

Territorial and Participatory Aspects of the Development of Local Democracy in Slovenia

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Abstract:

The authors of this contribution give a detailed account of the territorial and participatory aspects of the reform of Slovene local self-government and analyse its effects on the further development of local democracy. Special emphasis is given to studying the fragmentation of Slovene municipalities and to the issue of regionalisation, since tendencies towards the establishment of a two-tier form of local self-government have been present in the Slovene politico-administrative space for a long time. The scope of access to, or the right of all citizens to participate in decision-making on local public matters is another important aspect of studying the degree of democracy at the local level. The authors demonstrate this in the light of the expansion of the right in political participation by members of the Italian and Hungarian national communities and by members of the ethnic Roma community, as well as through the analysis of the actual political participation of all groups in the population, whilst not omitting to mention the development of civil-society participation, which is becoming ever more apparent at the local level.

Keywords: democracy, reform, territorial order, regionalisation, political participation, civil-society participation

1. Introduction

In 2011, Slovenia will have celebrated the twentieth anniversary of its statehood, as, in 1991, on June 25, to be more precise, the Slovenian Assembly declared the Basic Charter of the Independence and Sovereignty of the Republic of Slovenia, with which it assumed control over its borders. The year before, the first multi-party democratic elections had been held, which, alongside the adoption of the Constitution and the formation of new political institutions, signalled the beginning of the process of democratic consolidation, which in itself represents a never-ending process. Data on the general level of satisfaction with democracy in Slovenia

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reveal that the current state of democracy is a fairly worrying one, since, in 2010, the contentedness of citizens reached its lowest point relative to the studied period of 1996–2010. The dissatisfaction has thus reached a level exposing a marked deterioration in the political climate in Slovenia. Only a good 20% of citizens say they are satisfied with democracy, whereas the multi-year average has fluctuated between 30 and 50% (Public Opinion and Mass Communication Research Centre 2010).

Since Slovenia gained its independence, changes have been undertaken at the local level as well, as, in 1993, the Local Government Act was passed, which introduced a modern system of single-level local self-government, which had already been provided for in the Constitution of the Republic of Slovenia, adopted in 1991. Later on, tendencies towards the establishment of a two-tier form of local self-government began to appear: namely, the first draft Act on Regions was prepared in 1998. However, such an act has remained as an unfinished project up to this day. The enactment of democracy at the local level is regarded as one of the fundamental sources of democratic order. This is also supported by one of the most important democratic principles, common to all the Member States of the Council of Europe, i.e., that citizens have the right to participate in the governance of public matters, which can be performed most directly at the local level as it is the most accessible one for them (Pratthett 2000:8; Stoker 2004). The European Charter of Local Self-Government (henceforth the ECLS) states that decision-making in public matters should be undertaken by an authority closest to the citizens. The participation of citizens represents the heart of democracy (Vlaj 2004: 111), which, together with autonomy and efficiency, is regarded as the most important normative element on which democratic local self-government in Europe is based (Greer, Murphy and Ogard 2005: 11).

In this article, we will study the territorial and participatory aspects, both of which are directly, as well as indirectly, linked to the enactment of local democracy. We will present the changes that have occurred within the reform of local self-government, as well as their consequences for the further consolidation of local democracy and its political development, with the emphasis on the fragmentation of Slovene municipalities, the regionalisation issue and political participation, in whose case civil-society participation is coming to the forefront, alongside electoral and non-electoral participation. Civil-society participation is to a great extent advocated by Keane (2009), who thinks that democracy is no longer only a matter of government and citizens, but of civil society as well – on a national and local level alike. The basis of our study is constituted by the analysis of formal documents, which will help us explain the territorial aspect of the development of local self-government in the first section of this contribution; this analysis is primarily intended to consist of the analysis of the founding of new municipalities and of the attempts at the establishment of a higher level of local self-government. In the second part, though, the aforementioned research method will be used to demonstrate the expansion of the right of local-level political participation. An important addition to the study of the participatory aspect will be statistical data obtained from official state websites (Statistical Office of the Republic of Slovenia, National Electoral Commission), from the Official Journal of the Republic of Slovenia, and from already completed research projects (Kolarič et al. 2006; Ferfila et al. 2010; Haček et al. 2010), from which we will extract information on the actual political participation of citizens in decision making on locally relevant public matters. The objective of this article is the analysis of territorial and participatory aspects of the development of local democracy in Slovenia. In spite of the poor

results of public opinion polls regarding the general level of satisfaction with democracy, we want to show that an ever-growing number of actors are being included in the process of the enactment of local-level democracy, that these actors desire to actively participate in decision-making on locally relevant matters, and that the phenomenon of the establishment of new small municipalities, dependent upon the state's financial resources, is coming to an end. Also, we want to present the aspect of the establishment of regions, since we believe that, in the future, the setting up of the second layer of local self-government will be inevitable and that there are more and more actors who support this development.

2. The Territorial Aspect of the Development of Local Self-Government

In the context of the European Union, Slovenia is still one of the few countries that have a centralised system. The reform of Slovenian local self-government¹ has still not succeeded in establishing a second layer of local self-government, which would contribute significantly to the implementation of the principle of subsidiarity and at the same time provide for a greater degree of comparability with other European Union Member States (see Table 1), for most of whom local self-government organised on several levels is the norm (Haček 2005: 101; Council of European Municipalities and Regions 2006).

From the standpoint of the enactment of the principle of subsidiarity, it is very important to establish a second level of local self-government, since the latter could perform tasks beyond the capabilities of smaller, primarily newly-formed municipalities; at the same time, however, the state would be free of some of the burden of its competences, which it could delegate to the regions in the process of decentralisation. Regions would hence represent a pivotal point in the decentralisation of state matters. In this manner, the notion of decentralisation is related foremost to the limitation of power and to the mostly vertical division of consolidated authority. The transfer of a degree of economic power with its subsequent increase in the autonomy of regions has in many countries turned out to be the right decision, whose consequences can be felt in accelerated regional development (Haček 2005: 92–93).

