

## **(De-) centralization of Slovenian political system**

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### **Abstract**

*Since independence in 1990, there was on-going debate about de-centralization in Slovenia. Almost 20 years later there is long tradition on de-centralization dispute and few attempts how to organize more decentralized political system (not only on the level of public administration) in Slovenia. Paper is presenting and discussing historical development of Slovenian decentralization with presenting the final result of equally or even more centralized Slovenia in 2009 compared to situation in 1990.*

**Keywords:** Decentralization, Slovenia, Municipalities, Regions, autonomy

**JEL Classification:** O52, P49, R00.

### **Introduction**

After disintegration of Yugoslavia and fall of communist regimes in Central and Eastern Europe started new is as independent political system with more questions than answers about establishing modern state. One of main priorities of institutional development was how to arrange sound and working system of national and local government, how to decentralize powers and how to arrange public finances between different levels of governance. Different solutions were prepared. However, national level in the first step implemented reform of local governance.

Initial 63 municipalities were reformed and reshaped to 144 in 1993/94. After 12 years in 2006 number of municipalities reached 210 and there are strong ideas that this number will increase also in the future. Next change is expected in 2010. Despite there are two basic types of municipalities, vast majority has same characteristics. Officially in Slovenia municipalities are “normal” or city municipalities. City municipalities are regional centres with greater population, more available work places and more developed social infrastructure (hospitals, colleges, etc.) Slovenia has since very beginning in 1993 only 12 city municipalities. Despite some additional municipalities are fulfilling legal criteria to become city municipalities, they never asked for this status or they were refused.

On the other hand, “normal” municipalities are more and more rarely fulfilling necessary legal criteria to gain status of municipality and it seems that establishment of new municipality is more or less connected to the political interests than to fulfilling legal requirements. Establishing new municipality in Slovenia require also referenda but its result is not binding for the parliament and it is quite normal praxis that (non) establishment of the new municipality is opposite to the citizens will.

Despite this strange and even legally questionable practice of respecting political will Slovenia faces simultaneously also opposite process of inability to create regions. Despite regions are mentioned even in initial Slovenian constitution, 17 years later there is still no regions and every attempt of regionalization in Slovenia raises more questions than it offers answers.

## Regionalization

Young democracies in Central and Eastern EU member states have started the rapid reorganization of their political systems and established new relations between the center and periphery. Different forms of decentralization took place, and in some cases we can even talk about federalization [1]. Regionalization as a special form of decentralization is very dependent on the previous institutional structure of the national state. This process influences further development of regions as a special level of governance [2] [3]. The European Union has in fact persuaded member states to adapt their structures to the European policy making process, and these have started to decentralize their competences to become more effective in the European policy process [4]. Some states such as Greece, Ireland and Sweden have had to establish (or invent) regional structures for the sake of European fund raising [5]. However, regionalization in different European states has had different levels of success. In France and Germany, the rigidity of the national regional system is blocking effective organization and interest representation [6]. Different states as such as the Slovakia and Czech Republic have tried to adopt the mantra of regionalization by quickly redefining their administrative units and statistical regions to better fit the "European" model [7]. On the other hand, Slovenia has had its own problem with regionalization because there currently exist approximately five different proposals for national regionalization (in the sense of the decentralization of the national government). On the other hand European regionalization is debated in other contexts with reference to four completely different models<sup>1</sup>; despite this, some people still defend the idea of a regionalization based on the existence of twelve different national regions that would be European regions as well (as will be seen later on, at the moment those twelve regions are recognized as NUTS 3 regions). Agh [8] makes an important point when indicating that regionalization in Hungary is specific because of the historical identity of counties. The importance of this factor will be discussed later. We can only add that the question of regionalization is an important one that should not only be discussed, but also resolved within a short period of time after joining the European Union, if not before. Having done so, new member states will then be prepared to proceed with the effective exploitation of structural and cohesion funds. Keating [9] warns that regions should be created around the special qualities of a certain territory and its development possibilities, and not on the basis of

