



○ **AN EVALUATION OF THE QUALITY OF IMPACT ASSESSMENT:**

THE CASE OF SLOVAKIA AND SLOVENIA

Katarína STAROŇOVÁ

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AN EVALUATION OF THE QUALITY OF IMPACT ASSESSMENT: THE CASE OF SLOVAKIA AND SLOVENIA

Katarína STAROŇOVÁ¹

Regulatory reforms in Europe and OECD countries in the last decade have focused on various tools that would improve 'regulatory quality'. Impact assessment (IA) is considered to be a tool that assists decision-makers in making choices by systematic appraisal of the potential effects (fiscal, social, economic and other) of proposed legislation. IA is a relatively new tool introduced into the legislative systems of CEE countries. This article intends to assess in a systematic and critical way institutional framework for IA in Slovakia and Slovenia, as well as the quality of information contained in regulatory impact assessments as part of the explanatory memoranda. The aim is to demonstrate the gap between the formal framework and the reality of IA, and to explain why this has occurred.

I INTRODUCTION

The notion of ex-ante policy Impact Assessment (IA) was introduced in the late 1990s² in OECD countries, followed by CEE countries in early 2000.

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² *Recommendation of the Council of the OECD on Improving the Quality of Government Regulation*. Paris: OECD, 1995.

With the OECD declaration on regulatory quality in 1995,³ it provided the first international standards in this policy area, endorsed at the highest possible level by its Member States. IA became a fundamental component of the smart regulatory state advocated by international organizations because of its systematic consultation, criteria for policy choice, and the economic analysis of how costs and benefits of proposed regulations affect a wide range of actors. Modern legal systems have introduced the obligation of regulatory authorities to perform an *ex ante* Impact Assessment (during the process of drafting and prior to law approval).

Although IA was initially developed as a means of assessing the impact of regulation on businesses and was primarily concerned with reducing regulatory and administrative burdens in an era of deregulation, it provides a useful framework for assessing regulations by using several techniques, including the analysis of costs and benefits which can be also used in the social and poverty reduction sector with some adaptations. Many studies assume that the availability and use of information from impact assessment (IA) leads to positive changes in law-making and quality of outcome.⁴ Thanks to the information provided by IA accountability and legitimacy of any law-making system also improves.⁵ According to both OECD and European Commission⁶ intergovernmental agreements, a system of *ex ante* IA (systematic and consistent assessment of the likely effects of a range of proposed programmes or regulations such as draft laws), is an integral part of good government practice.⁷

The European Commission initiated efforts to improve the quality of European regulation and legislation under the concept of 'better regulation' and as part of the Lisbon strategy for growth and jobs. Impact assessment (IA) became

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³ See Renda, Andrea. *The Development of RIA in European Countries: An Overview*. Draft working paper available at <http://ssrn.com/abstract=1679764> (January 2011). See also Robert W. Hahn and Robert E. Litan, *Improving Regulatory Accountability* (Washington D.C.: Brookings Institution Press, 1997); *Regulatory Impact Analysis: Best Practice in OECD Countries* (Paris: OECD, 1997); *Guiding Principles on Regulatory Quality and Performance*, OECD, 2005. Available at <http://www.oecd.org/dataoecd/19/51/37318586.pdf> (January 2011); Mandelkern Group Report, Final Report, Brussels, 13 November 2001. Available at <http://www.cabinetoffice.gov.uk/regulation/docs/europe/pdf/mandfinrep.pdf> (January 2011). See also *Impact Assessment in the Commission – Guidelines*, adopted by European Commission, 2002. Available at http://europa.eu.int/comm/secretariat_general/impact/index_en.htm (January 2011).

⁴ Robert W. Hahn and Robert E. Litan, *Improving Regulatory Accountability* (Washington D.C.: Brookings Institution Press, 1997).

⁵ *Impact Assessment in the Commission – Guidelines*, adopted by European Commission, 2002. Available at http://europa.eu.int/comm/secretariat_general/impact/index_en.htm (January 2011). *Regulatory Impact Analysis: Best Practice in OECD Countries* (Paris: OECD, 1997). *Guiding Principles on Regulatory Quality and Performance*, OECD, 2005. Available at <http://www.oecd.org/dataoecd/19/51/37318586.pdf> (January 2011).

⁶ The European Commission introduced the so called 'better regulation package' in early 2002; see more on the impact assessment website, http://europa.eu.int/comm/secretariat_general/impact/pol_en.htm.

⁷ Declaration 39 on the quality of the drafting of Community legislation, annexed to the Final Act of the Amsterdam Treaty, 1997.

the main tool of these efforts. An initial step towards improving the regulatory environment in the institutions of the EU was taken when the European Union Institutions adopted the drafting guidance recommendations contained in the Inter-Institutional Agreement of December 1998. The purpose of this was to improve the quality of draft legislation⁸. Since then Impact Assessment has been firmly established in the European Commission where IA is a tool for transparent and accountable governance in multi-level political systems. Impact assessment is applied to all items on the Commission's Work Programme covering regulatory proposals, White Papers, expenditure programmes and negotiating guidelines for international agreements. Social, economic and environmental IA in an integrated methodology is now becoming an obligation for policy makers in all EU countries.⁹

Since then many European member states, including new ones, have adopted Better Regulation programs and legislative frameworks for the introduction of impact assessment (IA) as a tool for the improvement of the regulatory processes. Individual member states are at varying stages with the implementation of their IA processes. The diversity of legal cultures, the various models of IAs adopted and different levels of commitment towards IAs can cause significant differences among the individual countries. Nevertheless, there are certain principles recommended for the implementation of IA methods that have been documented in many reports (e.g. Mandelkern Report, OECD Reports) to increase the effectiveness of the usage of the tool and in this way to improve both common and national regulatory policies and harmonise conditions for knowledge-based democratic public policy. From the point of view of the regulatory process, those initiatives are faced with many empirical and interpretative research questions, e.g. what is the level of success in the implementation of IA into national legislation in relation to these principles.

As such, it is an integral part of the policy design process and allows politicians to take their decisions in light of the best available evidence. The lack of systematic impact assessment has, in turn, created favourable conditions for the initiation of draft laws, which may involve high social, economic and environmental risks during the implementation phase, as well as frequent amendments and an unsure legal environment which influences the economy and society.

⁸ For evolution of impact assessment use in the European Commission see Radaelli 2005 and 2010. In most OECD countries IA became an integral part of the policy appraisal and evaluation process. See *Next Steps – In Support of Competitiveness and Sustainable Development*, commission report on impact assessment, SEC(2004)1377 of 21 October 2004.

⁹ The construction of indicators follow the IA dimensions of 'process', 'activities and output' and 'real world outcome', whereas the tests look at 'contents', 'outcome' and 'function'. These approaches are not necessarily mutually exclusive. See Claudio M. Radaelli, "How context matters: regulatory quality in the European Union," *Journal of European Public Policy*, 12, 5 (2005), 924–943.

At the moment, IA implementation is not a formal requirement for EU member states, in fact provisions of European institutions about IA are non-binding recommendations. Nevertheless, it was noted that with the full implementation of the European Commission's impact assessment system in 2004, it became necessary for member states to develop their capacity for IA in order to contribute to the Commission's assessment and to indicate, wherever possible, the likely broad impacts of significant and substantial amendments that they wished to make during the negotiation of European regulation.

This paper looks at the case studies of Slovakia and Slovenia for the existence and quality of IA in the explanatory memoranda of draft laws. These are required by national legislative frameworks on the proposal of draft laws and other rules. This paper looks at two levels: first, the formal framework and requirements for IA and public consultations in a national setting; second, the actual practice of IA as manifest in information contained in the explanatory memoranda attached to draft legislation. In this way, a preliminary and partial evaluation of a country compliance with the normative requirements and/or recommendations of the EU Commission is also provided and general capacity to participate in IA on EU level can be judged.

Methodological Approach

Both the academics and institutions such as the European Commission and the OECD are currently debating what the dimensions of RIA quality are, and how to measure them. Radaelli distinguishes between two approaches to measurements of quality: indicators and tests.¹⁰ In both approaches, the main aim is to introduce quality assurance mechanisms that would increase the validity, reliability and other properties of quality. Hahn et al¹¹ on the other hand, has developed a scorecard where he questions key assumptions and assesses the appropriateness and application of models used in particular analyses.

In this paper, research will take yet a different approach and will focus on the quality of information on IA from the perspective of a decision-maker (government) who should decide on the appropriateness of a certain policy by way of the information prepared by individual ministries and contained in the explanatory memoranda attached to draft laws. The IAs are not judged by their validity, truthfulness or the appropriateness of their assumptions and methods used, but simply by a) the existence of certain information contained in the explanatory memoranda and b) by indicators of quality of the information. The quality of information on regulatory impact assessment is evaluated against a benchmark identified by best practice of OECD countries, namely criteria of

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¹⁰ Hahn, W. Robert et al, *Assessing the Quality of Regulatory Impact Analyses, Working Paper 00-1* (Washington D.C.: Brooking Joint Center for Regulatory Studies, 2000).

¹¹ See *Regulatory Impact Analysis: Best Practice in OECD Countries* (Paris: OECD, 1997).

content components of IA, details of analysis and consultation process. All three criteria are analyzed against the benchmark of the European Commission, 'Impact Assessment: Next Steps' and OECD.

Content components of IA: Typically, an IA describes a policy problem, identifies alternative solutions to achieve the policy objectives, assesses possible effects and describes measures to be taken.¹² European Commission suggests the following issues to be assessed by the impact assessment:

Purpose	Identification and analysis of the issue(s) or problem(s) in one or more policy areas
Objectives	Policy objectives will be expressed in terms of expected results in a given timeframe (i.e. in terms of 'ends' not 'means').
Options	Alternative policy options to achieve the objective(s) will be considered at an early stage in the preparation of policy proposals. This includes the option of "no policy change," which will always be used as the point of reference against which the other options are assessed
Impacts	All relevant positive and negative impacts will be examined and reported on with a specific emphasis on their environmental, economic and social dimensions.
Comparison of Options	Following the assessment of the most relevant options, the results will be presented in a clear and transparent way in the Impact Assessment report.
Monitoring and evaluation	Once the preferred option has been identified, the arrangements for monitoring and evaluation will be broadly analysed and described

The second criterion of impact analysis looks into details of the analysis conducted in individual areas, such as fiscal, social, economic and environmental areas. We look into depth of analysis and whether IA provides information, data and analysis to support the assessment of intended and unintended impacts of future policies. We will differentiate between the 'internal' (impact on state) and 'external' (impacts on society) impacts¹³ as the advantage of IA also lies in its ability to expand the range of impacts relevant to decisions to external impacts affecting interests other than those to of government.

The third criterion of the consultancy process looks into the how a range of social groups have been identified and involved in contributing to the analysis and weighting of potential costs and benefits of a policy. According to IA literature, all stakeholders have to be sufficiently involved throughout the

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¹² See *Next Steps – In Support of Competitiveness and Sustainable Development*, commission report on impact assessment, SEC(2004)1377 of 21 October 2004.

¹³ Katarína Staroňová, "Regulatory Impact Assessment: Formal Institutionalization and Practice," *Journal of Public Policy*, 30, 1 (2010), 117–136.

decision-making process, particularly if plans are controversial. The opportunity to make comments and objections is an important element of this, and thus we look how these are presented in the explanatory memoranda.

The findings are to be categorized into three models of IAs which are inspired by the National Audit Office (NAO) Evaluation of Regulatory Impact Assessments 2004-2005: pro-forma IA, informative IA and integrated IA. In this paper the three approaches represent different degrees of quality:

- a) *pro-forma IA* – these have no impact on policy and are produced merely because there is an obligation to do so; in our case there is no or accidental occurrence of data in the form of phrases (e.g. „some positive impact“)
- b) *informative IA* – these have limited impact on policy; in our case they occur ex post with no evidence of options and focus on calculating fiscal consequences of one solution
- c) *integrated IA* – these inform and challenge policy making; in our case they show other than just fiscal consequences with a relatively good precision of data formulation

The paper proceeds from a simple thesis that the problems of IA implementation relate to insufficient willingness of governments to incorporate IA into existing policy-making processes. Formally, they do so by adopting relevant legislation because they want to achieve legitimacy in international contexts, not because they have carefully examined the real opportunities of the IA process.

2 FIRST STEPS: INSTITUTIONALIZATION OF IA IN SLOVAKIA AND SLOVENIA

As a part of a world wide trend towards a *Better Regulation* agenda, both countries have adopted the full document claiming principles of better regulation – Slovenia in 2005¹⁴ and Slovakia in 2007¹⁵. Thus, although both countries aspire to the better regulation principles, only in Slovenia have these materialized into practice, particularly in the agenda of administrative burdens. The *Better Regulation* topic in Slovakia has never gained much attention since being launched during process of more comprehensive reforms (e.g. fiscal, tax, pension, social, etc.). In Slovakia, some fragments of intention for better regulation, and IA use, is to be found in the *Strategy of competitiveness of Slovakia until 2010* (the so-called Lisbon Strategy for Slovakia) and its Action Plans.

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¹⁴ Slovenia's Development Strategy and *Programme of Measures for Reduction of Administrative Burdens*.

¹⁵ Government Resolution No. 833/2007 on *Better Regulation Program and Action Plan of Reducing Administrative Burden on Businesses in 2007-2012*.

The requirement to apply ex ante regulatory impact assessment to draft legislation was introduced to both countries prior to the development of the Better Regulation documents and are anchored in the Rules of Procedure, mostly as a reaction to pressure from the European Commission and other relevant international organisations, such as the OECD. In Slovakia, it was the amendment in November 2001¹⁶ to the Rules of Procedure of the Government (so called Legislative Rules) requiring impact assessment to be part of Explanatory Memorandum. These followed the recommendation of the Audit of state administration (so called Functional Review) prepared a year prior to that. In Slovenia, it was the amendment in July 2002 to the Rules of Procedure of the National Assembly of Slovenia (article 115) where any draft law originating from the Cabinet had to include a description of the impacts of the proposal. Thus, in Slovenia, it was Parliament that played an important role in changes, also later when signing *The Act on Cooperation between the National Assembly and the Government in EU Affairs*¹⁷ in 2004, in which the Slovene Government is obliged to carry out the assessment of the impact and implications of the draft EU affair, in particular the aspects of the necessity of amending the regulations, the implications for the budget, the impact on the economy, the impact on public administration and the impact on the environment. However, some earlier needs for IA are recognized in the document from 2003 (*The Strategy on the Development of the Public Sector in the years 2003–2005*).

The next stage of development in Slovenia was focused on the reduction of administrative burdens. Initial activities for the implementation of strategies started later in 2003, with the preparation of methodology for reduction of administrative burdens. In November 2005, the Government of Slovenia adopted *The Programme of Measures for Reduction of Administrative Burdens*, implementation of which the Ministry of Public Administration became responsible. The measures were previously harmonized with all responsible ministries and also with the Slovene Chambers of Commerce and Craft. The Ministry of Public Administration prepared: *Methodology for Implementation and Supervision of Statements on Reduction of Administrative Burdens and Participation of Interested Public*, formed to follow two components of legislative procedure: analysis of the decision effects and participation of the

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¹⁶ The only exception is environmental impact assessment that has been conducted prior to 2001 in Slovakia. The Environmental Impact Assessment Act was adopted in 1994 and reviewed in 2000 to meet EU requirements such as the SEA. In order to comply with also additional requirements such as securing effective public participation a new law on EIA was approved in 2006.

¹⁷ Article 9 stipulates that: „Together with the draft positions of the Republic of Slovenia, the Government shall forward to the National Assembly an assessment of the impacts and implications of the draft EU affair for the Republic of Slovenia and the assessment of the impacts and implications shall comprise in particular the following aspects: the necessity of amending the regulations, the implications for the budget, the impact on the economy, the impact on public administration, the impact on the environment.” (The Act on Cooperation between the National Assembly and the Government in EU Affairs, Official Gazette of RS, No. 34/2004).

interested public. The Statement on Reduction of Administrative Burdens and Participation of Interested Public serves as a convenient tool for early warning of possible effects of regulations.

In Slovakia, the Cabinet approved *Guidelines for the Preparation and Submission of Material for Government Sessions of the Slovak Republic* and entrusted 4 line ministries with the development of unified methodologies for particular areas of IA (Ministry of Finance for fiscal IA, Ministry of Economy for business environment and employment, Ministry of Environment for environmental IA and Ministry of Labor, Social Affairs and Family for IA on households).

Formal Institutional Framework

Impact assessment is part of a system based on clear mandatory requirements, scope and directions. The scope can be broad or narrow, but it is clear that an IA is not an ad-hoc or voluntary effort to examine impacts. Thus, in this section we examine the institutional framework of IA - that means the system within which a mandatory and consistent IA process occurs in both countries.

In Slovakia, the preparation of material for government sessions is guided by two documents, both setting the general requirements for presenting the assessment of possible impacts of draft laws in explanatory memoranda. The first of these is '*Legislative rules of Slovakia 241/1997*', which was amended as of November 2001, when the most significant changes occurred in relation to the introduction of the requirement for impact assessment and consultation with the public prior to government sessions. The second document is entitled '*Guidelines for the preparation and submission of material for government sessions of the Slovak Republic (no. 512/2001)*'. This was introduced with the amendments to the Legislative Rules with the intention of providing a more detailed explanation of the Legislative Rules. Since June 2008 a new '*Joint Methodology for IA*' was passed after a long discussion by the Government, this document is to guide in more detail, the process of IA preparation. Among other issues it has introduced a two phase process with a requirement for applying the so called „quick test“ on draft legislation going to Government sessions.

In Slovenia, the above mentioned *Act on Cooperation between the National Assembly and the Government in EU Affairs* and *Rules of Procedure of the National Assembly*, have established the obligation to carry out the assessment of the impacts of new regulations on the economy, public administration and environment. Accompanying assessment in explanatory memoranda is also mandatory due to the Law on Public Finance, Law of Environmental Protection and new Government Rules of Procedure. This legal framework incontestably provides formal “demand” for originators of draft laws (line ministries and other

central bodies) and regulations to submit a report with data and options on the assessment of impacts.

In both countries, the analytical information from the process of assessing impacts of proposed legislation has to be given in explanatory memoranda, which is obligatorily accompanying a draft law. The explanatory memoranda of the draft law is a normatively structured legal document: *introduction, text of draft law, explanation of draft law and note on impact assessment*. In introduction, the originator of a draft law has to specify why it is necessary to adopt it, and whether it is consistent with EU laws. Some information that is related to the impact assessment (such as the rationale, purpose and need for the draft laws, results of the consultation process, references to other studies, and organizational support for the implementation and so on) is to be found in different sections of the explanatory memoranda. Some of the same information is in different parts of the explanatory memoranda, some are missing and overall, the presented information is relatively disorganized and the logic is difficult to follow.

Thus, formal regulatory framework exists in both countries under examination, so we cannot talk about any legal inhibition or negligence towards IA activities. However, the formal framework already exhibits some serious deficiencies in understanding what IA is and how it should be organized which, in turn, affects the performance and output of the IA process. Table 1 contrasts how individual elements of IA are understood and recommended by Mandelkern Group Report¹⁸ and implemented on the level of the European Commission and the examined countries Slovakia and Slovenia.

TABLE 1 – COMPARISON OF FORMAL FRAMEWORK REQUIREMENTS FOR IA IN EU AND SLOVAKIA AND SLOVENIA (BENCHMARK OF MANDELKERN REPORT)

Elements (Mandelkern Report)	European Commission	Slovak Republic	Slovenia
Executing body	Directorates general	Originator (Individual line ministries and other central bodies)	Originator (Individual line ministries and other central bodies)
Coordinating and supervising body	Impact Assessment Board (IAB)	None	None

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¹⁸ Mandelkern Group Report, *Final Report*, Brussels, 13 November 2001. Available at <http://www.cabinetoffice.gov.uk/regulation/docs/europe/pdf/mandfinrep.pdf> (January 2011).

