court of the Republic of Slovenia. The Constitutional Court ruled that the two articles that laid down which municipalities were established were inconsistent with the Constitution of the Republic of Slovenia (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 33/1991) and ordered the National Assembly of the Republic of Slovenia to remedy the inconsistency at the latest six months before the next municipal council elections were called in 1998.

Consequently, the Procedure for Establishing Municipalities and Municipal Boundaries Act (ZPUODO, Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 44/1996) was adopted in July 1996. The act was actually applied in 1998, but proved utterly ineffective. The act was supposed to remedy the unconstitutionality of the entire first network of Slovenian municipalities from 1994, declared unconstitutional by a Constitutional Court decision. However, instead of ensuring the new network was in line with the constitution and the provisions of the Local Self-Government Act, 45 new municipalities were additionally established, many of which did not meet the legal requirements for their establishment.

Despite the unresolved situation, the National Assembly of the Republic of Slovenia considered proposals for 31 new municipalities in February 2002, of which only three met the legal requirements. The National Assembly of the Republic of Slovenia decided to increase the number of Slovenian municipalities by one, to 193 municipalities.

Despite the reverse trend of local selfgovernment reforms in Europe (e.g. Swianiewicz, 2002; Kersting and Vetter, 2003; Copus, Roberts and Wall, 2017), the fragmentation and establishment of new municipalities in Slovenia continued unabated in later years, and even increased. In January 2006, a consultative referendum on municipalities was held, at which the residents of the settlements concerned voted on the establishment of new

municipalities. On 1 March 2006, the National Assembly of the Republic of Slovenia approved the referendum results and the new municipalities. The number of municipalities in Slovenia thus rose to 205. Two months later (on 4 May 2006), the Government of the Republic of Slovenia proposed to the National Assembly the establishment of a further five municipalities. The Government's proposal was adopted, and the number of municipalities increased to 210.

Changes were again made in February 2011, when the Municipality of Mirna was established following legislative issues. The latest enlargement took place in June 2011, when the Constitutional Court of the Republic of Slovenia itself established the Municipality of Ankaran in a very extraordinary decision. In accordance with the law, the residents of Ankaran elected their representatives for the first time in local elections in 2014 (Kukovič, 2021).

Proposals to establish municipalities poured in. The number of municipalities increased with each local election, until the 2018 local elections, when the number of municipalities stayed the same for the first time in the history of Slovenian local self-government. Today, the Slovenia is divided into 212 politically decentralised autonomous entities which are extremely diverse in terms of population and geographical size. According to the latest data, the largest municipality in terms of population size has 294,464 residents and the smallest municipality has 327 residents. In terms of geographical size, the largest municipality has an area of 555 km², while the smallest has an area of only 6.9 km². Furthermore, in the more geographically challenging western part of the country, the municipalities are larger and less densely populated, while in the lowland eastern part of the country, the municipalities are on average more densely populated and smaller in size, as this is where the most intense fragmentation of territory has taken place.

In the rush to establish and regulate a decentralised system, all efforts were invested in the lowest level of local self-government (municipalities), while the regionalisation of the state – however much needed – stayed on the back burner. The Republic of Slovenia thus still remains one of the most centralised European unitary states, where there is only one level of local government.

3 Non-partisanship at the local level

By amending the Local Self-Government Act before the 1998 local elections (when the institution of the president of the municipal council was abolished),

mayors became the main figures in a municipality. Since the above amendment, mayors have been distinctively gaining political power as opposed to municipal councils. It is therefore appropriate to first analyse the results of mayoral elections, which also tend to receive the most attention in the media.

Table 1: Mayoral election results at local elections between 1994 and 2018

	1994	1998	2002	2006	2010	2014	2018
Non-partisan candidates	29	46	60	67	71	115	123
Slovenian People's Party (SLS)	27	39	45	49	41	31	26
Liberal Democracy of Slovenia (LDS)	23	22	28	17	13	2	-
Social Democratic Party/ Slovenian Democratic Party (SDS)	18	21	16	27	33	19	17
United List of Social Democrats/ Social Democrats (SD)	13	10	13	13	20	20	16
Slovenian Christian Democrats/ New Slovenia (NSi)	21	21	4	10	8	7	10
Various coalitions	13	26	23	19	14	8	8
Other political parties	3	6	4	8	10	10	12
TOTAL	147	192	193	210	210	212	212

Source: National Electoral Commission data in Haček (2020).

The analysis of mayoral elections is relatively simple. Since the late 1990s, mayoral elections within the Slovenian local self-government system have been characterised by two complementary phenomena: the growing success of non-partisan candidates and the declining influence of political parties. As can be seen from Table 1, non-partisan candidates have won local elections by a relative majority ever since the first such elections in 1994. In 2014, non-partisan candidates also won local elections by an absolute majority, as for the first time, the mayors in more than half of the municipalities were non-partisan candidates. The number of nonpartisan mayors only further increased in the last local elections in 2018. At the same time, however, it can be noted that at the level of local government only four political parties are constantly present and more or less successful: three centre-right parties (Slovenian Democratic Party – SDS, Slovenian People's Party – SLS and New Slovenia–Christian Democrats – NSi) and the centre-left Social Democrats (SD). During the 2010–2014 period, the

first party to lose support and then *de facto* disappear from the Slovenian political scene was the Liberal Democracy of Slovenia (LDS). At the same time, the most successful political party in Slovenian local elections to date, the Slovenian People's Party (SLS), faced some difficulties, as it became an extra-parliamentary party following the defeat in the 2014 parliamentary elections. After the 2018 local elections, only 69 mayors were members of the four strongest political parties (32%), which is the lowest percentage since the independence of Slovenia. A further 12 mayors (10%) were members of other political parties and various coalitions, while the remaining mayors (123 or 58%) were non-partisan.

Of course it is a different story whether the candidates who stood for office with the electorate's support are actually independent candidates and to what extent are these candidates in fact distinctly political. A greater analytical challenge is thus posed by formally non-partisan candidates who have had clear political affiliations in the past, some of them were even elected to office with the support of a particular political party or a group of political parties, and who have later, for one reason or another, decided to run as non-partisan candidates in the local elections. This phenomenon is not unknown to Slovenian local elections. It has been occurring to a greater or lesser extent since the first local elections in 1994 (see Kukovič and Haček, 2011, p. 17; Kukovič et al., 2015).

3.1 Municipal councillor elections

Three groups of political parties can be identified in the analysis of municipal council election results during the 1994–2018 period: a) parties that have been steadily losing their share of votes (and thus their share of elected municipal councillors) since the first municipal council elections in 1994, b) parties with fluctuating election results, and c) parties that have not stood in all the local elections so far. The Slovenian People's Party (SLS) belongs primarily in the first group. The Slovenian Democratic Party (SDS), New Slovenia–Christian Democrats (NSi), Social Democrats (SD), Democratic Party of Pensioners of Slovenia (DeSUS) and Slovenian National Party (SNS) fall within the second group. The third group is composed of various parties that were formed and disappeared during the 1994–2018 period, among which the party that won the most votes in the 1998 and 2002 municipal council elections, the Liberal Democracy of Slovenia (LDS), particularly stands out. The Liberal Democracy of Slovenia (LDS) undoubtedly experienced the biggest percentage drops compared to previous local elections. At the 2006 local elections it received

approximately eight per cent fewer votes compared to the 2002 local elections and history then repeated itself in the 2010 and 2014 local elections, with the party virtually disappearing from the Slovenian political scene. Nonparty lists fall into a completely separate category. Since the local elections in 1994, nonparty lists have been seeing growing support and an increase in the share of votes. Note that the support of the two largest and best organised political parties in the country (SDS and SD) has been fairly stable since the 1994 local elections (SD between 10% and 13%, SDS between 13% and 18%), which also indicates they have the most loyal and consolidated electorate. While Social Democrats (SD) have never been the political party with the most votes in municipal council elections, the Slovenian Democratic Party (SDS) received the highest share of votes in the 2014 and 2018 municipal council elections (Haček, 2020).

Another characteristic observed in every local election since 1994 is the slightly better performance of centre-right political parties in smaller municipalities and, vice versa, a slightly better performance of centre-left political parties in larger municipalities (Kukovič and Haček, 2018). It is also interesting to note that throughout the local self-government reform project, the centre-left political parties have consistently advocated for the establishment of larger municipalities and have largely opposed the fragmentation of municipalities, while centre-right political parties have mainly promoted establishing new (and generally smaller) municipalities.

Table 2: Municipal council* election results at local elections between 1994 and 2018 (%)

	1994	1998	2002	2006	2010	2014	2018
Non-partisans	9	12	17	20	22	29	32
Slovenian People's Party (SLS)	13	12	11	9	9	8	6
Liberal Democracy of Slovenia (LDS)	17	23	23	15	7	-	-
Social Democratic Party/ Slovenian Democratic Party (SDS)	14	16	13	17	18	14	17
United List of Social Democrats/ Social Democrats (SD)	13	11	10	12	12	10	10

Slovenian Christian Democrats/ New Slovenia (NSi)	18	12	8	6	6	7	6
Democratic Party of Pensioners of Slovenia (DeSUS)	4	5	5	5	9	7	5
Modern Centre Party (SMC)	-	-	-	-	-	11	4
Slovenian National Party (SNS)	2	2	2	2	2	1	1
Youth Party of Slovenia (SMS)		-	4	-	-	-	-
Zares Party	-	-	-		4	-	-
Left Party (Levica)	-	-	-	-	-	-	3
List of Marjan Šarec (LMŠ)	-	-	-	-	-	-	2

* only municipalities using proportional electoral systems are included.

Source: National Electoral Commission data in Haček (2020).

Researchers have found that the performance of political parties in the first local elections in 1994 and the second ones in 1998 (Haček, 1999) was also largely dependent on the level of development of the organisational network of municipal and local committees, which were (un)able to find suitable candidates, draw up lists of candidates and file for candidacies. In the quarter of a century since the reintroduction of local self-government in Slovenia, a group of political parties that have stood for all local elections so far has managed to build an organisational network throughout Slovenia. Therefore, other performance factors have come to the forefront. In the last decade, a particularly important factor was voters' general distrust of political parties. This makes it difficult for the parties to find a set of suitable candidates that are indispensable in local elections, and it negatively effects their performance in local elections. Non-partisan candidates and local nonparty lists have been steadily gaining support at municipal councillor elections.

4 The vibrancy of local democracy

Today, there is a growing tendency to strengthen local democracy, whereby citizens or residents are placed at the centre of all the activities of local communities. It is a question of citizens' quality of life, and the responsiveness of public services to their needs and interests. Local democracy is therefore a mix of direct decision-making by citizens and representative democracy. Without the direct decision-making by citizens at the local level, there can be no local self-government (Vlaj, 2004, p. 62).

In theory, there are two basic participatory forms of local democracy. With *indirect local democracy*, the decision-making process takes place through bodies elected in local elections. Another participatory form is *direct local democracy*. In addition to these traditional forms of local democracy, there are also newer, more modern forms of local democracy and political participation. This being said, the traditional forms of local democracy and participation are in fact the prerequisites and the basis for the more modern forms.

Under the Slovenian local self-government system, municipality residents exercise indirect local democracy by electing mayors, municipal councillors and members of the councils of municipal subdivisions. The direct local democracy consists of four basic forms: the assembly of municipal residents, a referendum, popular initiative and petition. It follows from the nature of local self-government that residents' right to direct participation in the decision-making process about the most important issues in the local community is an inherent part of the constitutional right of local self-government (Constitution of the Republic of Slovenia, Article 9).

4.1 Direct local democracy

From the perspective of democracy, it would be ideal for residents of the local community to adopt all decisions entirely on their own; however, this is not possible in a modern local community, because the needs being fulfilled in such a community are too diverse and complex. Additionally, modern life demands continuous decision-making, which is why direct decision-making is more of an exception rather than a rule. In local communities, decisions are predominantly adopted by local self-government bodies (representative local democracy). Direct decision-making is more widespread at the local level, which is understandable, because the conditions for direct decision-making at that level are considerably more favourable than the those at the state level. Above all, the local community is significantly smaller than the state both in terms of territory and population, which makes it much easier for the community to use various forms of direct decision-making. Furthermore, considering its organisational, technical and financial aspects, it is easier to facilitate direct decision-making at the local than at the state level. Finally, direct decision-making is traditionally much more embedded in the local community than in the state. Some forms of direct democracy (such as the assembly of municipal residents) can only be used in small local communities. The matters decided upon in a

local community are different, because they do not include general political issues, but rather locally important issues that affect all residents of the local community. For all these reasons, direct decision-making at the local level is used more often and for more specific issues than at the state level (Haček, 2020).

In 2017, an empirical survey was conducted on the use of direct local democracy mechanisms, which (at least for the 2014–2017 period) shows that the assembly of municipal residents was the most frequently used mechanism of direct local democracy, being applied in as many as 48% of Slovenian municipalities in the given period. This mechanism was followed by citizens' initiatives and petitions.

Table 3: Use of mechanisms of direct democracy in Slovenian municipalities from 2014 to 2017

	YES
Referendum	1 (1%)
Municipal Assembly	49 (48%)
Petition	24 (24%)
Popular initiative	31 (30%)
Informal forms (protests, demonstrations, etc.)	14 (14%)

Source: Kukovič in Haček (2017).

The assembly of municipal residents is the most direct form of decision-making, because all the residents of the local community decide on a particular issue. The main difference between such an assembly and other forms of direct decision-making is that it is a more spontaneous and informal decision-making process in which all the residents of the local community can participate. In the assembly of municipal residents, all matters are put to a public vote, which is an important element of community cohesion and the integration of individual residents in the community. This form of decision-making is viable only in small local communities, and although decision-making is direct, the local community still needs a representative body. In a local community, decisions need to be adopted on an almost daily basis, which is virtually impossible to achieve through assemblies of municipal residents. However, the most important decisions should be adopted at an assembly of municipal residents (Haček,

2020). In the 2014–2017 period, the assembly of municipal residents was convened on average 4.5 times by each municipality (the minimum being once and the maximum 34 times). It is interesting that a large majority of municipalities (78%) applied this mechanism at the level of municipal subdivisions, which is entirely understandable in terms of organisation. The assembly was most often initiated by the mayor of the municipality (71% of cases) and the least often by the municipal council (in 10% of cases).