Table 1: The Number of Levels of Local Self-Government in Selected European States

Single-Level Arrangement of Local Self-Government	Two-tier Arrangement of Local Self-Government	Triple-Level Arrangement of Local Self-Government
Cyprus, Estonia, Finland, Lithuania, Luxembourg, Malta, Slovenia	Austria, The Czech Republic, Denmark, Greece, Hungary, Latvia, The Netherlands, Slovakia, Sweden	Belgium, France, Germany, Great Britain, Ireland, Italy, Poland, Spain

Source: Council of European Municipalities and Regions 2005 and 2006

2.1 The Absence of Regionalisation

The regional authority is an intermediate layer of government between the central, state authority and the narrower authorities of local self-government. The draft ECLS² states in

its preamble that local authorities are one of the foundations of democratic government, an essential part of a state and a suitable level of authority for the efficient enactment of the principle of subsidiarity. It also emphasises that the protection and reintroduction of local self-government in different European states represent an important contribution to the building of Europe according to the principles of democracy and the decentralisation of power. It is only recommended and not demanded that Slovenia and other Council of Europe Member States set up an intermediary level of authority between the levels of the state and municipalities. In 2001, this recommendation was also given to Slovenia by the Congress of Local and Regional Authorities of Europe (CLRAE).³

It therefore makes sense to ask how strong the need for decentralisation or regionalisation is, as, according to demographic characteristics and institutional development, Slovenia is ranked among those states that feature a weaker need for decentralisation (see Table 2⁴). The inclination towards decentralisation (regionalisation) is thought to be positively correlated with the degree of institutional development within a state and with its territorial and demographic features. It is assumed that the tendency towards the decentralised performance of public services should be greater in those states where the legitimacy of authority and the degree of liberalisation achieve a high level. The same principle works with the second criterion; namely, that decentralisation is positively correlated with the size of a country and its population. Thus, the larger a state is and the more inhabitants it has, the greater is its inclination towards the process of decentralisation. In accordance with this theory, Slovenia is ranked among states that feature a relatively high degree of institutional development, yet, from the standpoint of its territorial and demographical characteristics, it also belongs to the group of European states for whom decentralisation would prove more challenging (Haček et al. 2010: 121).

Table 2: The Presupposed Need for Decentralisation

		Institutional Development	
		Relatively weak	Relatively strong
Territorial and Demographic Characteristics of a State	A greater Need for Decentralisation	Ukraine, Russia, Belarus, Azerbaijan	Poland, Hungary, The Czech Republic, Romania, Bulgaria
	A smaller Need for Decentralisation	Armenia, Georgia, Moldavia, Albania, BiH	Slovakia, Latvia, Lithuania, Estonia, Croatia, Macedonia, Slovenia

Source: *Dunn and Wetzel 2000: 6*

Regionalisation should occur as a result of the consideration of at least three interests, i.e., the interests of the state, the municipalities and the citizens (Šmidovnik 1998: 142). The state has already expressed its interest in the establishment of regions, as, on June 27, 2006, the National Assembly of the Republic of Slovenia adopted the Constitutional Act on Amending the Articles 121, 140 and 143 of the Constitution of the Republic of Slovenia,⁵ covering the field of local self-government. In so doing, parliament removed the obstacle that had previously prevented the introduction of two-tier local self-government. This was followed by a fairly unsuccessful advisory referendum in 2008 regarding the territories and names of the proposed

regions in Slovenia and regarding the status of the Ljubljana Urban Municipality, the turnout being a mere 10,98 per cent of all those eligible to vote. In spite of such a modest turnout, the government tried to incorporate, as best it could, the wishes of the voters expressed in the advisory referendum into the preparation of acts concerning the regions.⁶ The umbrella regional act, entitled the Act on the Establishment of Regions, whose adoption required a two-thirds majority of all present members of the parliament, failed to acquire enough votes, since 50 deputies voted in its favour and 27 against. The key issue was disagreement as to the number of regions. The Draft Act on the Establishment of Regions stipulated that 14 regions be established (the 2004–2008 term of government), whereas the current governing coalition (the term of 2008–2012) finds the proposal for 6 regions to be the most appropriate one. If we look at the establishment of regions from the perspective of Slovenia's inhabitants, we could say that they express very little interest in the matter, since over 89% of those eligible to vote failed to do so in the aforementioned referendum.

The greatest interest in the introduction of regions should be expressed by Slovenian municipalities, as regionalisation would bring about mutual cooperation between regions and municipalities in accordance with the principle of subsidiarity (Šmidovnik 1998: 142). According to a research survey, most mayors of Slovenian municipalities (82%) think that, regardless of the unsuccessful attempt in 2008, the regionalisation of Slovenia should proceed. What remains an open question, though, is the appropriate number of regions. A good one-half of the mayors surveyed (54%) said that the process of regionalisation should continue, but with a reduction in the number of regions, whereas 46% of respondents regarded the proposed number of 14 regions as being perfectly appropriate. Yet the possibility of increasing the number of regions beyond 14 is strongly opposed by the overwhelming majority (94%) of mayors (Ferfila et al. 2010).

Interestingly, despite the possibility of the voluntary bottom-up association of municipalities to form regions, which had been provided for by the Slovenian Constitution prior to the abovementioned amendments,⁷ no region has ever been thus established. Pirnat (1999: 241) states that the reason for this was that, for a long time, regions were of little interest to anyone, especially to municipalities. Regions would a) entail an obligation among municipalities to delegate certain local matters to regions, b) represent a new and unpleasant form of competition to municipalities in terms of the communication between local levels of government and the state and c) possibly undermine the autonomy of local authorities (Haček et al. 2010).

The fear of losing autonomy on the part of municipalities has slowly been fading, since 61% of mayors participating in the survey are of the opinion that municipalities would not lose their autonomy if regions were established. However, they do express some second thoughts about the new roles that would be assigned to municipalities were regions established. Just over one half of respondents (52%) say that the role of the municipality within the system of local self-government would decrease with the establishment of regions, whereas 48% of mayors surveyed disagree with such a statement. Nevertheless, the prevailing opinion is that the project of regionalisation must continue in order to decrease the level of centralisation of the state and to set up the long-desired two-tier form of local self-government (Ferfila et al. 2010).