<p>Guiding document</p>	<p>Impact Assessment Guidelines (SEC 2005 791) Minimum Standards for Consultation in the IA Process (COM 2002 704)</p>	<p>Legislative rules of the Government of Slovakia (2001) Joint Methodology for the IA (2008)</p>	<p>Rules of Procedure of the National Assembly of Slovenia¹⁹ (2002) Slovenia's Development Strategy, June 2005 (Measurement 37: Regulatory Impact Assessment) The Programme of Measures for Reduction of Administrative Burdens (2005)</p>
<p>Problem identification (justification of intervention)</p>	<p>- problem analyses, effected groups - test of subsidiarity („Community should only take action if it can demonstrate it can do better than national member states“)</p>	<p>- „problem identification“ - „justification of need for new draft legislation and current context analysis“ (Legislative Rules), however, not justification of intervention per se</p>	<p>- „an evaluation of the current situation and reasons for enacting the law“</p>
<p>Aims and options identification</p>	<p>- SMART goals - options identification, including zero option of non-intervention) - test of added value („brings at least one option added value?)</p>	<p>- general aims (e.g. harmonization) - „has originator considered options“ (yes-no question type added since 2008 without need to further specify or analyze the options)</p>	<p>- measurable aims - no option identification per se - the presentation of regulation in other legal systems</p>
<p>Assessment of impacts</p>	<p>- extended impact assessment</p>	<p>- assessment of impacts according to questions set in Joint Methodology since 2008</p>	<p>- assessment of impacts with focus on fiscal and administrative burdens</p>
<p>Effected groups identification</p>	<p>- part of problem identification</p>	<p>- no</p>	<p>- no</p>

Consultation process	- start as early as possible - who, how, when consultation took place (including consultation plan in roadmap) - consultation documents (White Book, Green Book)	- no (voluntary)	Methodology for Implementation and Supervising of Statement on Reduction of Administrative Burdens and Participation of Interested Publics (October 2005)
Comparison of options	- cost benefit of each option	- no	- no
SME	- SME test	- part of economic impact since 2008	n/a
Legal system	- yes (test of subsidiarity)	- compliance with general legal framework - compliance with EU legal framework (part of Explanatory Memorandum)	- compliance with general legal framework - compliance with EU legal framework (part of Explanatory Memorandum)
Implementation measures	- yes	- „next measures are indicated if impacts are expected “ (Guidelines)	- no

Source: updated, based on Staroňová (2007); Staroňová, Pavel and Krapež (2007).

Options. Despite all the recommendations included in the EC guidelines or OECD standards, neither the Slovak nor Slovene documents ask for explicit consideration of options or alternatives to regulation. In Slovenia this is interpreted as a comparison of draft law with other legal systems. In Slovakia, new methodology asks only a yes-no question as to whether options have been considered, but not what the actual contents are of the options or for their comparison. This is a serious methodological problem as IA is a tool that should assist decision making, by making the trade-offs among possible options more visible to the decision maker.

Consultation. Contrary to OECD terminology and practice, both in Slovakia and Slovenia equate the IA consultations with the formal inter-ministerial review process, related mostly to legislative preparation of materials (legislative items). The inter-ministerial review process is, however, a different process compared to Consultation. It is reserved for the gathering of opinions on draft legislation rather than in the design of regulation and its mechanism appears very late in the process of policy making, usually to gather opinions for a ready made draft

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¹⁹ Came into force on 15th July 2002 (Official Gazette of the Republic of Slovenia, No. 35/2002).

law and thus, the opinions address mostly nomo-technical solutions of the legal language or other issues of a legal, rather than of a substantive, nature.

Nevertheless, Slovenia has a tradition of involvement with civil society regarding civil as well as economic issues. Thus, the originator usually seeks the opinions of social partners (business associations, trade unions in matters concerning their field of interests) and organisations of civil society.²⁰ Draft proposals are sent to the different parties involved, and to interest groups in order to gather relevant information for making an assessment impact. Important in this regard is the social partnership, as a means of indirect influence on various associations of non-government organisations on the legislative process. Also, the Ministry of Public Administration prepared the Methodology for Implementation and Supervision of Statements on Reduction of Administrative Burdens and Participation of Interested Parties, so even if the key focus of impact assessment is on fiscal matters, the public participation component has already appeared. Thus, in Slovenia there is wide awareness in the country about the importance of consultations in policy making, and as such, it is being encouraged prior to the inter-ministerial review process.

Slovakia, on the other hand, has one of the poorest legislative characteristics within almost total absence of stakeholder consultation and public discussion/hearings preceding the adoption of regulations. There is no specific requirement for *consultations* outside of public administration. Only thanks to the adoption of Free Access to Information Law (FOIA) from 2001 consultations outside public agencies are becoming more accessible since FOIA requires all draft legislation in inter-ministerial review to be put on the internet so that the public also has the opportunity to provide comments. Thus, the open inter-ministerial review process is a revolutionary step forward but it still does not substitute a proper consultation process. The EU approach to consultations during the process of impact assessment is more pluralistic than the one presented above because it draws explicitly on notions of participatory governance and on the idea of democratising expertise.²¹

Implementation measures. Consideration of how a policy will be implemented should be an integral part of the analysis from the earliest stages of policy formulation: if a solution cannot be implemented except at great cost or difficulty, there is a strong case for looking at another way of achieving the same policy end. Although the new Guidelines in Slovakia asked for an indication of

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²⁰ Katarina Staroňová, Jan Pavel and Katarina Krapež, "Piloting regulatory impact assessment: a comparative analysis of the Czech Republic, Slovakia and Slovenia," *Impact Assessment and Project Appraisal Journal*, 25, 4 (2007), 271–281.

²¹ Claudio M. Radaelli, "How context matters: regulatory quality in the European Union," *Journal of European Public Policy*, 12, 5 (2005), 924–943. *Mandelkern Group Report, Final Report*, Brussels, 13 November 2001. Available at <http://www.cabinetoffice.gov.uk/regulation/docs/europe/pdf/mandfinrep.pdf> (January 2011).

“next measures” from 2008, it is not explained what information civil servants are asked to provide, which may lead to confusion. In Slovenia this type of information is not expected.

The process dimension of IA is increasingly seen as an invaluable function of the IA system rather than a pure technical method, due to its integration into broader systems of policy making. Thus, IA is currently seen less as an analytical method of arriving at precise quantitative answers but as a process that forces civil servants to think beyond the usual narrow aims of the line ministry, as well as enhancing learning. It is this process of asking the right questions in a structured format that supports wider and more transparent policy debate where the value of IA can be found. Thus, it is the process of asking, learning and communicating systematically that becomes the core of government and which continually improves its capacities for problem solving.

Oversight. The importance of an independent body in charge of overseeing the implementation of the IA procedure is stressed by several authors.²² This body should have with a mandate for issuing guidance and checking that the quality of the analysis is satisfactory and to ensure transparency and coordination. Both in Slovakia and Slovenia, there is no central coordinating body regarding policy impact assessment, and only when both governments adopted better regulation programs, did they create small, better regulation (rather than IA) units at the level of line ministries. In Slovenia, the Ministry of Public Administration and, in Slovakia, the Ministry of Economy became responsible for the implementation of better regulation in 2005 and 2007, respectively. In both cases, these are single-person units with no powers over other ministries. Thus, in both cases it is up to the line ministries to decide whether to carry out impact assessment or not; unless in Slovenia the national Assembly specifically asks for it.

In Slovakia, only with the new Joint Methodology introduced in 2008, was a certain type of oversight, namely in the preparation of basic methodology and its implementation. Nevertheless, this oversight is broken down among four ministries depending on the type of IA: The Ministry of Finance oversees the impacts on public budget and informatization of society, The Ministry of Economy oversees the impacts on business environment, The Ministry of Labour, Social Affairs and Family oversees the impacts in the social area and The Ministry of Environment oversees impacts on environment. Despite these efforts, the individual ministries face fragmentation and hierarchical problems vis a vis other line ministries. Moreover, this approach directly contradicts the efforts of the EU for an “integrated approach” in the European Commissions

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²² Andrea Renda, *Impact Assessment in the EU: The State of the Art and the Art of the State* (Brussels: Center for European Policy Studies, 2006).

proposal *Impact Assessment: Next Steps*²³ where it urges the consideration of social, economic, financial, environmental and administrative aspects in an integrated and balanced manner in order to avoid sectorialism. In addition, the comments of the overseeing bodies are not obligatory to implement and thus their power is limited.

3 PILOTING IA

Some governments decide to proceed with the introduction of IA with caution (e.g. the UK, Portugal), initially mandating only a simplified procedure or conducting pilot studies that are meant to test the mandatory requirements and adjust these to the context of the country and only later are these to be expanded into a systematic, mandatory and consistent IA programme. Both Slovakia and Slovenia have conducted a pilot study for carrying out impact assessment in the 2005–2006 period, with strong emphasis given to administrative burden methodology and the Dutch model.²⁴ Although the general aim of conducting the pilot studies was very similar, the process factors differed significantly between the two. Nevertheless, the pilot studies have not brought the expected benefit of obtaining broader support in favour of IA in either of them.

Although, both countries piloted IA model during the same time period, in the case of Slovakia, the impetus for conducting pilot IA can be traced back to a specific external factor - the association of small and medium sized enterprises, notably the National Agency for the development of small and medium sized entrepreneurs (NADSME). Thus, the pilot project on IA was a continuation of a joint project "Improving the Entrepreneurial Environment in Slovakia" implemented by NADSME in partnership with Dutch ECORYS institution. It was the representatives of SMEs who came to the Ministry of Economy and offered the possibility of conducting a pilot IA. The Ministry of Economy agreed for practical reasons: the ministry itself was at that time asked to prepare a detailed methodology for conducting an economic impact assessment and the pilot seemed to be a way of doing it²⁵. The pilot - a law on archives and registry - was selected from laws that were already passed and adopted by the Parliament. Nevertheless, NADSME considered this law to be a good choice for conducting a pilot IA as it "had significant impact on a whole spectrum of SMEs, it already

²³ *Impact Assessment in the Commission – Guidelines*, adopted by European Commission, 2002. Available at http://europa.eu.int/comm/secretariat_general/impact/index_en.htm (January 2011).

²⁴ See more in Katarina Staroňová, Jan Pavel and Katarina Krapež, "Piloting regulatory impact assessment: a comparative analysis of the Czech Republic, Slovakia and Slovenia," *Impact Assessment and Project Appraisal Journal*, 25, 4 (2007), 271–281.

²⁵ Government Resolution No. 557 from July 2005 directed the Minister of Finance, Minister of Environment, Minister of Social Affairs, and Minister of Economy to draft unified methodologies for assessment on financial, economic, environmental, social and business environment impacts.

provoked a hot debate in both Cabinet and Parliament and media which was a good sign for any awareness raising activities once the pilot IA would be over and finally but importantly with proper IA conducted there was still a chance to challenge some of the negative aspects of the approved legislation with real data." (interview with NADSME director).

In Slovenia, a draft law on Chamber of Commerce and Industry, which was in its first phase of design was selected. The impetus came from the Ministry of Economy which wanted to make the membership of the Chamber of Commerce and Industry of Slovenia (GZS) - one of the main organisations representing employers' interests - voluntary, rather than compulsory as at the time of piloting IA (2005). Draft legislation to this effect was being prepared with a pilot IA in the Department for the Internal Market in the Ministry of Economy. The analysis of the Chambers systems was made to estimate the current state of chambers system in Slovenia, compare this system with similar systems in other states, prepare alternative options to this system and analyze the effect of different systems on the economy at large, enterprises and chambers.

Thus, the selection of the pilot legislation in both Slovakia and Slovenia had dual but separate aims from the very beginning: the primary aim was to find substantive alternative solutions to legislation concerning the way that could harm the interests of the SMEs and in this way demonstrate the benefits of IA; the only secondary aim was to conduct a pilot study, on the basis of which, the methodology of the IA would be prepared and the possibilities of the approach demonstrated.

TABLE 2: COMPARISON OF IA ELEMENTS IN THE PILOT STUDIES OF 3 TARGET COUNTRIES ACCORDING TO THE MANDELKERN REPORT RECOMMENDATIONS

	Slovakia	Slovenia
Pilot Item	Law on archives and registry (passed by Parliament few weeks prior to Pilot IA) – retrospective conduction of IA	Draft law on Chamber of Commerce and Industry
Impetus for conducting Pilot IA	External - National Agency for the development of small and medium sized entrepreneurs (NADSME)	Internal – Ministry of Economy
Executor of IA	External - (NADSME)	Internal – Ministry of Economy
Problem identification – justification of intervention	Missing (due to ex post characteristics), however main changes and problems of the new legislation are summarized	Yes, problems are well described and analysed

Description of options	- 2 options (zero and new proposal), preferred option is not clearly stated (due to ex post character) - indicators of assessment developed	- 4 options (zero and three new proposals), preferred option is clearly stated and advocated for
Listing of affected parties	Yes (SME subdivided into categories + state institutions)	Yes (SMEs, other enterprises and state institutions)
Assessment of impact on affected parties	Yes both quantitative and qualitative (SMEs)	Yes, Qualitative (SMEs)
Consultation process conducted	No	Yes (questionnaire)
Summary of results of the consultation process	No	Yes
Description of impacts (both benefits and costs)	Focus on costs rather than balance of both costs and benefits	Very vague
Fitting with existing rules and policies	Yes	Not entirely (Methodology is still in the process of adoption)
Description of methodology adopted for analysis	Yes, it is possible to verify the results	No
Implementation measures	No	No
Measures for Ex post monitoring and evaluation	No	No

Source: Staroňová, Pavel and Krapež (2007).

Pilot studies in both Slovakia and Slovenia did not bring the expected results due to several factors. First, due to the limited capacities of the executor of IA, both internal and external, in both countries, the pilot did not follow all the standard elements (see Table 2) as benchmarked by OECD or EC. Second, it primarily focused on substantive solutions of advocated options by SMEs for selected draft legislation in both countries and neglected the learning experience and potential for civil servants. Third, following the pilot phase, the IA model – if it is

to be successful – should be refined and mainstreamed across all departments and offices. This has not taken place in either case. Moreover, the pilot experience was not transformed into a range of recommendations about how the model and methodologies could be amended and improved for utilization by civil servants and no final report with recommendations accompanied the pilot. Consequently, the IA pilot was restricted to one draft law in one ministry. Even this limited learning experience was not utilized in further actions. For example, the methodologies developed were not adopted by the centre of government which has further weakened the role of IA in both countries.

4 PRACTICE OF IA

In most European countries, analytical information on social, budgetary, economic, environmental and administrative objectives and impacts of proposed legislation has to be given in an explanatory memorandum (note, letter) accompanying a draft law. The explanatory memoranda of the draft law is (has to be) a normatively structured legal document, which includes the results of IA and public consultations. For a deeper analysis in both countries, approved proposals by Cabinet to Parliament in 2007 were taken, focusing on explanatory memoranda accompanying draft laws and amendments. Analysis omitted all other material that goes for discussion to the Cabinet sessions, such as law intention, concept papers, information, action plans, bilateral agreements and loans. The reason for this focus is twofold. First, most of the policies in CEE countries take the form of a legal document, which is binding to all subjects in the country. Thus, draft laws and amendments usually have a significant impact on the lives of citizens. Second, it is the legislative process that is formally regulated rather than the policy process, which again allows the author to evaluate the degree of compliance with national and international standards. The initiators of draft laws and amendments are mostly ministries (80% of the cases) so the author indirectly assesses the capacity of the administration by evaluating outputs. Thus, draft laws and amendments initiated by members of Parliament or other state agencies are not taken into account. Draft laws debated more than once within the government are calculated as one, simultaneously taking the characteristics of all materials into account. In total, 126 in Slovakia and 132 in Slovenia explanatory memoranda of draft law proposals and amendments proposed to Cabinet meeting in 2007 year were analyzed for quality of information contained.

Formally, all draft legislation (both draft and amendments) both in Slovakia and Slovenia comply with the formal requirement of attaching both Explanatory Memoranda and Statements of Impact to the material that goes for Cabinet sessions (see Table 3). The analysis of the explanatory memoranda in the period

of 2007 (see also next parts) shows that the biggest problem is not compliance but the scope and depth of analysis conducted and individual components of IA covered.

TABLE 3 – COMPONENTS OF IA IN EXPLANATORY MEMORANDA

Issues	Slovakia n=126		Slovenia n = 132	
	N	%	N	%
General Purpose	126	100	119	90,1
Measurable Objectives	29	23	119	90,1
Intervention Justification	0	0	0	0
Options	0	0	0	0
Impact statements	124	98,4	119	90,2
Identification of concrete measures for implementation	0	0	0	0
Identification of measures for ex post monitoring and evaluation	0	0	0	0
Parties Affected	0	0	0	0
Consultation	1	0,7	0	0

In terms of individual components covered (see Table 3), the majority of Explanatory memoranda addresses information regarding the purpose of the legislation in question. However, the information purposely does not provide detailed information on the problems analyzed, nor justification for intervention (need for regulation), but rather is very general. For example, most EU transposition related issues simply state „EU harmonization“ as the legislative purpose, without any further elaboration. Specification of measurable objectives does not meet IA standards in Slovakia, nevertheless in Slovenia measurable objectives are stated in 90 per cent of proposals. Since the formal framework in both countries does not require the identification of options (the same goes for Identification of concrete measures for implementation and identification of measures for monitoring and evaluation), these are not included. Explanatory memoranda (and Statement of Impacts) are a means to justify ex post the only solution submitted to the Cabinet.

When it comes to the Statement of Impacts, again, these are attached to the explanatory memoranda in all proposals both in Slovakia and Slovenia. In both countries, most of these are of a very formalistic nature (see also Table 4), with

statements such as ‘no impact’ or vague statements such as ‘the changes will be positive for society’, ‘there are no impacts on citizens, the state budget and the environment’ or even ‘non-action will bring sanctions from the EU which are costly’ without providing any further explanations. When discussing the scope and depth of IA conducted, it is interesting to look at an indicator – the number of words used in the document. Although it is not a direct indicator of the depth of analysis (there an in-depth analysis can exist on few pages), it is still an indicator of the length of the document and thus an indirect measurement of what such a document may potentially contain. A typical A4 page with double spacing and Times New Roman Font contains approximately 300-330 words. Table 3 shows an overview of number of words in the most important document – Statement of Impacts with relation to type of legislation proposed (domestic vs. EU transposition vs. international agreements and draft legislation vs. amendments to legislation) for the year of 2007. IA statement shows all impacts in all areas concerned (financial, economic, environmental, social) and we see that the average number of words here ranges between 340 to 730 words in Slovakia and even less (below 250) in Slovenia. This means that an average Impact Assessment statement is of 1-2 A4 pages or half a page (and less) per IA area. How deep such an analysis can be?

TABLE 4 – LENGTH OF STATEMENTS OF IMPACT WITHIN EXPLANATORY MEMORANDA

Number of words in Statement of Impacts (average)	Domestic legislation	EU transposition	International Agreements	Draft Law	Amendment to Law
Slovakia	508 (max. 8568, min. 50)	416 (max. 4209, min. 55)	671 (max. 8568, min. 40)	732 (max. 8568, min. 65)	361 (max. 4209, min. 40)
Slovenia	238 (max. 1108, min. 27)	131 (max. 742, min. 27)	0 (max. 0, min. 0)	243 (max. 1108, min. 36)	178 (max. 934, min. 27)

Source: own calculations, based on explanatory memoranda and IA statements in 2007.

On the EU level, in the wake of the Mandelkern Report, the European Union fully implemented new EU Integrated Impact Assessment model in 2002 as a part of an overall strategy on Better Regulation. Among the common areas of EU member countries,²⁶ are the impact on the economy, especially on small and medium enterprises and competitiveness, the impact on the environment, the negative impact on the citizens through the establishment of

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²⁶ See Report to the Ministers responsible for Public Administration in the EU member states on the progress of the implementation of the Mandelkern Report’s Action Plan on Better Regulation (Brussels: European Commission, 2003).

new bureaucracy (the so-called administrative burden), and the negative impact on consumers. The advantage of IA lies also in its ability to expand the range of impacts relevant to decisions to external impacts affecting interests other than those to government. In this sense an assessment of only fiscal or government budget implications is an input into traditional fiscal policy. Thus, IA should consider other impacts as well, particularly in social and environmental areas and how these effect individual groups of citizenry. The balancing of social and economic and environmental issues in policy-making is of high importance and an integrated framework is put forward by the EU. Table 5 analyzes the way in which Statements of Impact in Slovakia and Slovenia identify fiscal, economic, social and environmental impacts.

TABLE 5: AREAS OF IMPACT ASSESSMENT

Impact Assessment Areas		Slovakia		Slovenia	
		N	%	N	%
Number of proposals passed by Cabinet		126		132	
Statement of Impacts (IA) attached		124	98,4	119	90,2
Fiscal impact	State budget addressed	125	99,2	119	90,2
	State budget analyzed	59	46,8	55	41,7
	State budget - data provided	56	44,4	43	32,6
	Local government addressed	124	98,4	24	18,2
	Local government analyzed	5	4,0	8	6,1
	Local government – data provided	2	1,6	3	2,3
Social impact	Social impact addressed	124	98,4	22	16,7
	Social impact analyzed	1	0,8	10	7,6
	Social impact – data provided	0	0,0	3	2,3
Economic impact	Economic impact addressed	124	98,4	15	11,4
	Economic impact analyzed	3	2,4	4	3,0
	Economic impact – data provided	3	2,4	2	1,5
	SME analyzed	0	0	1	0,8
	Competitiveness analyzed	2	1,6	0	0,0
Environmental impact	Environmental impact addressed	124	98,4	1	0,8
	Environmental impact analyzed	15	11,9	1	0,8
	Environmental impact - data provided	0	0,0	0	0,0

Source: own calculations. Note: one proposal can contain one type or several types of IAs at

once. SME= small and medium sized enterprises.

