

PARTICIPATION IN SLOVENIAN URBAN MUNICIPALITIES – THEORY AND PRACTICE

ABSTRACT

The paper presents a theoretical overview of local participation and the results of empirical research conducted on a population of Slovenian urban municipalities. The authors tried to learn how Slovenian urban municipalities assess the implementation of activities that effect the principle of participation at the local level as defined by the Council of Europe's Strategy for Innovation and Good Governance at Local Level. Most municipalities believe they actively invite citizens to participate in decision making and citizens are consulted in the early stages of the decision-making process. Taken together with the findings of a survey conducted in 2014 on a population of all Slovenian municipalities, the results show that there is still room for improvement in participation, particularly with regard to the proactive behaviour of municipalities.

KEYWORDS: *local self-government, governance, quality, participation, Slovenia, Council of Europe*

INTRODUCTION

Governance is in a sense just like any other process: the quality of the result (decision) depends on the quality of the process. Quality of governance is very important on the local level, as self-governing local communities are the government entities nearest the people, and as such provide them with crucial services. Additionally, people are more willing to get involved or participate in

governance on the local level. No longer content with being the mere object of (political) decisions, they would like to participate in planning and decision-making processes as providers of feedback, advice, suggestions and ideas (participation in the broadest sense of the word) (Masser, Fiscer, Ritter, 2015).

Over the past two decades, democracy in Europe has undergone considerable change. On the one hand, classical forms of direct democracy (referendums, public initiatives) are gaining ground, and on the other, new forms of deliberative democracy are beginning to appear. In a number of cities and municipalities throughout Europe, one finds a mixture of direct, indirect and deliberative or dialogue-oriented forms of democracy (Hartwig & Kroneberg, 2014).

The theory and literature offer a number of models and benchmarks for quality of governance. The Council of Europe (hereinafter CoE) outlined 12 principles of good governance for self-governing local communities in its 2008 *Strategy for Innovation and Good Governance at Local Level* (hereinafter Strategy)¹. Participation (with fair conduct of elections and representation) is the very first principle listed². The substance of this principle entails giving citizens a real possibility to speak on local public affairs. The principle of participation applies to the normative order and the actual practice of citizen participation in the preparation of municipal plans, regulations and other decisions at the earliest possible stage. Theory delineates different forms of participation based on the degree of influence citizens have on decision making: 1) inform, 2) consult, 3) involve, 4) collaborate and 5) empower (see IAP2, 2007).

The principles of good governance outlined by the CoE represent a sound point of departure for evaluating quality of governance in self-governing local communities in Slovenia. Research to date has revealed considerable room for improvement in this field³. The authors feel that the CoE's Strategy has yet to receive an adequate response in Slovenia. The Resolution on Legislative Regulation (*Resolucija o normativni dejavnosti*) was adopted in 2009⁴, but it applies only to the authoritative part of governance, and even here it only serves as a recommendation for municipalities. The competent Ministry attempted in 2013 to formally commit Slovenia to implementing the CoE's Strategy, but it was not successful.

It follows from the above that quality of governance on the municipal level remains a considerable challenge. The aim of this paper is to contribute to

the empirical bases for outlining strategic orientations in this field on the state and local levels. Its objectives are to present the results of empirical research on the principle of participation conducted with directors of urban municipalities in Slovenia, to evaluate the results of this research in light of previous research and to propose further steps for research in this field. Using the results of research conducted to date, the authors formed two statements: 1) urban municipalities actively invite citizens to participate in decision making, and 2) urban municipalities consult citizens on decisions in the early stages of the decision-making process. A questionnaire was used to assess the veracity of the statements. The population was urban municipalities in Slovenia. Five out of the 11 urban municipalities in Slovenia responded.

The structure of the paper is as follows: chapter 2 presents governance quality as a broad framework for the principle of participation in reference to the proposed strategy for the development of local self-government in Slovenia; chapter 3 presents the results of the empirical research, and in Chapter 4, some key findings are discussed.