2.2 Fragmentation and the Size of Municipalities

Ever since Slovenia gained independence it has witnessed the phenomenon of an ever increasing degree of fragmentation among its municipalities. One has to bear in mind that this brings about ever decreasing numbers of staff and reduced financial resources, as well as other troublesome conditions that preclude the implementation of high-quality developmental projects. It is thus necessary to determine a proper criterion for the size of a municipality, which, however, is no easy task. In determining the appropriate size for local self-government units, it is worth realising that if a larger local unit is established, the number of groups and individuals which have to compromise, and hence achieve a lower level of participation in local decision making, increases as a consequence (Brezovšek 2005: 6). From the standpoint of the direct influence of inhabitants on the work of a municipality, smaller municipalities are clearly more convenient as they can provide more direct contact with municipal officials and give inhabitants the feeling that they can influence local issues. From the standpoint of their financial dependence, however, smaller municipalities are less practical because they receive the majority of their financial resources from the state, whilst facing greater difficulties in performing administrative tasks delegated to them by the state. The most important aspect, however, in the formation of local communities still remains the awareness of the desire of a certain population living in a certain territory for the formation of a new unit of local self-government, in which those members who are interested will be able to democratically participate in the governance of local matters. This has been pursued by Slovenian legislation, since the first version of the Local Government Act (1993) stated that a certain territory can form a municipality if this municipality fulfils the majority of the stipulated functions, although it did not set down any criteria as to the minimum number of inhabitants a newly established municipality should encompass. The following year (1994), amendments followed, which set down more precisely the conditions that municipalities had to fulfil and, at the same time, determined the minimum number of inhabitants (5,000). However, this criterion was not a binding one, as there were other criteria determined by law that allowed municipalities to have less than 5,000 inhabitants for geographical, ethnic, historical or economic reasons. With this and with another amendment in 2005, Slovenia once again took one step back. With the amendments to the legislation that it passed, the National Assembly paved the way for the further fragmentation of municipalities without them integrating into regions, as it enabled the establishment of municipalities having only 2,000 people. It also cancelled the deadlines for lodging proposals for the establishment of municipalities. In this manner, almost every individual was able to demand that a part of a municipality should secede.

However, with the most recent amendment to the Local Government Act, the government intends to prevent the further fragmentation of Slovenia, as the amendment stipulates a more demanding condition regarding the minimum number of inhabitants required for a new municipality to be established, namely 5,000 people. No more exceptions are allowed and deputies also annulled previous stipulations as to the conditions that a certain area should fulfil in order to become a new municipality. The state expects that the described change should result in a marked decrease in proposals for the establishment of new municipalities. For instance, in 2002, 50 proposals for the establishment of new municipalities were submitted. In the end, though, all proposals for new municipalities were rejected, except for one, which thus became

the 193rd municipality in Slovenia. In October 2005, an additional 34 proposals for changes in municipalities were lodged. After deliberating on them, the National Assembly decided that conditions for the establishment of a new municipality were met by only 15 proposals. In referenda on these proposals held in late January 2006, 12 proposals were supported by the voters. And in early April 2006, another six referenda were held, which were allowed by the Constitutional Court as the latter decided that the National Assembly had wrongly rejected the proposals for new municipalities on the grounds that they lacked sufficient provision for health-care. Referenda results confirmed the creation of another five municipalities, and thus a total of seventeen additional municipalities were created in 2007; therefore, the overall number of municipalities rose to 210. Since 2007, the number of municipalities has not increased, although in late 2009, referenda on the establishment of five new municipalities were held. Of the five proposals, only two were successful. However, matters became complicated later on, since members of the National Council voted in favour of a veto on the Act on Establishing of Municipalities; therefore, the number of municipalities has so far remained unchanged.

Slovenian municipalities differ especially in their ability to perform the tasks they are entrusted with and to provide financial resources for this purpose. The ability to satisfy the needs and interests of a local community and the ability to perform the tasks falling under the original competence of the municipality as defined by the law is related to the size of a population. Among the current 210 municipalities, over one half of them (110 municipalities, or 52.38%) do not fulfil the precondition of having a minimum number of inhabitants (see Table 3). Hence, only 100 municipalities do fit this criterion, which suggests that many municipalities with a smaller number of inhabitants are not, in accordance with the principles of financial and functional autonomy, able to operate in an economically efficient manner.

Table 3: The Size of Municipalities and the Number of Inhabitants

Less than 5.000 Inhabitants	In 110 Municipalities	52,38%
5.000 – 10.000 Inhab.	In 47 Municipalities	22,38%
10.000 – 50.000 Inhab.	In 49 Municipalities	23,34%
50.000 – 100.000 Inhab.	In 2 Municipalities	0,95%
Above 100.000 Inhab.	In 2 Municipalities	0,95%
TOTAL	210	100%

Source: Statistical Office of the Republic of Slovenia 2009

When considering the perennial fragmentation of Slovenian municipalities, it is wise to look at the development coefficient⁸ of individual municipalities, which gives us a picture of the economy of a selected municipality. With the help of this data we divided the municipalities into two groups: the ones below 5,000 inhabitants and the ones above 5,000 inhabitants. We did this with respect to the most recent amendments to the Local Government Act. The percentage of municipalities having less than 5,000 people and a development coefficient of less than 1 is 65%, whereas 80% of municipalities with over 5,000 people have a coefficient equal to or greater than 1⁹ (see Table 4). We can thus confirm that the performance of mu-

nicipalities with more than 5,000 inhabitants is much better than the performance of those with less than 5,000 inhabitants. In view of this, we wholly agree with the amendments to the Local Government Act, which concern the statutory minimum number of inhabitants, as this represents the first step towards the prevention of the further fragmentation of municipalities and towards a decrease in their dependence on state.

Table 4: Development Coefficient of Slovene Municipalities

No. of Inhabitants	Development Coefficient	Number of Municipalities	Per Cent
Below 5.000	Dev. Coeff. >1	39	35
Below 5.000	Dev. Coeff. < 1	71	65
Total		110	52
No. of Inhabitants	Development Coefficient	Number of Municipalities	Per Cent
Above 5000	Dev. Coeff. >1	80	80
Above 5000	Dev. Coeff. < 1	20	20
Total		100	48