In both countries those areas of impacts are formally addressed (see Table 5) in almost all cases that are also formally identified in the guidelines and methodologies. Thus, in Slovakia these are four areas of fiscal, economic, social and environmental impacts and in Slovenia these are fiscal impacts. Nevertheless, most of these impacts simply state expressions such as 'no impact' or 'will bring positive impact' or 'no serious impacts' or numerical information is provided with no further explanation how this number has been calculated or achieved. They offer no analysis on quantitative or qualitative substantiation.²⁷ Most impacts are analyzed in the fiscal area, which is discussed in more detail below. Interestingly, Slovenia analyzes social impacts in 7 per cent of the cases, even though the IA guidelines do not ask for social impacts, whereas in Slovakia this type of analysis is being asked but not performed. From the original 28 cases identified in Slovakia, 27 had to be excluded as social impacts since they have limited their discussion of 'employment' strictly to 'employment within the state and public service' (internal and not external effects), and not the labour market in general. Consequently, such an interpretation is considered to increase/decrease the burden of the state budget on staff recruitment or dismissal, and has become a political tool in the decision-making process. Besides, such an interpretation also fits more appropriately into the category of administrative/ organizational impacts rather than social. In general, economic impact assessments in both countries are more of an exception than the rule, even though both pilots in Slovakia and Slovenia have focused on impacts on SMEs. Thus, we observe no learning experience from the pilots. Surprisingly, environmental impact assessments in both countries remained at a very low level, despite the volume and tradition of environmental impact assessments in the EU. If there is any mention of environmental IA, it is generally limited to the comment that the draft law "fulfils EIA". None of the draft laws in Slovakia or Slovenia had a substantial analysis in more than two categories at once which fundamentally breaks the principle of 'integrated' IA in social, economic and environmental aspects as proposed by the European Commission.

As noted above, in both countries (more than 40% – see Table 5) most of the substantial analysis within impact assessment areas have been conducted in the fiscal area. Two possible explanations of this imbalance can be suggested. First, fiscal assessment or in other words, implications for the state budget, was traditionally part of the explanatory memoranda even before IA was introduced. Thus, civil servants are used to the preparation of this part and know how to

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²⁷ Naturally, some draft laws or amendments do not have to have impact (OECD for example states that it is estimated that 30% of draft proposals may not need to have impact) but we need evidence of how this conclusion has been reached. Good governance practice asks for the possibility of control on the validity of estimates and truthfulness of information provided.

tackle it. Second, there exists a more rigorous requirement for the Ministry of Finance than other overseeing bodies to check the quality of assessments on state budgets during the inter-ministerial review process. In Slovakia, this requirement has existed prior to 2008 introduction of *Joint Methodology* and also before the 2001 introduction of IA. Traditionally, the Ministry of Finance in Slovakia is a strong and respected body without whose opinion the Government does not make decisions. Without a body at the governmental level to check the quality of assessments conducted in other areas, there is only minimal motivation from the side of the ministries to conduct proper and substantial impact assessments in the other areas.

The Mandelkern Report²⁸ identifies cost-benefit analysis as the most rigorous framework for the assessment of impacts, both positive and negative. The primary purpose to assess and preferably quantify the costs and benefits is to assist the ministry (and government) in selecting among alternatives and policy tools²⁹ and to systematically appraise distributional consequences (social, economic and environmental) of proposed change. Thus, identifying direct and indirect, positive and negative impacts in economic, social and environmental terms is a specified component of IA. This should occur by using qualitative and quantitative means. In consideration of the analysis and comparison of the costs and benefits associated with the regulation (quantification and so on), it was found that all of the substantial IAs deal with costs, though the assessments are of poor quality (see Table 6). Seventy percent of them deal with the costs of institutionalizing a new post (for example judicial clerk, public defender and so on) or increasing/decreasing a salary to a public official. Comparison of benefits and costs is provided in none of the cases. Such incomplete considerations raise serious questions about the way the assessments have been conducted and whether any alternatives have been considered or whether the calculations represent ex post justifications of the preferred solution.

TABLE 6: CALCULATION OF COSTS AND BENEFITS IN FISCAL IA (STATE BUDGET)

		Slovakia		Slovenia	
		n=126	%	n=132	%
IA analyzes fiscal impact (identifies data)	Total	59	46,8	55	41,7
	EU	16	12,7	15	11,4

²⁸ Mandelkern Group Report, *Final Report*, Brussels, 13 November 2001. Available at <http://www.cabinetoffice.gov.uk/regulation/docs/europe/pdf/mandfinrep.pdf> (January 2011).

²⁹ Hahn, W. Robert et al, *Assessing the Quality of Regulatory Impact Analyses, Working Paper 00-1* (Washington D.C.: Brooking Joint Center for Regulatory Studies, 2000).

IA states “no fiscal impact”	Total	67	53,2	53	40,2
	EU	29	23,0	18	13,6
IA identifies costs	Total	45	35,7	40	30,3
	EU	10	7,9	11	8,3
IA quantifies costs	Total	40	31,7	37	28,0
	EU	5	4,0	11	8,3
IA identifies benefits	Total	23	18,3	27	20,5
	EU	1	0,8	7	5,3
IA quantifies benefits	Total	17	13,5	17	12,9
	EU	1	0,8	4	3,0
IA compares costs and benefits	Total	0	0	0	0

Source: own calculations.

Consultations and the involvement of affected parties, are important parts of the IA process. The European Commission places considerable importance on consultation mechanisms throughout the entire legislative process, from policy-shaping prior to the proposal, to final adoption of a measure by the legislature, as well as implementation. *‘Those affected by European or national regulation have the right to be able to access it and understand it’.*³⁰ Depending on the issues at stake, consultation is intended to provide opportunities for input from representatives of regional and local authorities, civil society organisations, undertakings and associations of undertaking, the individual citizens concerned, academics and technical experts and interested parties. To this end, the European Commission established a new Consultation Framework outlined in the document *Towards a Reinforced Culture of Consultation and Dialogue*.³¹ Both countries identify public administration, e.g. central and local state authorities as the main bearers of effects, which are usually also quantified. However, Slovenia, in 22 per cent of cases tries to also identify specific groups of citizens in proposals (e.g. ‘owners of cars will have to undertake extra activities’), industries and businesses who might be effected. This is not the case in Slovakia. Both countries present the results of the inter-ministerial review process (in more than 97% of cases) in a very organized way, usually via a table (though as discussed earlier in this paper, it is not a consultation process during drafting of the proposal). This table enlists the name of the institution,

³⁰ See second chapter of the *Mandelkern Group Report, Final Report*, Brussels, 13 November 2001. Available at <http://www.cabinetoffice.gov.uk/regulation/docs/europe/pdf/mandfinrep.pdf> (January 2011).

³¹ *Towards a Reinforced Culture of Consultation and Dialogue: Proposal for General Principles and Minimum Standards for Consultation of Interested Parties by Commission*, communication from the Commission, COM (2002), 704.

its comments and the response of the originating ministry (acceptance/non-acceptance of the comments and reasons for that). Opinions mostly come from other ministries, subordinated agencies and other public institutions to which the originating ministry is obliged to send the draft proposal for opinions. Also, the inter-ministerial review process is well organized, and methodological guidelines exist for the types of opinions, procedures to follow when the opinions are rejected and so on. In sum, there seems to be no problems with this process. Nevertheless, the identification of external actors outside the government and their active consultation during the preparation of the draft policies is still lagging behind, particularly in the case of Slovakia.

5 DISCUSSION

The methodological weakness of both countries is related to having no alternative policy options consideration when preparing draft policy proposals, including impact assessment. As a result, we may assume that most IAs have been conducted (and are being conducted) after the preferred regulatory option has been identified or even after it has been put into legal articles. The nature of information contained in the explanatory memoranda (and impact assessments) of both Slovakia and Slovenia leave us to believe that they are frequently made *ex post* in a bureaucratic manner, to fulfil obligations rather than during the process of policy making, which would assist the decision-maker to make an evidence-based decision. Since no external oversight center is currently in charge of supervising the impact assessment conducted by line ministries and no sanctions are expressly provided for insufficient or unsatisfactory analysis, there seems to be insufficient incentive for the ministry to undertake analyses.

These results of the formal existence of IA in both Slovakia and Slovenia, without real substance, only confirm the notion of Radaelli who argues that IA policy process is shaped by context in terms of dimensions and mechanisms. He claims that the particularly European continental context of public administration institutions and bureaucracy is different from the Anglo-Saxon where IA originated. In this sense '*efficiency still comes second to formal respect of legitimate procedures in the list of criteria used by bureaucracies*'.³² In addition, a transition country (or a newly accessed country with transition legacy) constitutes yet another specific context. First, the bureaucracy still bears the legacy of 'nonactivism' and thus increases the chances for the presence of formalism where the IA process is reduced to a bureaucratic tick-off exercise and a political tool for substantiating a preferred option. Second, newly accessed countries still bear the legacy of heavy legislative activity due to the adoption of *acquis communautaire* which may have contributed to creating a

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³² Claudio M. Radaelli, "How context matters: regulatory quality in the European Union," *Journal of European Public Policy*, 12, 5 (2005), 924–943.

specific context of reduced will to conduct assessments for imposed legislation. Third, the systematic data collection and analysis is still in the process of being established. Whatever the reason for specific context, ignoring the importance of IA may increase the risk of an inadequate basis for decision-making and subsequent poor policies.

On the basis of results, we can put Slovakia and Slovenia into a pro-forma approach towards IA implementation. The only exception is in the component of stating measurable objectives in Slovenia, where we observe integrated approach. The results from 2007 show no change in comparison with in-depth analysis of quality of information in IAs from 2004.³³ Thus, no learning occurred during that time. The only exception is the fiscal area where results show an unbalanced coverage in the types of impacts, with strong preference towards fiscal IA. Here an informative IA approach is to be found. Informative IA is also to be found in Slovenia with Consultation processes where a strong tradition and informal ways of consulting social partners prevail – these are missing in Slovakia.

RIA frame Approaches	Components				Impacts		Consultation	
	Objectives	Options	Statement of impacts	Implementation	Fiscal	Other	Parties Identification	Consultation
Integrated IA	Slovenia							
Informative IA					Slovakia Slovenia		Slovenia	Slovenia
Pro-forma IA	Slovakia	Slovakia Slovenia	Slovakia Slovenia	Slovakia Slovenia		Slovakia Slovenia	Slovakia	Slovakia

6 CONCLUSION

This paper has examined the current formal framework, piloting of IA in 2005 and performance in the implementation of the impact assessment in Slovakia and Slovenia in 2007. Officially, both countries comply with the IA declarations but the level of the actual implementation is low with clear ex post preparation of IAs. The results also showed the traditional relative strength of the Ministry of Finance, where fiscal coordination has influence on the quality of elaboration of fiscal impact assessments which were the only ones quantified and

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³³ Katarina Staroňová, "The Quality of Impact Assessment in Slovakia," in *Impact Assessment and Sustainable Development: European Practice and Experience*, ed. George Clive and Colin Kirkpatrick (Cheltenham: Edward Elgar Publishing, 2007).

monetized. Nevertheless, it has to be stressed that these are still prepared in an ex-post manner without looking at options available in any of the cases. Considering the experience of OECD and EU Member States in the 90's, there is no reason to think that good governance practices will start to function without political and administrative commitment in the implementation of IA methods, methodological guidelines, systematic training and basic surveillance mechanisms.

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CENTRAL-EUROPEAN INTRA-SLAVIC DIPLOMACY: A COMPARATIVE APPROACH

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Article analyses the Slavic component in the foreign policy of the four Central European Slavic (CES) countries. The central thesis is that the Slavic component is not (an important) part of those countries' foreign policy; however it is relevant within cultural affairs. The author argues that the CES countries instrumentalise their foreign policy to accomplish their interests within the geographically and culturally close nations. This presumption is verified by the comparative-foreign-policy methodology,² being applied to the structure of the Ministries of Foreign Affairs and Diplomatic Missions of CES countries. The article reaches two main conclusions; the analysis confirms that Slavism is relevant within cultural affairs only, while the foreign policy of all countries is determined by other variables. The derivation of this hypothesis shows that, because CES countries omit their cultural similarities and therefore are not an incentive for better collaboration in their foreign policy, they lose many opportunities and challenges within the EU, as this weakens their negotiating position.

I INTRODUCTION

The enlargement of the European Union in 2004/2007 was a big achievement for the integration. In discussing which changes were procured with the enlargement, the Slavic dimension is often overlooked. Thus, this article would like to discuss the Slavic component in the enlarged European Union diplomacy, which is of importance because of its historical background and unique status.

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² James N. Rosenau, "Comparing Foreign Policies: Why, What, How," in *Comparing Foreign Policies: Theories, Findings, and Methods*, ed. James N. Rosenau (New York: Sage, 1974).

The historical background of the Slavic component is highlighted in the following two facts: Firstly, most Central and South European Slavic nations were – in the past – part of the common Austro-Hungarian Empire, and these roots strongly influenced the behaviour of Slavic entities including its collapse. Secondly, within the Austro-Hungarian Empire, some ideas of ‘Slavic common ground’ had already been established (like austroslavism, panslavism, etc.) but were partially omitted later on because of the changes in the international community.³ On the other hand, the particularity of the Slavic component can be found in the fact that, before the enlargement, the EU was composed of mostly German and Latin countries, while nowadays, the Slavic component is becoming more important; its importance will rise even further in the future, after the enlargement of the EU to the Western Balkans countries.

This article is not prepared as a complete discussion on Slavic relations within the European Union, but is rather more focused on the diplomacy conducted among the Slavic member states of the EU. I would thus like to explore if ‘Slavic consciousness’ really exists or if it is more a residue of the past and is primarily based on national cooperation, dating back to the 19th century. I argue that the ‘Slavic’ group exists more or less when cultural affairs are being discussed, while in other fields (e.g., economics/political affairs/foreign policy interests, etc.) this group is considered more heterogenous than homogenous. I further argue that similar languages partially do influence inter-state relations, but they are not the key determinants when deciding how to conduct national foreign policy.⁴

My analysis builds on two interrelated pillars of the foreign policy structure of Slavic countries in the EU (hereafter CES countries). Firstly, I will analyse the organogrammes and key documents of all four Ministries of Foreign Affairs (MFA), with the intention of finding out whether there are some special connotations linked to the argument of Slavism or Slavic roots.⁵ Secondly, I will analyse the structure of representative bodies (embassies) within the

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³ These changes occurred after the collapse of the Austro-Hungarian Empire in 1918, when some Slavic entities became independent (Czechs and Slovaks, Poles), while other (Slovenians, Croatians etc.) merged together in a new state. At this stage, the important role of Russia in the process of creating Slavic consciousness should not be omitted. After the revolution in 1917, Russia was no longer capable of leading the process of Slavic integration, since all countries refused to legitimise changes happening in Russia. The result of such developments was the divergence of the ‘Slavic’ element and the convergence towards regional element (for South-Eastern Slavs the ‘jugoslovanisation process’, for Czechs and Slovaks the ‘central-europeanisation process’).

⁴ The president of the Republic of Slovenia prof. dr. Danilo Turk, in his lecture on November 3 2010, envisaged that Slovenia –in conducting its foreign policy – sometimes ‘forget’ its Central-European (and Slavic) part. That is why – according to his opinion – it is relevant to re-evaluate the priorities of the Slovene foreign policy, understanding that Slovenia is a »Central-European Slavic country, belonging also to the Western Balkan and Mediterranean«.

⁵ It will be interesting to look at the structure to find out if maybe some departments or special missions focusing on Slavic countries exist.

group of Slavic countries, focusing on the structure and number of employees in the embassies/institutes/consulates, and so forth. This review will illustrate how 'Slavic' countries are linked through the diplomatic apparatus, and which characteristics of inter-Slavic countries' relations can be traced in the FP structure. The obtained results will enable me to test my hypothesis that Slavism is quite important in cultural as well as language affairs; but in other arenas – especially in FP activities, state policies do not place Slavism as a top priority.

The discussion consists of three parts. The first part follows the introduction and is a short historical overview of Slavism and cooperation among Slavic nations. The second part will present an overview of the basis of the comparative approach, derived from the theory of comparative foreign policy. Finally, the empirical part is based on a comparative approach of MFA and embassies structure of CES countries. In the conclusion, I will summarise the facts and evaluate my presumptions.

2 HISTORICAL OVERVIEW OF SLAVIC COOPERATION

The discussion of Slavism cannot be derived from a discussion of cultural understanding. Etymologically, the word "culture" derives from the Latin word *cultura*, which encompasses activities such as "cultivating, agriculture" (Online Etymology Dictionary). At the time of the Enlightenment (18th century) the word "culture" became associated with *civilisation*, which was understood as a collective process of transition from barbarism.⁶

Compared to the French perception of culture and civilisation (and its political force),⁷ the Germans understood their *Kulturas* behaviour concerning intellectual, religious and art processes.⁸ Such conception of culture was linked to the 'common people,' or the ethnic group. If the French understanding was top-down, where "French was anybody living in France, not concerning its mother tongue," the German perception was derived from the bottom-up process and was generated on the basis of common language or cultural patterns. This type of nation-building process – which was especially developed in the region of Central Europe – was also a generator of instabilities in Europe. The cardinal error of such a concept was exclusivism, deriving from the perception that some nations are more important (because of their history, language, etc.) than others.

⁶ Adam Kuper, *Culture: An Anthropologist Account* (Cambridge, London: Harvard University Press, 2001), 28.

⁷ The French understanding of the term civilisation was defined as *we* (civilised, with political renown and rights) vs. *others* (barbarians, not able to be part of the political decision-making system).

⁸ Ana Podgornik, *Kulturna diplomacija slovenskih držav v Evropski uniji* (Ljubljana: Faculty of social sciences, 2010), 49.

The first ideas of the Slavs 'common ground' were derived from German romantic nationalism⁹ at the end of the 18th century. On one hand, the Napoleonic wars interrupted the process of nation formation for a short time, while on the other hand, the Vienna Congress accelerated the formation of nations within the Austrian Empire on a cultural/ethnic basis, by rebuilding the old governing structure.¹⁰ Changes and revolutions in 1830, and the Spring of Nations in 1848, gave an impetus to the process of nation formation and Slavic cooperation. According to Grdina,¹¹ the cooperation between Slavic nations was understood as emancipatory, and a step towards establishing its own state. Thus, Slavism was not a goal, but more of a tool to enhance the obtaining of national sovereignty.¹²

Within this framework, the highest level of Slavism was achieved in the Austrian Empire in the second half of the 19th century (known as austroslavism), generated mostly by Czech thinkers and activists. The two founding fathers, Adam František Kollár and Pavel Josef Šafařík, argued that the reinforcement of the Slavic nations relied upon their unity. Therefore, it was necessary to enhance their cultural cooperation, especially through "common reading clubs and [Slavic] bookstores; while at the same time a new – common orthography should be issued."¹³ The Congress of Slavs – drawn from inside and outside of the Austrian Empire – took place in 1848 in Prague and was instituted as a manifest against the rising German nationalism, on one side, and as an empowerment of Slavic rights and requirements within the Austrian Empire. The *Ausgleich* of 1867 was a bitter experience in which everyone soon realised that the Slavic element of the Austrian Empire would not be treated equally compared to the other two. At the same time as austroslavism was developing, a new idea of panslavism became relevant. Compared to austroslavism, panslavism was more politically engaged and advocated that "Slavs should live under the same roof."¹⁴ Even though the official Russian decision-makers were not (officially) in favour of such ideas, they supported this movement financially and politically. The Slavic part of the Austro-Hungarian Empire has always been sceptical of the panslavic

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⁹ Rudolf Rucker, *Nationalism and culture* (New York: CFP, 1937), 213.

¹⁰ Gerhard Wagner, "Nationalism and Cultural Memory in Poland. The European Union Turns East," *International Journal of Politics, Culture and Society*, 17, 2 (2003), 193.

¹¹ Igor Grdina, "Slovenci in slovanski svet" in *Slovenski diplomati v slovanskem svetu*, ed. Ernest Petrič (Mengeš: CEP, 2010), 14.

¹² The Preamble of the Slovenian Constitution illustrates the spirit/idea of the Slavism as a tool in the following words quite well: »[proceeding from .../.../] the fundamental and permanent right of the Slovene nation to self-determination; and from the historical fact that in a centuries-long struggle for national liberation, we Slovenes have established our national identity and asserted our statehood [.../...] (Constitution of the Republic of Slovenia, Preamble, adopted 23. 12. 1991; OG 33/91).

¹³ Ana Podgornik, *Kulturna diplomacija slovanskih držav v Evropski uniji* (Ljubljana: Faculty of social sciences, 2010), 40.