Table 4: Initiators of a municipal assembly in Slovenian municipalities from 2014 to 2017

	YES
Mayor	35 (71%)
Municipal council	5 (10%)
Residents	16 (33%)
Institutions of local/rural/quarter communities	22 (45%)
Other	0 (0%)

Source: Kukovič in Haček (2017).

Another form of direct democracy in a local community is a referendum. This form is distinct from the assembly of municipal residents in many aspects. Historically speaking, the referendum appeared later than the assembly of municipal residents and represents a more formal and complex form of decision-making in terms of organisation and implementation. In practice, a referendum involves fewer people than an assembly. By nature, it is more practical for a smaller number of issues and to be used more infrequently, which again means that the representative body decides on most matters. Nevertheless, both an assembly and referendum share the same idea and political principle, which is that a decision should be adopted by the local community itself and not by its representatives. In contrast to an assembly, a referendum is also used at the state level, but to a lesser extent than at the local level in most countries. There are several reasons for this. Above all, a referendum is closer to local self-government in which the people are more interested in direct decision-making on important local issues. Moreover, a referendum is less demanding to organise and implement at the local level and is considerably less expensive (Haček, 2020). In a referendum, municipality residents can decide on issues concerning the general legal acts of a municipality, excluding the municipality budget and

annual financial statement as well as general legal acts, which in accordance with the law regulate municipality taxes and other duties. A referendum is conducted as a subsequent referendum in which municipality residents vote for or against an adopted general legal act of the municipality or some of its provisions. As evident from Table 3, referendums were, at least in the 2014–2017 period, the least-used mechanism of representative local democracy, because it was applied by a single municipality in the given period; this consultative referendum was held to decide on the support for the construction of a town bypass.

Two additional standard forms of direct decision-making exist within the local self-government: the popular initiative and petition. A popular initiative is distinct from other forms of direct democracy in many aspects. While the initiative to adopt a decision originates from the body entitled to propose it, the popular initiative instrument allows the public to directly participate in a decision by requesting that a certain issue be regulated; however, it does not participate in the adoption of the decision itself. Compared to a referendum, a popular initiative does not enable the public to eliminate an inadequate solution, but to demand a solution tailored to its needs. In the broadest sense, residents' right to petition denotes the right of a person or group of persons to submit written requests to their representative body regarding public or political issues. The subject of a petition can be a complaint, proposal, request, initiative or application. In a narrower sense, a petition is similar to the popular initiative with one important distinction: the representative body is only obliged to examine a proposal based on a popular initiative, which does not apply to proposals based on a petition. The right to petition is vested in each person, while the popular initiative may only be launched if supported by a certain number of people as laid down in municipal normative acts (Haček, 2020). At least for the 2014–2017 period, data from Table 3 shows that both petitions and popular initiatives were used more infrequently than the assembly of municipal residents; however, significantly more frequently than referendums (petitions were used in 24% and popular initiatives in 30% of cases). In each municipality in which the popular initiative instrument was used, on average 1.5 initiatives were launched (with a standard deviation of 1.06; a minimum of one and maximum of five initiatives); most initiatives (55%) were successful.

Survey respondents were asked about their personal opinion on the use of various direct local democracy mechanisms available to municipality residents. A large majority (69%) were in favour of such possibilities for residents'

participation in the decision-making process, while only 9% of respondents hold a negative view of direct local democracy.

4.2 Indirect (representative) local democracy: local elections through time

In a modern democratic society, elections are a method of appointing a person to a specific function or position by means of choosing among various candidates. Only the authority granted by sovereign people can be democratic. The principle of people's sovereignty underlies the idea that all authority in the state comes from the people and belongs to it and that the holders of authority function as people's representatives. This means that, in a democracy, only those who are elected by the people and who are responsible to the people can exercise authority. The basis for exercising authority is obtained through elections. Just like at the state level, elections perform the role of appointing the representatives of a local community. Elections to the bodies of local self-government are an expression of the right of the local residents to manage their own local matters. In modern jurisdictions, fundamental decisions in the local community are generally adopted by the representative body as the main body of the local self-government. For a representative body to truly represent the interests and will of the local community, its members must be directly elected by the local community. At the same time, elections constitute a political action that integrates municipality residents in local self-government and, above all, increases their interest in participating in local self-government (Grad, 2020, p. 60). In the Republic of Slovenia, the election of local representatives is subject to the Local Elections Act (ZLV, Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 72/1993 and its subsequent amendments), which in Article 2 stipulates that members of municipal councils, mayors and members of municipal subdivisions are elected on the basis of universal and equal suffrage in free and direct elections by secret ballot.

4.3 Electoral (non-)participation

The assumption of some political parties that the increasing number of electoral units (municipalities) will help them obtain a larger share of votes was not unrealistic. However, from one local election to the next, the significance of this assumption has steadily declined, because non-party candidates have come to the forefront. Before analysing election results, it should be noted that the

increase in the number of municipalities from 62 at the declaration of Slovenia's independence to the current 212 is, above all, the result of an increasing number of small municipalities with a relatively small number of voters and in which one vote has significantly greater impact than in large municipalities. Moreover, a different (majority) voting system has been established in these municipalities, where people, candidates, are elected first and foremost, and where political parties, *a priori*, do not have much influence. This is why, since the first local elections after the introduction of local self-government in 1994, analysts of local elections have been asking themselves whether a victory in a host of small municipalities can actually outweigh an electoral victory in a single city municipality with more voters than thirty of the smallest municipalities combined. Table 5 shows voter turnout in all local elections to date.

Table 5: Voter turnout at local elections between 1994 and 2018 (%)

Year of the election	Voter turnout (first round of local elections)
1994	63
1998	58
2002	72
2006	58
2010	51
2014	45
2018	51

Source: National Electoral Commission data in Haček (2020).

In the first period after the reintroduction of local self-government (from 1994 to 2002), voter turnout was higher than it was later on (from 2006 to 2018). However, in the context of the 2002 local elections, it should be noted that these took place parallel to the presidential election, which undoubtedly led to a higher voter turnout. This may happen again in 2022. It can be noted that the voter turnout in local elections in the last decade has remained at about 50% with a negative minimum in 2014, while the last elections in 2018 saw a six per cent increase in voter turnout.

Traditionally, voter turnout has been higher in small municipalities. Somewhat higher voter turnout may be anticipated in municipalities with fewer than 5,000 residents. Within this category, a significant deviation can be observed

in municipalities that use a majority voting system (Kukovič and Haček, 2019). When electoral (non-)participation is analysed, an interesting question regarding the reasons for non-participation arises. Electoral participation research tends not to examine people who do not participate in elections, abstainers or apathetic people, i.e. those who do not participate in elections at all. This group exacerbates the problem of social exclusion. Apathetic people who do not participate in the political (electoral) life are actually excluded from the usual ways used by citizens to collectively form their society. Verba, Scholzman and Brody (1997) have established that non-participation is the result of the following reasons: people do not participate, because they cannot (a lack of time), do not want to (disappointed in politics) or are isolated from social networks that could help them get involved in the political situation.

5 What comes next?

Local democracy is one of the areas of Slovenian society and state of which we can be rightly proud. Both direct and indirect (representative) mechanisms of resident participation in the decision-making process have flourished in last three decades, showing that citizens are very interested in the establishment of local authority and the adoption of its decisions. Local elections have become an indicator of citizens' dissatisfaction with political parties and their way of managing the state, as well as a sign of rebellion against some mayors and their long-standing leadership of municipalities.

In the context of a very active and vibrant local democracy, it is especially delightful to see the vibrancy of direct mechanisms of local democracy. This applies both to the frequency of use of individual mechanisms and the strong affinity of local decision-makers to mechanisms of direct local democracy. Thus, municipalities remain the only antithesis of the central authority, the only decentralised level of decision-making. In spite of occasional calls for a decrease in their number (although the average Slovenian municipality is twice as large as an average municipality in other EU Member States) and the occasional intolerance of political parties to local (often non-partisan) decision-makers, in the three decades of the existence of the Slovenian state, municipalities have managed to establish not only an enviable level of participation of residents in the decision-making process, but also an enviable level of effectiveness and performance. This applies to individual public policies and the acquisition of

national and European funds, which undoubtedly improve the quality of life for all residents of Slovenian municipalities.

Literature:

Brezovšek, Marjan, 2019: *Lokalne volitve 2018: refleksija in/ali avtonomija*. Kukovič, Simona (Ed.): *Lokalna demokracija v Sloveniji: značilnosti lokalnih volitev 2018*. Ljubljana: FDV Publishing House. 33–51.

Copus, Colin, Roberts, Mark and Wall, Rachel, 2017: *Local Government in England; Centralisation, Autonomy and Control*, London: Palgrave Macmillan.

Grad, Franc, 2020: *Pravni vidiki lokalnih volitev*. Kukovič, Simona and Haček, Miro (Eds.): *Petindvajset let lokalne samouprave v Republiki Sloveniji*. Ljubljana: FDV Publishing House. 59–81.

Haček, Miro, 1999: *Lokalne volitve v Sloveniji – primerjava 1994–1998*. *Teorija in praksa* 36/2. 218–229.

Haček, Miro, 2019: *Uresničevanje pasivne volilne pravice na slovenskih lokalnih volitvah*. Kukovič, Simona (Ed.): *Lokalna demokracija v Sloveniji: značilnosti lokalnih volitev 2018*. Ljubljana: FDV Publishing House. 11–31.

Haček, Miro, 2020: *Lokalna demokracija v Sloveniji: Prvih petindvajset let*. Kukovič, Simona and Haček, Miro (Eds.): *Petindvajset let lokalne samouprave v Republiki Sloveniji*. Ljubljana: FDV Publishing House. 9–32.

Kaučič, Igor, 2020: *Pravna ureditev lokalnega referendum*. Kukovič, Simona and Haček, Miro (Eds.): *Petindvajset let lokalne samouprave v Republiki Sloveniji*. Ljubljana: FDV Publishing House. 33–58.

Kersting, Norbert and Vetter, Angelika (Eds.), 2003: *Reforming Local Government in Europe – Closing the Gap between Democracy and Efficiency*. Opladen: Leske+Budrich.

Kukovič, Simona, 2021: *Trideset let slovenske državnosti: razvoj lokalne samouprave*, Ljubljana: FDV Publishing House.

Kukovič, Simona, Copus, Colin, Haček, Miro and Blair, Alasdair, 2015: *Direct Mayoral Elections in Slovenia and England: Traditions and Trends Compared*. *Lex Localis* 13/3. 697–718.

Kukovič, Simona and Haček, Miro, 2011: *Non-Partisan Candidates and Lists at Slovenian Local Elections, 1994–2010*. *World Political Science Review* 7/1. 1–20.

Kukovič, Simona and Haček, Miro, 2017: *Mehanizmi neposredne demokracije na lokalni ravni: baza podatkov*, Ljubljana: Centre for the Analysis of Administrative-Political Processes and Institutions.

Kukovič, Simona and Haček, Miro, 2018: *Lokalno politično vodenje: glas svetnikov*, Ljubljana: FDV Publishing House.

Kukovič, Simona and Haček, Miro, 2019: *Analiza volilne udeležbe na lokalnih volitvah 2018, baza podatkov*, Ljubljana: Centre for the Analysis of Administrative-Political Processes and Institutions.

Statistical Office of the Republic of Slovenia, 2021: Population. Available at: www.stat.si (20 September 2021).

Swianiewicz, Pawel, 2002: Consolidation or Fragmentation: The Size of Local Governments in Central and Eastern Europe, Budapest: Open Society Institute.

Verba, Sidney, Schlozman, Kay Lehman and Brady, Henry E., 1997: Solving the Puzzle of Rational Participation: Lessons from the Citizen Participation Study, Washington DC: American Political Science Association.

Vlaj, Stane, 2004: Lokalna samouprava Teorija in praksa, Ljubljana: Faculty of Public Administration Publishing Department.

A tale of Cinderella without her glass slippers: The rule of law and the protection of human rights throughout thirty years of the Slovenian state

The newly established Slovenian state was not prepared for constitutional democracy at its inception. As a consequence, ever since the establishment of the independent Slovenian state, it has been exceptionally difficult for Slovenian society to internalise its fundamental values ranging from human dignity to pluralism. On the other hand, despite all the difficulties, this is a story of at least partial success in establishing a state that has freed itself not only from a plurinational state but also from a totalitarian system literally overnight. In a short period of time, it has established modern European standards of the protection of human rights and the rule of law. It has joined the Council of Europe and European Union.

This contribution aims to critically assess the functioning of the institutions of the Slovenian democratic state governed by the rule of law from the perspective of the principles of the rule of law and the protection of human rights. In this respect, we wish to present the achievements, good practice and difficulties, as well as highlight the challenges to the functioning of the rule of law and the democratic state over the past thirty years.

1 Instead of introduction

Over thirty years ago, the Slovenian state was established as a constitutional democracy governed by the rule of law. When the Constitution was adopted

almost thirty years ago, Slovenian society entered a democratic stage based on the protection of human dignity, freedom, equality, solidarity and political and social pluralism for the first time. For decades and even centuries, respecting constitutional democracy and the rule of law was in no way a natural or taken for granted element of Slovenian society (Avbelj, Letnar Čerňič, Justinek, 2020). Rather, we could say that constitutional democracy and the rule of law had been unfamiliar and even unwanted. So the establishment of a constitutional democracy thirty years ago came as somewhat of a shock to the majority of the population, in particular the ruling elite, in every part of the Slovenian society. Members of the ruling elite from the previous regime were afraid that they would have to change their *modus operandi* overnight, namely their arbitrary practices and mentality. However, their fear was unfounded. After a few years it became clear that change would come slowly, partly owing to the presence of former elites, and that the old patterns of arbitrary behaviour have persisted to this day (Zobec, Letnar Čerňič, 2015).