Source: Ministry of Finance 2009

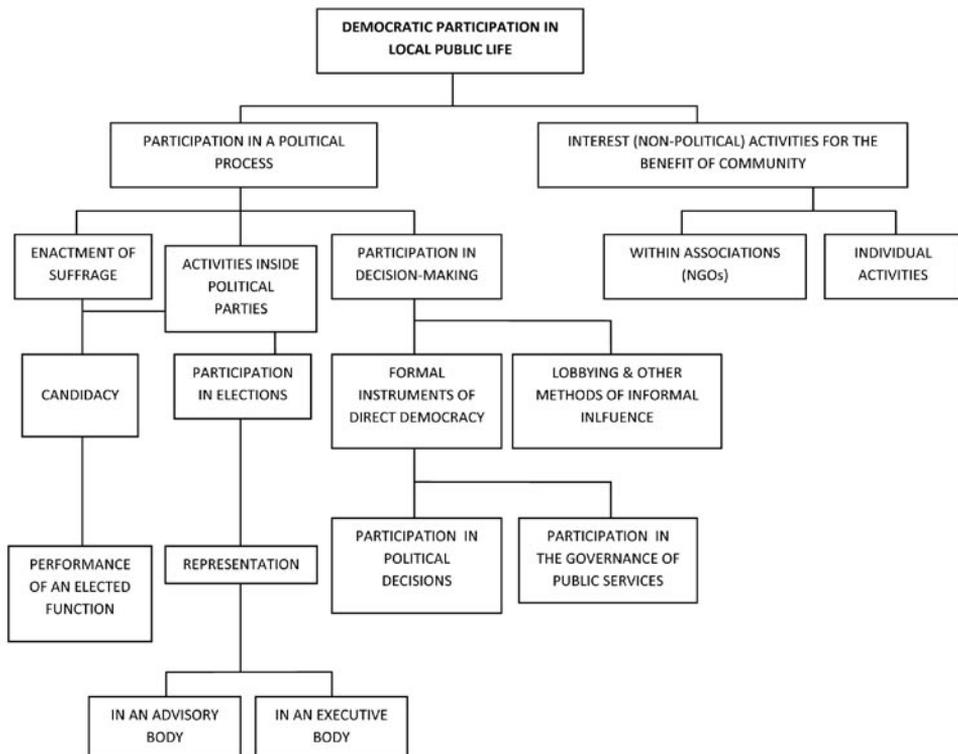
3. Local-Level Citizen Participation

Local government is democratic if its performance is decisively influenced by the citizens themselves, either directly or indirectly through the election of representatives that are entrusted with local tasks. The active participation of citizens in decision-making in local matters represents an important dimension of democracy and also a means for its enhancement in the wider social space, as, with increasing interest in local-level politics, the interest in politics at large should increase as well (Makarovič 2002: 65). A wide array of mechanisms and instruments with which citizens exercise control over government must be coordinated, and, at the same time, they have to work in different combinations, which exert a strong influence on the efficiency and success of a democratic administration (Blair 2000: 27–35). The existence of channels or their expansion plus the encouragement of major forms of participation¹⁰ leads to a greater feeling of wellbeing among citizens and their more willing acceptance of governmental rules and order (Birch 2007: 145–156).

In Slovenia, forms of both direct and indirect local-level participation are provided for by the Constitution and legislation. Indirect forms of democracy are enacted by elected bodies (municipal council, mayor) and committees, whose members are appointed by municipal councils¹¹, whereas direct participation of citizens in decision-making on relevant local-level matters is defined in Article 44 of the Local Government Act, i.e., as a referendum, citizens’ assembly or people’s initiative. Local referenda are most frequently held when deciding upon the establishment of new municipalities, and citizens’ assemblies are more often organised when spatial planning acts are deliberated upon (Brezovšek 2009: 45). One can also speak of two categories of participation: formal and informal participation (Nagy, quot. in Brezovšek

2002: 16). Formal forms of participation are defined by legislation, i.e., are binding; in the case of informal forms, it is the public that independently decide which form of participation they shall choose in specific cases. Among the informal forms of participation, the most widespread one is the collection of signatures, followed by protests and petitions (Brezovšek 2009: 45). According to the various possibilities of citizen participation in public life, the distinction between political and civil-society participation is coming more and more to the forefront (Zukin et al. 2006: 6). Local-level political participation is a way for citizens to express their opinion on various public policies and to participate in various bodies of a local community, as well as a means of influencing political processes. Different theoreticians agree that civic participation is a necessary precondition of democracy (Parry and Moyser 1994: 46; Noriss 2002: 5). However, civil-society participation, which stands for a more widely defined concept encompassing activities undertaken for the good of community that refer more to wider social issues than to explicit political institutions, must not be forgotten, either (Zukin et al. 2006: 6). Democratic participation in local-level public life can thus be divided into two main subsets (see Figure 1): participation in a political process, or interest (non-political) activities for the benefit of community (within the framework of associations, non-governmental organisations and individual activity).