¹⁴ Ibid.

approach, particularly concerning the real intentions of Russia. As a counterpart of the panslavism and *Ausgleich*, the Slavic entity in Austro-Hungarian Empire started a movement known as neoslavism, which aimed to achieve political rights and political equality with other two constitutive elements of the empire. Within this process, several actions took place¹⁵ and the Slavic element became even more recognised and tolerated, while still not fully accepted. Germans were not able to cope with the increasing Slavic cooperation within the Austro-Hungarian Empire and tried to lower the intensity of the cooperation among Slavic entities within and outside the monarchy. The beginning of the 20th century can be summarised as a “fight between Germans and Slavs.”¹⁶

The results of World War I were newly established Slavic countries that withered away the need to enhance the process of Slavic integration. Even though the primary preoccupation of new countries was their political emancipation, Czechoslovakia remained the leading state of intra-Slavic cooperation. Czechoslovak efforts were important especially for emigrants from Russia, Belorussia¹⁷ and Slovenia¹⁸, which was institutionally and politically close to Czech politics.¹⁹ That is why it is possible to say that after the political emancipation of Central-European countries, the Slavism – as a linkage – became obsolete. The other reason why Slavism became irrelevant was the October Revolution in Russia, after which Russia was interested in Slavic cooperation only if this meant the export of the revolution and revolutionary values.

The last attempts to ‘call on common roots’ were three Slavic congresses organised in Russia between August 1941 and May 1943. The main discussion of the congresses was the help of Slavic countries working against German occupation. However, the idea that Russia may be a leader of the Slavic countries after WWII was misleading. At the end of the war, it was clear that the future coupling and cooperation would not be based on national/ethnic roots, but on ideology coherence only. Even though most of the Slavic countries were part of

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¹⁵ Irena Gantar–Godina, *Neoslavizem in Slovenci* (Ljubljana: Scientific institute of Philosophical Faculty, 1994).

¹⁶ Ibid. The Centre for the European Perspective (in collaboration with the Slovenian Ministry of Foreign Affairs) issued a trilingual (Slovene, Czech and Russian) monograph on *Slovene diplomats in the Slavic world* in May 2010. The book can be divided into three parts: the first part is devoted to ‘Slovenians’ operating in tsarist Russia, the second part to Slovene relations with Czechoslovakia, while the third part is just a fragment on Slovene relations with South-Slavic nations. The book is interesting because it describes the ties with Slavic nations and the perception of other Slavic nations from the Slovene perspective, especially from the perspective of selected Slovene diplomats.

¹⁷ Ana Podgornik, *Kulturna diplomacija slovanskih držav v Evropski uniji* (Ljubljana: Faculty of social sciences, 2010), 42–43 .

¹⁸ Borut Klabjan, “‘Praški Triglav’, delovanje slovenskih diplomatov v Pragi v času med obema vojnama” in *Slovenski diplomati v slovanskem svetu*, ed. Ernest Petrič (Mengeš: CEP, 2010), 93–117.

¹⁹ E. g. Slovenia (as part of Reign of Serbians, Croats and Slovenians) gave three ambassadors in Prague: Ivan Hribar, Bogumil Vošnjak and Albert Kramer. See Borut Klabjan, “‘Praški Triglav’, delovanje slovenskih diplomatov v Pragi v času med obema vojnama” in *Slovenski diplomati v slovanskem svetu*, ed. Ernest Petrič (Mengeš: CEP, 2010), 97.

the Communist Bloc, cooperation on the Slavic basis was not relevant.

After the dissolution of the Eastern Bloc and changes in the Slavic-state structure, the idea of Slavic roots regained impetus. Consequently, nowadays some projects exist based on the promotion of cultural particularities of Slavic countries. The most well-known among them is the Forum of Slavic Cultures (established in 2004), including all Slavic countries from CE and SEE.²⁰ According to the *Mission*:²¹

The aim of the Forum's action is to preserve and develop cultural values, traditions and contents shared by Slavic-speaking countries. The Forum therefore promotes cooperation among these countries in the cultural, educational and scientific spheres, develops cultural exchanges, organises meetings and provides for designing joint projects.

The confirmation of its focus on Slavic culture can also be found in the next paragraph, where it is written that "responsibilities regarding the organisation and operation of the Forum of Slavic Cultures are held by the Ministry of Culture."²² This partially confirms the hypothesis of this article regarding the relevance of Slavism in cultural affairs, while other fields – like FP, economics, and so on – are not significantly influenced by the Slavic component.

3 COMPARATIVE APPROACH IN FOREIGN POLICY ANALYSIS: A THEORETICAL FRAMEWORK

Foreign policy is certainly one of the most researched concepts in the theory of international relations. This can be attributed to the level FP is defined and its influence on everyday decisions of countries. The classical theory of FP understands it as "an institutionalized process of activities – actions that a particular society organized in a state, carries out into the broader and nearer international environment".²³ These activities are defined by (state) goals and achieved by (available) means/instruments. Depending on these goals, a state envisages a set of foreign policy instruments according to its disposability and suitability; from diplomatic agendas (including propaganda), economics, to military instruments and their combinations,²⁴ as well as culture²⁵ or even

²⁰ It is interesting that Poland and Czech Republic are not full members, but held only an observer status.

²¹ *Web page of the Forum of Slavic Cultures*; available at <http://www.fsk.si> (January 2011).

²² *Ibid.* FSK was in years 2004–2006 part of the Ministry of Culture, then between 2006–2009 under the SMFA.

²³ Vladimir Benko, *Znanost o mednarodnih odnosih* (Ljubljana: Faculty of social sciences, 1997), 221, 227.

²⁴ *Ibid.*, 255–283.

²⁵ Christopher Hill, *The Changing Politics of Foreign Policy* (Houndmills: Palgrave, 2003), 152–154.

ideology.²⁶

The theory of FP has passed through three phases, known as Foreign Policy Analysis (FPA), which places special emphasis on the decision-making process²⁷ and psychological, situational, political and social context (known as *psychomilieu*),²⁸ while the second generation of FPA uses a comparative tool to understand FP processes.²⁹ The third generation approaches to FP continue with the tradition of decision-making analysis and encompass psychological aspects – for example the so-called game theory. They also add other dimensions such as social and cultural contexts,³⁰ morality³¹ and the role of ethics in the context of the so-called ‘new foreign policy.’

All three generations of FP studies were brought forth along with the concept of comparative analysis of FP (CAFP), which will be used as a primary tool for my research in the next chapter. The first characteristic of CAFP is that it can be applied simultaneously at several levels of analysis.³² Secondly, it has to be clear which phenomena (taken into account) have to be regarded as dependent and independent variables.³³ The most important methodological aspect of CAFP is that, besides being *juxtaposed* (only that is not enough), phenomena have to be rendered comparable. A methodology of comparison must be employed if the theoretical questions generated by the adaptive perspective are to be empirically verified.³⁴

Deriving from the logic of Brglez³⁵ and Carlsnaes,³⁶ my research uses the

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²⁶ Robert W. Cox, “Social forces, countries, and world orders: beyond international relations theory,” in *Approaches to World Order*, ed. Robert W. Cox and Timothy J. Sinclair (Cambridge: Cambridge UP, 1996).

²⁷ Richard Snyder, H. W. Bruck and Burton Sapin (ed.), *Foreign Policy Decision Making: An Approach to the Study of International Politics* (New York: Free Press, 1962).

²⁸ Harold Hance Sprout and Margaret Tuttle Sprout, *Foundations of International Politics* (Princeton, NJ: Van Nostrand, 1962).

²⁹ Valerie M. Hudson, “Foreign Policy Analysis: Actor-Specific Theory and the Ground of International Relations,” *Foreign Policy Analysis* 1, 1 (2005), 1–30.

³⁰ Valerie M. Hudson (ed.), *Culture and Foreign Policy* (Boulder: Lynne Reiner, 1997).

³¹ Felix E. Oppenheim, *Vloga morale v zunanji politiki* (Ljubljana: Faculty of social sciences, 1998).

³² Valerie M. Hudson and Christopher S. Vore, “Foreign Policy Analysis Yesterday, Today, and Tomorrow,” *Mershon International Studies Review* 39, 2 (1995), 209ff.

³³ James N. Rosenau, “Comparing Foreign Policies: Why, What, How,” in *Comparing Foreign Policies: Theories, Findings, and Methods*, ed. James N. Rosenau (New York: Sage, 1974), 16.

³⁴ *Ibid.*, 14. Even though Rosenau (“Foreword”) argued that it is important to include all levels of analysis below the nation state when CAFP is done, in this discussion I – for methodological purposes – remain on the level of a nation state, because I argue that the concept of Slavism can have different (official and unofficial) sources, but for the analysis of the FP behaviour of CEE countries, only official/state actions are relevant.

³⁵ Milan Brglez, *Filozofija družbenih ved v znanosti o mednarodnih odnosih: od kritike političnega realizma h kritičnemu ontološkemu realizmu* (Ljubljana: Faculty of social sciences, 2008), 66.

³⁶ Walter Carlsnaes, “Foreign Policy,” in *Handbook of International Relations*, ed. Walter Carlsnaes, Thomas Risse and Beth A. Simmons (London: Sage, 2002), 336–341.

structure-agency view on FP and diplomacy. Within the established framework,³⁷ the paper analyses the structural view³⁸ of FP analysis, understanding Slavism, on one hand, as a regulatory institution, while on the other as an instrument for extrapolating international environment limitations' in achieving its own FP goals. Such an approach emphasizes the internal, process-based perspectives, while also maintaining psychological and organizational perspectives of foreign policy decision-making from a view-point of actors included in this process.³⁹

Even though the structural approach will be the main theoretical concept used to study intra-Slavic relations of Central-European Slavic countries (hereafter CES), the analysis of Slavic momentum would be incomplete if the actor-based approach was omitted. This is of extreme importance when a comparative approach is applied to the study of the structures and actions of diplomatic representatives. The diplomatic structure performs a nation's FP goals, though some goals are created by diplomatic mission actions or potentials. In this respect, diplomatic representation is not only a tool, but also a constitutive institution of national interests. Therefore, a comparative aspect of diplomacy of CES countries will be of extreme interest because, if the CAFP is sufficiently elaborated, a comparative approach to diplomacy is not theoretically elaborated. This gap can be attributed to the fact that diplomacy was (and still is) most often understood as a "state of art" and thus not a scientific field. Within this framework, the diplomatic theory was quite often linked to the "practitioners' perspective" instead of being treated equivalently with other social sciences. As exposed by Simoniti,⁴⁰ diplomacy interweaves various scientific fields (within the group of international relations and studies), and that is why its research and *scientification* is deficient.

Therefore, a comparative study of diplomatic structure and activities of intra-Slavic relations will also constitute a methodological apparatus, which will bridge the rationalistic (institutional) perspective⁴¹ and will be closer to the work of Jönsson and Hall,⁴² who elaborate the constitutive character of diplomacy as an institution of international society from three angles, namely communication, representation and re-production of the international community (where the

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³⁷ Milan Brglez, *Filozofija družbenih ved v znanosti o mednarodnih odnosih: od kritike političnega realizma h kritičnemu ontološkemu realizmu* (Ljubljana: Faculty of social sciences, 2008), 68.

³⁸ Walter Carlsnaes, "Foreign Policy" in *Handbook of International Relations*, ed. Walter Carlsnaes, Thomas Risse and Beth A. Simmons (London: Sage, 2002), 336–337.

³⁹ Ibid.

⁴⁰ Iztok Simoniti, "Diplomacy: methodological perceptions," lecture held at the Faculty of social sciences, 25 October 2010.

⁴¹ Eileen Denza, *Diplomatic Law: Commentary on the Vienna Convention on Diplomatic Relations* (Oxford: Clarendon, 1998). Luke T. Lee, *Consular Law and Practice* (Oxford: Clarendon, 1991). B. S. Murty, *The International Law of Diplomacy: The Diplomatic Instrument and World Public Order* (New Haven, CT: New Haven Press, 1989).

⁴² Christer Jönsson and Martin Hall, *Essence of Diplomacy* (Houndmills: Palgrave, 2005).

practice of recognition is particularly important).

4 THE 'SLAVIC COMPONENT' IN CENTRAL-EUROPEAN SLAVIC COUNTRIES' FOREIGN POLICY AND DIPLOMACY

The following analysis is derived from the comparative approach when studying different phenomena. This methodological framework will be the basis for analysing two structures: the MFA as a whole and the intra-Slavic embassies and cultural centre structures (e.g., the Slovene embassies in the other three CES countries, etc.). Within this framework, I would like to compare whether there are some similarities in the MFA structure, based on the Slavic element on one hand, while on the other I assume that strong ties among some Slavic nations are also reflected in the structure and size of the diplomatic missions.

The structure of the Ministries of Foreign Affairs

Slovenia

The organogramme of the Slovene Ministry of Foreign Affairs (*hereafter* SMFA) shows a three-level pyramid structure. The Head of the SMFA is the Minister,⁴³ followed by one State secretary. The level below is represented by four Directorates, each headed by a Director General, covering (i) EU Affairs and political bilateral relations, (ii) Global Issues and Multilateral Relations, (iii) Economic Diplomacy and Development Cooperation, (iv) International Law and Consular Affairs; and (v) Secretariat headed by Secretary General. As seen above, none of the elements in the founding structure is oriented towards the Slavic countries. The analysis of the lower level in the diplomatic structure demonstrates that the Slavic element cannot be found. Slavic countries are covered by three sectors – CES countries by the *European Department*, SEE Slavic countries by the *Western Balkans Department*, while Eastern European countries are analysed by the *Department for Eastern Europe and Central Asia*.⁴⁴ Within the *Directorate for Bilateral and EU Relations*, a *Department for International Cultural Relations* exists, but there is no mentioning of the Slavic component within this department. Deriving from this analysis, it is clear that Slovenia does not have a separate strategy towards CES countries, which leads us to the conclusion that the Slavic component within Slovene FP is politically relevant only within the framework of the EU. On the other hand, the tendency towards cultural cooperation

⁴³ In-between the Minister and the State secretary we can find four offices that are responsible directly to the Minister: the Public Relations Office, The Service for Cooperation with the Government and National Assembly, the Internal Audit Service and The Office for Common Foreign and Security Policy (EU).

⁴⁴ I have to mention that Croatia is (as a Slavic country) is part of the Department for the Enlargement Process. See *The organogramme of the Slovenian Ministry of Foreign Affairs (SMFA)*. Available at <http://www.mzz.gov.si> (January 2011).

is very intense.⁴⁵ According to the SMFA's Annual Report,⁴⁶ there was a lot of cultural cooperation in the fields of art, theatre exchange, literary evenings, and various exhibitions. The largest share of cultural exchange occurred between Slovenia and the Czech Republic, followed by Slovakia. One of the most important aspects of cultural cooperation is the lectureship of the Slovene language in CES universities (and vice versa).

Czech Republic

The Czech Ministry of Foreign Affairs (CMFA) has a similar structure to the SMFA. The Head of the Ministry is the Minister, followed by one *First Deputy Minister* and two more *Deputy Ministers*.⁴⁷ The *First Deputy Minister* is responsible for FP as a whole, while one of the *Deputy Ministers* covers only European Union and Bilateral Relations with European Countries. The level below the Deputy Ministers is composed of five major (substantive) Directorates led by Director Generals,⁴⁸ while the *Directorate for Security and Multilateral Issues* is headed by the Political Director.⁴⁹ Relations with Slavic countries are divided into three departments within the CMFA: a) the Central Europe Department (e.g., Slovakia, Poland, Slovenia, etc.), b) the North and East Europe Department (Russia, Ukraine and Belarus), and the c) South Eastern Europe Department (Western Balkans' Countries + Cyprus, Greece and Turkey). Important parts of the promotion of the Czech Republic are the Czech Centres, which are stationed under the section titled, Directorate for Economic Cooperation and Promotion Abroad. According to the Czech Centre's web page, the "main responsibility [of the Czech Centres] is the promotion of the Czech Republic in the areas of culture, tourism and trade, as well as the provision of information about the Czech Republic."⁵⁰ Even though Czech Centres are not only oriented specifically towards Slavic countries, it is illustrative to find out that Czech R. has 25 centres, one-third of which are in Slavic countries, and seven in neighbouring countries.

The Annual Report of the CMFA⁵¹ declares that "the relations with central European countries continued to be one of the priorities of Czech foreign policy in 2009." Further on, the report enumerates all achievements of Czech R. FP, with a special emphasis on "Czech-Polish cooperation in strategic areas and issues of Eastern Europe (*Eastern Partnership*)," "Slovak partnership and alliance"

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⁴⁵ *The Annual Report of the Slovenian Ministry of Foreign Affairs (SMFA)*. Available at <http://www.mzz.gov.si> (January 2011).

⁴⁶ *Ibid.*, 54–56; 85; 89–90.

⁴⁷ *Annual Report of the Czech Ministry of Foreign Affairs (CMFA)*. Available at <http://www.mzv.cz> (January 2011).

⁴⁸ The two operative Directorates are: The Information Section and the Logistic Section.

⁴⁹ The interesting thing is that the CFSP in CMFA is stationed within this Directorate, while in Slovenia, it is part of the Minister's Cabinet. In Slovakia, the CFSP is part of the Political Directorate.

⁵⁰ *Czech Centres*. Available at <http://www.czechcentres.cz/prague/stranka.asp?ID=3740&menu=9627>.

⁵¹ *The Annual Report of the Czech Ministry of Foreign Affairs (CMFA)*. Available at <http://www.mzv.cz> (January 2011), 233–234.

and Slovene-Czech relations “remaining at the traditional very high level.”⁵² The deeper analysis of CES relations shows that the highest level of political cooperation with Czechs was operated by Slovakia, followed by Poland and Slovenia;⁵³ however, relative to its size, Slovenia was the most engaged in cultural affairs with the Czech Republic, followed by Poland and Slovakia.

Slovakia

The structure of the Ministry of Foreign Affairs of Slovakia (SkMFA) is less complex than the CMFA and similar to the SMFA.⁵⁴ On top is the Minister, supported by two Secretaries of state, with completely separated fields of work.⁵⁵ The operative body of the SkMFA is composed of nine Directorates and 38 departments. Slavic countries are covered by three departments:

1. the Central and Northern Europe Department (CES countries), which is within the Directorate for European Affairs;
2. the Eastern Europe /.../ Department (Russia, Belarus, Ukraine);
3. the Southeast Europe Department.

The Eastern and Southeast Europe departments belong to the Political Directorate (next to CFSP and Security Policy Department).

Based on the structure of the SkMFA, it seems that the CES countries receive no special attention. However, deeper research into the SkMFA web page shows that the Slavic component is partially encompassed within the Visegrad Group (V4), which is composed of three Slavic countries (Slovakia, Czech R. and Poland) and Hungary. The V4 closely cooperates with other countries and regional bodies (e. g. Benelux), among which are Slovenia and Austria, as a part of the ‘regional partnership.’ The role of Slovakia within the V4 Group is as a concordant with basic Slovak FP priorities, focusing mostly on regional and transatlantic cooperation.⁵⁶ According to the *Report on Foreign Policy Activities*,⁵⁷ Slovakia tends to “reinforce neighbourly relations and enhance cooperation with countries in the region.” Thus, Slovak FP is, similar to the Czech R., oriented mostly towards regional initiatives and based mostly on strengthening regional potential and cooperation. Therefore, the Slavic component is linked to geo-

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⁵² Ibid.

⁵³ 2009 was a time resolving the case of maritime border dispute under the Czech Presidency (to the Council of the EU).

⁵⁴ This structure was valid before the last elections were held on June 12th 2010. According to the SkMFA web page, there is now only one Secretary of State. Unfortunately, the new organogramme of the SkMFA is still not available.

⁵⁵ One state secretary is entitled to head European Affairs, Economic Relations, Migration, Public Diplomacy and Consular Services, while the other State Secretary coordinates the Bilateral relations (of non-EU countries), Security Policy, Human Rights, CFSP and the UN.

⁵⁶ *Annual Report of the Slovakian Ministry of Foreign Affairs 2009 (SkMFA)*. Available at <http://www.mzv.sk> (January 2011). *Orientation of the Foreign Policy of the Slovak Republic (SkMFA)*. Available at <http://www.mzv.sk> (January 2011).

⁵⁷ Ibid., 28ff.

graphical proximity. If Slavic countries are not part of the (narrowly understood) region (e. g. Slovenia), they present the third circle⁵⁸ in the Slovakian FP. This is also confirmed by the *Orientation of the Foreign Policy of Slovak Republic*,⁵⁹ where it is written that,

./.../ Besides strengthening its integration links, Slovakia will develop bilateral cooperation with its key partners – NATO and EU allies, neighbouring countries, Russia, other countries of eastern Europe, countries of the Western Balkans, Japan, the People’s Republic of China, South Korea, India, and other countries of the world. /.../ Slovakia will place emphasis on intensifying its economic relations with the aim of fostering domestic employment and export, strengthening the existing basis for long-term economic, investment, security, cultural, scientific and educational cooperation (underlined – B. U.).