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<sup>1</sup> The most common ideas for the creation of European regions in Slovenia involve the creation of one, two or three NUTS 2 regions. In the first case the whole of Slovenia would become one European NUTS 2 region; in the second case, Slovenia would be divided into east and west; in the last case, there would also be an east-west division, with the Slovenian capital and its surrounding area excluded as special NUTS 2 region. The former government proposed the model with three NUTS 2 regions, while the current government is proposing the model involving only two NUTS 2 regions. A simple calculation based on the data of Strmšnik [10] shows that in the case of three NUTS 2 regions, we can obtain a west with about 63% of the EU average, a center with 87% of the EU average and an east with 57% of the EU average. In the case where the central region is divided between east and west, and assuming the same percentage of the EU average is added to both regions, the west part would have about 75% of the EU average, while the east would have about 70% of the EU average. Despite the fact that this calculation is only hypothetical, it shows how combining developed areas with lesser-developed ones can minimize the opportunity for getting additional funds.

"national diversionary policies". Only a good working system of regions created on the basis of development can maximize the funds received from European structural and cohesion funds. Jacoby [11] states that even regions of member states with a longer tradition of managing access to the European funds are sometimes unsuccessful in the process of gaining funds reserved for them. Weise [12] also notes the importance of well prepared policies, on the European, national as well as regional level. This can be understood as a warning against some of the main difficulties of European regional policy, such as ill-prepared development policies causing inappropriate spending of funds, and forgetting about the "statistical effect" that makes measuring real achievements invalid.

Debate on decentralization in Slovenia is going on for years or better since independence. Never the less we are facing much more elements that are indicating lack of decentralisation, if not even more centralization tensions. Slovenian local government is defined [13] as administrative framework of local community, that is trying to follow their local interest and needs in the way that they can be fulfilled in most effective way in the area where they emerge, what is also coherent with subsidiarity principle, that is strongly promoted by the European Union [14]. However, national legislation is blocking this general idea of Slovenian municipalities by limitation of municipal competences that should (could) be on the subsidiary principle basis transferred to municipalities. Municipalities have autonomy in the area of (see ZLS-UPB1) local infrastructure development and maintenance, and in the area of local urban planning (only in the frame of national urban plans. Some other activities are transferred from national level to the local, meaning that municipalities are providing it for the state, under the state control and paid from national budget. Among such activities there is pre-school education, primary school education and other public services that are more effectively carried out on the local level but of national importance. Due to later argument state is only out-sourcing them to the municipalities and does not allow municipalities to carry these activities independently in any manner.

On the other hand, it is necessary to support Brezovnik [15] that there is systematic lack of appropriate administrative capability of more than one third of municipalities. Brezovnik is supporting this statement only on number of civil servants in municipalities in 2006, where more than 23% of municipalities have five or less employees and they have to fulfil same tasks as municipalities with 20 or more employees. This statement can be supported also with another more detailed research that was carried out in 2003, showing that not only lack of civil servants is problem, but also lack of their competences and knowledge, what makes ability to run municipality even worse [16].

All the time in-between, there is intense debate on regionalization of Slovenia that should introduce second layer of public administration that will work according to the "misinterpreted" version of constitutional possibility that municipalities can join into broader communities. This could possibly solve the problem of municipal capability to run their own affairs, but there are still some concerns that will be discussed later on. Last attempt of top-down introduction of regions was carried out in 2007/08. In the history of Slovenian regionalization experts prepared about 20 different prepositions of regional map with 3 – 30 regions [17], however the reasonable number is usually quoted as somewhere between 8 and 14 regions. Regionalization would, from our point of view, have two, mostly negative, effects. First regions will create new layer of policy/political actors/stakeholders, who will act like independent stakeholders with their own interests, meaning that negotiation process between state and municipalities will be additionally complicated and there is possibility that for municipalities, it will be harder to negotiate with state actors independently from regional

actors who will necessarily misinterpret municipal interests due to their own interests that are not only aggregation of municipal interests from the municipalities of the region but have their own subjectivity. Second, according to the latest legal drafts (that were not accepted) (see PZUP), municipalities should give up some of their competences to the higher level in order to provide more coherent development in the broader area (what can be also understandable due to relatively small municipalities), what will cause additional centralization of Slovenian governance system, where municipalities will become only local communities not able to take opportunities for their own development, on the other hand local political stakeholder will constantly take responsibility for development failure on local elections, due to lack of voters rationality in a sense that they will not be able to understand that local level politics was blocked by higher level governance layers [18].