Figure 1: Types of Democratic Participation in Local Public Life

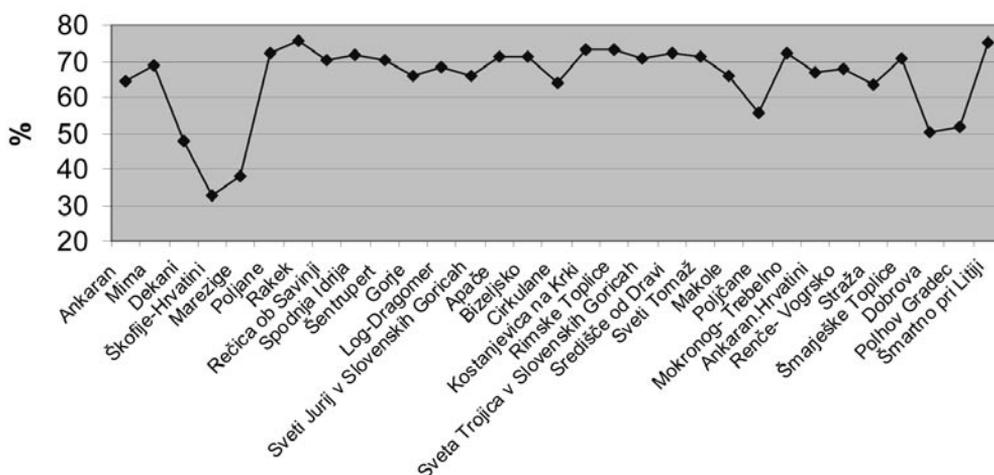


Source: Lavtar 2007: 16

3.1 Degree of Formal Forms of Political Participation in Slovenia

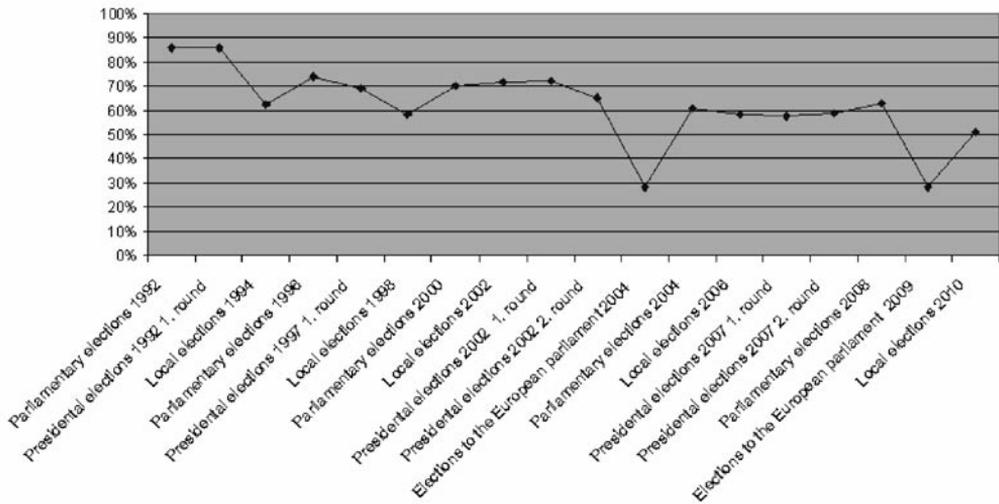
Voter turnout at elections indicates how democratic a certain society is, since the enactment of general suffrage represents one of the key pillars of modern democracy. Data (see Figure 2 and Figure 3) on the degree of political participation in Slovenia tell us that, on average, people are more interested in local-level matters than in the national ones. Especially indicative of this is the high degree of voter turnout in local referenda in which the establishment of new municipalities is decided upon (65,14%). Also, average voter turnout in local referenda in which locally relevant matters (the setting up of regional waste treatment centres, the founding of district communities, etc.) are decided upon is fairly high at 53,4 %. Here, one needs to emphasise, though, that the percentage of voter turnout also depends upon the significance of a certain issue – voter turnout was very high (90.64%) at a referendum concerning the selection of possible locations for low and medium radioactive waste disposal facilities in the area of Haloze. By contrast, voter turnout at referenda on amendments to a decree on a development plan for a multipurpose hall in Koper was only 24.4% (National Electoral Commission). At 38 %, average voter turnout in national-level referenda has been much lower than the turnout in local-level ones; in this respect, the only two positive exceptions were the referendum on the founding of new municipalities in 1994, which saw a turnout of 56.46% and the referendum on the accession of the Republic of Slovenia into the North Atlantic Treaty Organisation (the NATO) and into the European Union, when voter turnout was 60.4 %. The national referendum that has recorded the lowest turnout thus far was the advisory referendum on territories and names of regions in Slovenia and on the status of the Ljubljana Urban Municipality, which was attended by less than 11 % of all those eligible to vote (National Electoral Commission).

Figure 2: Voter Turnout at Local Referenda for the Establishment of New Municipalities



Source: National Electoral Commission

Figure 3: Voter Turnout at Presidential Elections, Local Elections, Parliamentary Elections and Elections for the European Parliament



Source: Statistical Office and National Electoral Commission

So, referenda tend to have a much greater turnout at local than at national level. However, the opposite is true for voter turnout at local elections, which is much lower than the turnout in local referenda. In general, if voter turnout is looked at more closely (see Figure 3), one can see that, on average, there have been ever decreasing numbers of citizens attending elections (local and national alike) since Slovenia gained independence. As expected, though, the lowest turnout has been at elections for the European Parliament, which represents the supra-national level, i.e., the level of political decision-making most distant from the citizens.

Table 5: Engagement in Local-Level Political Participation

Mode of Political Participation	Yes	No	No Response
Participation at Local Elections	84.1	15.7	0.2
Writing Letters to a Municipal Authority	11.2	88.6	0.3
Conversation with a Municipal Councillor	17.3	82.4	0.3
Conversation with a Mayor	19.2	80.6	0.2
Signing a Petition	15.0	84.6	0.4
Taking Part at a Municipal Assembly	27.0	72.8	0.2
Participation in a Municipal Referendum	53.4	46.3	0.3
Participation in Demonstrations, Protests, Strikes	3.8	86.1	0.2
Writing in Public Media	3.9	95.8	0.3

Source: Brezovšek et al. 2007: 130

Participation in local elections represents the most frequent form of local-level political participation, as is evident from Table 5¹², since 84.1% of citizens responded that they had attended local elections at least once, followed by participation in municipal referenda (53.4%) and participation in municipal assemblies (27%). Forms of political participation less frequently used by citizens include: conversation with a mayor (19.2%), conversation with a municipal councillor (17.3%), the signing of petitions (15%) and the sending of letters to a municipality (11.2%).

3.1.1 Local-Level Political Participation of Members of the Italian and Hungarian National Communities, Members of the Ethnic Roma Community, and Foreign Citizens

The level of the democratic character of institutions can also be judged according to the breadth of access to either direct or indirect participation at local level. The right to vote and to be elected represents one of the fundamental elements of every democratically ordered community, which, in most states, is tied to the citizenship of a state and is exceptionally granted to non-citizens living within a state. In the rest of this section, we present the options concerning political participation and the expansion of suffrage for foreigners with permanent residence and for members of minorities who have Slovenian citizenship yet are still granted additional rights in terms of political participation. One of the fundamental functions of local-level political participation of national and other minorities is the amelioration or eradication of their deprived status; hence, we intend to describe the options for local-level political participation open to them.

The right of Italian and Hungarian minorities to participate in municipal councils is already granted by the Constitution. In the ethnically heterogeneous regions both national communities have the right, provided for by law, to at least one representative in a municipal council, respectively; however, the statutory act of a municipality can additionally provide for direct representation of national communities in other municipal bodies as well. Hence, they are granted double suffrage, since, apart from the general suffrage they have as citizens, they can also enact a special suffrage, with which they can choose their own representatives. The implementation of the Local Elections Act in all ethnically mixed areas is flawless, since members of national minorities have been present in municipal councils ever since the 1998 local elections. In all three coastal municipalities, where Italians are autochthonous, valid statutory acts declare it obligatory that one of the deputy mayors in a municipality be a member of the Italian national community. Apart from their own roles in municipal councils, the representatives of both minorities enact the right to participate in the governing of local public matters via two umbrella organisations: the Coastal Self-Government Community of Italian Nationality and the Pomurje Hungarian Self-Governing National Community. The communities are partners to both the state and the municipalities where these two minorities dwell.