Another confirmation of the absence of the Slavic component within the Slovak FP can be found in the Manifesto of the Slovak Government 2010–2014, where it is written that, [the Government] will maintain traditional, historically-formed privileged relations with the Czech Republic, expand relations with Poland, transcend the regional dimension, and relations with Austria, and improve relations with the Republic of Hungary. In the latest document, Slovenia (as a CES country) is not even mentioned. Both quoted fragments confirm my thesis regarding the circles in Slovak FP, within which Slavism is not an important issue.

Poland

The Ministry of Foreign Affairs of Poland (PMFA) was structured somewhat differently compared to the above mentioned ministries. The Head of the PMFA is the Minister, while the lower level lacks the composition described in the previously mentioned countries – such positions as Secretaries of state (or Deputy Ministers in the Czech R.). Rather, the PMFA is divided into six Directorates, followed by seven Secretaries of state, and one General Director. The latter primarily covers operational and logistic tasks.⁶⁰ However, the new structure – from September 2010⁶¹ – includes two Secretaries of state, five under-secretaries and one Director-General.⁶² These coordinate 24 departments and 11 bureaus and some other offices. The two secretaries cover different fields within PMFA: one is entitled to cover EU and economic affairs, while the other covers cultural,

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⁵⁸ The first circle is the regional cooperation, while the second circle denotes European and Transatlantic relations.

⁵⁹ *Orientation of the Foreign Policy of the Slovak Republic (SkMFA)*. Available at <http://www.mzv.sk> (January 2011), 4.

⁶⁰ *Web page of the Polish MFA*, available at <http://www.msz.gov.pl> (January 2011).

⁶¹ The new structure is not reflected in the organogramme available at the webpage. However, I have found a different information on the PMFA structure under the category *Scopes*, of responsibilities of secretaries of state and under-secretaries of state at the Ministry of Foreign Affairs and I will – in the following elaboration – use this document.

⁶² *Scopes of responsibilities of secretaries of state and under-secretaries of state at the Ministry of Foreign Affairs. Web page of the Polish MFA*, available at <http://www.msz.gov.pl> (January 2011).

educational, financial and social affairs with the FP; one of his key responsibilities are issues relative to the Polish Diaspora.⁶³

Within the PMFA, all CES countries are included in the European Policy Department, which became a single actor after the merger of two departments: the *Department of Central and Southern Europe and the Department of Western and Northern Europe*. This department “coordinates bilateral cooperation of the Republic of Poland with the European countries /.../ and deals with the issues of EU expansion and neighbourhood policy.”⁶⁴ However, when discussing the Slavic component of Poland, the activities of the *Department of Public and Cultural Diplomacy and the Department of Cooperation with Polish Diaspora* should not be overlooked. According to the description, both departments are entitled to “promote Polish culture, science and tourism.” Although Poland has formidable support of internal (PMFA) and external (Polish Centres) institutions, its cultural diplomacy is not strictly linked to the common ground of Slavism. Poland also promotes its culture through Polish institutes, which are located in various countries. On December 1, 2010 Poland had 20 Polish Institutes, 6 in Slavic countries – one in the Czech R. and one in Slovakia.⁶⁵

The analysis of the available documents and statements reveals that the Slavic component is important when Poland presents its culture abroad, but is not used as a linkage to enhance cooperation (within the cultural, political or economic fields) with other CES countries. Poland, as a middle-power state⁶⁶ – which could be a leader of intra-Slavic cooperation – builds its FP goals, as do other Slavic countries, outside the sphere of Slavism. Similarly to other CES countries, Poland tends to position itself within its regional interests, basing its FP on *high-policy* determinants.

*The size and structure of the national representation in CES countries*⁶⁷

In this part of the discussion, I would like to discuss the size and structure of the diplomatic and ‘other representative bodies’ abroad. Being aware that this division is sometimes superficial, I argue that, for the purpose of this article, it is necessary to divide the ‘official’ – classical representation, dealing mostly with *high politics*, from ‘official’ – neo-structures, dealing mostly with the activities of *low politics*. That is why I divide the analysis of CES countries’ activities into

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⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Poland has stationed its institutes in all neighbouring countries, in some EU countries (Austria, Belgium, Bulgaria, France, Hungary, Italy, Romania, Spain, Sweden, and United Kingdom), Colombia, Israel and the United Countries of America.

⁶⁶ Sabina Kajnc, *Srednje velike države v Evropi: iskanje paradigme na primerih Poljske in Španije* (Ljubljana: Faculty of social sciences, 2001).

⁶⁷ All data was collected on the December 1st 2010 from the official web pages.

(a) activities/structure of embassies and (b) structure and activities of cultural centres/institutions.

The size and the structure of diplomatic missions

It is arguable whether the size of diplomatic missions reflects the extensiveness of relations among nations.⁶⁸ In classical diplomacy, the size of the mission also shows the importance of establishing good diplomatic relations with a country. Nowadays, the situation seems to be changed, especially as countries – parallel with classical (residential) diplomatic missions – coordinate their diplomacy through different activities (within modern conference and summit diplomacy; personal diplomacy, etc.) and means (e.g., *ad hoc* envoys, etc.). However, the complexity of modern diplomacy calls for strong (and permanent) diplomatic missions, which should be able to analyse the applied phenomena in the international community and conduct their functions, according to Article 3 of the Vienna Convention of Diplomatic Relations (VCDR).

Next to its size, the structure of permanent diplomatic representations (hereafter embassies) illustrates the FP concept of a state conducting diplomatic relations with other countries. Thus, a big economic department in an embassy would suggest that one country is interested in economic cooperation with another country, while conversely an absence of an economic department within an embassy would be a signal that a state has other (non-economic) interests and preferences. However, the structure of the permanent diplomatic representation should not be understood in absolute terms, but rather in relative terms, comparable to other diplomatic representations of the same state.⁶⁹ The relative comparative approach allows for the possibility to compare (coherently) different facts. Within this methodological approach, I have prepared Table 1,⁷⁰ which presents data based on: (i) the acting head in a permanent diplomatic

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⁶⁸ I argue that there is a difference between the absolute size, which encompasses all characteristics of the diplomatic mission; and the relative size of the mission, which is defined in a comparative way with other diplomatic representations.

⁶⁹ The comparison of permanent diplomatic representations in an absolute term would compare »pears with apples«, because it is impossible to compare an embassy of a large state (like USA) with an embassy of a small state (like Iceland). Firstly, small state – because of its size – encounters inward limitation in its cadre policy (the pool for best cadre selection is much smaller comparing to the large country's one). Secondly, the financial funding for diplomatic activities of a small state is more constrained than the funding for diplomatic activities from the large state. Thirdly, the small state, because of its inner limitations, establishes its embassies only in a limited number of countries, while a large state has much more possibilities and capabilities to have their representations worldwide. The comparison on relative terms means that it is necessary to compare similar activities and structures, therefore comparable facts should be presented as similar (e. g. the comparison on absolute terms of employees in embassies shows us nothing, while the share of (total) employees in an embassy is a comparable variable.

⁷⁰ For the theoretical background and importance of the size of a diplomatic mission see Milan Jazbec, *The diplomacies of new small states: the case of Slovenia with some comparison from the Baltic* (Aldershot: Ashgate, 2001), 166ff.

mission;⁷¹ (ii) how many members of the diplomatic staff are employed within the embassy and (iii) which departments constitute an embassy.

TABLE I: BASIC CHARACTERISTICS OF THE PERMANENT DIPLOMATIC MISSIONS OF CES COUNTRIES

		Czech R.	Poland	Slovenia	Slovakia
Czech R.	Acting head	*	ambassador	ambassador	ambassador
	Members	*	10+1	6+1	19+1
	Departments	*	5	2	6
Poland	Acting head	ambassador	*	chargé d' affaires a. i. (f)	ambassador
	Members	n. a.	*	9+1	10+1
	Departments	3	*	2	4
Slovenia	Acting head	chargé d' affaires a. i.	ambassador	*	ambassador
	Members	4+1	5+1	*	3
	Departments	4	3	*	2 ⁷²
Slovakia	Acting head	ambassador	chargé d' affaires a.i.	ambassador (f)	*
	Members	11+1	5+1	4+1	*
	Departments	4	5	2	*

Source: Own elaboration on the data available at the CMFA, PMFA, SMFA and SkMFA (2010).

According to the available data, the acting heads of three embassies (out of 12) are now chargé d' affaires *ad interim*; only two acting heads are women, both in Slovenia – the Polish chargé d' affaires *ad interim* and the Slovak ambassador. The size of embassies is quite equal, ranging from 6 to 10 diplomatic staff. However, the largest embassy is the Czech embassy in Slovakia, followed by the Slovak embassy in Czech R., both having employed more than 10 members of the diplomatic staff. The comparison of the established departments blurs the real picture, because in some cases there are 4 departments with 10 employees (like the Polish embassy in Bratislava), while on the other hand, 19 employees are spread through 6 departments (e. g. Czech R. in Slovakia).

Further research is needed to explore the inner structure of an embassy. Here I would like to find out if there are some similarities/differences between embassies in regard to their inner structure. I presume that all embassies divide their work into three departments: political (including military and police

⁷¹ The definition of the *terminus technicus* is from the Article 1, paragraph (d) from the Vienna Convention of Diplomatic Relations.

⁷² The economic department is covered non-residentially from Prague.

attaches), economic and consular. Although all countries are EU members, it will be interesting to find out whether other departments exist. For the purpose of this analysis I mark the political, economic and consular departments as ‘classical,’ other departments (cultural, etc.) as ‘modern’ (Table 2).

TABLE 2: THE STRUCTURE OF THE EMBASSIES

		Czech R.	Poland	Slovenia	Slovakia
Czech R.	Classical	*	Y	Y	Y
	Modern	*	N	N	N
Poland	Classical	Y	*	Y	Y
	Modern	N	*	N	N
Slovenia	Classical	Y	Y	*	Y
	Modern	N	N	*	N
Slovakia	Classical	Y	Y	Y	*
	Modern	N	N	N	*

Source: Own elaboration on the data available at the CMFA, PMFA, SMFA and SkMFA (2010). Legend: Y= Yes, N=No

An overview of Table 2 illustrates that the inward structure of embassies still focuses on a classical approach to diplomacy. The embassies are entitled to perform classical diplomatic activities, while ‘modern’ diplomatic means (like cultural diplomacy etc.), are carried out outside the formal diplomatic apparatus, particularly within the so-called centres or institutes.⁷³

(National) Centres/Institutes

As previously explained, the cultural dimension of CES countries is not covered by the classical diplomacy establishment, but rather by the modern approach in promoting inter-cultural relations, known as cultural centres/institutes. However, these centres should not be understood as a place where cultures meet, but rather as a public (and cultural) diplomacy tool for promoting the national culture. I will test my presumption on these centres by analysing the tasks and aims of cultural centres of CES countries (Table 3).

TABLE 3: PRESENCE/ABSENCE OF CULTURAL CENTRES/INSTITUTES

	Czech R.	Poland	Slovenia	Slovakia
Czech R.	*	Y	N	Y (Bratislava, Košice)
Poland	Y	*	N	Y

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⁷³ In order not to be misleading, I have to point out that there are some employees within the embassies entitled to carry out ‘modern’ diplomatic activities, but there is not a section devoted to this field.

Slovenia	N	N	*	N
Slovakia	Y	Y	N	*

Source: Own elaboration on the data available at the CMFA, PMFA, SMFA and SkMFA (2010).
Legend: Y= Yes, N=No.

As seen in Table 3, only Slovenia has no cultural centre abroad for the promotion of its own culture. It can be said that this absence is partially covered by the lectureships of the Slovene language in all CES capitals,⁷⁴ but such explanation seems more as an excuse than a real fact, especially if we take into consideration that other CES nations also have their lectureships in Slovenia.⁷⁵

The aims of national cultural centres/institutes can be summarised in the following two points:

- A national cultural institute has to promote the national culture of the sender state in the receiving state.
- The national cultural institute ought to – through bilateral cooperation – promote, strengthen and facilitate bilateral cultural, political and economic relations.

Nevertheless, whichever point is taken into account, it is clear that national centres are not established to find common ground among Slavic countries. Their functions can be summarised as promoting national interest on a unilateral or bilateral basis, as opposed to a multilateral basis. The concept of national interests is narrower than the idea of the 'common ground' – and how I argued that Slavism should be understood – which leads to the conclusion that the current politics and relations among CES countries derive from different grounds, and that Slavism is not an important issue in constituting national FP. Thus, I argue that the idea of 'common interests' within Slavic countries does not exist and that coalitions or co-operations are not based on historical roots, but more on practical – everyday interests, which determine the behaviour of the analysed countries.

All above mentioned facts confirm my reluctance concerning the existence of the common "Slavic component" as a driving-force for close cooperation among CES countries. The acknowledgement that Slavism is *passé* and that its relevance in the today's world is obsolete creates a strong framework for preparing a national thesis and positions within the European Union.⁷⁶

⁷⁴ Chairs of Slovene language exist on Prague Charles University and Masaryk's University in Brno; there are lectureships in Poland in Krakow, Warsaw, Katowice, Lodz etc., and in Bratislava (Slovakia).

⁷⁵ This question is of great risk and should be addressed by the decision-makers on the status of Slovene cultural diplomacy as a whole.

⁷⁶ Bernardette Andreosso-O'Callaghan, *The Economics of European Agriculture* (Palgrave Macmillan, 2003), 177–190.

5 CONCLUSION

The article was designed as an analysis of the intra-Slavic relations of CES countries in the enlarged EU. The purpose of the article was to prove how Slavism – as a cultural component – is present in the strategies and activities of CES countries. My presumption was that, after the dissolution of the Austro-Hungarian Empire and the following political emancipation of all four CES nations, the Slavic component, which was tying Slavic peoples together during times of the emergence of national identities, vanished because there was no need for its reproduction. Even though the newly-established countries were not all nations (e.g., Czech and Slovaks established Czechoslovakia; Slovenes became part of the Kingdom of Serbs, Croats and Slovenes, later Yugoslavia) the influence of a historical moment alleviated the cultural ties from the past. Such spirit elapsed in terms of enhancing inter-Slavic cooperation, and the common cultural ground of Slavic countries was replaced by other (especially political) interests within the region.

In the time of the bipolar system, established after WWII, the idea of cultural common ground of Slavic countries was replaced by the communist ideology. Thus, Slavism and cultural similarities were not an important factor in developing inter-state relations.

After the dissolution of the communist system, the idea of EU membership replaced the ideological factor. Within this concept, Slavic countries had the possibility to strengthen their position in negotiating with the EU, but this did not happen. The European institutions conducted the negotiation process with each state separately, and the newcomers accepted such treatment; a similar approach was introduced within the CAP, in which countries were given asymmetrical relieves.⁷⁷ This structural gap of giving priority to national interests, instead of common interests, demonstrates that all new member countries were in a worse position than its predecessors.

The analysis in this discussion proves that CES countries ground their FP goals on regional concepts and on the basis that 'speaking a common language and tracing some cultural similarities' do not play a larger part in the formulation of their FP goals.⁷⁸ Thus, the 'Slavic consciousness' exists only within national culture patterns, but even this is strongly influenced by regional components (*cf. supra*). The 'leftover' of such FP constitution is that the component of Slavism becomes obsolete and relevant only when Slavic countries want to differentiate themselves from other national groups (like Germanic, Latin etc.). Within this

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⁷⁷ Jerzy Wilkin, *Agriculture in new Member States – expectations and lessons learned* (Budapest: Corvinus University), 6–8 September 2007.

⁷⁸ Therefore, the realisation of these countries FP goals can be summarised in the three-circle method, where the first circle presents the bordering countries, having a large impact on nation own FP, which is followed by strategic partners (circle 2) and then by other countries (circle 3).

notion, it seems that the 'Slavic' common identity is a spent concept, non-attractive and irrelevant in modern times. As explained by Wilkin and Andreosso-O'Callaghan,⁷⁹ the CES countries lost quite a few possibilities in the EU accession process because they acted as free riders and have not harmonised their strategy. The enlarged EU offers lots of possibilities to the newcomers, which should be caught and used. Maybe the revival of the 'Slavic' common ground can be an effective means of accelerating cooperation among CES countries, especially as the next big enlargement will likely be in the Western Balkans region. If history is *Magistra vitae*, then it is necessary to learn from the past. One hundred years ago, Slavism was the first step to the political emancipation of CES countries within the Austro-Hungarian Empire; nowadays, maybe this should be applied to achieve common interests in the enlarged EU.

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⁷⁹ Ibid.

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DIMENSIONS OF PARTY ELECTORAL PROGRAMMES: SLOVENIAN EXPERIENCE

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Party programmes, frequently also called manifestos or platforms, are written documents in which a political party sets out the programme either for its general inter-party making or for broader pre- and/or post-election purposes. As such, the party programme is regarded as an important constitutive part of each democratic party 'body' or, even wider, the element of democratic election processes or even the democratic political system in general. Analysing party programmes also represents one of most visible theoretical and methodological research topics inside various political science disciplines. Based on such understandings of the roles of party programmes, the main aim of this article is to disclose the prevailing characteristics of those party programmes prepared or used for the purposes of Slovenian national parliamentary elections (e.g. electoral programmes). With this in mind, we expect to be able to give mainly a general descriptive assessment of the status and importance of party electoral programmes in the case of a young post-socialist democratic state, actually the first of that kind in the Slovenian case. Accordingly, a comparative approach of analysing the outlook and content dimensions of party programmes is applied.

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The comparison is made from three different perspectives: a) party perspective that relates to the comparison of the programme content of the competing political parties, where their pre- and post-electoral parliamentary status is especially considered; b) time perspective relating to the comparison of the last two national parliamentary elections (2004 and 2008); c) coalition agreement perspective, according to which party electoral programmes are compared to the contents of the crucial post-electoral document. The conclusions, on one hand, expose many similarities among the compared elements regardless of party status, as well as some major differences on the other hand. The latter relate mostly to the contextual dimensions of the programmes and enable us to classify electoral party programmes into four different types according to their prevailing characteristics.

I ON PARTY ELECTORAL PROGRAMMES

Party programmes, and in this regard especially electoral programmes, have for quite a long time – for a certain group of political scientists who claim that party programmes count or matter² – been an important subject of political science research for many reasons and from many different perspectives.³ There is not one unique definition of what party programmes are. Mostly we find definitions stating that party programmes are hierarchically the most important written and publically available party documents, in which broad party statements, claims, interpretations, analyses, proposals, recommendations etc. are stated for the

² See David Robertson, *A Theory of Party Competition* (London: Wiley, 1976); also see Ian Budge and Richard I. Hofferbert, "Mandates and Policy Outputs: U.S. Party Platforms and Federal Expenditures," *American Political Science Review*, 84 (1990), 111–131; also see Ian Budge and Michael Laver, "Policy, Ideology and Party Distance: Analysis of Election Programmes in 19 Democracies," *Legislative Studies Quarterly*, 11, 4 (1986), 607–617; also see Ian Budge et al, *Mapping Policy Preferences* (Oxford: Oxford University Press, 2001); also see Hans-Dieter Klingemann et al, *Mapping Policy Preferences II: Parties, Electorates and Governments in Eastern Europe and the OECD 1990–2003* (Oxford: Oxford University Press, 2006); also see Hans-Dieter Klingemann, Richard I. Hofferbert and Ian Budge, "A Theory of Democratic Policymaking," in *Parties Policies and Democracy*, ed. Hans-Dieter Klingemann et al (Boulder, CO: Westview, 1994), 240–270.