The third problem is not connected directly to the stakeholders' relations in the case of introducing regions, but is a crucial one. Introduction of regions will certainly reform also the system of public finances in the sense of redistribution of revenues from municipalities to regions. Maintenance of regional administration will demand additional funding as well as maintenance of regional political functionaries. State will have to introduce additional regional taxes (which are not very appropriate idea) or they will have to cut municipal budgets, in order to provide necessary funding. This will, again, weaken the municipalities and their institutions as stakeholders within the political system and in relation to private sector and civil society that will logically pay more attention to regions when negotiating for development needs [19] [20].

Next to these questions of de-centralization and regionalization in Slovenia, it is necessary to be aware of Klimovský's [21] description of Slovak case, where he indicates that delay of fiscal decentralization that followed "decentralization of competences" was serious problem, mostly due the fact that municipalities became completely depending on central budget. In Slovenia municipal dependency on central budget is already reality, however, so called de-centralization of state competences that should be carried out never opened the question of fiscal decentralization<sup>2</sup>.

## **Where to place regions in Slovenia**

Constitutionally, regions are second layer of governance, set between local self-government and national government. From the functionalist view; regions are element of de-centralization of governing structure supporting more fluent communication between national and local level.

However, main argumentation of national government when trying to get sufficient support for establishing regions is connected to the governance and public administration reforms that should be done in order to improve governance performance.

First, speaking of de-centralization, one has to differ between de-centralization and de-concentration of state activities. In this article, as well as in general Slovene understanding, de-concentration of national government activities means special network of institutions, performing certain activities in the name of state agencies or ministries. Slovenia has 58 so called administrative units that are performing most of the different ministries administrative

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<sup>2</sup> Here one should understand that guaranteeing and providing financial resources from central budget is not fiscal decentralization. Fiscal decentralization should be understood as assignment of certain tax revenues as original revenues of level of government other than central/national.

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services for the citizens (from issuing passport or driving licence to allowing public events). Next to this, there are special systems of de-concentrated police authority, military authority and tax offices.

Second, de-centralization means in fact delegation of state services to the other, lower level, authority with absolute sovereignty of performance invested into this lower level authority. In Slovenia such lower level authority are municipalities. And regions are planned to be as well.

Decentralization is strongly connected to the idea of polycentric development of the certain area in the sense of creation of regional centres that should take care of development of nearby area. Polycentric development approach is one of most classical attempts to develop unitarian, centralized states more steadily. However, main problem of this approach is that national government and national centre (which normally happen to be located in the same area or city) are not willing to do so. First, due to possible loss of privileges to create policies at one place (national policies can be overdriven or at least supplemented in different ways) and due to the loss of privileged national capital position<sup>3</sup>.

At the same time, decentralization is attempt in sound with the idea of European Charter of Local Self-Government asking from the states to empower and financially support local governments as key players in developments. Idea called subsidiarity is crucial element that demands from the national government to allow that policies are accepted and implemented at the lowest level possible. Subsidiarity should provide higher level of effectiveness, efficiency and user-friendliness due to responsiveness to the needs of local populations.

Talking about subsidiarity principle and polycentric development of state is necessary connected to the question of sovereignty and autonomy.

Autonomy of municipalities is strongly connected to the question of centralization. More centralized the state is, less autonomous municipalities are and vice versa. However, sub-national layers of governance themselves pre-suppose that there is some level of autonomy from the national level. Definition of autonomy varies generally according to the interest of interpreter. State will usually define autonomy as situation where there is other institution that can act independently from the national government in different areas [22]. Municipalities will usually define autonomy as complete absence of state intervention on local level that could influence local development. Despite the different interpretations, there are many different elements that can be seen as restraints to municipal autonomy in relation to the national government.