Slovenia is among the few European states that include Roma in decision-making on local-level public matters, although they do not have the status of a national minority. They are defined as a special ethnic community with specific characteristics (they have their own language, culture and other ethnic specificities). Members of the ethnic Roma community are granted both active and passive suffrage, which means they can vote and run for the office of a Roma municipal councillor representing the ethnic Roma community. On the basis of

positive discrimination, they are granted a special form of suffrage with which they elect their own representative on a municipal council, an arrangement similar to that which members of minorities are entitled to. On the basis of Article 101a of the Local Government Act, 20 municipalities must ensure that special suffrage be granted to members of the ethnic Roma community. The obligatory presence of a Roma councillor on a municipal council represents the key interface of cooperation between the Roma and local policy decision-makers, which is welcomed by 56% of the mayors of municipalities where members of the ethnic Roma community dwell. These mayors believe that, for the truly democratic performance of local self-government, inclusion of all inhabitants is relevant, regardless of their origin or descent. Even in an international context, the compulsory presence of a Roma councillor represents an important achievement by the ethnic Roma community and indicates both the high degree of tolerance and the democratic disposition of the majority population and the state, since members of the ethnic Roma minority are granted the possibility of participating in local-level affairs at at least the same level as the remaining population (Brezovšek et al. 2005).

Table 6: Voter Turnout of the Roma Minority at the 2002 and 2006 Local Elections for the Election of a Roma Community Representative in a Municipal Council

Municipalities with Roma Councillors	2002 Voter Turnout (%)	2006 Voter Turnout (%)
Beltinci	43,33	92,50
Cankova	82,09	80,00
Črenšovci	96,83	91,30
Črnomelj	95,29	65,95
Dobrovnik	*	90,91
Grosuplje ¹³	–	–
Kočevje	*	96,72
Krško	*	76,64
Kuzma	87,93	34,69
Lendava	69,74	80,00
Metlika	60,81	54,70
Murska Sobota	78,94	75,74
Novo Mesto	*	68,52
Puconci	*	/*
Rogašovci	78,29	75,61
Semič	100	50,00
Šentjernej	*	/*
Tišina		72,90
Trebnje	*	/*
Turnišče	72	79,31

* No data on Voter Turnout. There are also no data on Voter Turnout for 2010 Local Elections for the Election of a Roma Community Representative in a Municipal Council.

Source: National Electoral Commission

The data given above (see Table 6) reveal that members of the ethnic Roma community want the presence of a Roma councillor in municipal councils, since both the 2002 and 2006 local election turnout rates were high in at least those municipalities for which data was acquired. Thus, in 2006, voter turnout was higher than 75 % in 10 municipalities and only in one did it fail to reach 50 %. We can hence conclude that members of the ethnic Roma community are ready to participate in decision-making processes, or that they want to vote for a member of their own community, whom they think will best represent their interests on a municipal council. In this manner, the Roma are becoming an ever more active feature of local political decision making in the Republic of Slovenia. Apart from the presence of Roma councillors, the ethnic Roma community also has guaranteed local-level participation through Roma associations that are united in the League of Roma of Slovenia and via commissions on Roma issues that operate in municipalities where members of the ethnic Roma community reside. From 1998, when only one municipal council had its own municipal councillor, the number of elected Roma councillors increased to 11 at the 2002 local elections and to 19 at the 2006 local elections. In 2010, the group of municipalities that had Roma councillors was joined by the municipality of Grosuplje, which had for a long time refused to provide for the election of a Roma representative. After legislation had been amended in 2009, it had to give way and so, in early 2010, the first Roma councillor in that municipality was elected. The number of representatives of the Hungarian and Italian national communities has not changed since 1998, hence members of the Hungarian minority currently have a total of seven representatives in five municipalities, and members of the Italian minority have a total of 8 representatives in three municipalities.

When residing in a certain place, foreigners become members of the local community, whose operation affects not only the citizens of Slovenia but such foreign residents too. Though citizenship still represents an important division in terms of suffrage and access to public services, it is now no longer the paramount criterion for conferring political rights nor a necessary condition for belonging to a certain political community (Kejžar 2009: 122). In Slovenia, universal and equal suffrage is provided to all who have reached the age of eighteen and over whose capacity to exercise rights has not been withdrawn.¹⁴ Until 2002, foreigners did not have their right to vote at local level recognised. The reason behind the amendments to the act regulating local elections was the process of Slovenia's accession to the European Union. Whatever the case, citizens of the European Union would be granted suffrage when Slovenia achieved full membership, yet the legislature decided that the issue be settled prior to Slovenia's entry into the European Union. So, in 2002, foreigners with a permit for permanent residence (they have to live in Slovenia for at least 8 years) obtained active suffrage with which they could vote for members of municipal councils and mayors, but did not have the right to run for an office (passive suffrage). In 2005, additional amendments¹⁵ made passive suffrage available to them – however, only for EU Member States citizens and solely for candidacy for members of municipal councils and not for mayors. The Slovenian arrangement thus distinguishes two kinds of foreign citizens: citizens of other European Union Member States and citizens of third states or “foreigners”. Citizens of European Union Member States who reside in countries other than their home ones are also recognised as having active and passive suffrage at local elections by the Treaty on the European Union, which establishes the citizenship of the European Union and which does not supplant national citizenship but