³ We would especially like to emphasise at this point that as big as the mentioned group of party programme 'advocates' is, there is an equally large group of the programme adversaries who claim that party programmes are only words on the paper with no real message, power or impact, being more or less a cosmetic or symbolic premium of party-making. Although aware of the latter standpoint, we consciously take the relevance of party programmes for granted. See Gerald Pomper, "If Elected, I Promise: American Party Platforms," *Midwest Journal of Political Science*, 11 (1967), 318–352; also see Louis Sandy Maisel, "The Platform-Writing Process: Candidate-Centered Platforms in 1992," *Political Science Quarterly*, 108, 4 (1994), 671–698.

purposes of party making.⁴

Some authors see their importance mainly in the context of effective, efficient and transparent party politics.⁵ Besides the described candidate-centred analytical focus, numerous analyses, as well as theories, suggest that party programmes should be considered more broadly than only as phenomena of party politics. This relates to the role of party electoral programmes within the election process (for example, as part of an electoral campaign,⁶ or even to the much broader role of understanding them as an integrant constitutive part of a democratic political system.⁷

In general party programmes can be analysed through various contextual insights:

- 1) Some would analyse their *outlook*, which includes the scope of the programme, like the length (number of pages, words, sentences, [sub]chapters), type of programme document, etc.
- 2) Others would analyse the *processes* of its making: where and how the party programme is prepared and who prepares it (centred on the party leader or institutionalized in the domain of various public-policy experts);
- 3) Some would analyse the programme's *content*, like whether it consists of

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⁴ For example see Annika Werner and Andrea Volkens. Manifesto coding instructions, 2009. Available at <http://www.wzb.eu/zkd/dsl/daten/marpor/MDCodingManual.pdf> (3 November 2010); also see Simona Kustec Lipicer and Nikolina Bilavčič, "Volilni programi in volilne vsebine skozi volilno izkušnjo volitev v Evropski parlament 2009 (Electoral programs and contents through the lens of European Parliament 2009 electoral experience)," in *Politične vsebine in volilna kampanja: slovenska izkušnja z volitev v evropski parlament 2009 (Political Contents in Electoral Campaign: Slovenian Experience with the 2009 European Parliament Elections)*, ed. Simona Kustec Lipicer (Ljubljana: Fakulteta za družbene vede, 2010), 71–97.

⁵ Peter Mair, "Myths of Electoral Change and the Survival of Traditional Parties," *European Journal of Political Research*, 24 (1993), 121–133. Craig Allen Smith and Kathy B. Smith, "A Rhetorical Perspective on the 1997 British Party Manifestos," *Political Communication*, 17 (2000), 457–473.

⁶ See Hermann Schmitt. *Determinants of Dyadic Correspondence in European Parliament Elections*, 2008. Available at <http://www.jhubc.it/ecpr-riga/virtualpaperroom/122.pdf> (15 September 2010); see also Michael Laver and Ben W. Hunt, *Policy and Party Competition* (New York: Routledge, 1992); William Keefe, *Parties, Politics, and Public Policy in America* (Washington DC: CQ Press, 1994); Alan Ware, *Political Parties and Party Systems* (Oxford: Oxford University Press, 1996); Gary W. Cox, *Making Votes Count: Strategic Coordination in the World's Electoral Systems* (Cambridge: Cambridge University Press, 1997); Pippa Norris, *The Battle for the Campaign Agenda* in Anthony King and others, *New Labour Triumphs: Britain at the Polls* (Chatham, NJ: Chatham House, 1998); David Farrell and Rudiger Schmitt-Beck (ed.), *Do Political Campaigns Matter?* (New York: Routledge, 2002).

⁷ Richard S. Katz, *Democracy and Elections* (Oxford: Oxford University Press, 1997); S.C. Stokes, "Political Parties and Democracy," *Annual Review of Political Science*, 2 (1999), 243–267; Ingrid van Biezen, *How Political Parties Shape Democracy* (Irvine: Center for the Study of Democracy: 2004); Simona Kustec Lipicer (ed.), *Politične vsebine in volilna kampanja: slovenska izkušnja z volitev v evropski parlament 2009 (Political Contents in Electoral Campaigns: Slovenian Experience with the 2009 European Parliament Elections)* (Ljubljana: Fakulteta za družbene vede, 2010). See also Hermann Schmitt. *Determinants of Dyadic Correspondence in European Parliament Elections*, 2008. Available at <http://www.jhubc.it/ecpr-riga/virtualpaperroom/122.pdf> (15 September 2010).

ideological positions and/or policy statements, what kind and type of them, etc.

- 4) Others would analyse their future *impacts*, like what happens after the election (i.e., how the content is 'translated' to further party-, political- and policy-making and processes in general from, for example, the coalition agreement point of view, state strategic documents, budget perspectives, etc.).

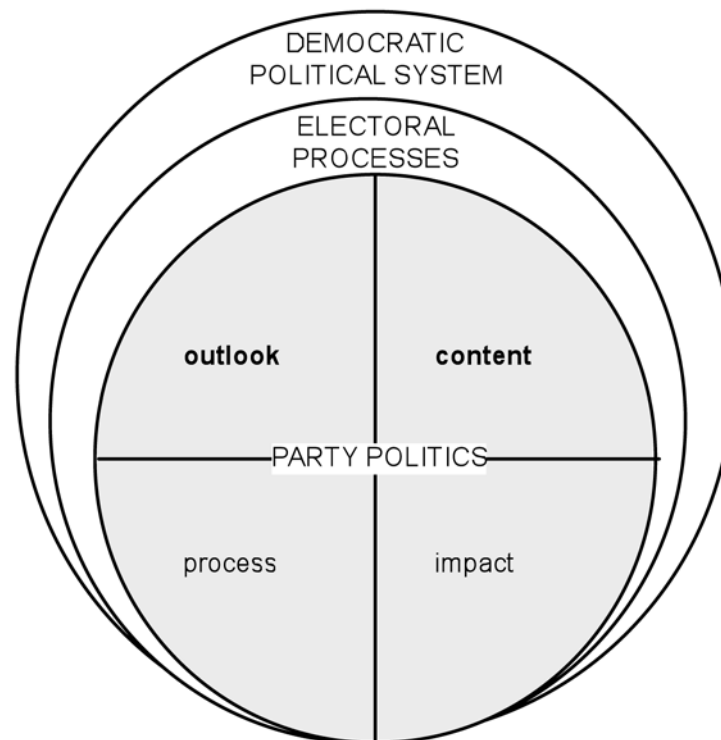
All this leads us further to the time dimension of analyzing electoral party programmes, which is according to the already existing studies oriented either in

- 1) The *pre*-election period; or
- 2) The *post*-election period.

The described complex understandings of the positions and roles of electoral programmes can be summarized in Figure 1 below. It is also true that this kind of understanding has so far been presented prevalingly in Western countries with long democratic traditions and much less in former undemocratic ones, including those from the so-called post-communist territory. The main aim of this article thus lies primarily in the ambition to narrow this gap, and to disclose the prevailing characteristics and types of party electoral programmes in the case of Slovenia, as one of the younger post-communist 'success stories' of democracy.

Doing so, the above analysis focuses on the prevailing characteristics (similarities and differences) and hierarchy of electoral party programmes according to their *outlook* (e.g. type of programme document and length) and *content* dimensions, being compared through time from pre- and post-electoral perspectives (in the last two national parliamentary electoral processes); through the up-to-date status of the political party (parliamentary vs. non-parliamentary; coalition vs. opposition); and through the further impacts of the coalition agreement content.

FIGURE 1: POSSIBLE DIMENSIONS OF PARTY ELECTORAL PROGRAMMES



2 ON APPLIED METHODOLOGY

As can already be seen from this short theoretical introduction, the central units of analysis in this article are party electoral programmes, to be specific those prepared by the Slovenian political parties for the purposes of the 2004 and 2008 national parliamentary elections. In total we are dealing with 21 programmes,⁸ equally split between elections (11 for the 2004 elections and 10 for the 2008 elections).⁹ Some analysed documents (7 in each sample) were composed especially for the elections (electoral programmes); others are long-term party programmes that were used in unchanged format to compete for votes (party programmes).¹⁰ Included in the analysis, there are also two post-election documents, namely the Coalition Agreements of 2004 and 2008. All 23

⁸ See Table A in the Attachment.

⁹ All the analysed documents were voluntarily submitted by political parties in 2010 with the main aim of being analysed as a part of an ongoing basic research project entitled "Pre-election campaign and democratic evolution of state and society," conducted by the research team at the Centre for Political Science Research at the Institute of Social Sciences, University of Ljubljana, financed by the Slovenian Research Agency (1/5/2009–30/4/2012).

¹⁰ Most of the time we will not distinguish between these two formats and use the same terms (programme, document) for both although the parties that officially competed based on their general programs claimed that they used them as the electoral programs at the same time.

documents (units of analysis) are presented in Table A of the Appendix in total with their basic characteristics and the characteristics of the parties' electoral outcomes.

Due to incomplete responses, the sample of documents is a non-random convenient sample and cannot be used to draw conclusions about the population. On the other hand, the sample consists of all parliamentary¹¹ parties' programmes and a good part of the non-parliamentary¹² parties' programmes, which makes it a supreme purposive sample. Additionally, all the documents are considered as the best presentation of party positions by the parties themselves which resolves the data validity question. There is a reasonable symmetry in other sample characteristics, as well. There are seven parliamentary party programmes in the 2004 sample and eight in the 2008 sample. There are two strong parties (high share of votes and seats won) and three or four parties that won no seats in each sample (the rest won modest shares). There are four coalition members in the 2004 and three in the 2008 sample, meaning that the electoral programmes for all coalition members for both periods are included in the sample.

The methodology of content analysis of party programmes has been used for the set purposes whereas for the outlook part of the analyses, a simple descriptive content analysis and word count have been used, while for the content part of it, MARPOR coding methodology and schema have been applied.¹³ As a result, each party programme in the sample (including coalition agreements) is characterised according to seven policy domains. The more sentences in the document that resemble the domain, the more important the domain is in the document. Analytical conclusions are drawn mostly from graphical presentations, supported by multivariate analytical methods results.

¹¹ Parties that won seats in parliament either at previous elections or at the elections in question (or both, as most parliamentary parties did).

¹² Parties that didn't hold or win any seats in the period under investigation.

¹³ See Annika Werner and Andrea Volkens. *Manifesto coding instructions*, 2009. Available at <http://www.wzb.eu/zkd/dsl/daten/marpor/MDCodingManual.pdf> (3 November 2010); also see Ian Budge et al, *Mapping Policy Preferences* (Oxford: Oxford University Press, 2001); also see Hans-Dieter Klingemann et al, *Mapping Policy Preferences II: Parties, Electorates and Governments in Eastern Europe and the OECD 1990–2003* (Oxford: Oxford University Press, 2006).

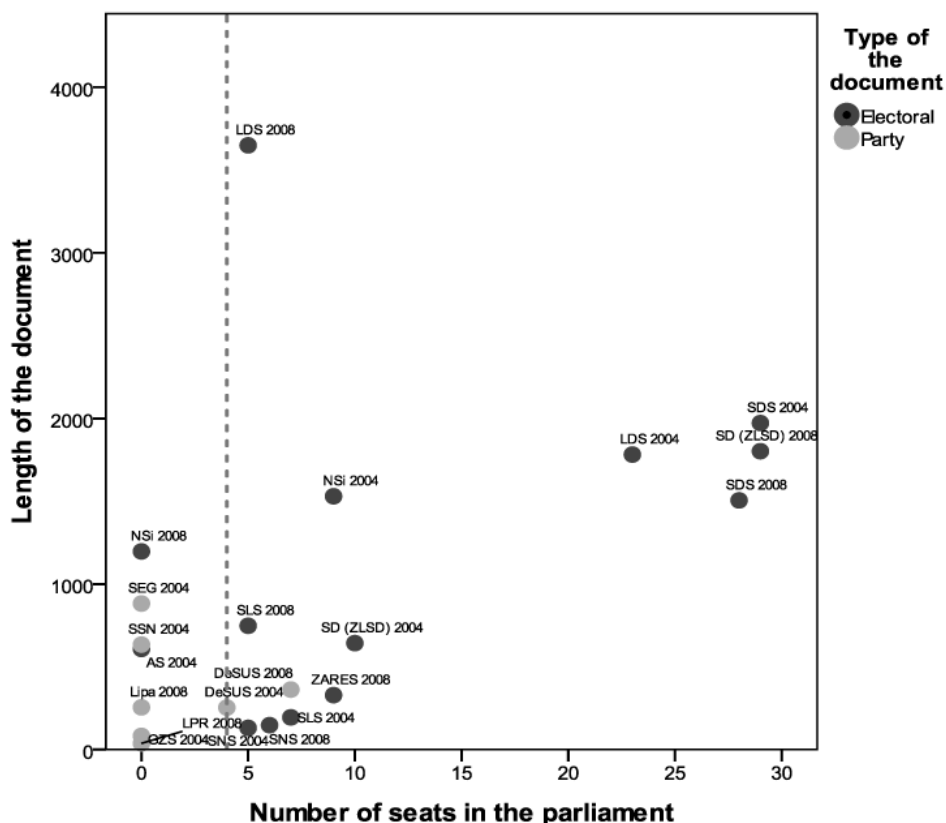
3 ELECTORAL PROGRAMMES OUTLOOK

The variation in document length, measured by the number of nuclear sentences, varies quite obviously between the programmes as well as between both periods (the variation in 2008 is higher due to extremes, but differences are still modest and therefore acceptable). Due to a relatively low number of units of comparison between document length and type against electoral results, these can be best illustrated in graph format. Graph 1 below demonstrates that all but two of the parties that won no seats presented party programmes and not electoral programmes and that all their documents but one do not exceed a thousand sentences in length (see a relatively short column of mostly grey circles rising from zero on the vertical axis). Additionally, it appears that as a trend the number of seats is rising with the length of the programme and that the grey circles disappear as the number of seats goes up. Most successful parties (according to number of seats and coalition membership) presented electoral programmes, close to 2000 sentences in length (see a cloud of black circles in the far right-hand part of graph).¹⁴ The trend seems to be independent of election year (no part of the graph hosts particular year documents). There is one obvious outlier to these trends, namely LDS in 2008. The party has gone through a lot of internal changes and re-organisations¹⁵ just before the 2008 elections, ending in its drastic loss of power and votes. Apart from parliamentary LDS and other, less obvious outliers—like NSi in both analysed years or parliamentary SLS in 2008 (all won a lower number of seats as expected according to the trend) – there is a lot of empty space in the graph (between 10 and 23 seats and above 2000 sentences where no party programme could be found). So, from methodological point of view, speculations about the trend have weak fundamentals and could only be applied on a limited scale (e.g. 5 to 10 seats and up to 700 sentences or 23 to 29 seats and 1500 to 2000 sentences).

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¹⁴ The exception is DeSUS, being the only party that has parliamentary and even coalition member status even with a low number of seats and only a relatively short party program.

¹⁵ Twelve (out of 23) deputies left the party in the outbreak of 2007. The core of the deputies who left and other past party members formed a new party, Zares.

GRAPH I: DOCUMENT LENGTH AND TYPE AGAINST ELECTORAL RESULTS¹⁶



Even more important, from a theoretical point of view the relation is likely to be spurious; it is not the type or the length of the programme that creates electoral success but wider dimensions— including the party’s political competence, organisation, selection process, tradition, strength, expertise— that produces more relevant programmes and attracts voters at the same time. But although it might be true that a strong party simply can’t afford not to produce a well-prepared electoral programme, at the same time this might not guarantee electoral success (see the example of LDS or NSi in 2008). Therefore, without applying any causal relations, it is safe to conclude that most successful parties use electoral programmes of considerable length while unsuccessful parties mostly use short party programmes. In between, there are units that behave according to this pattern as well as units that deviate, and most of the variation can be explained only on an individual basis.

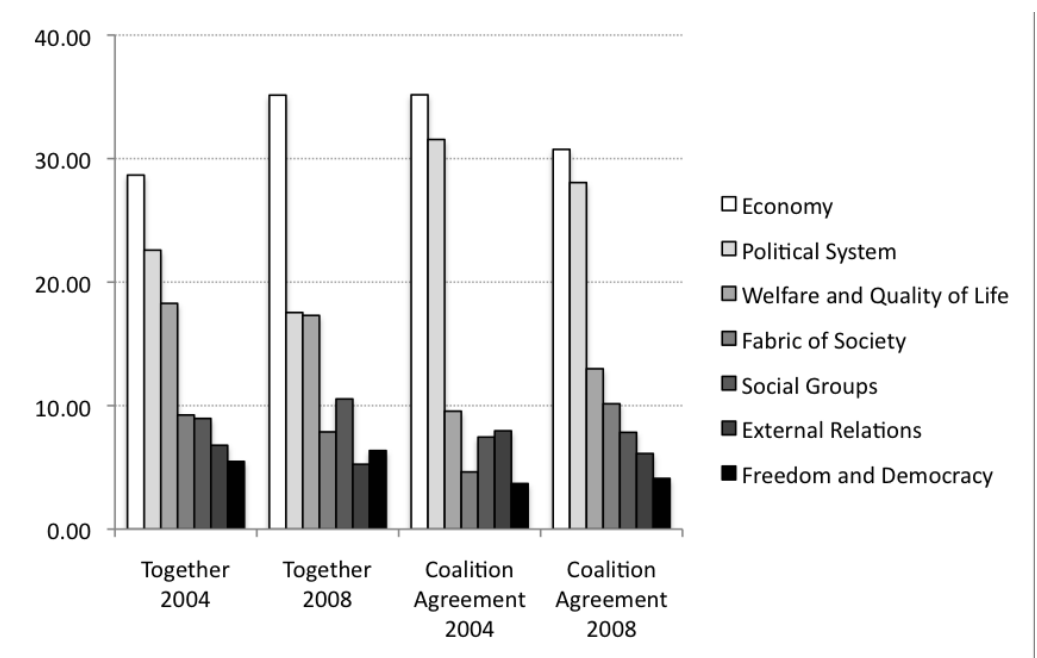
¹⁶ The vertical axis depicts document length and the horizontal axis the number of seats won (parliamentary threshold marked by a dashed line is 4%). Each electoral programme is presented as a black circle and grey circles represent party programs. All circles are labelled and the election year appears right after party name. For the details about the voting system see Jurij Toplak, “The parliamentary elections in Slovenia 2004,” *Electoral Studies*, 25, 4 (2006), 825–831; also see Danica Fink Hafner, “Slovenia,” *European Journal of Political Research*, 48, 7–8 (2009), 1106–1113.

4 ELECTORAL PROGRAMME CONTENT

So far, the characteristics of analysed documents are merely superficial. In political science the party programme content is more valued than the outlook. In Table B in the Appendix, the content of the analysed programmes is presented according to the MARPOR scheme, as a share of sentences devoted to the domain. As can be seen from the table, there are many values, numerical in character, and they vary considerably. Apart from the simple fact that the rank order of domains remains basically the same between both points in time, it is difficult to draw any conclusions solely on visual inspection of the table.

Therefore, in the next analytical steps, we first focus on the general characteristics of each period and then on more detailed comparisons between all analysed programmes. In line with previous conclusions, we will draw mostly on graphical presentations, supported by multivariate analytical methods results. In the first step, both compared periods –2004 and 2008 –are characterised by the documents' "general structure"¹⁷ and by the post-election Coalition Agreement as the most important single document. The domain structure of these four documents is presented in Graph 2 by the height of the bars.¹⁸

GRAPH 2: GENERAL STRUCTURE (ALL PARTY DOCUMENTS TOTAL AS A SINGLE DOCUMENT) AND COALITION AGREEMENT STRUCTURE IN 2004 AND 2008



¹⁷ See Table B in the Appendix.

¹⁸ Each document's presentation is composed of seven bars, shaded in from white to black, representing seven domains. The higher the bar, the more the domain is significant (higher share). The vertical axis is by percentage, from 0% to 40% and is fixed for all following graphs.

There are similarities and differences between the four documents, but apparently the similarities prevail. From a reasonable distance all four shapes appear to be roughly the same. All four are clearly characterised by the largest share of economy (around 30%), followed by political system (around 25%) in second place and welfare and quality of life in third place (around 15%). The first three domains overcome the next four, i.e. fabric of society, social groups, external relations and freedom and democracy, with shares up to 10% (around 5% to 9%). Such a structure seems universal in party documents (represented by the merged document called general structure) and coalition agreements, is therefore mainstream in both periods.

Differences between time points seem to be smaller than differences between various types of documents. Both general programmes are more similar to each other than to any of coalition agreements and vice versa. All differences regarding less represented domains are almost negligible and all differences regarding the top three domains are more noticeable. Both coalition agreements contain more about the political system and less about welfare and quality of life as compared to general structure, while economy varies unsystematically between the years (but remains the most represented domain). Small differences in coalition agreements regarding reductions in economy and political system shares from 2004 to 2008 lead to more attention to welfare, quality of life, and social fabric. Modest differences in general structure can be characterised as a shift towards the economy on behalf of political system share from 2004 to 2008 as the financial crisis approaches. There is also a tiny increase in social group share and a tiny decrease in external relations share from 2004 to 2008.

Further comparisons between individual documents, created in two time periods lead to higher complexity that can't be directly depicted in a single graph. To compare all possible pairs of 23 units according to the seven numerical characteristics and to pay additional attention to pairs of programmes from the same party, as well as all pairs including coalition agreements, along with bringing the characteristics of all documents and parties into account requires the application of multivariate clustering methods followed by graphical presentation of the supplemented results.