The newly established Slovenian state was not prepared for constitutional democracy at its inception. And so, ever since the establishment of the independent Slovenian state it has been exceptionally difficult for the Slovenian society to internalise the fundamental values ranging from human dignity to pluralism. On the other hand, despite all the difficulties, this is a story of at least partial success in establishing a state that has freed itself not only from a plurinational state but also from a totalitarian system literally overnight. In a short period of time, it has established modern European standards of the protection of human rights and the rule of law. It has joined the Council of Europe and European Union. This contribution aims to critically assess the functioning of the institutions of the Slovenian democratic state governed by the rule of law from the perspective of the principles of the rule of law and the protection of human rights. In this respect, we wish to present the achievements, good practice and difficulties, as well as highlight the challenges to the functioning of the rule of law and the democratic state over the past thirty years. The contribution sets out its case in three main sections. In section 2, we present the achievements and good practice in the field of the rule of law and the protection of human rights. Section 3 focuses on the issues of the rule of law and the protection of human rights. Section 4 addresses future challenges in the field of the rule of law and the protection of human rights and offers proposals to improve the functioning of Slovenian constitutional democracy, the rule of law and the protection of human rights.

2 Achievements and good practice in the rule of law and the protection of human rights

The independent Slovenian state was founded in June 1991 on the ruins of the former Yugoslavia, where a communist regime committed widespread and systematic violations of the rule of law, human rights and fundamental freedoms from its very beginning until its end in the early 1990s. Until the early 1990s, the Slovenian society has not experienced a culture of promoting, respecting, protecting and exercising human rights and fundamental freedoms. The democratisation of Slovenian society has been imported from other Central and Eastern European countries (Blokker, 2014; Czarnota, Krygier, Sadurski, 2005). In its basic constitutional act – the Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia (indent 2 of the preamble) – the newly established state already states that it was partly created because of the systematic violation of human rights and fundamental freedoms in former Yugoslavia. During the 20th century, the Slovenian society still suffered systematic violations of human rights and fundamental freedoms. It was the only European country to fall under the grip of all three totalitarian regimes – fascism, Nazism and communism. Before the adoption of the Slovenian Constitution in December 1991, the protection of human rights on Slovenian territory was not an automatically assumed value within that society. Therefore, the protection of human rights over the last thirty years should not be taken for granted, as it has demanded constant effort and still does. Furthermore, the former Yugoslav regime and the Slovenian state were not familiar with the principle of the rule of law, which limits the arbitrary power of elites. Slovenian society was part of the non-democratic and totalitarian Yugoslav regime, which systematically and generally violated human rights and fundamental freedoms between 1945 and 1990 (Šturm, 1998). During this period, national authorities in former Yugoslavia exploited the rule of law for the benefit of narrow elites linked to the communist party. National authorities systematically violated the human rights of ordinary people. Human rights violations ranged from arbitrary mass killings, torture and enslavement in concentration and labour camps to the denial of the right to a fair trial and the freedoms of religion, expression, association and assembly. The law only served as an instrument to justify the arbitrary authority of the totalitarian regime. In this respect, the Constitutional Court has stated in case no U-I-109/10 (Titova cesta) that »In Slovenia, where the development of democracy and a free society based on respect for human dignity began with a break with the previous regime, and where this break is

also clearly visible at the constitutional law level (first with the constitutional amendments to the Constitution of the Socialist Republic of Slovenia, followed by the adoption of the Basic Constitutional Charter and the Constitution as fundamental constitutional documents), the Government's glorification of the communist totalitarian regime by naming a road after the leader of that regime is unconstitutional. Such a new designation no longer has a place in today's time and space as it contradicts the principle of respect for human dignity, which is at the very heart of the constitutional order of the Republic of Slovenia« (paragraph 18 of the decision). The newly established Slovenian state has therefore broken free from the former non-democratic order, however, the patterns and practices of the old totalitarian regime have remained.

In its first years, the newly established Slovenian constitutional democracy adopted the Slovenian Constitution, which establishes the constitutional protection of human rights and fundamental freedoms in its first to third chapters. With the adoption of the Slovenian Constitution, the Slovenian state has at least formally broken with the arbitrary practices of the totalitarian regime and established modern constitutional judicial protection. In 1994 Slovenia became party to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), giving Slovenian citizens access to the European Court of Human Rights (ECtHR) as a regional court for the protection of human rights. The Constitution also established the rule of law, which limits abuses of state power by privileged elites. In the first and second decades of its existence, the Slovenian state created its formal and legal standards pertaining to a democratic state governed by the rule of law. It met all formal requirements of regional organisations such as the European Union and the Council of Europe in terms of formal and democratic standards. In the second decade following the ECtHR judgments, the Slovenian state also implemented a certain number of regulatory reforms in both the executive and legislative branches of government, while the judiciary has yet to internalise the values of the ECHR (Letnar Černič, 2018a; Letnar Černič, 2018b).

Over the past thirty years, the legislative branch of government has not been particularly successful, unless, of course, we count the fact that parliamentary democracy in Slovenia even exists. Due to the nature of the voting system, the majority of the Slovenian public does not even know most of the deputies in the National Assembly. As a result, political parties have been able to appear and disappear almost overnight. In the wider public administration, the Slovenian state has also established a number of national supervisory authorities, ranging

from the Commission for the Prevention of Corruption to the Ombudsman, which have had numerous difficulties in the last decade in enforcing the rule of law and avoiding both perceived and actual conflicts of interest. However, the executive and the legislative branches of government have succeeded in righting some of the wrongs by granting reparations and recognising victim status based on the Redressing of Injustices Act. The Slovenian judiciary was built on the ruins of the communist judiciary, which systematically violated the right to a fair, impartial and independent trial. After thirty years, even the mere existence of an autonomous and independent judicial branch of power seems an achievement. At the time of the creation of the Slovenian state, the majority of those working in the judiciary were people who had been judges under the previous regime. There was hardly any alternative, since if people from the former totalitarian regime were banned from holding office, Slovenia would not have had enough judges. As a result, certain arbitrary practices such as excessive formalism, positivism and an authoritarian mentality have persisted in the Slovenian judiciary. Nevertheless, the Supreme Court of the Republic of Slovenia has managed to overturn several thousand unfair judgments made by the communist courts based on requests for protection of legality.

The key achievements of the Slovenian society and state in the last thirty years therefore lie in its shift from a non-democratic to a democratic system based on constitutional democracy and the rule of law. During its first mandate, the Constitutional Court of the Republic of Slovenia played a leading role in the regulatory break with the previous legal order and the establishment of a fully-fledged constitutional democracy. All three branches of government have established modern standards pertaining to democracy and the rule of law over the last thirty years, but what has been lacking is the practical implementation. Much more could be achieved, but in the sociological context of the Slovenian society we should not be too critical of the achievements of the Slovenian state and its people. Slovenian constitutional democracy is, after all, an achievement of which many Slovenian generations have dreamt. Therefore, the next few decades will be crucial for reaching the goal of internalising the values of Slovenian constitutional democracy.

3 Systematic and general issues relating to the rule of law and the protection of human rights

In the past few decades, Slovenia has strived to establish institutions pertaining to a modern European constitutional democracy governed by the rule of law. It has partly succeeded in this endeavour, mainly from a regulatory perspective. However, since constitutional democracy has not yet become fully internalised by Slovenian society, arbitrary practices and abuses of the rule of law can be observed almost on a daily basis in recent decades. Since its inception, the Slovenian state has undergone constant crises of its constitutional democracy and the rule of law, where informal economic and political networks and organised crime groups exploit the public interest for their own private gain. These groups have often exploited ordinary people for their personal goals and utopian political agenda (Zyberi, Letnar Čerňič, 2015). In recent decades, the institutions of a democratic state governed by the rule of law have been in the grip of informal networks which, in the old days, used 'the old ways' to perpetuate those same old practices and promote their private interests. These practices constitute an arbitrary abuse of power contrary to constitutional principles and rules. In other words, constitutional institutions have been taken over by ruling elites and informal networks, sometimes linked to organised crime groups. The system of checks and balances within Slovenian constitutional democracy is still not working, as the boundaries between the executive and the judicial branch of government are blurred, and there are issues with the independence of the judiciary and its impartiality towards internal and external political influences. The Slovenian judiciary uses practices of excessive formalism and an authoritarian mentality from previous systems (Uzelac, 2010), which have greatly affected its ability to ensure the right to a fair, independent and impartial trial (Letnar Čerňič, 2018). For a decade, the judicial branch of government has been struggling to appoint judges on its own, even though the Constitution states that the legislative branch shall elect candidates for judicial posts. The Slovenian authorities are currently unable to fully guarantee independent, impartial and fair judicial proceedings. In addition, there has been strong resistance to the introduction of the liberal values that pertain to a modern constitutional democracy. People in the institutions of the Slovenian state have not yet internalised the values of the rule of law and constitutional democracy on which that state is based. Thirty years since their establishment, these institutions of the democratic and law-based Slovenian state, ranging from the Constitutional Court of the Republic of Slovenia to the Commission for the

Prevention of Corruption, find themselves under an avalanche of accusations regarding breaches of the prohibition of conflicts of interest.

The protection of human rights and fundamental freedoms is subject to similar issues as the rule of law. Various political parties, interest groups and civil society organisations use human rights as a weapon in ideological conflict (Letnar Černič, 2018c). Human Rights and Fundamental Freedoms are therefore protected unequally, selectively and arbitrarily. What one interest group considers a violation of human rights and fundamental freedoms another group may not consider as such. Human rights protection in Slovenian society is therefore light years away from genuine and equal protection of human rights, which does not treat victims according to their ideological affiliation. The current state of the rule of law and the protection of human rights in the Slovenian society is far from ideal (Letnar Černič, Avbelj, Novak, Valentinčič, 2018). Over the last thirty years, the legal order has to a large extent replicated the regulatory standards of a modern European constitutional democracy. However, those legal standards have not yet been internalised in practice. The elites persisting in the institutions of the democratic, law-based Slovenian state are only preserving their own interests, while the concept of Slovenian constitutional democracy is all Greek to them. Reforming the rule of law and constitutional democracy must therefore focus more on their rigorous and conscientious application within the institutions of the Slovenian democratic state governed by the rule of law, as well as elsewhere in society. It should be stressed how important this issue is, as the future of the Slovenian nation depends on it.

4 The rule of law and the protection of human rights: the way forward

In this section, we give some suggestions on how to internalise the values of constitutional democracy and the rule of law within the institutions of the Slovenian state. It is difficult to predict when these national institutions will be able to break the vicious circle of controlling institutional and public life, which is hindering them from accelerating the process of reforming democratic institutions and achieving social and economic development. Ensuring the independence and impartiality of the judiciary, as well as good governance in all three branches of government, requires improvements in the quality of work, fairness and transparency of the institutions of constitutional democracy, which is made up of people living in the Slovenian society. Perhaps the answer lies in reforming

the social foundations, because a reforming mentality cannot succeed without reforming the social and economic environment, and vice versa. The effectiveness of reforms depends on the ability to change the legal culture, the mentality of the people and their mutual relationships. Social mentality can especially be transformed at a young age, when people are still forming as rational and reflective individuals. Education is a primary tool to provide ways to effectively reform constitutional democracy from within, but such a process often takes a longer period of time without guaranteeing a stable outcome, and depends on social and economic processes. The definitive reforms that urgently need to be implemented can be divided into institutional, social and legal reforms.

4.1 Institutional reforms

4.1.1 Implementing the principle of the separation of powers

The separation of powers is a key principle of European constitutional democracy, governed by the rule of law. It enables national authorities to control and check each other and to limit the power of the institutional elites occupying public office. The boundaries between the different branches of government are often blurred in the Slovenian constitutional order, which can be explained by a lack of respect for the rule of law and by power struggles between institutional and informal elites. The Slovenian state must therefore ensure an effective separation of powers between the different branches of government. In recent decades, the Slovenian state has faced several challenges related to the rule of law and constitutional democracy, one of the most important being the right to a fair, independent and impartial trial. All aspects of the right to a fair, independent and impartial trial are in need of improvement. The judicial branch of government must act without any actual or perceived conflict of interest that could cast doubt on the merits, transparency and fairness of a trial. Many of these values and principles depend on people who are too conditioned by old practices in some Slovenian institutions.

Effective and strong supervisory authorities need to be set up to monitor the application of the rule of law in practice on a daily basis, in the judicial as well as in the legislative and judicial branches of government. These could be made up of verified internal or external professionals, respected foreign experts. Monitoring is already partly carried out by regional and international

organisations, such as the European Union or the Council of Europe, which already partly monitor the implementation of the rule of law.

4.1.2 Ensuring the functioning of independent and pluralistic media as a fourth branch of government

Freedom of the press is at the heart of any democratic state governed by the rule of law. The right to freedom of expression enables the exchange of different views and opinions, which are a prerequisite for the development of a free and pluralistic society. States have positive obligations to ensure the functioning of a pluralistic media environment, which has been an essential precondition for the implementation of the rule of law and constitutional democracy in established and mature democracies. The right to freedom of expression of the press is therefore particularly protected in relation to the institutions in all three branches of government and the individuals holding public office. Without pluralistic and investigative media, it is difficult to imagine the press being able to play its role of submitting the three main powers of government to public scrutiny, avoiding arbitrary use of power contrary to the principles set out by rules and legislation. Therefore, the press must be allowed to effectively scrutinise all the institutions of a democratic state governed by the rule of law.

4.1.3 Addressing the most severe violations of human rights

National authorities must address all violations of human rights and fundamental freedoms, not just those that are close to their worldview, and ensure that the judgments of the European Court of Human Rights are consistently respected and implemented in the Slovenian legal order. Moreover, the rhetoric on the rule of law and the protection of human rights has to be replaced by their implementation in practice. By taking responsibility for the misapplication of the rule of law, the public sphere can become more mature and socially responsible. Social responsibility is not only about basic compliance with regulatory obligations in all areas, but also about acting in the common interest for the benefit of the wider community, while respecting and upholding the rule of law. A major part of social responsibility is therefore to do more than fulfil constitutional and other obligations. Social responsibility also includes the responsibility of all actors to finally accept responsibility for the current situation and to offer suggestions to improve the application of the rule of law in practice.

