

Factors influencing changes in parliamentary statutory rules in Slovenia

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Abstract:

Several main factors have influenced the beginning of debate cycles regarding statutory rule changes in Slovenia: a) institutional adaptation to modernisation processes linked to the development of a liberal-type democracy; b) the political prioritisation of EU integration processes (also among other fields) in the institutional adaptation of the national parliament for the speedy adoption of the *acquis*; and c) the changing characteristics of the party system. The influence of these factors has fluctuated over time. Whereas during the 1990s responses to modernisation pressures and the changing characteristics of the party system prevailed, adaptations to European pressures remained the most important from the end of the 1990s until recently. In the context of a relatively consolidated young democracy, including consolidation of the party system (after Slovenia's full EU membership), 'normalisation' in terms of party struggles over the statutory rules in order to maximise political gains can be expected to predominate in the future.

Keywords: parliament, statutory rules, Slovenia, Europeanisation, modernisation

1. Introduction

The statutory rules of the National Assembly (Slovenia's lower chamber) have seen many changes since the country's transition to democracy: in 1993, 1994, 1996, 1997, 2000, 2001 (three times), 2002 (twice), 2004 and 2007. Besides these, obligatory interpretations of rules have been adopted by the Committee for Statutory Rules – in the first half of the 1990s there were more of these obligatory interpretations than in the later period. While some alterations of the statutory rules were relatively minor, others have contributed to significant changes in how Slovenia's entire political system functions.

In these statutory rule debates several political aims have been clearly established: a) shortening the legislative procedure to make parliamentary decision-making more efficient; b) fulfilling democratic standards in the government-opposition relationship; and c) making internal parliamentary decision-making more efficient. They are evidently related to modernisation of the parliament. In the period from the second half of the 1990s to the first years

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of the 21st century the National Assembly's adaptation to European integration processes was initially declared a political goal to be indirectly achieved by shortening the legislative procedure and later (in 2002 and 2004) directly in terms of the National Assembly's adaptation for it to function in the circumstances of Slovenia's full EU membership.

Apart from some openly desired consequences, some unintended (or at least hidden from the public agenda) side-effects of the statutory rule changes may also be observed. First of all, these include the shrinking role of the national parliament relative to the national executive and the decreasing role of civil society actors in the National Assembly's decision-making.

2. Purpose of the article

The analysis of parliamentary statutory rules has so far been one (more or less marginal) of several aspects taken into account while doing research into the modernisation of the Slovenian parliament (Zajc 2004), the institutional adaptation of Slovenia's political system so as to manage EU affairs (Fink-Hafner and Lajh 2003 and 2005; Fink-Hafner 2005), the impact of the changed statutory rules on parliamentary working bodies (Krašovec 2004; Fink-Hafner and Krašovec 2005), Slovenia's party system developments (Fink-Hafner 2006 and 2010-in print) as well as an analysis of institutional adaptations and how the system functions in the circumstances of Slovenia's Presidency of the EU (Fink-Hafner 2008).

The aim of the contribution is to *turn the research focus upside-down* and to focus primarily on the changing parliamentary rules. The characteristics of Slovenia's adaptations of the national parliament's statutory rules are explained via the following factors: a) institutional adaptation to modernisation processes linked to the development of a liberal-type democracy; b) the political prioritisation of EU integration processes (also among other fields) in institutional adaptation of the national parliament to allow the speedy adoption of the *acquis*; and c) the changing characteristics of the party system.

Our theses are as follows: Two main periods of statutory rule-making and rule-changing can be identified: the period between 1992 and 2001 (parliamentary rules were adopted in 1993 and were later to be partially changed relatively frequently) and the period after 2001 (the new parliamentary rules were adopted in 2002 and later changed less frequently and only to a limited extent). The EU integration processes first interfered with modernisation of the national parliament (especially through the pressure to shorten the legislative procedure in order to make the parliament more efficient in its adoption of the *acquis* and to some extent through the establishment of a special working body for European Affairs) and later as pressure to adapt the National Assembly to function in the context of Slovenia's full EU membership (adaptation of parliamentary rules to policy-making regarding internal parliamentary decision-making as well as relations between the parliament and the executive in managing EU matters).

The impact of each of these three factors (modernisation, European integration adaptation pressures and adaptation pressures related to party-system characteristics) varies in the period investigated (1992–2008). There was a need to modernise and adapt the National Assembly to the relatively unstable political circumstances which prevailed during the 1990s. As the two-thirds majority that was needed for bigger changes to the statutory rules was impossible to

achieve, parliamentary rule changes only took place in a gradual and fragmented way. It was only after the 2000 parliamentary elections when the emergence of a predominant party in the party system and more clear-cut competition between two ideologically divergent coalitions (the centre-left and centre-right) brought the bigger weight of parliamentary party cleavages (governmental versus oppositional parties) to bear on the determination of statutory rules. The political prioritisation of EU integration processes (expressed in the 1997 parliamentary party agreement on the non-politicisation of institutional adaptations needed to ensure faster adoption of the *acquis*) interfered with the aforementioned processes by enhancing the creation of sufficient agreement among the parliamentary parties to adopt new rules (in 2002) and create procedural conditions to support Slovenia in catching up with other EU accession states. Similarly in 2004, paragraphs related to full EU membership were added to the 2002 statutory rules without politicisation. Since Slovenia's Presidency of the European Union (in the first six months of 2008) was primarily treated as a project of the national executive, no changes to the National Assembly's statutory rules were adopted. Now, in the context of the level of parliamentary modernisation achieved (17 years after the National Assembly was established on the basis of the new constitution of 1991) and the diminishing political idiosyncrasy of EU-related matters (in the case of Slovenia having successful negotiations with the EU, gaining full EU membership, gaining the status of the presiding country and holding the EU Presidency), the ever growing impact of party competition – especially along the 'ruling versus oppositional party' cleavage – may be expected regarding further potential significant changes to the parliament's statutory rules.