QUALITY OF GOVERNANCE AS PART OF THE STRATEGY FOR THE DEVELOPMENT OF LOCAL SELF-GOVERNMENT

The concept of good governance⁵ has two components: 1) quality and 2) process. A very large number of definitions of the term governance can be found. This is not surprising, as the term is used in very different contexts. Hirst (2000), for example, lists five ways in which the term is used:

Table 1.

Ways in which the concept of governance is used and what they mean

	Use	Meaning
1.	Economic development	Stable and effective institutions
2.	International relations	Problems that cannot be resolved on the level of nation states
3.	New Public Management	A new model of public services
4.	Activity coordination	Networks, partnerships, deliberative forums
5.	Private sector	Corporate governance

Source: *Van Roosbroek (2007)*

A number of definitions of governance pertain to the ability of society to steer itself (so-called steering capacity, Van Dooren, 2006, similarly Petak, 2008), whereby this capacity does not depend solely on political actors, but also on the private sector and the third sector (NGOs) (Van Roosbroek, 2007, p. 2–3). Pierre and Peters (2005, p. 3–6) list four basic activities where the concept of governance is used for the most part out of a desire to stress a greater role for steering in mutual relationships between politics, society and the economy: 1) setting common goals, 2) coordination, 3) steering capacity and 4) accountability. Because these activities are structured differently in different political communities, the authors also list five structuring models: 1) etatistic, 2) liberal-democratic, 3) state-centralist, 4) the Dutch model and 5) a system without a central role for authorities (*ibid.*, p. 11–12).

While a consensus can be found (at least) on the basic principles of governance, problems frequently arise when defining good governance, as different authors emphasize different elements of quality (Van Roosbroek, 2007, p. 3; for a detailed discussion see Rakar and Benčina, 2014). Regardless of this multiplicity, participation can be claimed to be a key component of decision making in communities of public law (for a detailed discussion see Rakar et al., 2015, p. 39).

In its guidelines for preparing a strategy for the development of local self-government in the Republic of Slovenia (2013)⁶, the government of Slovenia failed to explicitly address the problem of the quality of municipal governance, even though a problem exists. Part of the issue was brought to the fore in a document from 2015⁷, the introduction to which states that “local self-government in the Republic of Slovenia requires guidelines for continuous development to enhance the administrative and executive capacities of self-governing local communities”⁸. The strategic orientations listed in the document, which was intended for public deliberation on a strategy for the development of local self-government in Slovenia, include the capacity to meet the common needs and interests of citizens (point II A and D) and local democracy (point II, E)⁹. Accordingly, the goals include efficient performance of municipal tasks (goal 1) and the exercise of participative democracy (goal 4). Goal 1 could be achieved, among other things, by founding joint municipal administrative bodies, while goal 4 could be addressed through informal consultations with citizens and by strengthening the role of the latter in law-making.

According to the Ministry of Public Administration (2015, p. 31), the question of public participation at the local level has received special attention in recent years. The measures for ensuring the right to participation outlined in Article 2 of the Additional Protocol to the European Charter of Local Self-Government, which pertains to the right to participation in matters of local self-government, are for the most part already being enacted in Slovenia. These measures can be found in the Local Self-Government Act (*Zakon o lokalni samoupravi*) (consultation, local referendums, reviewing proposals for the work of local authorities and local public services), in the law governing access to information of a public nature (procedures for access to official documents, encouraging the use of communication technology – mandatory websites for municipalities) and in the law governing the right to vote (meeting the needs of people who face special obstacles to participation). Yet by themselves, traditional forms of citizen participation in decision making in municipalities do not guarantee the fulfilment of the right to “try to determine or influence the exercise of authority and responsibility by local authorities” (i.e. the substance of the right to citizen participation on the local level as defined in the Additional Protocol). The substance of this definition can be achieved through more modern, less formalized forms of participation (*ibid.*).

PARTICIPATION AS AN INTEGRAL PART OF QUALITY OF GOVERNANCE AT URBAN MUNICIPALITIES

Method

A questionnaire was used to assess the veracity of a set of statements. The population was urban municipalities in Slovenia. Six municipalities responded to the questionnaire; one did not respond to all the questions. Responses were provided by the directors of urban municipalities. Questionnaires were sent out by email in November and December of 2015.