Municipality is not able to organise its development strategy and implementation out of national legislation framework. Second, municipalities are not able to spend revenues independently from state priorities and intervention. Ministry of finances and Court of Audit have strong competences to intervene in local budgets and municipal financial decisions. Additionally, Ministry of finances has also power over municipal revenues on yearly basis, especially in the case of those municipalities, which have greater financial needs than sources. National government and legislative body (National Assembly) have also power to intervene by deciding and managing tax as well as some non-tax revenues that are decided as municipal revenues. Municipalities have no right to impose their own local taxes and secure their financial sources as well as there is no guarantee that state will provide appropriate funding

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<sup>3</sup> Slovenia was facing this for other reasons. Due to lack of capability of the capital (Ljubljana), many different capital functions were legally or de facto moved to other major cities.

for the local development. On the contrary, last Act on municipal financing strengthened the role of Ministry of finances and made municipalities even more vulnerable to the uncertainty of revenues due to the fact that share of personal income tax is not fixed by the law anymore. In general, one can argue that Slovenian municipalities are financially completely dependent on the state will and interests. Introduction of regions, as planned, will further lower municipal financial autonomy, and also recourses as it was mentioned before.

### **Political and administrative actors and processes**

When establishing any kind of progressive change we cannot avoid different power-players such as political parties, political institutions and administrative offices. Despite sometimes it seems that development is just happening it is necessary to be aware that named actors can change, block or accelerate most of the activities supporting development.

When trying to develop regions there are three types of decision-making processes going on. First there are political processes as struggle of interests trying to prevail on over another, usually supported by question of clientelism and corruption<sup>4</sup>. They usually work as gate-keepers who filter issues in a first phase of initiative and decide issues that become policy issues or those issues that are “worthy” to be discussed and solved.

In introductory part we already discussed some of problems of regionalization and long-lasting debates about this issue that are held among policy actors, peers and civil society. With almost no significant change in the nature of Slovenian political/public, administration system in general demands additional perspective on few topics that are connected to this problem. For the purpose of this paper we call stakeholders in public sector as political/policy actors, term that is more common to the political science and defines all subjects interested and involved into certain activity in politics/policy field. Relevant actors can be political parties, administrative bodies and institutions, civil society associations and even influential individuals involved into process at certain level [23] [24] [25].

One can argue that Slovenia is politically/administrative incompetent to develop sub-national units even when and where they are socially possible and economically desired goal. Regionalization debate started immediately after independence but even most serious steps towards regionalization were blocked in last moment in National Assembly due to lack of political consensus on number and borders of the regions. Within 6<sup>th</sup> FP Criprede project special tool was developed that should help decision makers to prepare appropriate frame and strategy development. However, this tool is missing one mayor point; it takes for granted that there is systematic support to the idea of certain policy<sup>5</sup>. According to the part on regionalization in general, and to the social conditions analysis, it is necessary for effective regionalization that on the political level following elements are determined.

1. There must be strong majority or consensus on regionalization among political actors.
2. There must be strong determination to implement regionalization.

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<sup>4</sup> [26].

<sup>5</sup> In this sense we suggest also that CRIPREDE tool should be modified with additional element that should be included; political willingness and determination to implement changes in appropriate extended, also greater than only incremental one.

3. Regionalization should follow best combination of different types of regionalization or it should be completely neutral
4. Regions should have strong vision of development and short-, mid- and long term concrete goals measurable by simple quantitative indicators.
5. Leaders of regions, not fulfilling reasonable majority of their goals in certain period should be politically and personally responsible for missing the goals. Only on performance measures, state or member municipalities have right to resign incompetent leadership (despite elected by citizens) and name new management based on expert criteria such as education and working experience.

Slovenian debate on regionalization was mostly concerned with how many regions shall be created and how the borders will be decided. Additionally there was strong debate how regions should be managed (from elections to state administrators). On basis of Slovenian case we argue that for knowledge-based development oriented regions these are not major elements. Despite regional identity can be of significant importance as we saw earlier. However, we argue that first there must be strong consensus on all levels that regions are really necessary in order to develop certain area (it means that state and municipalities are not able to do it with other, more simple and less expensive measures such as money and competences transfers). If this part is checked as only solution, further debate should be strongly depoliticized (otherwise we are facing great example of gerrymandering) and goal oriented. It means that regions should respect social and geographical borders between different will-be-regions or borders should be decided on blind statistical criteria such as approximately equal proportions of population. With such criteria state can avoid respecting political/party interests, which is not development but win on next election<sup>6</sup>. When creating the regions, their founding fathers should clearly set the vision of regions and scientist should prepare set of short-, mid- and long-term goals that should be fulfilled by certain region in order to achieve better development in the future. These goals should be measurable in numbers such as GDP growth rate in region, number of tax-payers (supposing that people have some possibility to move to regions also due to higher quality of life), success of education system at national tests, lowering the level of alcohol addicted and tobacco addicted, level of unemployment, average net salary in the region etc, etc. If goals are not achieved in reasonable extend (at least 60% of given goals achieved in at least 80%)<sup>7</sup>, on the basis of performance (and no other reasons), empowered institutions (municipalities, National Assembly, Government) have right and duty that they dismiss the unsuccessful regional leadership (which can be initially elected) and appoint team of “mangers arbitrary on the basis of their knowledge, working experience and program how he will fulfil goals.