4.2 Social, legal and practical reforms

The rule of law and the protection of human rights in the Slovenian legal order must become more effective and not only pursue private interests, often of a financial nature. In order to improve the functioning of the rule of law, at least the following reforms must be implemented:

4.2.1 Equal, efficient and responsible implementation of the rule of law and internalisation of the fundamental values of constitutional democracy

People should internalise the basic and fundamental principles required for the functioning of constitutional law, democracy and the protection of human rights and fundamental freedoms. Realising and implementing fundamental constitutional principles mainly depends on the people who apply them on a daily basis. Slovenian constitutional democracy only has a future if the constitutional principles of the separation of powers, the rule of law, democracy and free democratic society are applied consistently in all areas of everyday life.

4.2.2 Integrating topics on the rule of law into the educational system

The values of constitutional democracy and the rule of law should be considered at all levels of education. This will enable younger generations to learn and eventually internalise the values of the rule of law and constitutional democracy. Access to education should also be enabled to disadvantaged social groups and poorer members of the population, who constitute an important part of society as a whole, as this would ensure the conditions for equal competition and equal opportunities to succeed for all. By integrating the topic of the rule of law into education programmes, the state will be able to prevent arbitrary practices that can be observed at all levels of the Slovenian democratic state governed by the rule of law.

5 Conclusion

Implementing the rule of law and full protection of human rights in Slovenia are an unfinished story. During the first decades one could in no way take for granted the rule of law and respect for human dignity within Slovenian society, as it had to break free from its former arbitrary practices. After thirty years,

there should be no more excuses. The survival of the Slovenian constitutional democracy, the rule of law and, ultimately, the Slovenian nation depends above all on its people and their level of commitment to a better life in Slovenian society. It is high time for the Cinderella in the form of Slovenia to find her glass slippers, become an empowered state and start living as a mature constitutional democracy.

Literature:

Avbelj, Matej, Letnar Čerňič, Jernej, Justinek, Gorazd, 2020. The impact of European Institutions on the Rule of Law and Democracy in Slovenia. Oxford: Hart.

Blokker, Paul, 2012. New democracies in crisis: a comparative constitutional study of the Czech Republic, Hungary, Poland, Romania and Slovakia. New York: Routledge.

Czarnota, Adam, Krygier, Martin, Sadurski, Wojciech, 2005. Introduction. In: Czarnota, Adam, Krygier, Martin, Sadurski, Wojciech (eds.) Rethinking the rule of law after communism. Budapest: Central European University Press.

Letnar Čerňič, Jernej; Avbelj, Matej, 2018. Introduction to the Special Issue on the Crisis of Constitutional Democracy in Central and Eastern Europe. Hague journal on the rule of law. 10 (1), 1–3.

Letnar Čerňič, Jernej, 2018. Impact of the European Court of Human Rights on the Rule of Law in Central and Eastern Europe. Hague journal on the rule of law. 10 (1), 111–137. (Letnar Čerňič, 2018a)

Letnar Čerňič, Jernej, 2018. The European Court of Human Rights in the States of the Former Yugoslavia. East European Yearbook on Human Rights. 1 (1), 32–54. (Letnar Čerňič, 2018b)

Letnar Čerňič, Jernej, 2018. Slovenija na razpotju: geneza varstva človekovih pravic v slovenski družbi. Kranj: New University, Faculty of Government and European Studies. (Letnar Čerňič, 2018c)

Uzelac, Alan, 2010. Survival of the Third Legal Tradition? Supreme Court Law Review. 49 (2), 377–396.

Letnar Čerňič, Jernej, Avbelj, Matej, Novak, Marko, Valentinčič, Dejan, 2018. Reforma demokratične in pravne države v Sloveniji (The Reform of Democracy and the Rule of Law in Slovenia). 1st edition. Kranj: New University, Faculty of Government and European Studies.

Constitutional Court of the Republic of Slovenia, U-I-109/10, 26. 9. 2011.

Šturm, Lovro, 1998. O kraterju človekovih pravic in temeljnih svoboščin v Sloveniji v obdobju 1945-1950. In: Drago Jančar (ed.) Temna stran meseca: kratka zgodovina totalitarizma v Sloveniji 1945-1990 (The dark side of the moon, A short history of totalitarianism in Slovenia 1945-1990). Ljubljana: Nova revija, pp. 65-112.

Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 1/91-I and 19/91 – corr.).

Zobec, Jan, Letnar Čerňič, Jernej, 2015. *The remains of the authoritarian mentality within the Slovene judiciary*. In: Michal Bobek (ed.). *Central European judges under the European influence: the transformative power of the EU revisited*. (EU law in the member states, vol. 2). Oxford, Portland: Hart, pp. 125–148.

Zyberi, Gentian, Letnar Čerňič, Jernej, 2015. *Transitional justice processes and reconciliation in the former Yugoslavia: challenges and prospects*. *Nordic journal of human rights*. 33 (2), 132-157.

RADO PEZDIR
University of Primorska
International School for Social and Business Studies
Faculty of Information Studies of Novo mesto

The paradox of gradualism: from the most developed to the least stable

In the light of new discoveries, this contribution summarises the view of some key topics that came to the fore at the zero point of transition. It looks at the issue of the speed of the reforms (big bang vs. gradualism), the method of privatisation and the structuring of the banking market. The contribution offers new findings for interpreting the context of the banking and public finance crisis over the 2009-2012 period. Special emphasis is placed on the interaction between the political and the economic market during the restructuring of the economic and political system.

1 Introduction

Today, there is a consensus that Slovenia is one of the most successful transition countries in Central and Eastern Europe. This consensus is based on a wide range of economic and other indicators, regardless of the starting positions. As a result, the Slovene reform approach has become exemplary. Nevertheless, the banking, financial and fiscal crises between 2009 and 2012, which were deeper and longer than in other transition countries, showed that we had overlooked some inherent instabilities when choosing to reform at the zero point of transition. These crises subsequently ranked the Slovenian economy alongside the most risky countries during the Greek crisis in terms of risk ratings. All this requires reconsideration of Slovenia's choice of transition path, especially in terms of reopening the debate on the method and speed of reforming Slovenia's

economy (big bang vs. gradualism) and the development of the banking market in the context of the country's monetary policy.

The trigger for a new consideration comes not only from the paradox of the most successful transition country turning out to be by far the most unstable during the 2009-2012 crisis, but also from an awareness resulting from two key events. First, the opening up of documents held by the Archives of the Republic of Slovenia, which facilitated institutional transition, and second, the rehabilitation of the Slovenian banking system in 2014, which made it possible to reconstruct how monetary policy was conducted within the banking market.

2 Pre-transitional period

The documents held by the Archives of the Republic of Slovenia (ARS 1931) indicate the need for a new understanding of the beginnings of the Slovenian transition. They show that before the change of political-economic system, mechanisms had already been put in place that gave priority to informal groups that had been formed towards the end of the socialist self-government period. Pezdir (2021) points to the following circumstances that defined the zero point of transition:

1. There were unregulated companies, which, despite their status, were placed in the institutional framework of socialist self-government.
2. These companies obtained loans from a monopolistic bank and never repaid them. However, these loans were redirected to companies in Switzerland, Liechtenstein and Luxembourg and were returned to Slovenia at the beginning of the transition, i.e. when property rights began to be defined, and were directed to various industries.

One such example was the unregulated company ADIT (ARS 1931, 2661), which operated under the patronage of the Executive Council of the Socialist Republic of Slovenia (the then Slovenian government), which received a loan from Ljubljanska banka under an institutional arrangement (SDK 1993 and SRS 1989). This loan was transferred by the company through companies established in Trieste to Luxembourg, where a company called Proteus was established. These funds were then used to establish the Swiss bank Proteus Finanz, which was recapitalised by Ljubljanska banka in 1990. This is how a bank was created in Switzerland, which, during the rehabilitation of the Slovenian banking sector, financed both the return of capital (transformed from Ljubljanska banka's loans) into the Slovenian economy and the financing of a set of companies, the

common feature of which was that their owner (the state) were spared them from privatisation for a very long time (Pezdir 2021, 330). It should be added that all these transfers were later defined as non-performing loans and were included in the first rehabilitation of Slovenian banks.

The Slovenian transition should not, therefore, be understood as a spontaneous process of changing the economic and political system, but rather, to a large extent, as a process of gradual and controlled transition from one point of stability to another, both points of stability defining the interests of informal groups formed in a cross-sectional set between monopolistic politics and the economy.

3 Zero point of privatisation

The zero point of privatisation was not defined only by the covert capital outflow and its return upon transition by a cross-sectional set bringing together elements from monopolistic politics and interest groups in socialist enterprises, since the outflow and return of capital also occurred at the micro level. The Archives of the Republic of Slovenia hold the records of the Agency of the Republic of Slovenia for Auditing the Ownership Transformation of Companies 1993-2003. These archives show that by setting up shell companies abroad, some managers of socialist companies withdrew their capital, which later enabled them to either take over majority ownership of the companies or to cherry pick their most profitable operations. Two cases have been subject to particular scrutiny in terms of a detailed identification of the mechanisms involved. The first example is Smelt (ARS 316, 775), which set up a joint venture in Switzerland in 1989 and started transferring its operations there, until the Smelt social enterprise was reduced to a shell, which underwent the privatisation process devoid of any business content. It is therefore a mechanism for depriving a company of any business or operational content, so its privatisation was without any real business purpose. The second example is Hidria Holding (ARS 316, 139). The managerial structures of this socialist company registered a branch in Germany during Slovenia's war of independence. This German branch, which had a disguised ownership structure, took over the supply operations of the Slovenian company and in this way obtained the capital to finance its further business moves and procedures in the privatisation process.

All this clearly points to the fact that the beginning of the transition was in many circumstances significantly better defined than has been assumed to date.

In this context, we should reconsider why the concept of a gradual transition became established and how, given the given circumstances, it enabled further development of Slovenia's economy.

4 Re-examining the debate big bang vs. gradualism

Wyplosz (1999) summed up the main features of both approaches to the speed of reforms in transition countries. His arguments for a rapid reform or big bang approach were as follows: the difficulty of defining the step-by-step economic policy measures that would be required by gradual reform, the possibility of delaying reforms and the transition to anomalies, and Balcerowicz's window of opportunity that could be closed over the extended period of time that gradualism required. On the other hand, Wyplosz mentions among the key advantages of a gradual, i.e. slower approach the issue of building an institutional framework of a longer-term nature, the higher costs of rapid reform reflected in the labour market, labour market rigidity at the time of reform (labour market cannot adapt to the speed of the reform), and the impact on public finances due to wage pressures and the unpredictable and major changes in relative prices that could accompany a rapid reform. According to Wyplosz, there are four stylised facts related to the speed of reform (Wyplosz 1999, 27): i) the big bang approach is more appropriate, while the gradual approach is more effective if the period between individual reform stages is shorter; ii) macroeconomic stabilisation should be implemented first, and only then should instruments be used to increase economic growth; iii) measures should be implemented at microeconomic level as soon as possible (establishing property rights, enforcing tight budgetary constraints, forming a sound banking market and ensuring competitive markets); iv) issues of monetary policy reforms in creating a sound banking market are irrelevant; and v) reversals in economic policy are smaller if reforms are carried out in an irreversible way. Fischer and Sahay (2000) are among those who have demonstrated that privatisation and establishing property rights are the key elements of reform. Most authors classify Slovenia as having applied a gradualistic reform approach, which is also the consensus among Slovenian economists (Šušteršič 2000 or Šušteršič et. a 2004).

So far, some research has been identified the reasons a gradualistic reform approach was selected for the Slovenian transition, where Šušteršič showed in detail that this decision was related to the process of endogenous transition (Šušteršič 2009), i.e. the economic reform initiated before the formal

transition to a market economy system (Markovic's reforms). Similarly, Golob and Makarovič (2017) define the start point of transition as the break with a monopolistic political system, which, after all, is the moment of initiating the endogenous transition process. The impact on the course of the transition and indirectly on the speed of the reform was also defined from the point of view of authors whose analysis used an institutional economics approach. Legner (2008) put forward the thesis, which is very credible in terms of the current knowledge about the transition, that the informal rules that had been set in socialism and applied as the transition began co-shaped institution building and consequently defined the paths of reform.

The authors (Šušteršič et al, 2008 and Pezdir 2008) show that the gradualistic approach chosen by Slovenia was ineffective since it led to restrictions on competition, shallow financial markets and shortcomings in the creation of stable foundations for economic growth. It should be added that the form of privatisation additionally defined the development of Slovenia's economy, as property rights have long been defined by the role of politics, through what became known as the parastate funds and their relations with authorised investment companies. In other words, property rights were not allocated by the market mechanism almost until the outbreak of the crisis of 2009, since this process was defined by political interventions in the form of governments acting via the management bodies of these parastate funds.

The recently discovered document »Operation Merkur« (Kavčič 1992) by the advisor to the Management Board of Ljubljanska banka, Niko Kavčič, is important in terms of Legner's assumptions about the importance of informal groups for the effectiveness of the transition. The document describes how an informal network decisively influenced the selection of the president of the management board of Slovenia's most powerful Slovenian bank. Although the members of this informal group held key positions in the institutional environment, they did not actually have the authority to carry out the formal changes they implemented. It should also be added that it was precisely these persons from the informal circle described in the Kavčič document who established the aforementioned parallel mechanism (SZDL 1974).