Our theses are tested by the cited research, an additional content analysis of changes to the parliamentary statutory rules and obligatory interpretations by the parliamentary Committee for Statutory Rules, as well as a recent round of interviews among long-term MPs involved in statutory rule-making and legislative specialists working within the National Assembly of the Republic of Slovenia.¹

3. Theoretical lenses: factors of institutional adaptation

3.1 Modernisation

Of all the various aspects of modernisation theory the notion of a relatively differentiated society with autonomously functioning sub-systems is one of the most useful in explaining the political system changes seen during the last wave of transition to democracy in former communist countries. Although socialist systems (including the political system in Slovenia as part of the former one-party rule of the Socialist Federal Republic of Yugoslavia) did imitate the modern liberal democratic model of democracy, they in fact only faked it. That is why Slovenian sociologists like Adam (1989), Bernik (1989) and Ule (1989) noted that Slovenian modernisation was actually 'deformed' and that Slovenian society was 'pre-modern' or 'by-modern'. At first sight, all modern political institutions were also in place: the legislative, executive, court system, political organisations, and elections. Yet, in fact, some important characteristics of a modern society were missing. These included the relative autonomy of social sub-systems (besides the political sub-system), the rule of law, a real division of powers, a free mass media, true competition among ideological-political options as well as

free and fair elections where citizens would be in a position to freely choose from political party options.

Early democratic transition research into post-socialist countries like Slovenia discovered characteristics and trends in line with theories of political modernisation. These especially included macro socio-economic preconditions or catalysts of modernisation and the general expectation of increasing popular participation – albeit more or less temporary (see e.g. Lipset 1959; LaPalombara and Weiner 1966; Welch 1967; Huntington 1969 and 1991; Linz 1990). What more specialised research on parliamentary development has noted is that: a) young democratic parliaments are still to determine their status and role in relation to other political institutions after the transitional stage; and b) the relative instability of the party system distinguishes young parliamentary institutions in former socialist countries from those in Western European parliaments (see e.g. Mansfeldova, Olson and Rakušanová 2004). During the processes of consolidating democracy post-socialist societies have faced multiple transitions (economic, social, cultural and political). Institutions put in place normatively by new democratic constitutions still had to be built in practice. Citizens, elected political officials and the public administration, which had been primarily and secondarily socialised in the framework of the socialist system, were being re-socialised in a tertiary sense to play modern political roles in a modernising social context. These processes do not appear to have been very well researched.

While conducting research into how the constitutional structure was being put into practice, the following two clusters of variables emerged as being particularly important. First, there is the government-parliament institutional design and realization by both the legislature and government of their relative independence. Second, there is the normative determination and practice of the main parliamentary functions – representation, law-making and government relations. Olson (2004: 223) stresses that the sudden collapse of communist rule created a vacuum in both parliament and government, and that the new parliaments were on the whole more stable bodies than their governments in the first decade of post-communist democracy. How and why these relationships have changed has not yet been well researched. After more than a decade of partial research it is time to summarise the findings and reconsider modernisation theory based on the experience of political developments in post-socialist countries.

This paper aims to help fill the gap in research into political modernisation by looking at the interrelation between parliament and other political institutions – all in the process of political modernisation while taking into account parliamentary learning through practical experience and responses to domestic political developments.

3.2 Party system development

Several authors have stressed (particularly Linz 1990) that parties are the key actors in the transition to democracy. Unlike the transition stage, in the process of consolidating a democracy the research focus has significantly lost its holistic approach. With the shift from transitional change to the consolidation of democracy, political parties and party systems as units of analysis have also become a relatively separate segment of research. Based on Western theory post-socialist party systems have been studied and classified according to existing typologies (especially the one presented by Sartori 1976) using indicators developed by

Western political scientists such as the effective number of (parliamentary) parties, indicators of party system aggregation, fractionalisation and electoral volatility (see e.g. Lewis 2000, Jungerstam–Mulders 2006).

Since post-socialist parliamentary modernisation and consolidation have very much depended on party and party system developments (as noted in Olson's mentioned work) we believe that a detailed examination of these process and their outcomes can provide one of the explanatory clusters of variables influencing parliamentary institutional developments as expressed in changes to parliamentary statutory rules.

3.3 The Europeanisation of national political institutions

Europeanisation has been defined in a very complex way so as to encompass many aspects of politically relevant social phenomena, especially institutional adaptations, politics and policy-related phenomena (see e.g. Radaelli 2003). Since this definitional approach is too broad for analysing parliamentary adaptations to European integration processes in post-socialist countries, for the purposes of this paper Europeanisation is defined in a narrow sense as part of the top-down adaptation of national political institutions, actors and political processes to European integration processes. There are many sub-fields even within research into national political system adaptation. They have specialised in the managing of EU affairs by the executive, Europeanisation of national public administrations, national parliaments, national political parties, party systems and to some extent interest groups. The main research findings here include:

- a) It is the executive which is, as a rule, Europeanised the earliest at the start of the European integration processes, as well as the most (see e.g. Spanou 1998; Kassim 2000; Knill 2001).
- b) National political parties and party systems are usually only Europeanised to a limited extent, as is the functioning of the party system (see e.g. Mair 2000; Ladrech 2001; Lewis and Mansfeldova 2006; Fink-Hafner and Ladrech 2008).
- c) National parliaments generally seem to have been latecomers and losers in European integration processes (see e.g. Norton 1996; Ágh 2003; Ágh 2004; Barret 2008). Particularly for post-socialist accession states, Grabbe (2001) warned that these states would in fact 'import' the democratic deficit created in the context of the EU regional political system.