So far we did not use one crucial word – commitment. There is lack of commitment to the development and too many political interests what really prevents Slovenia from establishing regions. And at the same time there should be strong commitment that Slovenia as a whole should develop according to the strategies (which are usually even useful and reasonable). And same measure can be applied in vast majority of countries in political/administrative field in a sense that there must be strong commitment to development at all levels, strict goals

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<sup>6</sup> Parties will deny this but practice shows the reality.

<sup>7</sup> In practice it means that 6 of 10 goals set were fulfilled at least in 80% of expected values. This is very unambitious but quite realistic measure, due to different factors influencing the possibilities to achieve goal.

must be set on realistic expectations and in the case of failures, politics should be opted out and managerial principles should be applied immediately. Despite it sounds like kind of dictatorship it will probably positively influence politics in a sense of higher responsibility due to serious threat of punishment by removal from power positions.

### **Political aspect of decentralization**

Decentralization in Slovenia, as we saw earlier, should be development project that should loosen the burden in municipalities and at the national level of government. However, concrete solutions seem to be more political power relation oriented.

According to the NUTS regionalization (which is also referential for European statistics), Slovenia is divided into 12 NUTS regions of third level that are in fact national statistical regions, based on approximately same number of inhabitants and taking into account geographical (sub)-regions. On the other hand there is detailed plan for politico-administrative regionalization of Slovenia from 4 to 32 regions with about 15 different scales.

12 NUTS 3 level regions in Slovenia are decided on the basis of national statistical regionalization weighted by centres of population gravitation and approximately similar number of inhabitants in each region. This regionalization is used for gathering all major statistical data in the state and is also used for economic forecast and development policies.

However, regionalization that is to be enacted in the national context is strongly politically motivated with serious social consequences. According to the draft act on regions (that was banned but it is most elaborated document on Slovenian regions) regions will have regional councils that will be elected. This means that it is of great importance, how regions will be shaped in order to provide electoral support of the governing coalition that will be able to accept such act. Setting the regional borders is consequently question of gerrymandering in the way to gain control over the second layer of government and at the same time sufficient support to accept the act establishing regions.

On the second point we have to see political function of regions. Regional councils will decide regional development priorities, that will not be necessary in sound with interests of municipalities within the region and which have, according to last draft, no significant institutionalized role in regional decision-making processes. Due to the electoral mechanism it can clearly happen that the regional centres will gain majority of seats in regional councils and due to the fact that political ties are not so strong on sub-national levels it can happen that political differences will be ruled out by local interests of regional centres. Such development processes will cause new wave of centralism and centre-periphery relations that should be avoided according to idea of implementing decentralization in Slovenia.

On the communication level it also means that establishment of regions in Slovenia (according to the latest draft act on regions) can simultaneously create very effective barrier between local and national level, due to the fact that every communication can be decided to pass over regional level of governance. Regions will be able to interfere in communication processes and potentially to filter or re-interpret the messages from municipalities to national government agencies. In this manner municipalities can become insignificant political actors with low ability to develop or act on their own. De facto, Slovenia can face situation when regionalization will centralize political power from 210 municipalities to about 10-16 regions. Such situation can reduce pressure on national government policies by reducing number of



significant local political actors. But it can jeopardise possibilities for more equal development within the state and re-emergence of centralism on the national and sub-national level where each region will have own centre and periphery, not only in geographical but mainly in the social context.

### **Economic aspect of decentralization**

Establishment of regions in Slovenia will certainly have also economic consequences that will be probably strongly connected to the budgetary question that should be solved in relation between municipalities and national government.