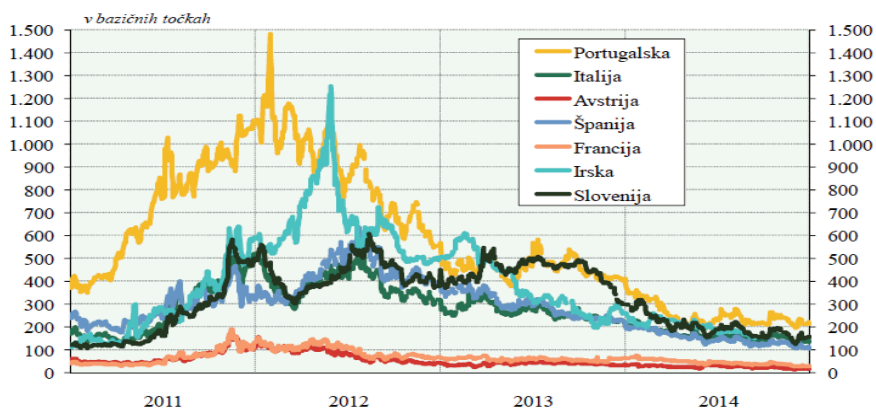
Given the disclosure that the market mechanism was triggered in circumstances in which property rights were still undefined, the banking and financial markets undergoing rehabilitation and unable to provide funding since part of the capital, mainly in the form of bank loans, had been moved abroad, it

is obvious that there was an additional motive for choosing the gradualistic approach. Slow privatisation, restricting the inflow of foreign direct investment into the Slovenian economy and maintaining a monopolistic structure of markets were in fact only possible if a gradualist approach was taken, and at the same time those are the elements that determined the development of Slovenian institutions.

5 Banking and financial crisis 2009–2012 or the disclosure of the effectiveness of Slovenia’s transition

The figure below shows the sharp increase in the risk to which the Slovenian economy was exposed during the banking and financial crisis. The sharp increase in mark-ups on long-term Slovenian bonds over the reference Slovenian bonds reveals that economic foundations created during Slovenia’s transition made the country’s economy extremely vulnerable to external shocks. The pertinent question that naturally arises is what was discovered during this crisis about how Slovenian economic policy works.

Figure 1: Mark-ups on long-term Slovenian bonds over the reference Slovenian bonds

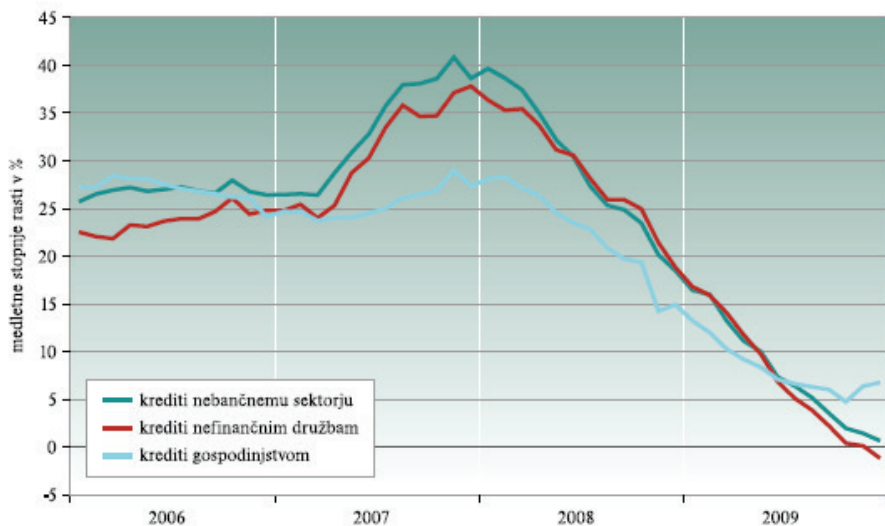


Source: Annual Report of the Bank of Slovenia, 2014.

According to Bank of Slovenia data, it can be argued that a banking bubble was created in Slovenia, which began to develop with its entry into the ERM 2 mechanism, i.e. when cheap loans were provided to Slovenian banks on the

interbank market. The figure below shows lending to the non-banking sector and shows a movement over time that is characteristic of the behaviour of »bubbles«. Since two banks were directly or indirectly majority state-owned, the figure below should be understood primarily as disclosing the activity of state-owned banks. Until the second rehabilitation of Slovenian banks, banking was considered a key sector in which the state should maintain a majority interest at all times.

Figure 2: Lending to the non-banking sector



Source: Annual Report of the Bank of Slovenia, 2009.

However, this is only one part of the story, as cheap access to the interbank market and consequently extremely cheap loans (low interest rates) that lasted until the great financial crisis which began in 2007 is something that sheds light on the supply side. On the other side of the story are the borrowers of these loans. They can be divided into three major groups: i) the construction sector, which, after the completion of the state-funded motorway network, sought opportunities for new profitable investments and created a real estate bubble based on bank loans; ii) management buyouts of companies in the last stage of privatisation, which was possible in coordination with policymakers who, acting via the management bodies of the parastate funds, made decisions on

changes in ownership structure (e.g. Pivovarna Laško, Merkur, Mercator); and iii) loan financing of holding companies that evolved from privatisation funds or authorised investment companies (Aktiva, Zvon 1 and Zvon 2, Pomhold).

A more detailed analysis of the reasons behind the second rehabilitation of Slovenian banks showed that the primarily parastate-controlled banks were almost completely outside the domain of the regulator, i.e. the Bank of Slovenia, and that loans were granted despite inadequate collateral, non-repayment of old loans, or even despite clear commercial fraud and excessive risks.

All these cases showed that the state played a key role, either through initial circumstances by which it defined the rules of the market game at the beginning of the transition (lack of competition, distribution of property rights through political interventions, banking market interventions through state ownership of banks and foreign direct investment as an instrument of ensuring equity in financially shallow market structures) or by maintaining rigid and inefficient regulators (primarily the Bank of Slovenia), and finally by playing a market game with players who had entered the transition process with the advantage of having identified the mechanism of capital withdrawal.

6 Conclusion

This contribution identifies the circumstances that actually led the Slovenian political system to choose a gradualistic approach to reforming the economy. It also shows that the Slovenian transition had to be gradual, as the ownership and business interests of informal groups, which were formed in the period before the start of the transition, were already defined at its point zero. This reform method created institutions that were inherently unstable and proved to be generators of bubbles and finally of an economic implosion caused by the financial crisis that occurred in the period between 2009 and 2012. At the thirtieth anniversary of Slovenia's independence and the creation of a different economic system, a new view of the Slovenian transition has been formed, since the opening up of the Archives of the Republic of Slovenia and the disclosure of systemic anomalies during the second rehabilitation of the banking system have provided a new interpretation, based on the availability of a much wider range of information than ever before.

7 A look ahead into the future

The thirty-year development of Slovenia's economy has shown that institutions do not act to support the market game, but rather direct it so that political interventions can determine the development of events. The banking and financial crisis reduced the intensity of interventions and, consequently, their impact on the development of this market game, but the institutions remained inherently unstable. As a result, there is a possibility of new aberrations and new informal networks being formed. If we want to create an efficient market mechanism in Slovenia, the major task in managing the country in the coming years will entail creating a regulatory framework that is not simply serving its own purposes and that will not allow networks to be formed and go on to operate illegally. In this context, there is a need to consider how sectoral regulators should function, as well as ensuring the correct functioning of the police, the prosecution service and the judiciary.

Literature:

Archives of the Republic of Slovenia. ARS 1931 – Republic Secretariat For Internal Affairs. Technical Unit 2661.

Archives of the Republic of Slovenia. ARS 316 – Agency of the Republic of Slovenia for the Auditing of Ownership Transformation of Companies 993 – 2003. Technical Unit 775. Smelt Intag TC and Smelt International.

Archives of the Republic of Slovenia. ARS 316 – Agency of the Republic of Slovenia for the Auditing of Ownership Transformation of Companies 1993-2003. ARS 316. Technical Unit 139. Hidria Holding.

Bank of Slovenia. 2009. Annual Report of the Bank of Slovenia, 2009.

Bank of Slovenia. 2014. Annual Report of the Bank of Slovenia, 2014.

Fischer, Stanley and Sahay, Ratna, 2000. The transition economies after ten years. NBER Working paper series 7664. Cambridge Massachusetts: National Bureau of Economic Research.

Golob, Tea and Makarovič, Matej, 2017. Self – organisation and development: A comparative approach to post – communist transformations from the perspective of social system theory. Europa – Asia Studies 69/10. 1499 – 1525.

Kavčič, Niko, 1992. Operation »Merkur« Ljubljana. Niko Kavčič's personal archive.

Lenger, Alexander, 2008. Big – bang versus Gradualism? Towards a framework for understanding institutional change in Central and Eastern Europe. Presented at Ökonomik,

Pezdir, Rado, 2008. Slovenian Transition from Kardelj to fat cats. Finance.

Pezdir, Rado, 2021. *Vzporedni mehanizem globoke države (The parallel mechanism of the deep state)* Podjetniška analitika Rado Pezdir s.p.

Politische Ökonomie und Psychologie staatlicher Reformen in Europa, Albert-Ludwigs-Universität Freiburg 10 and 11 April 2018.

National Assembly of the Socialist Republic of Slovenia, 1989. Executive order of the National Assembly of the Socialist Republic of Slovenia: Report on the implementation of decisions and positions. Ljubljana: National Assembly of the Socialist Republic of Slovenia.

Public Accounting Service of the Republic of Slovenia, 1993. Record of the inspection of financial and materials management in the period 1989-1993 in ADIT company. Ref. No: 93094, 4 June 1993. Ljubljana: Public Accounting Service of the Republic of Slovenia.

SZDL (Socialist Union of the Working People). 1974 Adit. Minutes of the meeting held on 26 February 1974: Materials for internal circulation.

Šušteršič, Janez, Rojec Matija, Vasle Boštjan, Bednaš Marijana and Jurančič, Slavica, 2004. *The rise and decline of gradualism in Slovenia. Post-communist economies, Year 16, No. 4 (December 2004).* 459–482.

Šušteršič, Janez, 2000. From the socialist cycle to the endogenous transition. Economic and business review for Central and South-Eastern Europe. 2000/1. 29 – 59.

Šušteršič, Janez, 2009. *Endogenous gradualism and the Slovenian puzzle.* *China Economic Review* 20. 265 – 274.

Wyplosz, Charles, 1999. *Ten years of transformation: Macroeconomic lessons.* Presented at the Annual World Bank Conference on Development Economics, Washington, D.C. 28 – 30 April 1999.

BORUT RONČEVIĆ

School of Advanced Social Studies in Nova Gorica

MATEVŽ TOMŠIČ

School of Advanced Social Studies in Nova Gorica

Whose »watchdogs«? A lack of pluralism as the main feature of the Slovenian media space

The media have an indirect but very significant influence on the course and results of the political process. In this context, they act as an element of the political space. This paper deals with the state of media pluralism in Slovenia and in doing so, considers its weak plurality as the key feature and the main weakness of the Slovenian media space. Contrary to the frequent claims that the current government, in particular its prime minister, is subjugating the media and thus restricting their freedom, the paper demonstrates, on the basis of current empirical evidence, that the political bloc that does not currently form the government but was in power for most of the transition period is the one that enjoys the support of the majority of mainstream media.

1 Introduction

Communication in modern society without the media is unimaginable. Hence the numerous debates and controversies about their place in the social structure and the role they play in this context. This refers to functions such as informing the public, i.e. reporting on events, as well as other more trivial ones, such as entertainment and similar. Their importance is also highlighted in terms of political life. It can be said that media institutions – newspapers, radio and television broadcasters, and web portals – have an indirect but very significant influence on the course and results of the political process, thus acting as an element of the political space. In this context, the media are often

referred to as the fourth branch of power. Of course, in this case it is not a matter of authority in terms of formal powers (as held by the executive, legislative and judicial branches), but of the influence that the media have in providing citizens with information on the state of politics, the economy and other domestic and international matters. In this regard, their function is often referred to in terms of overseeing those in power, as is implied by the phrase »watchdogs of democracy«. However, the media, on the other hand, can also be instrumentalised for various specific interests. It is usually done by those who have power and influence in society.

This paper presents the key features of the media space in post-communist Slovenia. It focuses in particular on the state of media pluralism. In doing so, it considers weak plurality as the key feature and the main weakness of the Slovenian media space. Contrary to the frequent claims that the current government, in particular its prime minister, is subjugating the media and thus restricting their freedom, the paper demonstrates, on the basis of current empirical evidence, that the political bloc that does not currently form the government but was in power for most of the transition period is the one that enjoys the support of the majority of mainstream media.

2 Media as an instrument of ideological indoctrination in the former regime

It is a fact that, in non-democratic regimes of all kinds and ideological colours, the media are subordinate to the ruling elite whom that they serve as a means of maintaining its power. The greater the control of society by this ruling elite, the more the media are engaged in driving the power of the regime. Their main function is to propagate the regime and its ideology, with the aim of indoctrinating citizens and mobilising them to support those in power.

This was the role of the media in communist regimes. They were part of what Louis Althusser (2006) called the »ideological state apparatus«. This was, of course, also true of the Slovenian media during communist Yugoslavia. They were always subordinated to the directives of the state-party nomenclature (Nežmah, 2012). All media outlets were state-owned, i.e. in the so-called social ownership. Journalists and other media authors were considered »socio-political workers« (Tomšič, 2020). This means that in their work they had to follow the official ideology of the so-called socialist self-management doctrine with all its dogmas (such as the one on the »brotherhood and unity«

of the Yugoslav nations). In this sense, it was a marked regression compared to the times of the first Yugoslavia, when the media landscape was strongly polarised to the Catholic and liberal segments and the majority of the media were highly politically defined and biased in their approach to political and social developments, but nevertheless the media space was undoubtedly quite plural. This pluralism was completely eliminated by the establishment of the communist regime.

The key criterion in appointing individuals to central positions in media outlets was their »moral-political suitability«, i.e. their loyalty to the Communist Party (later the League of Communists) and its doctrine. The positions of directors and editors at the Radio and Television Ljubljana (RTV Ljubljana, the forerunner of RTV Slovenia) and the main newspapers were occupied exclusively by loyal party staff. The vast majority of journalists agreed to this social and political role. The few who acted in a non-conformist or even regime-critical manner were removed from journalistic ranks, and some were even sentenced to imprisonment, as was the case with Viktor Blažič or Drago Jančar.