One idiosyncrasy of post-socialist accession countries in the last wave of enlargement was the filtering of political system adaptations to European integration processes by national political elites putting the priority of 'their' countries joining the EU before partial party interests in national political competition (see e.g. Fink-Hafner 2007). Nevertheless, the first analysis of normative arrangements (see e.g. reports by the COSAC) and research findings (e.g. Fink-Hafner 2008) supports Grabbe's thesis.

Our contribution builds on previous research findings concerning adaptations of the National Assembly to European integration processes. Here Europeanisation is understood as an external factor influencing the National Assembly's internal institutional adaptation as well as the adaptation of parliament-executive and parliament-civil-society relationships in the period investigated.

4. The modernisation point of view: an overview of the Slovenian parliament's statutory rules since 1992

In the first period parliamentary functions were heavily affected by the intensive processes of constituting and consolidating the party system; parliamentary rules needed to be defined in order to maintain the more or less normal functioning of parliament in circumstances of relatively lively party (MP groups') splits and the parliament's unstable political structure. The second period of statutory rules began when the new statutory rules were adopted in April 2002. Since then, only a few aspects have been changed (the composition of working committees, seating order in the assembly room, representation of parliamentary party groups, representation of the government in assembly and working committee sessions), while the biggest group of changes to parliamentary rules explicitly focused on parliament management of EU matters and its relationships with the government and the public in EU-related decision-making.

4.1 The period between 1992 and 2001

Although some modernisation processes had already started in Slovenia during the 1980s, in terms of political institutions they were delayed. Constitutional amendments at the end of 1980 allowed for the first free elections to be held in 1990, but in reality they only served to fill the old political institutions – the socialist assembly, constituting three chambers, was in place in the period from 1990 to 1992. It was not until 1992 that elections allowed the 1991 constitutional system to be put into practice, including the lower chamber – the National Assembly of the Republic of Slovenia.

Since the National Assembly was a new political institution in the framework of the newly created constitutional system, one of its early struggles was to determine its position and role internally as well as in relation to other institutions, especially the executive. Due to the lack of a modern pluralist institutional memory and political culture, the new statutory rules were created in 1993 by taking into account the advice of experts from the Council of Europe, as well as foreign experience learned via Slovenian MPs' visits to more democratically experienced national parliaments. The first statutory rules (1993) sought to encompass many issues, as reflected in their size – 338 articles. Table 1 shows the most intriguing issues, which during the 1990s needed to be further regulated to adapt to new and unanticipated situations that developed with parliamentary practice and alongside other political/party development, including:

- a) MPs' status and rules of behaviour (such as MPs' questions, immunity, duties regarding attendance at sessions, as well as relations between MPs and working committees);
- b) Internal organisation of parliament (such as rules regarding the establishment of party parliamentary groups, the composition of working committees)²; and
- c) determining relations with other political institutions – especially the executive (some aspects of the legislative procedure, who can propose amendments, the introduction of the budget memorandum, rules regarding the procedure following a successful vote of no-confidence in the government, rules regarding the procedure following interpellations against ministers, votes on ministerial candidates, amendments to the draft budget and its rebalancing, rules regarding legislative referendum).

Table 1: Key characteristics of National Assembly statutory rule changes since the 1993 statutory rules were adopted

	1994*	1996	1997	2000	2001	2001	2001	2002	2002	2004	2007
Number of articles encompassing the Statutory Rules or how many articles involve changes to it – (the scope and importance of changes)	Changes has 74 articles (large)	Changes has 7 articles (modest)	Changes has 2 articles (minor)	Changes has 3 articles (minor)	Changes has 2 articles (minor)	Changes has 5 articles (minor)	Changes has 15 articles (modest)	Rules of Procedure has 288 articles (large)**	Changes has 9 articles (minor)	Changes has 2 articles (large)	Changes has 55 articles (modest)
MPs' questions	X					X					
MPs' immunity	X										
Rules regarding agenda-setting	X							X			
Rules regarding the establishment of party parliamentary groups	X										
Composition of working committees	X										X
Legislative procedure	X							X			X
Role of working committees	X							X			
Who can propose amendments	X							X			
Introduction of the budget memorandum	X										
Rules regarding legislative referendum	X		X								
Changes in rules following a successful vote of no-confidence in the government	X										
Changes in rules following interpellations against ministers	X										
Interpretations of statutory rules	X										
MPs' duties regarding attendance at sessions		X									
Vote on ministerial candidates				X							
Amendments to the draft budget and its rebalance							X				
Relations with the National Council						X					

Table 1 (continued)	1994*	1996	1997	2000	2001	2001	2001	2002	2002	2004	2007
Grammatical change					X						
Planning of sessions								X			
Limitation of the time for speeches, replies								X			
Relations between MPs and working committees							X				
Changes regarding working committee dealing with public offices and elections									X		
Rules on dealing with EU matters										X	
Relations between the gov't and the parl. regarding EU matters										X	
Seating order in the assembly room											X
Representation of parliamentary party groups											X
Rules regarding interruptions to parliamentary sessions											X
Minor changes regarding the openness of sessions to the public											X
Representation of the gov't at sessions											X

* The 1993 statutory rules had 338 articles.