The questionnaire contained three groups of questions. The first group pertains to the goals of the CoE Strategy, the second to the degree of validity of the twelve principles of good governance on the local level as outlined in the CoE Strategy, and the third to the principle of participation (fair elections, representation and public participation). Below, only results pertaining to the third set of questions or statements will be discussed.

The statements were derived from the benchmarks designed by the CoE for awarding the European Label of Governance Excellence (ELoGE)¹⁰. An integral part of these benchmarks is a list of activities for each principle of good governance and indicators for measuring the extent of these activities (for a detailed discussion see Rakar et al., 2015, p. 25 ff., Ministry of Public Administration, 2013 and Lavtar, 2014).

The following statements serve as indicators of the level of the principle of fair elections, representation and participation:

1. The municipality conducts elections according to laws which match international standards of best practice.
2. As part of a defined consultation process, the municipality actively publicises its plans and invites individual citizens, NGOs, businesses, local media and other groups to comment on these plans.
3. Municipalities strive to improve local regulations and practical arrangements concerning citizen participation in local public life.
4. The public is consulted in the initial phase of the decision-making process.
5. There is an active programme of elected representatives engaging with citizens in decision-making.
6. There is an active programme for encouraging individuals to take on elected representational roles.
7. Access to vote has been considered and actions taken to ensure no groups are excluded or disadvantaged.
8. There is an active programme to include those who are socially challenged in decision-making.
9. The municipality has identified key stakeholder groups (that includes NGOs, businesses, local media and other interest groups). This list is subject to review and updated.
10. The municipality has introduced techniques for deliberative process in the municipality (deliberative hearing, citizens' jury, participation budgeting etc).
11. The demographic composition of the body of elected officials represents the demographic composition of the municipality.

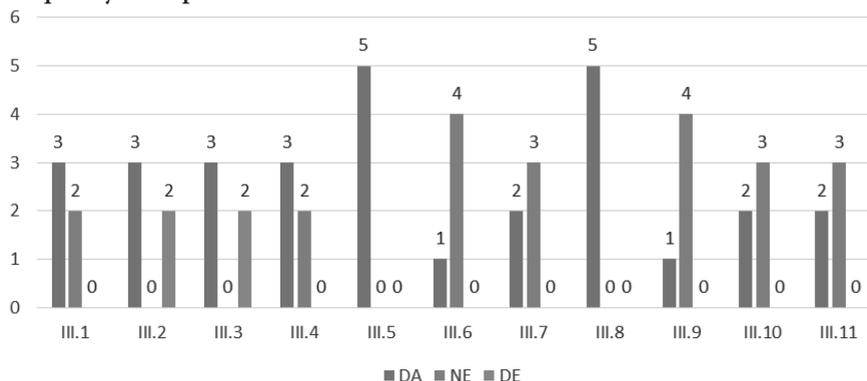
Respondents evaluated the statements in the first and second groups in two ways. First, each statement was given a mark from 1 (the worst/the lowest/not true at all) to 10 (the best/the highest/completely true), and then the respondents were asked to briefly comment on or clarify the mark. Respondents gave a YES or a NO to each statement in the third group. In this case as well, they were asked to briefly comment on or clarify their responses.

Results

The results of the research are presented below. The questions are numbered as in the text above; possible responses were YES (*DA*), NO (*NE*) and PARTIALLY (*DE*)¹¹.

Graph 1.

Frequency of responses to individual statements



Source: own research

The overview of the work of municipalities in Graph 1 shows that the affirmative response YES was given by all respondents for two questions or statements: 5 and 8. Statement 8 quite understandably received a YES from all respondents. In the case of statement 5, perhaps the questionnaire was not clearly understood. It is highly unlikely that key stakeholders have been identified at all municipalities, as the statement suggests. In their responses the municipalities obviously referred to the fact that they have worked on identifying these actors. Nonetheless, it is praiseworthy that at least in those

municipalities that responded to the questionnaire, a real need to identify stakeholders has been recognized.