It is true that in the last period of the former regime (i.e. in the 1980s), when it gradually softened, a niche emerged for non-conformist action also in the media field. In particular, the so-called »youth« media, primarily *Mladina* (which was officially the newsletter of the Association of Socialist Youth of Slovenia), as well as the student newspapers *Tribuna* and *Katedra* among printed media, and *Radio Študent* among electronic media, brought into the public space topics that were undesired by the regime structures, as well as contributions that critically reflected the state of society at the time, and whose critical edge was, among other things, directed at the then »untouchable« institutions such as the Yugoslav Army. These media, along with some cultural magazines, *Nova revija* in particular, played a very important role in the democratisation processes. However, these were the few exceptions. The so-called mainstream media, both printed and electronic, consistently served to support the ruling nomenclature, which — at least outwardly — was eventually reformed, albeit under a great pressure exercised by the general dissatisfaction of the people with the situation in the country.

3 The character of the media space in independent Slovenia

The transition to democracy led to the establishment of institutional conditions required for the development of a free, open and diverse media space

(Avbelj and Letnar-Čeranič, 2020). However, the principles that applied in the former communist regime were maintained in the major part of the Slovenian media space including after the formal transition to democracy (Tomšič, 2020). Accordingly, we can talk about a high level of media reproduction. The media which had already existed in the former regime largely managed to keep themselves on the scene. At least in certain segments, the changes that were made after 1990 were relatively small. This is especially true when it comes to the printed media. Not a single serious general daily newspaper managed to establish itself in the post-independence period. Let us recall the experiments with *Slovenec*, *Republika* and the short-term episode with *Jutranjik*. Only two tabloids, the older *Slovenske novice* and the more recent *Svet 24*, and the specialised business newspaper *Finance* managed to survive until today. Editors and journalists who performed this work in the former regime largely maintained their positions in the »new times« as well.

However, certain media did maintain some kind of internal pluralism at certain times. This was the case, for example, with the former central daily newspaper *Delo* in the first half of the 1990s until the departure of a group of journalists led by Danilo Slivnik, and then again in the middle of the next decade, when Slivnik became president of the editorial board and Peter Jančič became editor-in-chief. With the newspaper *Večer*, the situation was similar. But eventually, both newspapers were taken over by the so-called »old forces«.

If we had to point out the main characteristic of the media space in post-communist Slovenia, it would be poorly developed pluralism. There is a strong imbalance, because most media more or less favour the part of Slovenian politics which is labelled as left-wing. This is also evident from all the studies on media pluralism carried out to date (see more on this below). Furthermore, the media content mainly reflects values and attitudes that in terms of ideology can be described as left-oriented. This, of course, refers to the definition of »left« and »right« in the Slovenian context, which is in certain aspects inconsistent with what these two categories represent in established democracies (thus, in comparison to the situation in the West, in Slovenia the left has much more financial resources at its disposal than the right).

In post-communist Slovenia we can speak about the existence of a cultural hegemony of the leftist camp. It refers to the hegemony as it was defined by Antonio Gramsci in the sense of ideological domination by way of which a governing power wins consent to its rule from those it subjugates. This is being

carried out through symbolic systems which have a long-term impact on the way how individuals experience certain events, i.e. by developing cognitive-affective structures through which individuals perceive and evaluate the social reality. In this way, a situation is created where certain ideas and values are given the status of being natural or even taken for granted and are therefore even accepted by those to whom they do not bring any benefits. The final purpose of hegemony is to preserve the status quo and thereby the privileges of the ruling elite.

In our case, hegemony of the left means that values, ideas and solutions proclaimed by its protagonists receive much more public attention and support of opinion leaders and thus carry more weight with the public than those advocated by their opponents on the right. The former are presented as something normal or even generally acceptable, while the latter as something unusual, problematic or even directly undesirable.

The mass media the majority of which, as already stated before, more or less openly favour the left, have greatly contributed to this state of affairs. The media significantly shape citizens' perception of the social and political reality and along with it their evaluation of political and other social actors. Lack of media pluralism can thus lead to a distorted and biased public perception. And this is exactly what we are witnessing in Slovenia. Through their opinion leaders, the media systematically promote everything that belongs to the ideological repertoire of the left and stigmatise everything that is considered right-wing.

Let us only mention two illustrative cases – the attitude towards same-sex partnerships and the migration issue. In the case of same-sex partnerships the question of same-sex couples adopting a child is particularly controversial. The mainstream media keep explaining that adoption is their inalienable right and should therefore be enacted. Those who oppose this option, are labelled as reactionaries, homophobes or even worse. This is an obvious ideological bias that ignores the fact that in the EU Member States (if we only refer to this framework) this issue is regulated in various ways, as it is a matter of the decision of each individual national state. A similar ideological bias in the mainstream media is evident in their coverage of migrations, in particular those from Muslim-majority countries. In this regard, the media persistently propagate the multicultural agenda according to which Slovenia and the entire Western world should implement an open-border policy, which in practice means unrestricted immigration of people from third-world countries. Again, those who oppose this are subject to disqualification and are labelled as intolerant,

xenophobes, Islamophobes or even racists. In their cultural relativism, multiculturalists and the media who favour them keep denying the possibility that people from certain cultural backgrounds cherish values and practice habits that are simply incompatible with the standards of Western societies. This applies in particular to people from the Muslim world. This incompatibility may give rise to misunderstandings, conflicts or even violence. But, as a rule, the dominant media ignore security risks. They, for example, failed to accept those who warned about these risks during the great migrant wave in 2015 by giving them the above-mentioned labels, even though it eventually turned out they were right, as the massive influx of Muslim migrants was followed by an upsurge in violence and terrorism.

Mass media systematically advocate a left-wing political agenda, even if the latter is against the will of the majority of citizens, which is the case in the two examples stated above. The possibility of child adoption by same-sex couples was rejected in two referendums (on the Family Code and the Marriage and Family Relations Act). The fact that most people object to more mass migration from third-world countries, especially from Muslim countries, has been proven by almost all public opinion polls carried out to date. This indicates a clear tendency towards social engineering, which means the deliberate transformation of people's mentality to suit the agendas of certain political circles.

4 Studies on media pluralism in in Slovenia

So far, only a few studies have been conducted on media pluralism in Slovenia. The first major study on the media space in terms of its plurality and the prevailing patterns of values and political alliances was carried out by a group of researchers from the Institute for the Revitalisation of Civil Society the findings of which were published in 2002 in the journal *Dignitas* as a special thematic issue (No. 13/14) under the title *Medijska konstrukcija realnosti (A Media Construction of Reality)* (Aplenc and Jerovšek, 2002). A more systematic and methodologically comprehensive study of media pluralism was carried out for the needs of the Ministry of Culture in 2006 by researchers from the Institute for Developmental and Strategic Analysis entitled *Stanje medijskega pluralizma v Sloveniji (The State of Media Pluralism in Slovenia)* (Adam et al., 2006). In 2007 and 2008 two studies were carried out by researchers from the School of Advanced Social Studies, which also included an analysis of the plurality of media space. These were *Študija medijske svobode in avtonomije medijskega*

prostora v Republiki Sloveniji (A Study of Media Freedom and Autonomy of the Media Space in the Republic of Slovenia) in 2007 and *Svoboda medijev v Sloveniji (Media Freedom in Slovenia)* in 2008, both of which included an analysis of comments in the main Slovenian printed media. The first study was the basis for a book entitled *Slovenski mediji v družbi in slovenska družba v medijih (Slovenian Media in Society and Slovenian Society in the Media)* (Makarovič et al., 2008). There are also some studies that have addressed the issue of media ownership and its impact on the plurality of media space, highlighting the problem of media concentration (Bašič Hrvatini and Kučič, 2005; Bašič Hrvatini and Petkovič, 2007).

All these studies on media pluralism have shown that despite the differences in the reporting of different media outlets there is a clear imbalance in terms of media preference for certain political options and the ideological orientation of the Slovenian media. In the opinion of the authors, the majority of Slovenian media and opinion leaders favour the parties of the transitional left. In the media content values and attitudes which can be defined as left-wing prevail.

5 Development of media pluralism in the digital age

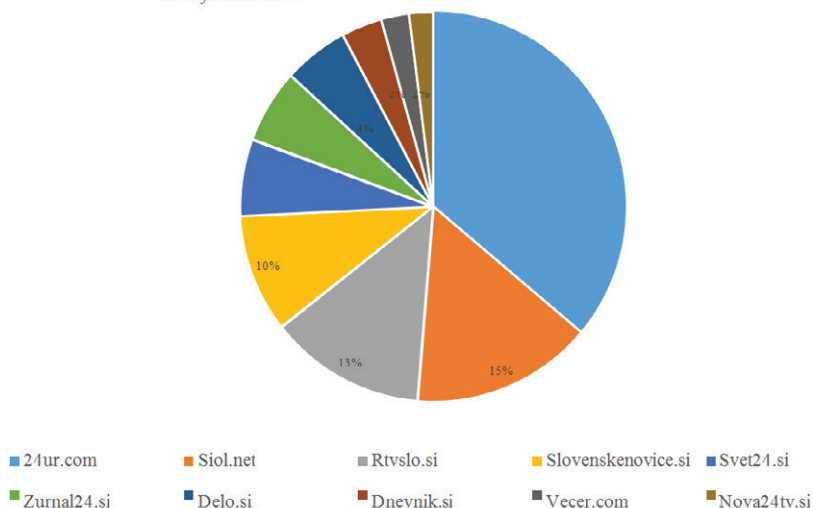
Digitalisation, which has profoundly affected many areas of our lives, has created an opportunity to open up and democratise the media space. However, it is clear from the description above that there are no studies available that would establish the impact of digitalisation on the pluralism and democratisation of the media space in Slovenia. Below, the findings of the only study that can give us an answer to this question are presented (Tomšič et al, 2020).

The purpose of this study was not to explicitly examine the role of media digitalisation and its consequences, but rather the degree of heterogeneity of the Slovenian media in terms of politics, values and ideology, i.e. the existence/non-existence of various political affiliations and ideological orientations of their protagonists. However, because of the above mentioned digitalisation processes and a decline in the reach of traditional media, we decided to analyse the Slovenian media portals with the most traffic. The following are the media websites with the most traffic that we used in our study of the Slovenian media landscape: 24ur.com, Siol.net, Rtvlo.si, Slovenskenovice.si, Svet24.si, Zurnal24.si, Delo.si, Dnevnik.si, Vecer.com and Nova24tv.si. Of course, not all portals have the same reach. Chart 1 shows the relative importance or weight of each Slovenian media website.

More than half of the media space (51%), which is defined as traffic on the portals of the analysed media, is occupied by two media outlets, i.e. 24ur.com with 36% organic traffic and Siol.net with 15% organic traffic. They are followed by Rtvsllo.si with 13% and Slovenskenovice.si with 10%. The rest of the media outlets (Svet24.si, Zurnal24.si, Delo.si, Vecer.si and Nova24.si) combined constitute less than a third of the media space.

Chart 1: The percentage of organic traffic on the ten most visited online media portals

The percentage of organic traffic on the online portals of the analysed media



Source: Tomšič et al, 2020, p. 7

We examined the plurality of the digital media space by analysing the texts published on these media portals. This was based on a qualitative analysis of the texts and their meaningfulness for the reader. The nature of these texts implies the background and the dominant orientation of the media in question. We focused in particular on the media coverage of those issues that have recently been the subject of division in Slovenian politics and public opinion. In our analysis, we were mainly interested in the attitude towards domestic political actors and the ideological orientation of the texts. In determining media plurality, we qualitatively evaluated and took into account the weight of each media

outlet in Slovenia, in terms of how many people follow its content. In this way, we were able to detect their reach and thus the relevance of their messages for the public opinion.

In order to examine the degree of heterogeneity, i.e. pluralism, of the most important Slovenian media in terms of politics, values and ideology, especially with regard to the political affiliations and ideological orientations of their protagonists, we identified topics that provoke heated debates in the Slovenian public and defined the relevant periods of time, while also carefully limiting the number of articles for analysis. We analysed the media coverage of COVID-19 measures adopted by the Government of the Republic of Slovenia (1–20 May 2020), the coverage of media legislation (1 July–30 September 2020, when major media and political debates on this subject took place) and the attitude of politics towards the migrant crisis (15 March–30 September 2020). Our basic sample included 1246 reporting examples. These were encoded using the appropriate procedures (see Tomšič et al, 2020) to create a database for quantitative analysis of the online media space. This gives us an insight into the entire media space, as well as the attitude and orientation of each media outlet.

Looking at the distribution in terms of attitudes towards national political actors, a predominance of balanced attitude in reporting can be observed. However, a more thorough examination reveals a less balanced picture. Among the examples of unbalanced attitude in reporting, which account for 47.4% of all reporting, anti-government publications are strongly predominant. These account for 31.7% of all reporting and 66.9% of reporting that does not show a balanced attitude.

An examination of reporting based on ideological orientation shows a similar picture. Ideologically neutral reporting is predominant at 66.6%. Among the reporting that is not ideologically neutral, left-wing reporting is predominant, accounting for 66.5% of such reporting.