Due to the fact that every budgetary expense has to have equal revenue in the beginning, additional sources for financing regional politics and policies shall be found. In this sense establishment of regions it is certainly financial burden for the national budget. National government can shift this financial burden by shrinking the tax revenues for municipalities and assigning them to regions, what will significantly weaken already almost non-existing financial autonomy. Other possibility is to re-structure national budgetary expenses which are much less probably due to all different tasks that should be performed by the ministries and with no reserved funding for employing additional civil servants and paying regional councillors and other new functionaries. Third option is additional raise of taxes, which will be strongly opposed by citizens and enterprises. Due to the fact that money will be requested in order to run regions and that significant raise of taxes is out of the question as well as redistribution finances from national budget there is high probability that necessary funds will be allocated from municipal revenues with explanation that also some municipal tasks are withdrawn to the regional level. This automatically means less money for local projects with no guaranties that region will reinvest money to the development of all municipalities in the area.

Second economic problem that might occur is connected to the ability to gain extra funds. Majority of funding opportunities will be allocated to the regional level, and municipalities will have smaller chances to gain additional funding from national budget for development of sub-regional areas and especially individual municipalities. It is relatively harsh statement but it can be supported already by fact that in average each municipality (with exception of bigger 20 out of 210) has about 15 employees covering all different areas, while regional administration will probably have at least hundred better skilled employees and their project will ruled out weaker projects prepared by municipalities.

Third element influencing the possibility to develop municipalities will be difference between development ideas of municipalities and regions. Regions will certainly have different priorities in development than municipalities. With Slovenian size municipalities (meaning small), they can hardly see broader development problems, but they are (or at least some of them) able carry out local development project that can vary from building industrial park with great economic importance to smaller projects that are important for raising the quality of life in certain municipality that can be achieved by smaller projects like building outside sport facilities. On the other hand, from the regional perspective, local sport facilities will be local problem, not interesting for the region. And such project will not gain financial support, but municipality itself will not be able to carry it out, because finances were allocated to regional level.

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## Concluding remarks

In this article we tried to critically evaluate attempts of Slovenian de-centralization since independence. Main observations go into the direction of systematic unwillingness of political elite to establish effective regions with set and measurable priorities and goals. On the basis of current political processes one can expect that Slovenian regionalization will not be finished within this mandate and hardly even within next mandate, because it opens one of most sensitive political questions (even when party politics is not addressing it directly) of representation and power relations between key stakeholders at different levels.

One can argue that regionalization in Slovenia was in fact blocked by those who were trying to implement it due to internal blockade that was not able to be removed by two-third majority vote in order to enact the bill on regions, despite there is long-lasting general political determination among parliamentary parties that Slovenia needs regions. At the same time we can see that there are numerous questions concerning the financing of regions and consequences for already established parts of political system.

In our opinion the crucial answer lies in the combination of technicist approach and clearly set goals. Same problem of political approach and unclear goals is also the reason for many failures on the level of municipalities. What does it mean? Regions should be established as second layer between national and local government on basis of existing statistical regions. This shall help in two ways. First, gerrymandering will be avoided in maximal possible extend. Second, due to the overlapping of statistical and political-administrative regions measurement of the regional performance will be relatively easy and without additional cost or time-consuming recalculations. It means that measure for success or failure of the region will be always available to anyone. And this can be also very helpful for the criticism of the regional leaders, who will have less space for blurring possible failures in fulfilling goals.

And goals are second aspect of regionalization that should be taken into account. Regions shall not only get appropriate (mostly) financial resources to exist, but at the same time certain set of measurable goals should be assigned to them by the authority establishing them (In our case National Assembly of Slovenia). Due to the fact that statistical regions (that we suggest to become also political regions) are of approximately same population size it is relatively easy to set goals such as x% growth of GDP/capita in next y years, or to open additional x working places in private sector in y years, etc. And If such goals are not achieved, National Assembly shall have right and duty to call off incompetent regional leadership and set crisis management appointed on the basis of certain competences and not only on political basis.

However, we can hardly believe that such management oriented regions are possible even in the case of completely new political system, due the fact that regions in Slovenia are much more political question than question of development.

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