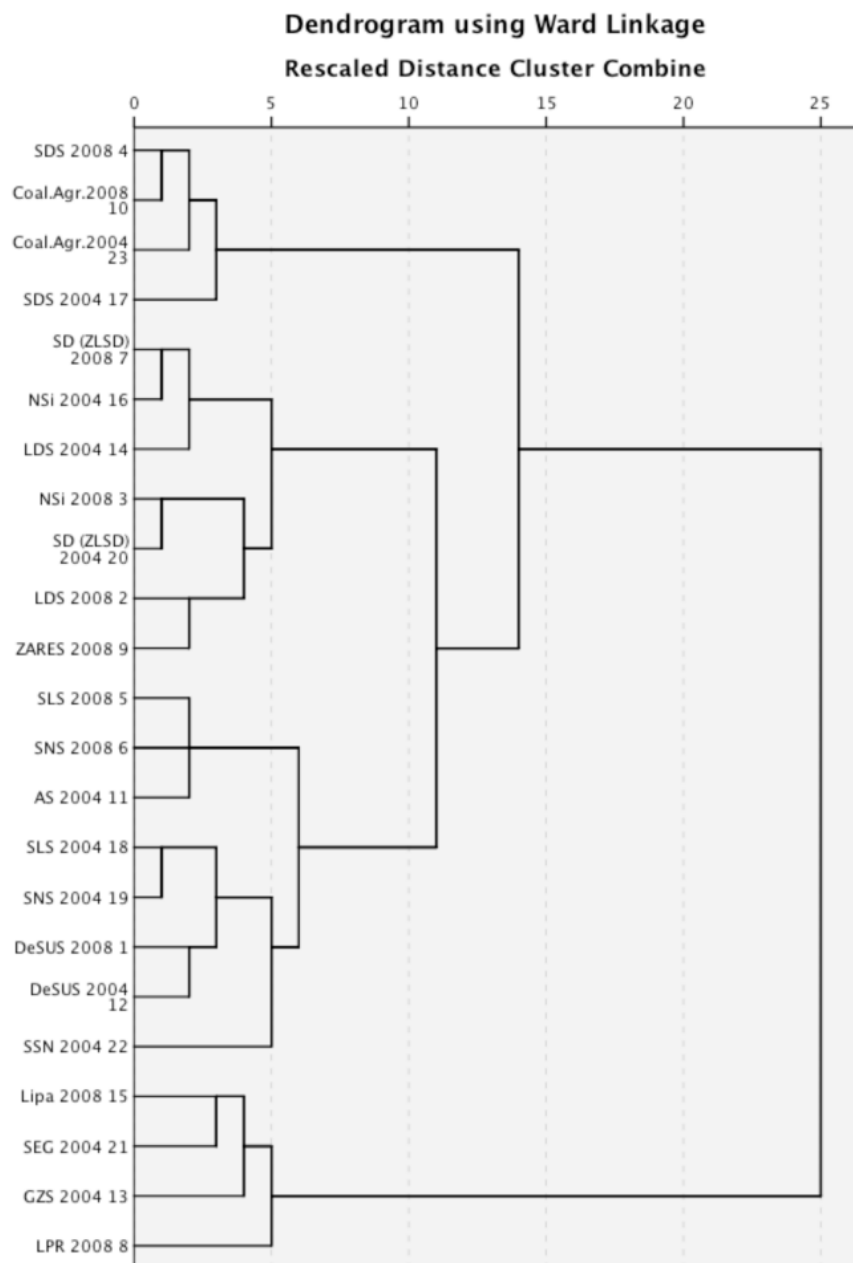
4.1 TYPE OF ELECTORAL PROGRAMMES CONTENT

Focusing on document content, to recognize various levels of data structure without serious information loss, multivariate hierarchical agglomerative cluster analysis¹⁹ has been applied. Applied methods are capable of producing

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¹⁹ For details about agglomerative hierarchical cluster analysis and applied methods and distances see Richard A. Johnson and Dean W. Wichern, *Applied Multivariate Statistical Analysis: IV/12 Clustering* (London: Prentice Hall, 1992).

classifications in such a way that units inside a class are as similar as possible according to all characteristics, and classes are as different as possible according to the same characteristics. Methods rely on all variables and do not reduce the number of dimensions as various scaling of factor analysis methods do. Results vary with (dis)similarity measures and linking methods, but can be evaluated as reliable if a similar structure is uncovered by comparable measures and methods. In our case, while classifying 23 documents according to seven domains similar results have been provided with all combinations of Euclidean and squared Euclidean distance with centroid, within-group, complete and Ward method but one. A hierarchical agglomeration tree produced with the most commonly employed combination of Euclidean distance and Ward linkage, depicted in Figure 2, has been recognized as a typical representative of all created agglomeration trees.

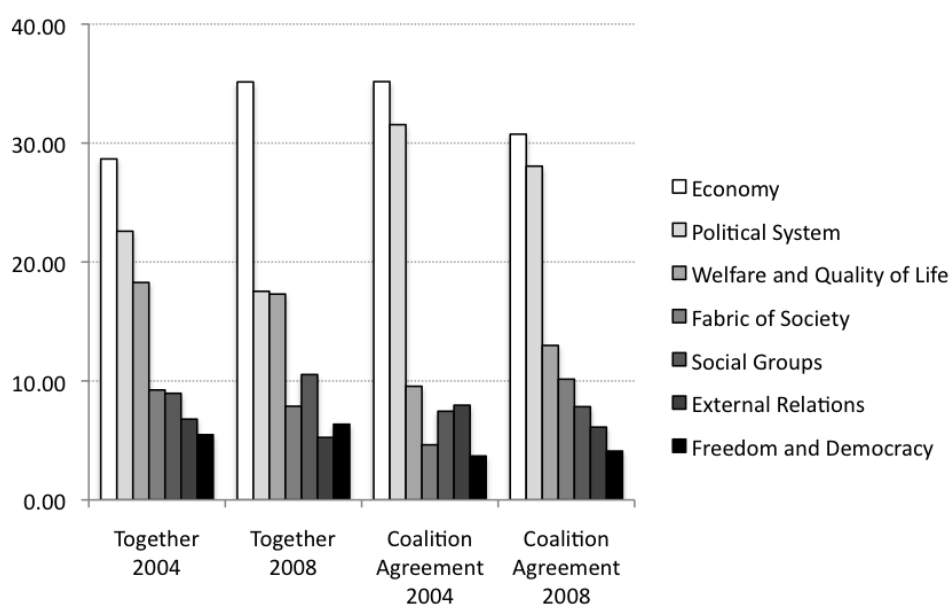
FIGURE 2: DENDROGRAM DEPICTING DATA STRUCTURE REGARDING 23 DOCUMENTS CHARACTERISED BY SEVEN DOMAINS (EUCLIDEAN DISTANCE AND WARD METHOD)



Drawing on the dendrogram (agglomeration tree), there are four types of documents, three of them more similar and one quite distinct. Internally (within groups), the level of similarity remains high and equal across groups. On the following pages, group composition, as depicted by the dendrogram, will be analysed with additional focus on interparty stability between elections and resemblance of coalition agreements. Simultaneously group structure according to all domains, depicted in Graph 3, will be studied to realize group content and

meaning.²⁰

GRAPH 3: GROUP STRUCTURE AND TOTAL STRUCTURE ACCORDING TO THE SEVEN DOMAINS.



The first group, with the most similar documents, contains both coalition agreements and SDS programmes. Almost perfect stability in coalition agreements and highly similar SDS programmes can be traced between elections. In 2004, SDS won elections, formed a coalition, and led the coalition until the next election in 2008 that brought a completely different coalition to power. Yet, the coalition agreement structure was not changed much from 2004 to 2008 and the SDS programme structure remains closest to it, although the party was in opposition at the time of the 2008 coalition agreement. The first group differs from the general structure²¹ in paying far more attention to the topic of the political system (the highest share in all groups) and less to almost all other domains, especially welfare and quality of life (the lowest share in all groups), while roughly resembling the total share of economy. Political system minus welfare and quality of life seems to be the formula of coalition agreements and SDS programmes that compose the first group of party programmes.

On the other end of the scale, the fourth group of party programmes is composed of four small parties, which appeared only at one election, either

²⁰ Domain structure of groups is depicted as the height of bars. Each group's presentation is composed of seven bars, shaded in from white to black, representing seven domains in exactly the same manner as in Graph 2. The higher the bar, the more the domain is significant (higher share).

²¹ In sum, the total structure is almost identical to the previously in-depth described general structure in 2004 and 2008: approximately 30% of economy, 20% of political system as well as of welfare and quality of life, 10% of fabric of society and social groups, 6% of external relations and freedom and democracy.

2004 or 2008, and won no seats. That group is the most different from the others (including the coalition agreements) according to all domains. The last group is clearly characterised by the prevailing domain of welfare and quality of life (the highest share in all groups; the second highest share of all domains in all groups), highest shares of fabric of society, social groups and freedom and democracy as well as the lowest shares of economy and political system. Almost exclusive interest in welfare, society and democracy domains seems to be hallmark of the small but not lasting SEG and GZS in 2004 along with Lipa and LPR in 2008.

In between, there are two similarly structured groups of documents (according to their medium size and high internal similarity), but only modestly similar according to domains. In the first of the two, i.e. in the second group, there are three parties that so far have had an opportunity to lead the government, at least indirectly, and that have all undertaken important inter-party changes. In this group, the following programmes can be found: programmes of the LDS party that was for 12 years (1992–2004) the dominant coalition party²² and was significantly reorganised before the 2008 elections; the electoral programme of the newly established (from a part of LDS) Zares party; the programme of a current coalition power, SD (re-named from ZLSD in 2005 with the aim of distancing itself from the ex-communist legacy); and the programme of NSi, which was, in a way, indirectly in power for a few months in 2000 when the coalition was led by SLS+SKD, a party which afterwards split apart in to an independent SLS party and the newly established NSi. The interparty stability of their programmes is very high, despite tectonic changes in their political strength over the last two elections. Similarity of their documents with coalition agreements (and matching SDS programmes) is less than modest, although higher than in the case of the fourth group. The second group is concerned mostly about the economy (the highest share in all groups; the highest share of all domains in all groups) and proportionally less about all other domains except perhaps external relations. All domains but political system are more present than in the first group. Economy with a fair share of everything else seems to be the motto of LDS, SD, NSi and Zares.

In the third group, there are five parties, with two of them experienced only in the 2004 elections, namely AS and SEG. For the rest, high interparty stability can be confirmed since the SNS, SLS and DeSUS programmes from both elections are included. The structure of all documents is quite similar to the structure of the second group and not very close to the coalition agreements (and matching SDS programmes). For this group, the economy is less significant (but not least) while welfare and quality of life, and to a lesser extent fabric of society and

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²² With a slight interruption for a few months in 2000 (see also Table A in the Appendix).

social groups, are more significant (but not most). A balanced interest in welfare and society domains seems to be typical of DeSUS, SLS and SNS as well as of AS and SSN in 2004.

5 ELECTORAL PROGRAMME INTER-RELATION COMPLEXITY

In the final step, to present relations between 23 documents forming four groups, together with initially introduced programme and party characteristics in a single picture, the network analysis graphical potential has been exploited.²³

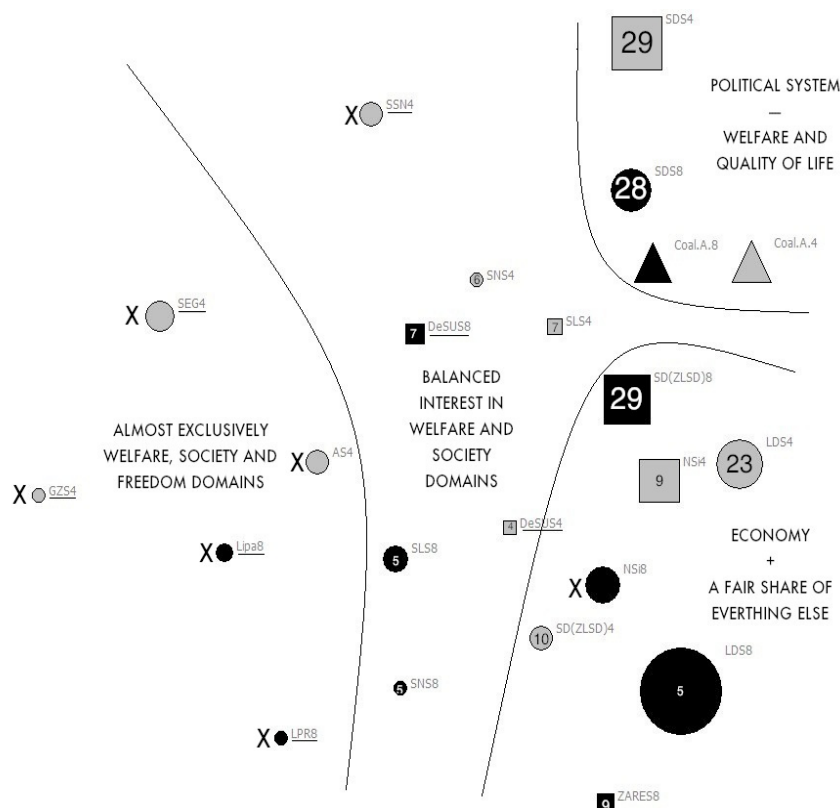
In Figure 3, documents are nodes, depicted as geometric shapes. Circles represent parties in opposition, squares represent parties in power, and triangles represent coalition agreements. The size of nodes is proportional to document length (the longer the document, the bigger the circle, square or triangle). The name of the party appears on the right-hand side of each geometric shape. If the name is underlined, the document is a party programme and, if not, an electoral programme. The number of seats won by each party is printed inside the geometric shape and font size is proportional to the value. If no seats were won, there is a large X to the left of the node. The shading represents election year; black for 2008 and grey for 2004.

Relations between the nodes are Euclidean distances, taking into account all seven domains. The spatial distribution of nodes (documents) is parallel with dissimilarity measures that have been used in hierarchical agglomerative cluster analysis. The visual distance between documents corresponds to their differences in all seven domains: the further apart the nodes are, the more different the documents are; the closer the nodes are the more similar the documents are in structure.²⁴ Added curves separate groups obtained with cluster analysis and added text is used to annotate the personality of each group.

²³ A freeware program, NetDraw, has been used; see <http://www.analytictech.com>.

²⁴ Distortion due to two-dimensional presentation is rather small (Stress coefficient equals 0.17).

FIGURE 3: THE BIG PICTURE



Drawing on Figure 3 it is easy to recognize that election year has absolutely no impact on document content; grey and black shapes are mixed all over the diagram.²⁵The logic behind such a mixture is in the stability of document content through time, meaning that the 2008 version of a party’s programme is always close to the 2004 programme of the same party.

Other characteristics seem to be more significant although there are no strict rules and exceptions are always present. Starting from coalition agreements (very similar although serving very different coalitions), one can conclude that a focus on the economy or political system pays off since there are impressive election results enclosed within an imaginary circle around these coalition agreements (SDS4, SDS8, SD8, LDS4, NSi4 and also DeSUS8, SLS4 and SNS4 with less impressive results as well as a more balanced programme structure). Most of these documents are extensive electoral programmes and all but one of their creators is associated with the actual or previous coalition.

The further from the core group we move, the less of its just described characteristics are present; quite balanced coverage of domains with stress on

²⁵ Although it appears that in 2004 the documents were more different than in 2008 since there is more grey than black on the margins.

economy or political system is gradually replaced by a narrow focus on welfare and various society domains. At the same time electoral results are diminishing toward zero on the margins, leading to a clear prevalence of circles indicating opposition parties (most of them also without parliamentary status), using mostly party programmes of modest length. All exceptions to the above are to be found in the economy stressing group: NSi8 and LDS8 with poor electoral results and SD4 and Zares with better-than-expected results. But there are obviously other more conceptual reasons for that than documents structure and outlook.

6 CONCLUSION

Based on the theoretical predisposition that party electoral programmes count and should be given special research consideration, especially when they relate to youngish, post-communist democracies, we first proposed a three-dimensional perception of their possible analysis (see Figure 1) and then presented the case study of all available Slovenian party electoral programmes prepared for the last two national parliamentary elections, analysing the first, inner-circle party programme outlook and content dimensions. Research has shown that focusing on each party separately reveals a great deal of similarities between programmes that can be traced through time, across the party's parliamentary/non-parliamentary status, and even across the party's coalition membership status. Parties do keep their programmes rather stable despite the passage of time and changes in the policy arena and the same is true even for post-election coalition agreements. Consequently, differences in outlook between initially different groups of parties– e.g. between parliamentary and non-parliamentary parties– remains quite stable despite modest changes in group composition. Similar conclusions could also be revealed for the content dimensions of the analysed documents, although in this case more significant differences can be detected and patterns can be recognized. Accordingly, four different types of electoral party programmes appear:

1. Those emphasising the issues relating to political-system characteristics (both SDS programmes and coalition agreements);
2. Those emphasising economy related issues (LDS, SD, NSi and Zares);
3. Those oriented primarily to welfare and society issues in connection with the economy (parliamentary parties DeSUS– the only permanent coalition party, SLS and SNS– the only permanent opposition party; and non-parliamentary parties of AS and SSN); and
4. Those programmes, typical of the non-parliamentary SEG, GZS, Lipa and LPR, that almost neglect economic issues and focus instead on welfare and quality of life, social groups, democracy and freedom in their

programmes.

Last, but not least, we would like to emphasise again that the article is deliberately descriptive in its nature since no corresponding kind of research data and analysis have existed so far in the case of Slovenia. We are aware that such pioneer role can not completely justify the fact that no initial argument *per se* is developed in the article or that a comparison with at least one other country that would enable for a more complex assessment of Slovenian party programs is missing. But, assuming that this first preliminary analysis represents a useful ground for further research while opening up many important and broader research questions and challenges we are convinced that this contribution could be seen as a trigger for a range of many other that could be written on its initiative basis.

In general the subject of the article addresses one of the currently important phenomena related to the characteristics of democratic political system making and the deficits connected with them by asking about the 'real' nature and characteristics of electoral programme as an important component of democratic electoral process. In this regard analytical results of the article reveal the necessity for further research to focus on more in-depth explanations and discussions about programme characteristics, the reasons for them, and possible post-election impacts - which all move us forward to more general questions of whether and what kind of potential party programmes can nowadays in a specific democratic political system framework become important capital of the broader electoral scene and wider political processes.

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8 APPENDIX

Legend of party abbreviations used:

AS – Active Slovenia

DESUS – Democratic Party of Pensioners of Slovenia

DS – Democratic Party of Slovenia

GŽS – Women’s Voice of Slovenia

LDS – Liberal Democracy of Slovenia

LPR – List for Justice and Development

NSi – New Slovenia – Christian Peoples Party

SDS – Slovenian Democratic Party

SDSS – Social Democratic Party of Slovenia

SDZ – Slovenian Democratic Union

SDZS – Slovenian Democratic Union

SEG – Ecological Movement Party of Slovenia

SKD – Slovenian Christian Democrats

SLS – Slovenian People’s Party

SLS+SKD – Slovenian People’s Party + Slovenian Christian Democrats

SNS – Slovenian National Party

SSN – Party of the Slovenian Nation

SOS – Slovenian Craftsman’s Party

SSS – Socialist Union of Slovenia

SKZ – Slovenian Farmers Union

ZLSD (now SD) – United List of Social Democrats (now Social Democrats)

ZS – Green Party of Slovenia

ZARES – Zares– New Politics

TABLE A: ANALYSED DOCUMENTS IN THE ELECTORAL CONTEXT (*NON-PARLIAMENTARY POLITICAL PARTY; + MARKS INTERNAL DOCUMENTS)

Party and Election Year	No. of Sentences	Programme Type	Share of Votes	No. of Seats (total 90)	Coalition ²⁴ Member before/ after the elections
SDS 2004	1972	Electoral	29.08%	29	No/Yes
LDS 2004	1782	Electoral	22.80%	23	Yes/No
NSi 2004	1530	Electoral	9.09%	9	No/Yes
Coal.Agr. 2004	1382	Non applicable			
SEG 2004*	882	Party	0.41%	0	No/No
SD (ZLSD) 2004	643	Electoral	10.17%	10	Yes/No
SSN 2004*	634	Party	0.21%	0	No/No
AS 2004*	608	Electoral	2.97%	0	No/No
DeSUS 2004	254	Party	4.04%	4	Yes/Yes
SLS 2004	195	Electoral	6.82%	7	Yes/Yes
SNS 2004	148	Electoral+	6.27%	6	No/No
GŽS 2004*	83	Party	0.54%	0	No/No
LDS 2008	3649	Electoral	5.21%	5	Yes/No
SD (ZLSD) 2008	1802	Electoral	30.45%	29	No/Yes
SDS 2008	1505	Electoral	29.26%	28	Yes/No
Coal. Agr. 2008	1340	Non applicable			
NSi 2008	1197	Electoral	3.40%	0	Yes/No
SLS 2008	748	Electoral	5.21%	5	Yes/No
DeSUS 2008	363	Party	7.45%	7	Yes/Yes

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²⁶ So far we have had nine different governments in independent Slovenia: 1) in the period 16/5/1990–14/5/1992 coalition DEMOS constituted of the following political parties SDZ, SDZS, SKD, SKZ, SOS and ZS (lead by Lojze Peterle, SKD); 2) in the period 14/5/1992–25/1/1993 coalition of SDS, DS, ZS, LDS, ZLSD and SSS (lead by Janez Drnovšek, LDS); 3) in the period 25/1/1993–27/2/1997 originally the coalition of LDS, SKD, ZLSD and SDSS (lead by Janez Drnovšek, LDS); SDSS exist from coalition in 1994, and ZLSD in 1996; 4) in the period 27/2/1997–7/6/2000 coalition of LDS, SLS and DESUS (lead by Janez Drnovšek, LDS); 5) in the period 7/6/2000–30/11/2000 coalition of SDS and SLS+SKD (lead by Andrej Bajuk, SLS+SKD); 6 and 7) in the period 30/11/2000–3/12/2004 coalition of LDS, ZLSD, SLS and DESUS (lead by Janez Drnovšek, LDS (in the period 30/11/2000–19/12/2002) who was elected for the president of the republic in 2002; and by Anton Rop, LDS in the period 19/12/2002–3/12/2004); 8) in the period 9/11/2004–21/11/2008 coalition of SDS, NSI, SLS and DESUS (lead by Janez Janša, SDS); 9) in the period beginning 21/11/2008 with a coalition of SD (re-named from ZLSD), Zares, DESUS, LDS (lead by Borut Pahor, SD).