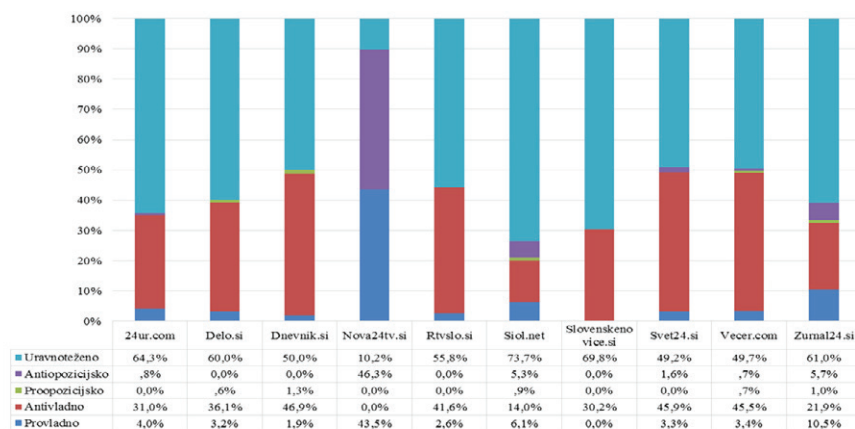
5.1 Analysis of the attitude towards the government by the media

The analysis shows significant differences in the attitude of the media towards national political actors. Nova24tv.si stands out in this regard, as it has a distinctly different attitude from all other media outlets; anti-opposition (46.3%) and pro-government (43.5%) texts are predominant in its reporting. Otherwise, the vast majority of the media space has a distinct reporting structure. Among these media outlets, the highest proportion of balanced-attitude reporting belongs to

Siol.net with 73.7% and Slovenskenovice.si with 69.8% of such texts. The majority of the other media also show a significant proportion of balanced media reporting. However, a closer look reveals a less plural picture. In the case of texts with an unbalanced attitude, an anti-government attitude is strongly prevalent in all media. The lowest percentage can be observed in Siol.net with 14% and Zurnal24.si with 21.9%, while in other media it exceeds 30% (Slovenskenovice.si, Delo.si and 24ur.com) or even 40% (Dnevnik.si, Rtv slo.si, Vecer.com and Svet24.si) of all reporting. Pro-government and anti-opposition attitudes are not significantly represented in most media.

As a taxpayer-funded public media outlet, special attention should be focused on Rtv slo.si, where 55.8% of reporting is balanced, with anti-government texts standing out among unbalanced reporting. Unbalanced texts account for 41.5% of all reporting by this media outlet, with 94.1% of unbalanced reporting being anti-government. On the other hand, pro-government texts account for only 5.9% of the unbalanced texts. The differences between the media outlets are statistically significant and quite substantial (contingency coefficient $C = 0.628$; statistical significance $p = 0.000$).

Chart 2: Structure of attitudes towards national political actors by the media



Source: Tomšič et al, 2020, p. 15

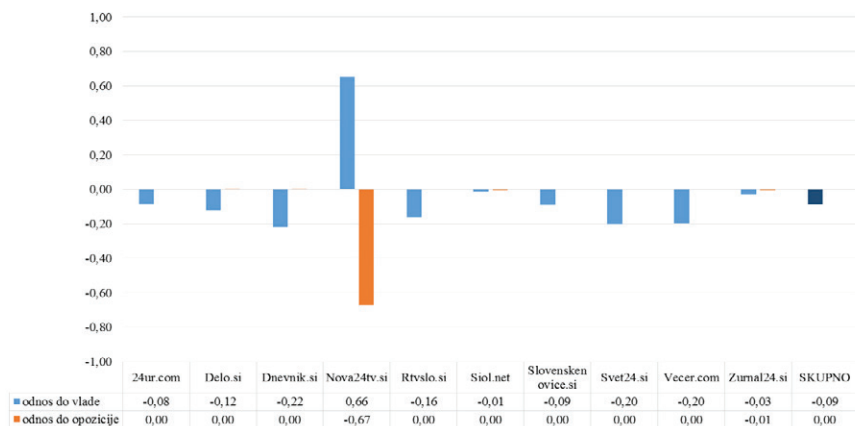
The Janis-Fadner coefficient illustrates the attitude of reporting towards the government and the opposition in various media well¹ (Chart 3). Among the media analysed, the prevalence of positive attitudes towards the government over negative ones was characteristic only for Nova24tv.si. This media outlet also shows a predominance of negative attitudes towards the opposition over positive ones. Almost all other media show a clear predominance of negative attitudes towards the government over positive ones, with the exception of Siol.net and Zurnal24.si, where the Janis-Fadner coefficient shows only a slightly negative attitude. Siol.net and Zurnal24.si therefore show balanced reporting in terms of attitudes towards the government. The majority of the media, with the exception of Nova24tv.si, show a balanced attitude towards the opposition. However, it should be stressed that this is also due to the distinct lack of reporting, showing an attitude towards the opposition, as in some cases there were no such texts at all (Rtvslo.si and Slovenskenovice.si). The public media outlet Rtvslo.si shows a very high level of negativity towards the government, which exceeds the media space average. The Janis-Fadner imbalance coefficient for Rtvslo.si amounts to -0.16 , while the average coefficient for the entire media space amounts to -0.08 .

Chart 3 shows that the media's attitude to the government is more negative than positive, whereas reporting on the opposition is mostly balanced or not taking any attitude, particularly taking into account the relatively low percentage of organic traffic on the web portal Nova24tv.si, the only medium with a strong pro-government and anti-opposition stance.²

1 *The comparison of the ratios between the different categories of reporting was carried out using the Janis-Fadner imbalance coefficient, whose value ranges between -1 (when the attitude towards a particular topic is completely negative) and 1 (when the attitude towards a particular topic is completely positive). A value of 0 means a perfect balance, which may of course result from the perfect balance of all contributions, i.e. from a marked predominance of neutral messages, but may also result from a very similar number of positive views on the one hand and negative views on the other.*

2 *In calculating the Janis-Fadner coefficient of imbalance for the entire media space, the data was weighed by taking into consideration the percentage of organic traffic on the websites of the analysed media (Chart 2). In the case of non-weighted data, the Janis-Fadner coefficient of imbalance is -0.08 .*

Chart 3: Media attitude to the government and the opposition. The Janis-Fadner coefficient of imbalance

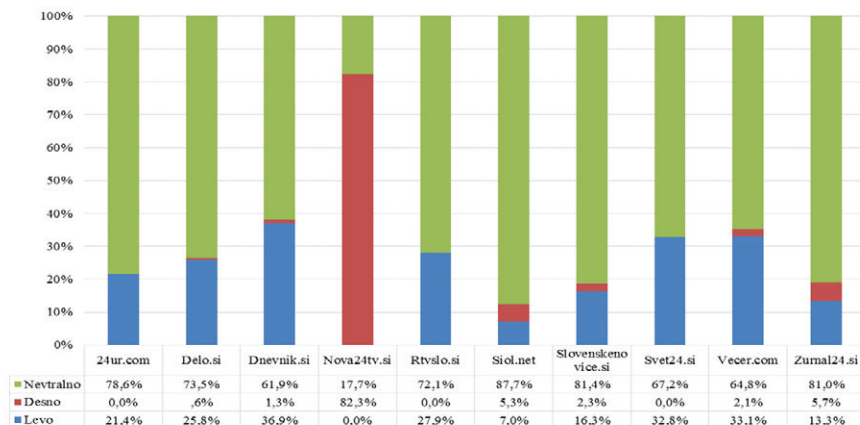


Source: Tomšič *et al*, 2020, p. 16

5.2 Analysis of ideological orientations by media

After analysing the ideological orientation structure in news coverage, it can be concluded that most reporting is ideologically neutral, with the exception of Nova24tv.si that is predominantly right-wing (82.3% of all articles). In other media, the reporting is mostly neutral. This percentage amounts to 61.9% (Dnevnik.si) and up to 87.8% of all articles (Siol.net). However, a more thorough examination reveals a not so plural picture of the media landscape. A serious imbalance can be observed in reporting adopting a particular ideological stance, as a great majority of such reporting is left-wing. For certain media ((24ur. com, Rtvslo.si and Svet24.si), our sample did not contain any right-wing articles or their percentage was insignificant. One exception is Siol.net where, in addition to the high percentage of ideologically neutral articles, the ratio between left-wing (7.0%) and right-wing reporting (5.3%) is relatively balanced. It is particularly worrying that the public medium Rtvslo.si is extremely unbalanced in terms of ideological orientation, with 72.1% neutral articles and 27.9% of left-wing pieces. The Rtvslo.si sample did not contain any right-wing pieces. The differences in this case are noticeable, statistically significant and quite substantial (contingency coefficient $C = 0.648$; statistical significance $p = 0.000$).

Chart 4: Ideological orientation structure in news coverage by media

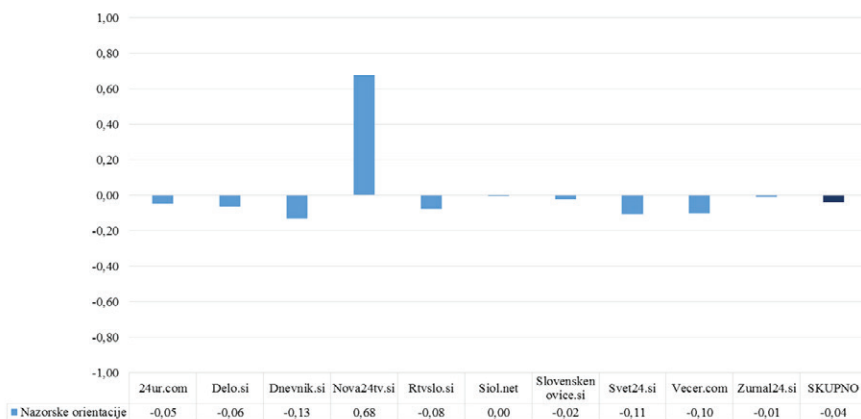


Source: Tomšič *et al*, 2020, p. 17

The Janis-Fadner coefficient of imbalance also shows the predominance of one type of ideological orientation over the other. Among the analysed media, the prevalence of left-wing against right-wing reporting was most characteristic of Dnevnik.si, Svet24.si and Vecer.com, followed by Rtv slo.si, Delo.si and 24ur.com. Reporting by Nova24tv.si was predominantly right-wing. Other media took a relatively neutral stance, most typically Siol.net. The same could perhaps be said of Zurnal24.si. Looking at the entire media space, left-wing reporting prevails over right-wing reporting.¹

¹ In calculating the Janis-Fadner coefficient of imbalance for the entire media space, the data was weighed by taking into consideration the percentage of organic traffic on the websites of the analysed media (Chart 2). In the case of non-weighted data, the Janis-Fadner coefficient of imbalance is -0.02 .

Chart 5: Ideological orientation of news coverage by media – the Janis-Fadner coefficient of imbalance



Source: Tomšič *et al*, 2020: 18

6 Conclusions

The analysis of the media landscape, focusing on web portals, provides an insight into its levels of plurality and balance. One reason for this is the fact that the portals with the highest traffic are also the portals of practically all major classic media. Another reason is that the Internet is becoming the main media channel.

At first glance, it appears that the reporting of the analysed Slovenian media is predominantly neutral and balanced, meaning that the majority of news coverage takes neither a positive nor a negative stance towards any political personality or world view. At the same time, they have no clear ideological profiles. However, a closer examination reveals a not so plural picture, as a great majority of news coverage on web portals have a distinct ideological note, predominantly expressing left-wing and anti-government views – the latter of course exclusively when right-wing parties are in power. In this context, Nova24tv.si stands out as the only online medium in the analysed period that expressly supports the current government or criticises the opposition and is distinctly right-wing. In terms of reporting that is (un)favourable to the government/opposition, two media (Siol.net and Zurnal24.si) are relatively balanced, although the

anti-government sentiment is slightly more pronounced. But most media is significantly more unfavourable to the government than the opposition, taking a left-wing stance.

In examining media reporting, the profile of Radio-Television Slovenia (or its multimedia web portal Rtv slo.si) deserves a special mention. It is the only public medium among those analysed and, as such, is expected to confront different views on major social issues in its programmes and articles. Plurality and impartiality are an important part of its mission. However, according to our results, the web portal of the national broadcaster is not particularly prominent when it comes to the balance between political options and ideological neutrality. Quite the opposite.

Most media have a distinct political and ideological note. Taking into account the results of previous studies, as few of them as may be, this situation seems to be characteristic of the entire period after Slovenian independence. In this context, the political left in Slovenia seems to have much stronger media support than its right-wing counterpart.

It can be concluded that the media space is one of the weak points of the Slovenian post-communist transition. Its one-sidedness and political instrumentalisation pose an obstacle to establishing a truly pluralistic democracy, founded on the dispersal of power and continuous change of the ruling political elites. The dominant Slovenian media actually behave like a »cartel« of inter-related entities. Their actions often seem to be coming from a single centre. As if the dissemination of their stories and interpretations was coordinated. The same messages, often even the same reporting style. And, as a rule, the same political orientation. However, the latter is not in line with the orientation of the current government but rather with that of the transitional left, which has been in power for the majority of time after independence. The harsh words of the representatives of the biggest party currently in power that have appeared in social media against journalists can be understood as a sign of powerlessness rather than a threat to freedom of the press.

Literature:

Adam, Frane, Makarovič, Matej, Tomšič, Matevž and Lah, Peter, 2006: Nazorski in politični pluralizem v okviru slovenskih tiskanih medijev. Nova revija 25/93–294, 2–32.

Althusser, Louis, 2006: Ideology and Ideological State Apparatuses. Sharma, Aradhana and Gupta, Akhil (ed.): The Anthropology of the State: A Reader. Hoboken: Wiley, 86–111.

Aplenc, Andrej, and Jerovšek, Janez (ed.), 2002: Medijska konstrukcija slovenske realnosti, Dignitas, 13/14.

Avbelj, Matej, and Letnar Černič, Jernej, 2020: The Impact of European Institutions on the Rule of Law and Democracy. Slovenia and Beyond. London: Hart.

Bašič Hrvatin, Sandra and Kučić, Lenart J., 2005: Monopoli: družabna igra trgovanja z mediji. Ljubljana: Maska.

Bašič Hrvatin, Sandra and Petković, Brankica, 2007: In temu pravite medijski trg?: vloga države v medijskem sektorju v Sloveniji. Ljubljana: Peace Institute.

Makarovič, Matej, Rončević, Borut, Tomšič, Matevž, Besednjak Valič, Tamara and Lamut, Urša, 2008: Slovenski mediji v družbi in slovenska družba v medijih medijev. Nova Gorica: School of Advanced Social Studies.

Nežmah, Bernard, 2012: Časopisna zgodovina novinarstva. Ljubljana: Beletrina.

Tomšič, Matevž, 2020: Medijski politika in »avtonomna« odvisnost medijev Štuhec, Ivan (ed.): Z lepilom na podplatih. Trideset let slovenske države Celje: Celjska Mohorjeva družba, 207–217.