** Since 2002, the statutory rules have encompassed a vast number of changes; here we only mention some of the most important (also noted in the interviews).

Source: Authors

In spite of the creation of statutory rules and their many amendments during the 1990s, so-called official interpretations of those rules and additional opinions by the Committee for Statutory Rules were needed to fill in gaps identified in parliamentary practice. The need for official interpretations decreased gradually in the first new parliamentary decade. While they were very frequent in 1993 (nine obligatory interpellations), 1994 (six), 1995 (twelve), the trend started to turn the other way in 1996 (two obligatory interpretations), 1997 (six), 1998 (four), none in 1999, only one in 2000 and two (out of 17 proposed) in the 2004–2008 mandate.

Table 2: Frequency and contents of obligatory interpretations and opinions of the National Assembly's statutory rules by the Committee for Statutory Rules in the 1992–2000 periods

1993	9	Regulation of the re-creation of parliamentary groups after party splits; power of parliamentary working bodies to send direct demands to the government and individual ministers; Definition of the estimated financial resources from the national budget and other financial consequences of the bill; the need to determine financial consequences of amendments to bills; determining the deadline for the submission of a working body's opinion on a bill to the president of the National Assembly and determining of the stages in parliamentary decision-making; determining the procedure for filing amendments in the third stage of the legislative procedure; rules on marking proposed changes to be available for the third stage in the legislative procedure; resolution of dilemmas regarding the fusion of all three stages of the legislative procedures at the same time as a parliamentary session; clarifying of the procedure for a shortened legislative procedure in relation to a quick procedure, determining the contents and deadline of the governmental report on its work
1994	6	Parliamentary questions; time limitations on discussions; determining the legal form of the draft national budget and the amended draft budget; determining parallel procedures for the dismissal of an old and naming of a new minister; determining the procedure for an individual minister stepping down; determining the rules for the President of the Republic's appearance in the National Assembly
1995	12	Parliamentary holidays; deadlines for working bodies' reports and filing amendments to these reports; MPs' voting; detailed rules on counting votes and changing votes; presiding over a working body after the president's resignation; determining a substitutional MP to temporarily preside over a working body; voting rights of MPs who temporarily replace an MP in a parliamentary working body; determining deadlines for the submission of materials to MPs for the third stage of the legislative procedure; determining the acceptable number, scope and procedure for the filing of amendments by the proposer of a bill; determining the procedure for an MP or parliamentary official's resignation; clarifying the relationship between an interpellation and a demand for a vote of confidence in the government
1996	2	Demands for a meeting of parliamentary collegiums; determining the procedure to fill empty seats in parliamentary working bodies
1997	6	Parliamentary agenda-setting; Determining 'the interested public' and its participation in parliamentary body meetings; rules on the 'queuing of bills with a similar content; clarifying the start of the third stage of the legislative procedure in case of a demand for a preliminary referenda; non-acceptability of changing the obligatory interpretation of law as well as parliamentary statutory rules; rules on dealing with proposals by MPs who were not elected for a new mandate
1998	4	Misuse of parliamentary questions; misuse of the possibility of a break on the demand of parliamentary groups: establishing a parliamentary quorum; determining the presenter of a bill at the parliamentary committee; setting the deadline for the government to send a final account for the previous year to the parliament
1999	0	
2000	1	Clarification of the purpose of the third stage of the legislative procedure (only minor, technical changes allowed).

Source: Authors

The archive of 'official interpretations' by the parliamentary Committee for Statutory Rules³ reveals that in the first decade some basic rules on parliamentary and parliamentary-executive relations were being debated and some basis of modern parliamentarianism was being established. They largely focused on:

- a) interpretations of the statutory rules in relation to political instability – be it parliamentary party instability or instability of the executive (such as the reforming of parliamentary

- groups after party splits, the dismissal and nomination of new ministers, presiding over a parliamentary working body after the president had resigned, the procedure of MPs or parliamentary officials stepping down, the filling of empty seats in parliamentary working bodies, the fate of a bill in the event that the MP proposing it is not re-elected);
- b) clarifying the legislative procedure (such as counting MPs' votes, establishing a parliamentary quorum, filing amendments, clarifying distinctions between various legislative procedures, deadlines for the submission of materials for the third stage in the legislative procedure to MPs, determination of the status of an obligatory interpretation of law, the deadline for the government to send a final account for the previous year to the parliament, clarifying the purpose of the third stage in the legislative procedure);
 - c) defining the particularities of parliamentary decision-making (such as the need to determine the financial consequences of amendments to a bill, the form of the draft national budget);
 - d) power relations within the parliament (establishing meetings of the parliamentary collegium's sessions, parliamentary agenda-setting, rules on the queuing of bills with similar contents, misuse of the possibility of a break on the demand of parliamentary groups, determining the presenter of a bill);
 - e) control of parliamentary time (time limits on discussions, as well as rules regarding session breaks); and
 - f) filling in gaps in the rules (such as rules on the President of the Republic's appearance in the National Assembly).