only upgrades it (Articles 8 and 17 of the Treaty on the European Union). EU citizenship represents one of the more important achievements, because it grants active and passive suffrage for municipal elections and for elections to the European Parliament to all citizens of the Union's Member States in a country of their permanent residence, although this is not the country of their citizenship. An issue is citizens of third states who are excluded from this arrangement, and in Slovenia, these represent a large proportion of the foreign population. The encouragement of political participation among foreigners has become one of the fundamental principles of a common European policy on the integration of third states' citizens into immigrant states. The fundamental principles of the policy on the integration of immigrants into the EU adopted in 2004 include, *inter alia*, the principle that "participation of immigrants in a democratic process and in the formulation of integration policies and measures, especially at the local level, encourages their integration" (Kejžar 2009: 124). The debate on immigrants' voting rights cannot begin without the consideration of one of the fundamental principles of democracy that ought to be in force in every democratic society, namely that everyone decides on everything. Therefore, no individual who is obliged to abide by the laws of a certain state and whose life will be affected by future political decisions should be left excluded from the political process of decision-making. Immigrants living amidst a certain society for a longer period of time must also be able to participate in the decision-making process (Kejžar 2009: 125–129). For the time being, Slovenia has only in part arranged active and passive suffrage for foreigners, since citizens of third countries can only vote and cannot assume candidacy for members of a municipal council; therefore, they are entitled only to local-level active suffrage. Passive suffrage that would enable foreigners to run for the municipal or city council or for mayor has not yet been provided for by the state. At present, citizens of EU Member States have a privileged status because they enjoy both active and passive suffrage at the local level (and at elections for the European Parliament), a situation most likely obtaining from the fulfilment of obligations laid down by European directives and founding treaties.

3.2 Local-Level Civil Society Participation

Whenever speaking of participation in decision-making, one cannot avoid the notion of civil society. According to Keane, civil society represents an ideal-type category that describes and encompasses a complex and dynamic cluster of non-governmental institutions secured by law, which strive to enact the principles of self-organisation and self-sense-giving to the greatest extent possible (Keane 2000: 6). In the local environment, possibilities for the self-organisation of people are even greater. Hence, when dealing with participation, one cannot ignore non-governmental organisations, which represent the third sector, separated from, or independent of both state and capital and an important part of civil society. The existence and activity of non-governmental organisations is an important condition for the integral development of the principles of plurality and democracy within a society. The Slovenian government encourages cooperation between local and national authorities and non-governmental organisations, a fact which has been demonstrated by its adoption of the Strategy of the Republic of Slovenia for Cooperation with Non-Governmental Organisations. This strategy is intended to: a) establish a permanent basis for the resolution of problems appearing in relation to their work and development, b) promote the work of non-governmental organisations in the society

and c) start the process of asserting permanent forms of non-governmental organisation influence on the creation and implementation of policies, which will allow for the participation of the public in the adoption of acts by state authorities. The most influential civil-society actors in Slovenia are labour unions, the Catholic Church and non-governmental organisations active in the field of human disability. Humanitarian, student, fire-fighter and other non-governmental organisations, as well as the Olympic Committee of Slovenia, are influential to some extent; environmental movements are among those which are least influential or not influential (Verbajns 2006). The highest percentage of non-governmental organisations in Slovenia operate at municipal level (36.5%), followed by 22% operating at the level of settlements, 20.3% operating at regional level and only 14.2% operating at state level (Kolarič et al. 2006: 16).

In the following section, we present the degree of civil society interest in the governance and administration of local authorities. Almost one half (48.2%) of non-governmental organisations only occasionally offer cooperation to local authorities and 27.8% want to cooperate with local authorities frequently. Almost a quarter (23.9%) of non-governmental organisations reject any form of cooperation with local authorities. Non-governmental organisations that are open to cooperation most often establish contact by means of personal conversation (94.1%), followed by telephone conversation (76%), followed by written forms of communication (67.3%). 37.6% of organisations take part in sessions of municipal councils' working groups and 32.6% publish open letters in mass media; 21.4% choose to offer their cooperation to local authorities through the preparation of amendments to draft documents undergoing procedures in bodies of municipal authorities; 17.0% organise public discussions. Only exceptionally do they decide to prepare alternative programmatic, legislative and systemic solutions, as these methods are taken up by only 14.2% of non-governmental organisations. Speaking of the local level in general, when non-governmental organisations offer themselves as interested parties in cooperating with local authorities they usually tend to opt for informal and less demanding forms of communication, although their active political engagement, which is obviously still undergoing development, would be more significant for the development of local-level democracy. Non-governmental organisations are not the only ones who want to establish cooperation with local authorities, as the latter are often themselves initiators of such cooperation. Usually, non-governmental organisations are invited to participate when a local authority deals with matters falling within the scope of their activities. The percentage of non-governmental organisations that are reportedly often or very often invited to cooperate is 30.6%; 43.5% are occasionally invited to cooperate with local authorities. However, organisations that have never been invited to cooperate in deliberations on matters within their scope still represent a significant share (25%) (Kolarič et al. 2006).

Therefore, the abovementioned data reveal that there is certainly a bilateral tendency towards cooperation. The desire common to most non-governmental organisations is at least occasional participation in, or the exertion of influence on decisions made by local authorities, especially if the matter in question refers to their domain of activity. A strong civil society constitutes the foundations of freedom and democracy, which cannot be replaced either by democratic government or by the free market. This is precisely why it is so important to further augment the activities and participation of civil society, especially at the local level. In the future, it would therefore be desirable for non-governmental organisations to launch even more initiatives and to demand an even higher level of participation in decision-making

on important matters. Nevertheless, local authorities could still do more as they should express greater willingness to cooperate with various forms of civil society organisations when dealing with individual matters. This would strengthen local-level democracy even further because a greater number of both political as well as civil-society actors would participate in decision-making.

4. The Findings

From the standpoint of demographic and territorial characteristics, Slovenia is one of the countries less suited to the implementation of the process of decentralization. Still, recommendations for the establishment of a second tier of local self-government have been given by the European Union, as Slovenia is one of the few European states which still insist on a single level arrangement of local self-government, even though movements to set up regional authorities have already existed for some time in the Slovenian politico-administrative space. The state has already shown its interest in the implementation of regions, as amendments to the Constitution of the Republic of Slovenia have been passed and an advisory referendum was held, which had an exceptionally poor voter turnout, possibly suggesting that citizens are not particularly interested in the introduction of regions or that they prefer to leave the decision-making on such matters to state authorities. Slovenia came close to establishing a second tier of local self-government in 2008. However, the process ground to a halt with the voting on the adoption of the Act on Establishing of Regions, whose adoption should have been supported by a two-thirds majority of members of the Slovenian National Assembly. This, of course, never happened due to opposing opinions, especially about the number of regions. The halting of the process of regionalisation is also regretted by the municipalities, since the majority of mayors believe that the process of regionalisation should continue, but with fewer regions. Within the scope of the territorial aspect of the development of democracy at the local level, moves towards reducing the fragmentation of Slovenian municipalities also need to be mentioned, as the number of municipalities grew from 147 in 1994 to 210 in 2007. With a view to preventing the further fragmentation of municipalities, amendments to the Local Government Act were passed in 2010, which introduce much harsher limitations, namely that the population criterion must be considered when establishing a new municipality, i.e. a minimum number of 5000 inhabitants, a criterion which is sustainable from the financial standpoint as well. Considering their financial dependence on the state, smaller municipalities are less viable, because they acquire the majority of their resources from the state budget, while they find it more difficult to fulfil their administrative tasks. In the democratic formation of local communities, the wishes and preferences of the inhabitants of a territory with regard to the establishment of a new unit of local self-government – one which will enable interested members of a local community to participate democratically in the governance of local matters – is the most important aspect. In fact, the active participation of citizens in decision-making on local matters represents a crucial dimension of democracy.