Tomšič, Matevž, Rončević, Borut, Erman, Nuša and Besednjak Valič, Tamara, 2020: Raziskava medijske krajine: raziskovalno poročilo pripravljeno po pogodbi št. 3340-20-081069. Ljubljana: Faculty of Media.

MILAN ZVER
European Parliament

What is behind the debates on Future of Europe and the strategic compass?

The European Union is a relatively young community of countries and citizens. It has been established as an economic and security project; as a project of peace and coexistence. Some common policies have been implemented, which led to an increased integration. The role of Brussels has been strengthening even in those areas that come under the sovereign jurisdiction of Member States. We are talking about social policy, work, culture, education, environment, health-care, security, defence and foreign policy. All these latent processes are taking the wind out of the sails of Member States that would want to retain as much autonomy or sovereignty as possible (intergovernmental method), while part of European politics tilts towards a unified and powerful union – a sort of an EU »supra-state« (community method). We have noticed that the more the Union has been confronted with its unenviable geostrategic position, the more it has become centralised and unified.

Centuries ago, Europe was a clear monopolistic colonial force, which, together with its allies, had to come to terms with the bipolarisation of the world over the last century and today represents just another global force trying to compete with aggressive and invasive systems employing »soft« power. In the last decade alone, the European Union suffered three heavy blows on the international stage: it lost Russia as its partner, it lost its close ally the US, which has formed the new so-called Aukus alliance, and it lost one of its member states – the United Kingdom. One section of European politics believes that EU can revitalise its role, but that it needs a reset on the core issue of democracy, the decision-making systems that is supposedly largely ineffective.

1 The EU at a crossroads

At the moment, the **Conference on the Future of Europe** is taking place in Europe. It is good that citizens can participate at many levels in the discussion about the future of Europe and that this is not only limited to politics and politicians. This general discussion is taking place at a time when Europe truly finds itself at a crossroads. When a similar convention on the EU was held more than a decade and a half ago, the domestic and international state of the Union was very encouraging, and a fairly wide-ranging debate resulted in the Treaty of Lisbon, or the Treaty on European Union (TEU). This discussion may not produce anything similar, but it could lead to some important amendments. Yet this might prove detrimental to some Member States, especially the smaller ones, as the TEU-based decision-making process gives them an important role in the Union's balance of power, especially within the Council of the European Union.

Another discussion on the Council and the Member States is taking place at the same time. It is focused on the search for what has been dubbed the **strategic compass** or a renewed EU response to the challenges of our time. The key issue is how to make the Union more competitive. One issue at a time, however.

Democracy is a living organism with its ebbs and flows. This means that vital democratic systems continuously perform self-assessments and remedy democratic deficits, improving democratic processes. This also applies to our alliance, which strengthened its unique democratic model by adopting the TEU. It is a model that must satisfy both its foundations: the European citizens and the Member States. A new mixed model has developed with elements of the traditional majoritarian democracy on one hand and of the consensus democracy on the other. The former resides in the European Parliament (EP), whose electoral outcome not only shapes the parliamentary branch, but also the formation of the executive branch, i.e. the European Commission (EC). The latter, consensus democracy, comes to light in the Council. All that is required for a decision to pass in the EP is a majority of votes, usually a simple majority, though a qualified majority applies in some specific cases. The Council adopts a more inclusive concept with consensus (veto) and implementing qualified majorities. The complex decision-making process of the Council requires a lot of coordination and searching for common ground, which is welcome for ensuring a sound decision-making process.

Not everyone in the EU is pleased with the existing democracy model. Some want to implement Pan-European lists for European election and only one Pan-European electoral district. Some also want to abolish the Council of the European Union and replace it with an elected senate, while Pan-European referendums would take place on more sensitive issues, etc. These unitarian proposals come especially from the left of the political spectrum. The right has attempted to democratise the existing system with minor amendments, such as, the *Spitzenkandidaten* concept (the winner of the election would become the President of the European Commission) or concepts such as requiring all EU-commissioner candidates to go head to head at European elections. To conclude, there is no shortage of proposals for reducing the democratic deficit.

However, the question remains whether they are all admissible. From our point of view, at least two criteria should be fulfilled: first, what is beneficial for democracy, and second, what is beneficial for Slovenia. But, actually, finding the right answers in practice is more difficult. The supporters of the so-called majoritarian democracy do not accept the fact that the Council, derived from the European diversity, is also a democratic body. But the fact remains that the EU needs both foundations of European democracy, the European Parliament and the Council of the European Union. They are both foundations of European democracy. This was all set out in the TEU and should by no means be changed in a hurry.

However, for democracy to consolidate its role as the most optimal mode of communal living to date, it must first win the trust of the people by proving its effectiveness internally and externally. Is the EU moving in this direction?

Drastic geostrategic changes

2.1 A global view

Internal situations are, of course, also influenced by external relations. For more than 2000 years, Europe has played a central role on the world stage. It asserted its dominance by forceful colonialism, often brutally taking advantage of regions in Africa, Asia and the Americas. This Eurocentric position has been named by some as »us and the rest of the world«. From a unipolar system of global relations there developed a bipolar world – with a sharp ideological division into the East and West in the 20th century. It was characterised by the Cold War. The »us and them« concept prevailed. The West was (still) dominant

with its successful concept of democracy and social market economy, while the socialist world stagnated until its end, symbolised by the fall of the Berlin Wall. In the bipolar world era, a middle ground was also created – developing world states or the Non-Aligned Movement – that, however, had and still has no real influence in international relations. The West and the Soviet Union, and NATO and the Warsaw Pact for security issues, remained at the forefront.

After the fall of Communism and the break-up of socialist empires, a new alignment of international relations formed at the end of the 80s and in the beginning of the 90s. The EU, having played an important role during the Cold War, started to gradually lose its influence. Suddenly, the EU was no longer the central player, but rather just one element in a multipolar, divided world. The best example of the dissolution of global power and influence is the former colonial superpower, the United Kingdom.

Until recently, the EU was a community with the strongest economy. A decade ago, the EU was hit by a financial crisis that left the economy, social system and other social subsystems scarred. It later also fell victim to terrorism, which blossomed due to the non-cooperation of the Member States, illegal immigration, and the COVID-19 epidemic. As mentioned, the EU also lost its eastern partner, Russia, its close ally, the US (the collapse of the free-trade negotiations on the TTIP showed that »natural« alliances do not count when economic benefits are in play), and its Member State, the United Kingdom. The EU alone is not at fault for any of these inconvenient developments, but the fact remains that EU's internal and external standing have taken a hit. Russia's actions in the EU neighbourhood and within the EU itself (cyberattacks, strengthening of intelligence activity, murders of political enemies, strengthening of the military presence at Union's borders, etc.) have placed a massive burden on our community. The American blocking of the TTIP put a dent into Euro-Atlantic relations, especially the economies of both parties and, not least, households and individuals on both sides. Brexit not only weakened the EU, but also notably the United Kingdom, which has been seen in shortages of gas, medicines and other goods and services. This has all heavily impacted the European way of life. It has also turned out that the EU is not resilient enough to face these challenges.

It sometimes seems there is a lack of the social cohesion that was conveyed by the EU founding fathers Alcide De Gasperi, Jean Monnet, Robert Schumann, Konrad Adenauer, Winston Churchill and others with their authority and impact of their words. Within the EU as well as across the world, there is a shortage

of strong and prudent leaders that would influence the efficiency of alliance's functioning.

In short, Europe is not the centre of the universe, as the world has become decentralised with a dangerous possibility of China becoming the global ruler. But this realisation is not the end of it. The key question is how can Europe regain its position as a competitive global player, if not monopoly holder, in a time when »hard« power (symbolised by a gun) is once again more important than »soft« power (i.e. culture). A high level of respect for human rights and fundamental freedoms, the rule of the law, sustainable development, decarbonised society and other »luxurious« EU projects will most likely not be enough to propel the EU into the position of a competitive global player. Even though the **North Atlantic** area was the centre of world affairs until recently, today this is no longer the case. Most of the developments now take place in the **Asia-Pacific** area, where the interests of the most powerful players intertwine, clash and come to fruition. This, surprising to some, turnaround or redirection of US foreign policy away from Europe – already present in 19th century with the so-called Monroe Doctrine, i.e. »America for the Americans« – has hit Europe hard, though it has been taking place in different stages since the 90s. Since the fall of the Berlin Wall, Europe has been losing its central geostrategic role. Americans have been leaving the regions close to and strategically important for Europe. These are the crisis areas that have sparked waves of migrants, such as Syria and Afghanistan. How can European countries, representing only 5% of world's population, act to preserve their way of life, and their own identity based on Judeo-Christian, Greco-Roman and Enlightenment foundations. Perhaps the answer lies in hard power with a European army, NATO troops, or a new third alternative? With the formation of its own intelligence structures? There has been no consensus on this issue, but the decision will have to be made soon.

Defence and security policy are indeed the sovereign domain of the Member States, but the numerous and recurring terrorist attacks have raised the question of whether coordination and cooperation between sovereign Member States alone are enough to respond effectively to these constant threats to Europe and its way of life. The same issue arises with cyberattacks. Does the EU need to find more common ground on these issues?

What would a strategic compass bring?

How can we ensure more internal cohesion and more external influence for the EU in the future?

Leaving aside the issue of the green transition, which over the long term will make the EU even less competitive, leaving aside the other »luxurious« EU projects that European officials couch in catchy phrases. Let us begin with the core issue of democracy, i.e. **the decision-making process at the EU level**. For several years now, there have been discussions in various EU policy circles about the need to change the way decisions are taken, especially in the Council. A tool known as the »strategic compass« is being developed, which essentially means that a new model for more effective decision-making is being developed in the area of European foreign and security and defence policy. There have been a number of recent examples of the Union's ineffective response in this area; the most recent being the failure of the Member States to speak with one voice on increasing sanctions against the Lukashenko regime in Belarus.

Europe plays an important external role through its crisis management missions and operations. Its capacity, if we look only in terms of the size of the diplomatic and consular staff that represent the Member States, is three times larger than that of the US. But the EU's efficiency on the global level is not comparable to that of the US. It could be said that the EU has only begun to establish itself in this field as some structures and agencies have only recently started operations, e.g. the EU's Common Security and Foreign Policy Service, the European Defence Fund, the European Peace Facility, the European Defence Agency, the Permanent Structured Cooperation (PESCO), etc. We have the facilities, the finances, but not enough manpower. But why have these operations not yet properly started? Why is the EU considered as a paper tiger in security, defence and foreign policy?

Many experts believe that the inefficient decision-making process is the core issue. Whispers in the European institutions pose the question whether the **consensus** (*veto*) rule should be abolished. It is well known that 80% of decisions in the Council are adopted by a **qualified majority** (QMV). However, two conditions have to be met. For the decision to be deemed valid, the first condition requires that 55% of Member States (at least 15 of 27) vote in favour, while the second stipulates that those Member States in favour constitute at least 65% of the EU population. According to the TEU, there is also the possibility of

constructive abstention, allowing Member States to withdraw from voting, thus not blocking the decision.

There is a strategic reflection taking place among EU Member States, partly in light of the Conference on the Future of Europe, though much less transparently. Negotiations on the strategic compass are intended to define more clearly the threats facing the EU, as well as its challenges and objectives. This idea was initiated by former European Commission President, Jean-Claude Juncker, and immediately taken up by his successor, Ursula von den Leyen.

The replacement of the veto with the QMV is even permitted by the existing TEU for what it deems transitional provisions. Of course, this means that Member States are already not in full control of the foreign and defence policy. But the issue is sensitive and the »workaround«, i.e. non-compliance with the veto, has not yet been used.

Let us look at the advantages and disadvantages of the full introduction of QMV or qualified majority voting in the Council. First of all, it speeds up decision-making, takes power away from potential *Trojan horses* within its own ranks, and ensures an internal majority without the constant search for the lowest common denominator. It would also prevent the paralysis of EU foreign policy, and would of course greatly increase the influence of the High Representative of the Union for Foreign Affairs and Security Policy (the so-called »European Foreign Minister«).

On the other hand, a complete replacement of the veto with the QMV would mean a weaker EU community, a lower political level of decisions, an increased risk of discrimination against the smaller Member States, a risk of marginalisation for Member States in general, and a lesser level of democracy in the decision-making process. Next year will be key for the future development of the EU as both discussions will lead up to these essential decisions.

3 The shelter of EU key for the survival of Slovenia

The EU is facing some regressive processes, including a loss of confidence in democracy in Member States. At the European level, the democratic deficit is not being eliminated fast enough, and the democratic climate in the Member States is declining. On top of that, we are dealing with aggressive and invasive hybrid systems in the neighbourhood which, for the first time since what was heralded as the 'triumph of democracy' more than three decades ago, are

showing themselves to be more successful in delivering public goods to their citizens than the Western »solution« (democracy and the social-market model).

This is, therefore, the right moment for a thorough discussion about the future of Europe and how to reset it. The EU has to also undergo changes internally to find the right balance between the community method and the intergovernmental method. The abolition of the veto right would jeopardise the community method and it is not advisable as an outcome of the Pan-European discussion on the future of Europe and the strategic compass. It would, however, be welcome if the QMV were used more frequently, especially in the Council, and especially on issues pertaining to foreign, security and defence policy. The decision-making process would be more efficient, bringing about the support of citizens and the trust in the European way. But it is also clear that, by revising the decision-making system, that the EU must show the world that it has its own hard power: with features such as a functioning common military force, a common intelligence agency, an effective defence against cyber and terrorist attacks, a reinforced Frontex border, and external border operation. Changes in NATO are also inevitable due to the reorientation of the US towards the Pacific and the formation of Aukus, the new (anti-China) alliance of the US, the UK and Australia.

The existence of a strong EU is important for Slovenia, not least because it cannot provide these »services« well enough on its own. The EU has been Slovenia's »natural environment« for the thirty years of its independence, and never in all its existence has the Slovenian nation lived in a more favourable environment.