Statements 6 and 9 received the most negative responses. The only municipality that responded positively to statement 6 was Murska Sobota¹². One municipality has included this task in its programme for 2016, while the other three are not active in this area. Considering how the legal empowerment of socially disadvantaged groups is one of the greatest challenges facing countries in Europe and beyond, the results are cause for concern and reveal a need for serious reflection. With regard to encouraging individuals to run for elected office, the municipalities do not believe that this falls within their field of work; some even claimed that they are prohibited from doing this. Regardless, the authors feel that the municipalities could have a programme for stimulating citizens both to run and participate in elections. Here as well there is considerable room for improvement.

Three other statements received mostly negative responses: 7, 10 and 11. Regarding the first (statement 7), the predominance of negative responses fills out a holistic picture of an insufficient commitment from municipalities to ensuring the participation of all citizens in decision making. Efforts to ensure the accessibility of elections and the demographic composition of the elected bodies also seem to be lacking. Three municipalities felt that national legislation and the national election system facilitate the accessibility of elections. Two municipalities did however respond in the affirmative. It is clear that not all municipalities interpret specific challenges the same way. The demographic gender structure of the elected bodies of two of the municipalities reflects that of the overall population of the municipalities, while in three it does not. One municipality even commented that this would be impossible to achieve.

For the other questions or statements, the affirmative response YES was somewhat more frequent. These are 1, 2, 3 and 4. Statements 2 and 3 received a somewhat more positive response, as the respondents who did not respond in the affirmative said PARTIALLY. Thus the municipalities claim that processes for joint decision making are underway, but that the formal aspects thereof – statements 1 to 4 – have been less clearly defined. The responses definitely indicate awareness on the part of those responsible for solving these

problems. However, looking at the bigger picture, a number of opportunities for improvements can be noted.

Lastly, it is necessary to point out that the views expressed in the questionnaires are those of responsible persons at municipalities, and that responses perhaps skew towards presenting a more positive situation than the one perceived by municipality residents. In light of a lack of sensitivity to the socially disadvantaged and potentially disenfranchised, the general picture of the work of municipalities is somewhat questionable. The responses received fail to convince the authors that the municipalities are really doing all they can to ensure the participation of citizens.

Discussion

The results of the self-evaluation fall within the scope of our expectations. On the basis of responses to statements 1 and 2, the statements posited in the introduction to this paper can be confirmed. Comparing the results to the results of a survey on the preparation of ordinances that was conducted in 2014 at all municipalities¹³, the following conclusions may be drawn.

Table 2.

Comparison of the results of research from 2014 and the results of the research presented above

	2014 research	Research presented here
Inviting the public to participate	41% percent of municipalities always or frequently publish a call for comment submission; 60% rarely or never do this	60% YES, 40% NO
Public involvement phase	60% of municipalities publish draft ordinances; 40% only publish proposals of ordinances	60% of municipalities responded that they consult the public in the initial phase of the decision-making process; 40% said this statement is only partially true

Source: Rakar, Benčina (2014), own research

The table reveals similarities in the results, which means that the research presented here once again confirms that there are opportunities for improvements in participation. Of course, the question of *how* to achieve

the desired improvements is open-ended. The Constitution of the Republic of Slovenia states that Slovenia is a democratic state and that individuals have the right to participate in the governance of public affairs (Article 44 of the Constitution). The concrete legal form of this right varies in line with the different forms of functioning of the state and self-governing local communities. With regard to classical forms for enacting direct and indirect democracy (elections, referendums, etc.), the situation has been adequately addressed for some time by the Local Self-Government Act (*Zakon o lokalni samoupravi*), the Local Elections Act (*Zakon o lokalnih volitvah*) and the Referendum and Popular Initiative Act (*Zakon o referendumu in o ljudski iniciativi*). The same can be said of decisions on rights, obligations and legal benefits in individual administrative matters (the General Administrative Procedure Act, *Zakon o splošnem upravnem postopku*)¹⁴. It is however not so with law-making and other types of acts. Some fields independently address this issue, for example environmental law (the so-called Aarhus Convention and the Environmental Protection Act). Some time ago the government of the Republic of Slovenia planned to provide general legal regulation of public participation process in law-making. The law would have followed the example of the United States (Rakar, 2011) It then abandoned the idea, opting instead to regulate this field through a legally non-binding act – The Resolution on Legislative Regulation (*Resolucija o normativni dejavnosti*) – which is politically binding only for state bodies (it serves only as a recommendation for self-governing local communities). Practice has shown that the state frequently violates the resolution¹⁵, and that, as noted above, there are opportunities for improvements on the municipal level.