4.2 The period since 2002

The official interpretations described above represented an important basis for formal changes to the statutory rules not only during the 1990s, but also in the case of the major change to the statutory rules in 2002. As Table 1 shows, the following key changes emerged in the 2002 statutory rules:

- a) rationalisation of the legislative process – there are still three stages of the legislative process, but the first one is completed with the distribution of parliamentary materials to MPs and working bodies (some exceptions are possible);
- b) the empowerment of working bodies – working bodies were empowered in all three stages of the legislative process with their decisive role coming in the first two stages (with some exceptions);
- c) the diminishing role of civil society actors in the legislative process – rationalisation of the legislative process has also meant less time and opportunities for interest group activities in parliamentary decision-making;
- d) the growing role of parliamentary party group leaders – in some respects power has been transferred from the Speaker of the National Assembly to parliamentary party group leaders who make decisions within the framework of the empowered Collegium of the Speaker; and
- e) limits on the time available for speeches and replies was imposed.

4.3 The intervening 'EU variable'

Within the broader framework of two periods of statutory rule-making (1993–2001 and since 2002), a third aspect of rule changes appears – one related to the national parliament's adaptation to Slovenia joining European integration processes. Contrary to the 1990s, when the explicit parliamentary adaptation to the management of EU matters was limited to the establishment of a special parliamentary Committee for European Affairs and remained predominantly implicit in terms of rationalising legislative procedure in order to foster the pre-accession adoption of the *acquis* to ensure full EU membership, in 2004 it became an explicit EU-related statutory rule matter.

While the first cluster of parliamentary rule-building was closely related to political modernisation processes in the sense of establishing a modern parliament and modern relationships between the parliament and the government, the second cluster of rule-making cannot be understood without insight into party-system developments in the direction of two ideological blocs, namely the two alternative government coalitions. Still, EU-related statutory rule matters have so far not been politicised either implicitly or explicitly.

5. The Europeanisation of Slovenian political institutions

Research by Slovenian political scientists to date has revealed that the adaptations of individual nation's political institutions to European integration processes vary considerably (Fink-Hafner 2009a). In addition, shifts in their roles in various stages of Slovenia's integration process can be observed together with their long-term impacts on the overall characteristics of the national political system. While the national executive – especially the core of public administration (including the Slovenian representation in Brussels) heavily involved in managing EU matters – has been adapting for the longest period of time and is currently the most adapted to functioning in the framework of the EU political system, other political institutions like the national parliament and national political parties have been lagging behind.

5.1 The National Assembly and the executive

As mentioned, the first significant parliamentary adaptation to Slovenia entering into European integration processes related to the rationalisation of legislative procedure⁴ and identifying in detail the responsibilities of authorities when submitting draft laws. Especially important insofar as the domestic management of European Union affairs is concerned are the new 2002 statutory rules (at least in the view of most parliamentary experts) that significantly empowered parliamentary working bodies as the new rules replaced the consultative status of working bodies in all three stages of the legislative process with a decision-making role in the first two stages (subject to some exceptions).

In the search for determining the National Assembly's role in the context of the EU political system, the parliament and the executive built on the constitutional spirit of the parliamentary democracy and learned from others (especially Scandinavian countries) (Fink-Hafner and Lajh 2003 and 2005). Without the usual left-right party struggles the Constitutional Act

Amending Article 3 as well as Articles 47 and 68 of the 1991 Constitution of the Republic of Slovenia was adopted on 27 February 2003, a little over one year before Slovenia joined the European Union.⁵ A similar case was the Law on Collaboration between the National Assembly and Government in European Union Matters, which was adopted on 25 March 2004. The April 2004 amendments to the statutory rules continued the 2002 statutory rule policy of empowering the working bodies (new articles 154a to 154m of the statutory rules). They also defined the structure of the key working bodies (the Committee on European Affairs and the Committee on Foreign Policy)⁶ and the rules of procedure applicable to the management of European Union affairs in more detail.

Partly in normative terms and even more so in practice both institutional adaptations have so far led not only to the predominance of the executive over the parliament in the management of EU affairs, but also to a reduction in the opportunity structure for civil society actors (Fink-Hafner and Lajh 2003, 2005 and 2008; Fink-Hafner 2008, 2008a and 2009a). The National Assembly has to date not efficiently used even the normatively reduced opportunities to influence and control the executive in EU policy-making matters. The new organisational arrangements have created a relatively complicated parliamentary procedure involving first the ordinary parliamentary working bodies and only then the transfer of these parliamentary bodies' policy opinions to the Committee for European Affairs. In practice, the parliament is subject to enormous time pressure since there is usually only a time window of a few days for it to respond to the executive's proposal on a particular Slovenian policy position to be presented in Brussels, while very often the material is even given to MPs at a session of the parliamentary body. Due to these practical limitations, parliamentary functioning in EU matters simply does not allow any realistic opportunity for interest groups to successfully use the parliamentary route in either the creation of Slovenia's official policy positions or to control Slovenia's executive in ongoing EU policy-making.