The data on political participation presented in this article reveal that, on average, people are more interested in local matters than in national-level matters. Indicative of this is the very high voter turnout at local referenda at which the establishment of new municipalities and lo-

cally relevant matters are decided upon. In this article, the degree of democratic character is also estimated according to the breadth of access and of the right to participate either directly or indirectly at the local-level. Within the topic of political participation, we presented the rights of members of the Italian and Hungarian national minorities, of foreigners and of members of the ethnic Roma community. Our findings indicate progress in this area, because, since 1994, Slovenia has become a far more open and democratic state as far as the participation of minorities living in Slovenia is concerned. Members of the Italian and Hungarian minorities are granted double suffrage; this can be considered a sign of positive discrimination, which has now been extended to the members of the ethnic Roma community, who used to be an under-represented and forgotten minority in the process of political decision-making. In the light of empirical data, we can conclude that members of the ethnic Roma community want Roma councillors to be present in municipal councils, as their turnout at the 2002 and 2006 local elections was very high. Members of the ethnic Roma community are thus becoming ever more active participants in decision making in the local political life of the Republic of Slovenia. However, foreigners in Slovenia, who did not have suffrage at local elections prior to 2002, have also increased their ability to influence local affairs. First, their active suffrage was recognised, and in 2005, their passive suffrage followed; however, this covers only the citizens of EU Member States, and then only candidacy for members of municipal councils, as candidacy for mayors is not included. What needs to be stressed, though, is the distinction between two kinds of foreign citizens, namely the citizens of other EU Member States and the so-called citizens of third states or foreigners.

An important condition for the wholesale assertion of the principles of plurality and democracy in a society is also represented by the existence and activity of non-governmental organisations, a view shared by the Slovenian government, since, in 2005, it adopted the Strategy for Cooperation with Non-Governmental Organisations. With the help of empirical data, we succeeded in showing that the desire for mutual cooperation is bilateral. Most non-governmental organisations cooperate with local authorities primarily through personal and telephone discussions; what is lacking, though, is their participation in sessions of municipal councils' working groups and their assistance in the preparation of amendments to draft documents and the preparation of alternative legislative proposals. Their more active political engagement would thus improve the level of local democracy even further. In terms of the territorial and participatory aspects of the issue, the development of local-level democracy in Slovenia can, therefore, be characterised as very successful, since many important moves have been made. These moves place Slovenia among states which have continued successfully to enact local democracy and to work hard towards its development at the local level, especially by expanding the possibilities for both political and civil-society participation, in spite of obstacles to the process of regionalisation.

Notes:

1. The reform contains five elements: the functional (reallocation of competences between the state and the municipalities as the fundamental self-governing local communities plus the enactment of the principle of subsidiarity in the process of decentralisation), the territorial (the founding of new

municipalities), the organisational (a new arrangement of organisation of authority within a municipality), the financial-material (the enactment of the principle of proportionality of resources to the tasks of a local community, the right of a local community to have its own resources, etc.) and the legal one (the status of a municipality as a legal personality under public law and its inclusion into the entire legal system; Vljaj 2005: 30–31).

2. European Charter of Local Self-Government
3. Council of Europe 2001.
4. The table includes European countries only.
5. The Constitutional Act amending Articles 121, 140 & 143 of the Constitution of the Republic of Slovenia, Official Journal of the Republic of Slovenia, No. 68/2006.
6. Act on Establishing of Regions, Act on Regions, Act on Financing of Regions, Act on Regional Elections and Act on Electoral Districts for the First Regional Councils Elections.
7. Article 143 of the Constitution of the Republic of Slovenia, Official Journal of the Republic of Slovenia, No. 33/1991.
8. The development coefficient stands for the ratio between the value of arithmetic mean of standardized values of indicators for a municipality and the value of arithmetic mean of standardised values of indicators for the entire state. All the indicators are equally weighted and from them, the arithmetic mean is calculated, whereas groups of indicators are weighted with the number of indicators within a group. The greatest weight is ascribed to the group of indicators of developmental possibilities of a municipality, which is weighted by four indicators. The other two remaining groups, the indicators of the level of development of a municipality and the indicators of how much a municipality is compromised are weighted by three indicators each. The average value of the development coefficient equals 1. (Article 4 of the Decree). The table includes only the values for development coefficients in 2009 and 2010 (Decree on Methodology for Determination of Municipal Development, Official Journal of the Republic of Slovenia, No. 61/2009).
9. Note that development coefficient that has a value equal to 1 represents the average of Slovenian municipalities.
10. As major forms of participation, one can consider the following: voting at local and national elections, voting at referenda, participation in election campaigns, active membership in a political party, active membership in an interest group, participation in political demonstrations, industrial strikes with political objectives and similar activities, oriented towards change in public policies, various forms of civil disobedience, such as refusal to pay taxes or transgression of registration order, etc. (Birch 2007: 145).
11. Article 32a of Local Government Act, Official Journal of the Republic of Slovenia, No. 94/2007.
12. The question was as follows: “Can you trust us whether you have ever participated in decision-making in your municipality, in a manner given among the options below?” (Brezovšek et al. 2007: 130).
13. First election of a Roma municipal councillor was in 2010. Voter turnout was 100%.
14. Article 43 of the Constitution of the Republic of Slovenia.
15. Local Elections Act, Official Journal of the Republic of Slovenia, No. 100/2005.

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