The legal regulation of new forms of participation, no less than legal regulation in general, has a positive and negative side. We feel that it would be more appropriate to first try to achieve changes in a “soft” manner, by disseminating (best) practices. The research shows that such practices do exist. Here all relevant subjects would have to do their part: the competent ministry, associations of municipalities and non-governmental organizations. One possibility would be a decision to formalize a commitment to the implementation of the Strategy of the Council of Europe; this was considered in 2013, but ultimately did not materialize.

CONCLUSION

This contribution discusses the results of research on the principle of participation on the local level. In its *Strategy for Innovation and Good Governance on Local Level*, the Council of Europe outlined 12 principles of good governance through which it aims to place people at the centre of local democracy and improve the effectiveness and successful operations of local self-government. The research presented here was conducted to assess whether municipalities invite citizens to participate in decision making and whether they consult them on decisions in the early stages of the decision-making process. The research was conducted on a sample of six Slovenian urban municipalities.

The results show that in the municipalities studied in the research, the public is consulted in the initial stage of the decision-making process and that techniques for the deliberative process have been introduced. The municipalities have also partially defined the public consultation process and actively invite the public to participate; they make efforts to improve regulations and the actual situation with regard to citizen participation in local public life.

However, improvements are still needed in the field of participation. The results show that the municipalities included in the research have yet to outline active programmes for elected representatives in municipalities to engage with citizens in the decision-making process. Municipalities will also need to look into the accessibility of elections and undertake activities to ensure that no group is disenfranchised or disadvantaged and to ensure that the demographic composition of the local body of elected representatives reflects that of the municipality.

We feel that change can be achieved, particularly by focusing on implementing the Strategy of the Council of Europe. We recommend the dissemination of best practices.

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Endnotes

¹ The Strategy for Innovation and Good Governance at Local Level (Council of Europe, 2008). See http://www.coe.int/t/dgap/localdemocracy/strategy_innovation/ (Accessed 12.08.2016).

² This principle encompasses elections, representation and participation (Ministry of Public Administration, 2013).

³ See for example Rakar and Grmek (2011). Rakar and Benčina (2014).

⁴ „Official Gazette of the Republic of Slovenia”, no. 95/2009.

⁵ The term good governance is widely used in English-language literature. For the genesis and development of this term, see Nanda (2006).

⁶ See Vlada Republike Slovenije (2013).

⁷ Vlada Republike Slovenije (2015).

⁸ The goals outlined in the strategy also include those that pertain to quality of governance in the broadest sense, for example rational and effective organization, effective, successful and user-focused performance of public services and developmental tasks and encouraging inter-municipal cooperation in ongoing and developmental tasks (see Vlada Republike Slovenije, 2015, p. 1).

⁹ See Vlada Republike Slovenije (2015).

- ¹⁰ See http://www.coe.int/t/dgap/localdemocracy/Strategy_Innovation/ELoGE_en.asp. (Accessed 12.08.2016)
- ¹¹ Despite instructions calling for a YES or NO, some municipalities also responded with PARTIALLY.
- ¹² This municipality has a special programme for the Roma community.
- ¹³ See Rakar and Benčina (2014).
- ¹⁴ See Article 9 of the General Administrative Procedure Act and the decisions derived there from.
- ¹⁵ See stevec-krsitev.si/.