5.2 Slovenian parties and the functioning of the party system

While in the accession period no Slovenian parliamentary party experienced any significant changes directly related to European integration processes (in most cases the changes were quite minor, if there were any) in their internal organisational structure, in the period of full EU membership some modifications have been seen in party rules and structures (Krašovec and Lajh, 2009). These modifications above all formally define the relations between the party and its deputies in the EP, namely their (formal) inclusion in relevant party bodies in accordance with their function (*ex-officio* inclusion). We have found such formal arrangements in several parties, including in parties with no MEPs. In addition, the position of a secretary for international co-operation has been established in almost all parties, but they have differing formal positions. In practically all parliamentary parties an expanded role of the secretary for international co-operation is observed since they are permanently invited to all relevant party bodies' meetings (without voting rights) on the basis of *ex-officio* criteria. However, this is only reflected in practice and not in any of the parties via explicit changes to party rules (Krašovec and Lajh, 2009). It was a surprise to find that Slovenian parties have only a few EU specialists or none at all. It is interesting that this small group of EU specialists in the parties is, as a rule, composed of an MEP (if a party has one), people interested in EU affairs because of their spe-

cific interest or those who are otherwise by virtue of their working position (not in the parties) somehow related to the EU (for example, professors, civil servants etc.), some deputies of the National Assembly, secretaries for international co-operation, or assistants to MEPs. As found by Krašovec and Lajh (2009), all parliamentary parties, except the SNP, have also formally established different internal expert bodies in which members or sympathisers of parties can participate. Among these structures, in all parties there are formally established bodies specialised in the area of international and foreign politics that also cover EU affairs. Only the LDS and NSi have established special bodies that deal solely with EU affairs. In the SD, for example, a European Forum was established in 2004 as an interest organisation (not an expert body).

Similarly, it can be estimated that so far the functioning of the party system has not been affected by visible EU-related ideological or political cleavages within the parliamentary party system. Especially in the context of the growth of public Euroscepticism since mid-1996 and 1997, when almost all parliamentary parties shared a very positive stand on accession, it was expected that some parties would try to take advantage of the gap between the politics of almost all parliamentary parties and public opinion when Slovenia's accession to the EU was in question. We would expect especially non-parliamentary and/or marginal parliamentary parties to try to take advantage of this situation. This indeed happened but both parties which tried to exploit this fact did not profit in terms of greater electoral support in the 2000 elections. Also, subsequent development has shown that EU issues have not directly influenced inter-party competition so these issues have in fact held particular salience for national politics but little salience in terms of the potential increase in party competition (Krašovec, Lajh and Kustec Lipicer 2006).

On the whole, the Europeanisation of political parties cannot be seen as a significant factor affecting the National Assembly's rule-making and rule-changing. In fact, it was the inter-party consensus on excluding politicisation from adaptations of the National Assembly's statutory rules related to European integration which made the process very smooth.

6. Party system development and conflicts over the statutory rules

Since the first free elections in 1990 the party system in Slovenia has largely consolidated (Fink-Hafner 2006 and 2010-in print). Its pattern of development fits into the model of transformation of an atomised party system into polarised pluralism forced to create relatively unstable coalition governments. After a temporary tendency that led to the prevalence of one party immediately after the 2000 parliamentary elections (the Liberal Democracy of Slovenia, long-term party of the Prime Minister which won 36.21 percent of the votes and 37.77 percent of the parliamentary seats), a more long-term moderate pluralism seems to have prevailed since the 2004 parliamentary elections, with a consolidated core of parliamentary parties and two alternative governmental coalitions available to alternate in power. It was only in 2002 when the strong party of the Prime Minister succeeded in achieving the parliamentary majority required to bring about more 'governing party friendly' statutory rules.

In spite of the many changes to the statutory rules, especially during the 1990s, in fact only the adoption of two new sets of parliamentary rules has clearly expressed parliamentary party cleavages – the vote on the 1993 rules and the vote on the 2002 rules and their changes in the same year.

Table 3: MPs' voting behaviour on changes to the National Assembly's statutory rules

	Changes 1994	Changes 1996	Changes 1997	Changes 2000	Changes 2001	Changes 2001	Changes 2001	Changes 2001	Changes 2001	Changes 2002	Changes 2004	Changes 2007
	for/against	for/against	for/against	for/against	for/against	for/against	for/against	for/against	for/against	for/against	for/against	for/against
Liberal Democracy of Slovenia	13/0	14/1	19/0	20/0	17/3	27/0	31/0	29/0	21/0	28/0	9/0	
Slovenian Democratic Party	1/0	4/0	12/0	14/0	10/0	7/0	10/0	0/9	0/3	3/0	27/0	
Social Democrats	9/0	4/0	9/0	9/0	9/0	9/0	8/0	13/0	8/0	11/0	12/0	
Slovenian People's Party	1/0	7/0	16/0	14/0	4/0	4/0	6/0	7/2	5/1	4/0	6/0	
Slovenian Christian Democrats	8/0	10/0	6/0	5/0	Not in the parliament	Not in the parliament	Not in the parliament	Not in the parliament	Not in the parliament	Not in the parliament	Not in the parliament	
New Slovenia – Christian People's Party	Not in the parliament	Not in the parliament	Not in the parliament	Not in the parliament	6/0	6/0	6/1	0/7	1/4	1/1	7/0	
Democratic Party of Retired Persons of Slovenia	Not in the parliament	Not in the parliament	5/0	5/0	3/0	4/0	3/1	4/0	3/0	4/0	4/0	
Slovenian National Party	2/0	Not present/didn't vote	Not present/didn't vote	4/0	3/0	Not present/didn't vote	Not present/didn't vote	0/5	0/3	Not present/didn't vote	Not present/didn't vote	

Youth Party of Slovenia	Not in the parliament	Not present/ didn't vote #	3/1#	4/0#	Not present/ didn't vote #	Not in the parliament	Not in the parliament			
Slovenian National Right	Not present/ didn't vote	0/1	Not in the parliament	Not in the parliament	Not in the parliament	Not in the parliament	Not in the parliament	Not in the parliament	Not in the parliament	Not in the parliament
Democratic Party	2/0	Not present/ didn't vote	Not in the parliament	Not in the parliament	Not in the parliament	Not in the parliament	Not in the parliament	Not in the parliament	Not in the parliament	Not in the parliament
The Greens/ Liberal Democracy of Slovenia	2/0	1/1	Not in the parliament	Not in the parliament	Not in the parliament	Not in the parliament	Not in the parliament	Not in the parliament	Not in the parliament	Not in the parliament
Independent group of MPs	1/0	Not present/ didn't vote	Not in the parliament	Not in the parliament	Not in the parliament	Not in the parliament	Not in the parliament	Not in the parliament	Not in the parliament	3/0
Independent MPs	Not in the parliament	Not present/ didn't vote	Not present/ didn't vote	Not present/ didn't vote	Not in the parliament	Not in the parliament	Not present/ didn't vote	Not in the parliament	Not present/ didn't vote	1/0
Minorities	Not in the parliament	Not present/ didn't vote	Not present/ didn't vote	Not present/ didn't vote	2/0	1/0	Not present/ didn't vote	2/0	Not present/ didn't vote	1/0
Total	40/0*	40/3	74/0*	68/0*	66/2	57/24	39/11	66/2	51/1	70/0

bold – governmental parties; * the presiding officer was IN FAVOUR, but his/her identity is unknown; # The YPS was not in the government, but the party of the Prime Minister – the LDS – and the YPS had signed an agreement on collaboration.

Note: Statutory rules were adopted in 1993 with 52 votes in favour and 17 votes against (voting behaviour details are unavailable).

Source: Authors

In 1993 there were 52 votes in favour and 17 against the proposed statutory rule changes (other details are unavailable). Both votes in 2002 clearly express the cleavage between the centre-left governmental parties and the centre-right opposition parties with scores of 57 in favour *versus* 24 against in 2002, and 39 in favour *versus* 11 against when voting on the changes to the 2002 statutory rules. All other changes were supported by (almost) all parties and their MPs who were present during voting. In February 2009 the respondents also mentioned that frequent negotiations took place when changes to statutory rules were on the agenda. The reason is quite simple – the institutional requirement of a 2/3rds majority for passing or changing statutory rules. It is interesting, although not surprising, that one of the opposition parties' most exposed forms of resistance to change in the case of adopting the 2002 statutory rules focused on time limitations on speeches and replies. On one hand, as pointed out by several respondents, governmental parties and particularly the party of the Prime Minister – the Liberal Democracy of Slovenia (which was most in favour of the new rules) – made several concessions to the opposition parties. On the other hand, the opposition parties also recognised the need to rationalise parliament's work. Another factor which contributed to concessions being made by both sides was their awareness of a possible future alternation of their position – be it governmental or oppositional.

Not surprisingly, if we take the general pro-European integration attitude of Slovenian parties into account, a high level of consensus was reached concerning the 2004 EU-related changes to the statutory rules (51 in favour *versus* 1 against). In fact, the EU-filtered struggles over statutory rules can be explained by the unity of the political elite which was even codified in a special agreement among parliamentary parties on co-operation during Slovenia's accession to the EC/EU (on 3 July 1997). The only partial exception was the refusal of the small Slovenian National Party to sign it, even though it had stressed that it was not 'Euro-sceptic' but 'Euro-realist'. In April 1998 the Slovenian National Assembly also decided to accelerate the process of adopting the *acquis*. Obviously, the inter-party agreement had indeed contributed to a significant improvement in co-operation between the executive and the parliament in the field of EU affairs (Fink-Hafner and Lajh 2003). Again, in May 2007 the majority of parliamentary parties (all but the small Slovenian National Party and the former party of the Prime Minister, the Liberal Democracy of Slovenia) signed an agreement on collaboration between political parties, non-aligned MPs and representatives of the Italian and Hungarian minorities in the National Assembly for the successful preparation and holding of the EU presidency, but this did not involve any change to the National Assembly's statutory rules.

7. Effects of (re)designing the statutory rules

Three major effects of the re-design of parliament's statutory rules have emerged so far.

First, on the basis of the liberal democratic type of constitutional system the National Assembly has evolved into a modern and consolidated – albeit still a relatively young – political institution.

Second, changes in the direction of the rationalisation of legislative decision-making and a trend towards the subordination of parliament to party needs have more or less been initiated by the governing parties, but it has been the parliamentary majority which continues to adopt

them. The ‘collateral’ (intentional or not) consequences of this rationalisation of legislative decision-making are noticeable not only in the declining autonomy of the parliament relative to the executive resulting from altered statutory rules, but also in opening up the way to the kind of practice that has been especially visible since 2004. Already during the 2004–2008 term the Slovenian parliament was increasingly perceived as a ‘governmental voting machine.’

Third, when it comes to managing EU matters both the normative and particularly the practical decline of parliament’s role in relation to the executive are visible. No discussions or activity by the National Assembly have so far put this issue on the agenda.

8. Conclusions

The stages and content of the National Assembly’s changed statutory rules cannot be understood without considering their broader context. The key explanatory clusters of variables relate to: a) political modernisation processes; b) the changing characteristics of the party system; c) institutional adaptation to EU integration processes; and d) political prioritisation in terms of the conscientious political exclusion of EU matters from national political competition as a temporary filter preventing party competition spilling over into the management of EU matters. This is why parliamentary statutory rule-making can only be explained by combining several theoretical approaches and segments of research (modernisation, Europeanisation and party system consolidation literature), which not only include national political developments but also international factors.

While during the initial process domestic factors primarily determined parliament’s early development, including its internal rules of conduct, it was the external monitoring of modernisation processes in the framework of Slovenia’s integration with the EU as well as MPs’ experiences with never-ending sessions that were very important in the second wave of radical changes to parliamentary rules. With full EU membership internal factors began to have a primary influence on parliament’s statutory rules. The fading away of the ‘Europeanisation factor’ has opened up the political space for ‘normal’ political struggles between the government and opposition (which in Slovenia has overlapped with the centre-left versus centre-right cleavage) in the party system in a relatively clear-cut manner since 2000. Still, the post-full-EU-membership period has so far not yet proven to be characterized by serious political struggle over the statutory rules. There are at least three possible explanations of this. First, decision-making on statutory rule changes has decreased greatly in comparison to the first parliamentary decade when parliament was intensively modernising and adapting to party and government instability. Second, the institutional requirement of a two-thirds majority to change the statutory rules has been difficult to achieve and has forced parties to negotiate on potential changes for a longer time. Finally, as the party system has consolidated parliamentary parties have realised that their status in terms of their government-opposition position could change and they have thus learned to look at the statutory rules through both the lenses of government and the opposition – which ultimately makes parties more hesitant when it comes to demanding statutory rule changes.

On one hand, it could be said that the declared intentions of promoting changes to the statutory rules such as the modernisation and rationalisation of parliamentary functioning have

been fulfilled. On the other, some undeclared consequences leading to the diminishing role of the national parliament have also obviously taken place. In fact, so far both the development of the national party system and adaptive responses to European integration processes have functioned as factors in the long-term erosion of the national parliament's initial strong constitutional role. By the end of the first decade of this century, the Slovenian national parliament has become a loser in relation to the core of national parliamentary parties (the cluster of consolidated political parties in general and the cluster of parties in government in particular), while at the same time it has also become a loser in European integration processes.

We may conclude that the National Assembly's statutory rule changes are more or less telling indicators of what parliamentary parties have been able to agree on since the early 1990s while taking their partial domestic stakes into account. This causality has only been filtered to some extent and quite temporarily by the inter-party consensus on the national interest of Slovenia's EU integration. With the completion of EU integration, the political game will probably become increasingly similar to the political games over statutory rules seen in older democratic parliaments and ever more determined by relatively consolidated government-opposition relationships.

Notes

1. The interviews were conducted in February of 2009. The respondents were: Anton Anderlič (Liberal Democracy of Slovenia), a member of the Committee for Statutory Rules in the 1992–2008 period, currently a leader of the Committee for Statutory Rules; Miran Potrč (Social Democrats), a long-term MP and in the 1992–1995 period also a leader of the Committee for Statutory Rules; Rudolf Petan (Slovenian Democratic Party), a long-term MP and a member of the Committee for Statutory Rules in the 1996–2004 period; Boris Vrišer, in the 1992–2002 period a secretary of the Committee for Statutory Rules; Maja Briški, in the period since 2002 a secretary of the Committee for Statutory Rules.
2. Here, discussions and warnings by some experts concerning the excessive number of working committees can be mentioned. As found by Zajc (2004a and 2008), the Slovenian parliament has, in a comparative sense, established an unusually large number of such committees. In the first term 23 working committees were established, in the second term there were even 26, while in the 2000–2008 period there were around 20. Since the Slovenian parliament only has 90 MPs, this means that in the 1992–2000 periods on average each MP was a member of more than four working committees, with this ratio dropping in the 2000–2008 periods, but only to around three. These figures show that the average MP remains overburdened by work in a number of committees (Zajc, 2008: 81). The fact is that calls made by experts during the process of modifying statutory rules to reduce the number of working committees went unheard. Beside warnings about the overburdened average MP another alternative surfaced. The proposal included an increase in the number of MPs to 120, but this would require an amendment to the Constitution.
3. *Zbirka razlag poslovnika državnega zbora in stališč, priporočil ter mnenj komisije za poslovnik k določbam poslovnika državnega zbora* (1993–2000), prepared on behalf of Boris Vrišer, a secretary of the Committee for Statutory Rules.
4. According to the new 2002 rules, the first stage of the legislative process is complete when parliamentary materials are distributed to both members of parliament and to working bodies. (The only exception is if MPs demand a plenary session within a certain period). In the second stage, under the 2002 rules working bodies issue opinions on proposed bills. After a discussion, the working bodies can propose that parliament continue a legislative process or that it stop it. If the working

bodies propose that parliament stop a legislative process, then MPs are merely entitled to vote on the proposal at a plenary session – they are not permitted to discuss it.

5. The new Article 3a allows Slovenia to transfer the exercise of part of its sovereign rights to international organisations, provided: (a) that these international organisations are based on respect of human rights and fundamental freedoms, democracy and the principles of the rule of law; and (b) that the international treaty by which this transfer is effected is ratified by the National Assembly by a two-thirds majority vote of all deputies.
6. Some of the most interesting of such reforms were the requirement that both working bodies were to be structured proportionally by reference to the number of members of parliament from each party list elected to the parliament; the requirement that each parliamentary group was to have at least one seat in each of the two working bodies; the rule that each of these two bodies was to have one chairperson and two vice-chairpersons; and the additional requirement that at least one of these three positions was to be filled by an MP from an opposition parliamentary group.

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