ZARES 2008	329	Electoral	9.37%	9	Not existed/Yes
Lipa 2008*	255	Party	1.81%	0	No/No
SNS 2008	131	Electoral+	5.40%	5	No/No
LPR 2008*	38	Party	0.56%	0	No/No

TABLE B: PROGRAMME RELATIVE STRUCTURE ACCORDING TO MARPOR DOMAINS ²⁷

Document	Economy	Political System	Welfare and Quality of Life	Fabric of Society	Social Groups	External relations	Freedom and democracy
AS 2004	24.34	13.82	35.53	8.55	11.18	5.26	1.32
DeSUS 2004	29.92	14.57	22.05	7.09	7.09	8.27	11.02
GZS 2004	2.41	2.41	43.37	19.28	9.64	3.61	19.28
LDS 2004	38.83	22.95	14.81	2.97	5.16	7.13	8.14
NSi 2004	35.62	18.76	12.55	10.59	10.72	6.60	5.16
SDS 2004	23.93	37.02	12.52	6.08	8.32	7.51	4.61
SLS 2004	27.69	20.51	14.87	8.21	15.90	8.21	4.62
SNS 2004	22.30	20.27	18.92	10.14	12.16	11.49	4.73
SD (ZLSD) 2004	33.44	12.13	20.06	7.78	15.09	4.35	7.15
SEG 2004	11.11	7.71	40.93	20.86	7.37	7.03	4.99
SSN 2004	18.14	19.72	19.40	26.34	8.99	4.73	2.68
Coalition Agr. 2004	35.17	31.55	9.55	4.63	7.45	7.96	3.69
TOTAL 2004	29.03	23.00	17.93	9.07	8.75	6.87	5.35
DeSUS 2008	21.76	17.63	22.59	5.51	13.22	9.64	9.64
LDS 2008	42.94	9.67	16.03	8.08	10.11	5.51	7.65
NSi 2008	36.09	13.78	18.05	11.28	11.19	4.93	4.68
SDS 2008	29.90	30.56	15.15	6.38	9.70	4.98	3.32
SLS 2008	25.13	12.43	28.34	10.43	12.30	7.62	3.74
SNS 2008	24.43	10.69	26.72	19.08	9.92	8.40	0.76
SD 2008	33.35	21.59	16.37	5.83	11.21	4.27	7.38
Lipa 2008	14.12	6.27	32.16	16.08	17.25	3.53	10.59
LPR 2008	13.16	7.89	26.32	15.79	7.89	13.16	15.79
ZARES 2008	41.03	9.12	25.53	2.74	8.21	2.43	10.94
Coalition Agr. 2008	30.75	28.06	12.99	7.84	10.15	4.10	6.12
TOTAL 2008	34.67	17.28	17.64	8.06	10.69	5.21	6.45

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²⁷ Since each sentence has been linked to a single domain only, the sum of shares is always 100. According to the election year, the table is split into two parts. At the end of each part of the table the general structure of all documents in total is presented, i.e. number of sentences in each domain summed and recalculated as a share applicable if all individual documents in a period were only one large document. Naturally, longer documents have a stronger effect on the general structure, but that is reasonable. Parties are arranged in alphabetical order; domains are arranged in descending order according to their frequency.

HYBRIDIZATION OF DEMOCRACY IN CENTRAL AND EASTERN EUROPE: BETWEEN "IMPORTED" DEMOCRATIC MODEL AND INHERENT POLITICAL CULTURE

Cirila TOPLAK¹

In the last two decades, Central and Eastern Europe has gone through an intensive transformation process in which the adopted global neo-liberal political-economic model, the specifics of the Europeanization and the traditionally non-liberal corporate political cultures in the region merge/d to produce hybrid political systems that bear many features of oligarchies. "Minimal democracies" of Central and Eastern Europe have not only been established on a state-reductive political system that benefits most the corporate economic sector, the author argues, but also represent a sort of a hybrid that emerged from adaptation of an "imported" political model to the political culture in the region. The hybridization is the most visible in, yet not limited to, newly founded sovereign states without prior democratic tradition. Thusly "democratized" specific political culture of Central and Eastern European societies has on the other hand facilitated the efficient implementation of the current global neoconservative economic-political paradigm. In order to support the argument on the hybridization of the "imported" democratic model in Central and Eastern Europe, the author considers more closely the two presupposed key achievements of the political transition in the region, i.e. political parties and free elections. Also included are theoretical insights in political discourses and oligarchisation.

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I CENTRAL AND EASTERN EUROPE IN CONTEMPORARY WORLD

In late eighties and early nineties of the previous century, according to Croatian political scientist Damir Grubiša, three foundations emerged that have defined contemporary world: global communications, economic neoliberalism or better, neoconservative economic fundamentalism, and global democracy as the “end of politics”.²

While we celebrated “the end of politics”, with democracy scoring a “global victory” and communism landing at the landfill of history (with rare remaining exceptions), it was actually the neoconservative economic fundamentalism that won by optimizing and structurally instrumentalizing national economies and state interventionism at the global level so that both serve the maximization of profit of global corporations.

Three foundations of contemporary world order actually form a pyramid: global communications and state apparatuses are subordinated to neoconservative economic fundamentalism. For most, the states now “act as agencies that submit all social forces to the strongest capitalist interests in their territory and power is therefore increasingly concentrated and out of control as state apparatuses dispose of repressive and ideological instruments to act as substitute capitalists that destitute continuously and in advance the subordinate agents, from small and medium sized companies to public sector and abstract anonymous ‘taxpayers’”.³

Via processes of privatization and deregulation the welfare state has been increasingly reduced to the leanest possible, “minimal” state, with the United States leading the trend, yet Europe not being excepted from it. Since in Central and Eastern Europe the neoconservative economic model was introduced simultaneously with democracy, the result produced are the so called “minimal democracies”. This reductive model of democracy, Damir Grubiša argues, has been limited to party pluralism and free elections, while we are still far from democratic societies where deliberative, direct and participative democracy would be in place.⁴

Grubiša argues for ‘minimal’ Central and Eastern European democracies based

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² Damir Grubiša, excerpts from the round table “Politics in Crisis, Crisis of Politics” at the Slovenian Political Science Days, Portorož, May 2009.

³ Jože Vogrinc, “Leva? Desna! Leva? Desna!,” *Mladina*, 22, (2009). Available at http://www.mladina.si/tednik/200922/leva_desna_leva_desna (December 2010).

⁴ Damir Grubiša, excerpts from the round table “Politics in Crisis, Crisis of Politics” at the Slovenian Political Science Days, Portorož, May 2009.

not only on selective adoption of democratic attributes in the region but also on what he calls “political pathology” in the region: a series of phenomena such as demagoguery, populism, hypocrisy, manipulation, corruption, paranoia and violence.⁵ Soon after independence of the Czech Republic its president of the time Vaclav Havel offered in a text entitled *Paradise Lost* a picture of consequences of the most recent social experiment in the country that corroborates Grubiša’s view:

*We are witness to a bizarre state of affairs: society has freed itself, but in some ways it behaves worse than when it was in chains. Criminality has grown rapidly, and the familiar sewage that in times of historical reversal always wells up from the nether regions of the collective psyche has overflowed into the mass media, especially the gutter press. But there are other, more serious and dangerous symptoms: hatred among nationalities, suspicion, racism, even signs of fascism; vicious demagoguery, intrigue, and deliberate lying; politicking, an unrestrained, unheeding struggle for purely particular interests, a hunger for power, unadulterated ambition, fanaticism of every imaginable kind; new and unprecedented varieties of robbery, the rise of different mafias; the general lack of tolerance, understanding, taste, moderation, reason. And, of course, there is a new attraction to ideologies, as if Marxism had left behind it a great, unsettling void that had to be filled at any cost.*⁶

“Minimal democracies” of Central and Eastern Europe have not only been established on a state-reductive political system that benefits most the corporate economic sector, I argue, but also represent a sort of a hybrid that emerged from adaptation of an “imported” political model to the political culture in the region. As Kenney also put it in a recent study of the region, “free elections and democratic leaders cannot increase the level of political freedom by themselves, if the society is incapable of benefiting from these achievements.”⁷ Lewis also seemed to support this argument when he stated that “imperfect party democracy that has emerged in Eastern Europe is closely linked with the conditions of what has been termed the minimal civic society ... The context of post-Communism and the broader cultural context of Eastern Europe cannot be ignored.”⁸

The hybridization is the most visible in, yet not limited to, newly founded sovereign states without prior democratic tradition. Thusly “democratized”

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⁵ Ibid.

⁶ Norman Jacobson, “Escape from Alienation: Challenges to the Nation-State,” *Representations*, 84 (2003): 50.

⁷ Padraic Kenney, *Breme slobode* (Zagreb: Srednja Evropa, 2007), 122.

⁸ Paul G. Lewis, *Political Parties in Post-Communist Eastern Europe* (London, New York: Routledge, 2000), 162–163.

specific political culture of Central and Eastern European societies, I also argue, has on the other hand facilitated the efficient implementation of the current global neoconservative economic-political paradigm. Furthermore and rather ironically, as Enyedi⁹ emphasized, the integration of post-communist countries into the “indirect, elitist and depolarized” politics of the European Union of lobbies and interests, has been of no help in implementing the kind of democracy Central and Eastern Europeans were promised two decades ago.

2 MULTI-PARTY DEMOCRATICALLY REPRESENTED POST-COMMUNIST EUROPE

In order to support the argument on the hybridization of the “imported” democratic model in Central and Eastern Europe, let us consider more closely the two presupposed key achievements of the political transition in the region, i.e. political parties and free elections.

Mair stated that party systems are »most impervious to change«¹⁰ Indeed, Central and Eastern European political parties, be it successor ones or newly founded ones, are mostly closed and hierarchically organized associations with a narrow circle of decision makers and controlled internal communication. When any of these parties seize power, the states are dominated by political and economic elites that tend to collaborate, while differences in their programs are minimal and their conflicts frequently turn into mere entertainment for the masses. When these masses go to elections, results are increasingly foreseeable or even changeable. Losers publicly object to legitimate victory of their opponents and as often co-create large coalitions with non-transparent liability. Elected representatives stand for partial interests as often as for public ones. Election procedures are designed in a way that directly elected representatives (for example President of the State) have little actual political power, proportionally elected members of the parliaments are a result of party selection and not of the “people,” while the power of the executive branch is disproportionate compared to the other two branches. Parliaments act as voting machines of political parties, often dominated by charismatic yet autocratic leaders that started their political careers as Communists. As Liebich noted:

In virtually all post-Communist countries, including those which have abandoned old political habits, familiar faces from the communist past dominate the landscape ... Until age attrition takes its toll, the best prospects for success under

⁹ Zsolt Enyedi, “The ‘Europeanisation’ of Eastern Central European Party Systems,” *epsNet Kiosk Plus the NET Journal of Political Science*, 5, 1 (2007), 65–75.

¹⁰ Peter Mair, “The Limited Impact of Europe on National Party Systems,” *West European Politics*, 23, 4 (2000), 28.

*democracy will belong to those who were successful under communism.*¹¹

While the successor parties whose origin could be traced to the Communist era had the advantage of organizational structure, financial resources and substantial membership, they had to adapt to new political rules and standards and overcome the stigma of the past. On the other hand, the newly emerged parties were much more prone to the internal dissent as they for most did not originate from broader social movements but rather from informal groupings of people connected by common ideological and cultural beliefs.¹² (Exceptions to that however, were new parties based on rural interests and/or nationalism.) The disadvantage of new parties has been partially levelled by state subsidies to parties to cover election costs and the fact that party membership no longer translated into proportioned support of the voters.

In general, »the development of institutional structures and establishment of organisational linkages have been the weakest aspects of party development in Eastern Europe.«¹³ Also, all political parties in post-Communist countries have had another issue to deal with in common: a general public distrust of political parties. Gebethener argued that

*Under the conditions that prevailed following the failure of the former political system of 'real socialism' the great majority of Poles distrusted any political party. This was true of new parties as of the old ones. Such anti-party feelings are characteristic of all the post-Communist societies of Central and Eastern Europe.*¹⁴

Gebethener established that in 1996; fourteen years later the distrust appears only greater. Since new politicians have come into the spotlight and age attrition has indeed taken its toll, the increasing distrust is to my view also to be attributed to the behaviour of the political parties. For those that have managed to seize power in particular, it seems that the side effect of their ruling is for most the loss of public trust. As in the past two decades most of the more significant parties have had the opportunity to rule, the distrust has been generalized, regardless of the successor or non-successor origin of the party.

Within the project *Democracy and Enlargement in Post-Communist Europe* Haerpfer contributed an interesting analysis of public (dis)trust in Central and

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¹¹ Stephen White, Judy Batt and Paul G. Lewis (ed.), *Developments in Central and East European Politics 2* (London: MacMillan, 1998), 111.

¹² *Ibid.*, 158–159.

¹³ Paul G. Lewis, *Political Parties in Post-Communist Eastern Europe* (London, New York: Routledge, 2000), 94.

¹⁴ Stephen White, Judy Batt and Paul G. Lewis (ed.), *Developments in Central and East European Politics 2* (London: MacMillan, 1998), 162.

Eastern European democratic regimes after 1989.¹⁵ Notwithstanding slight deviations, he detected increasing support for democracy in all considered states until mid-nineties, when the support started to decrease from high starting figures, collected for 1991 (56% of support on average in Central and Eastern Europe, from 49% in Slovenia to 71% in Czech Republic)¹⁶ In Croatia and Slovakia support for democracy decreased in the first half of the nineties. By mid-nineties, the majority of Central and Eastern Europeans lost many illusions about democratic political system. Simultaneously, support for legislative branch of power grew (i.e. the rule of law) as well as the average support for parliaments in Central and Eastern Europe increased from 59% in 1991 to 83% in 1998.¹⁷

In the analysis of the results of the study Haerpfer emphasized that political situation in the region was heterogeneous to the point that four groups could be identified of various patterns of support to democracy. He identified Poland, Czech Republic and Hungary as "consolidated democracies" by the end of the nineties, Slovenia and Slovakia were supposedly close to consolidation, while Croatia, Romania and Bulgaria were "developing democracies". In the north of Europe only Estonia was a "developing democracy"; while Lithuania and Latvia, according to Haerpfer, were still in political transition and democratization was not yet an irreversible process.¹⁸

These conclusions are interesting in particular in the light of further events in the decade that followed the nineties. Except for Croatia all countries considered in the study became Member States of the European Union and therefore acquired a formal confirmation of their democratic character. The differentiation among the Baltic states is also interesting since they have appeared a rather homogeneous group with regard to political history/culture/development. Although assessed relatively unfavourably, Slovenia has since then presided the European Union. As Haerpfer measured the level of democracy by a set of pointed questions addressed at a representative sample of citizens, the results of his study are as much an interesting demonstration of (self)criticism and (self) perception as they are a demonstration of difference between the democratic "climate" in a particular national environment and the presentation of the status of democracy to the outside world via political and media discourse.

Furthermore, Haerpfer designed within the same study a "democracy index"

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¹⁵ Christian W. Haerpfer, *Democracy and Enlargement in Post-Communist Europe – The democratisation of the general public in fifteen Central and Eastern European countries, 1991-1998* (London and New York: Routledge, 2002).

¹⁶ *Ibid.*, 21.

¹⁷ *Ibid.*, 31.

¹⁸ *Ibid.*, 142–143.

in which he considered questions pertaining to the rejection of the Communist regime, support to democratic regime, support to the Parliament, rejection of authoritarian leaders, military regimes and monarchy as well as optimism regarding future of democracy. The results are somewhat concordant with this set of questions related more to what democracy is not than to what democracy is: in the period 1990-98 the democracy index in Central and Eastern Europe increased from 57% to 61%, a rather small change, yet differences between studied states are substantial. Czech Republic registered the most important fall (-12%) in this period, while the most important positive difference was generated by Poles (+19%) and, by comparison, in Belarus (+18%).¹⁹ Twelve years later it appears as if Haerpfer was measuring the status of illusions on democracy and not democracy as such.

3 DEMOCRATIZATION OR RE-OLIGARCHISATION OF CENTRAL AND EASTERN EUROPE?

The gap between political aspirations and reality of Central and Eastern Europe i.e. the difference between "elective multi-party democracy" and "democratic society" that the attention has earlier been drawn to, has been theorized by Larry Siedentop who identified three discourses on democracy in *Democracy in Europe*: the simplistic discourse, the discourse on democratic authority and the discourse on democratic society.²⁰ The discourse on democracy *simpliciter* rejects the supposed repression in the existing system without developing an alternative proposal and relies in particular on the differentiation between Us and Them, what Siedentop named 'democratic demonology'.²¹ Democratic authority on the other hand, is based on the 'discourse on citizenship' about solidarity and unconditional uncritical belonging of the individual citizen to the community that acquires access to citizenship under specific conditions.

This discourse, according to Siedentop, is rooted in hierarchic and aristocratic pre-modern societal model in which individualism is not an asset, while certain individuals are inflexibly excluded from citizenship or decisions making processes in public affairs. Under a militant democratic authority freedom is a privilege and certainly not an equal right.²²

Discourse on democratic society is set apart from the discourse on democratic authority in that the former is not based on the (ethnic) community but on the individual. Furthermore, it is founded on morally perceived equality, individual

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¹⁹ Ibid., 44–45.

²⁰ Larry Siedentop, *Demokracija v Evropi* (Ljubljana: Študentska založba, 2003).

²¹ Ibid., 78.

²² Ibid., 87.

autonomy, human rights and social contract.²³

With Siedentop's discursive classification applied to Central and Eastern European democracies today, I would argue that after two transitional decades nation-states in the region and the newly founded ones in particular, continue to base political action on democratic authority, while parties in opposition often resort to Siedentop's 'democratic demonology' without presenting a viable alternative to widely criticized decisions of those in power. Based on a region-wide study in the mid-nineties, Katherine Verdery²⁴ concluded that one of the first visible consequences of democratization in post-Communist Europe was the revival of 'ethno-national identities' that represented the key criterion for redistribution of citizenship and related constitutionally guaranteed rights in newly founded states, especially those issued from Communist federations such as Yugoslavia, Czechoslovakia and Soviet Union. In Slovenia for example, decisions by Constitutional Court concerning minority rights and other issues, have not been respected. Constitution, this pillar stone of democracy, has often been revised, while ombudsmen have detected numerous infringements of constitutionally guaranteed rights. Compared to the Communist era, the situation of certain undesirable minorities in the region has worsened (Slovakia) or did not improve (Slovenia, Baltic States). According to Verdery, constitutionally legitimized nationalism (and not democracy) was the ideology to replace Communism, and not as the alternative of the latter, but rather as its prolongation from the perspective of collective identities.²⁵ I would add that the introduction of individualism after the collectivist era was in the region limited to the private and consumerist sphere, while newly legitimized state communities quickly acted on cohesive collective identity by identifying the new Them as opposed to Us, in minorities and migrants and neighbouring countries, a shift in mentality that, compared to the Cold War construction of the Enemy, made this new Enemy much more palpable and visible and closer and therefore more aggressively opposed.

To identify and measure the quality of democracy is not an easy task, especially, if we are not satisfied by mere declarative and discursive reality. Mallet-Prevost wondered in an early 20th century analysis of American democracy, whether "it is suitable to judge democracy according to what people can actually do, as long as they have a right to do it? If democracy gives to all of them equal rights, is that enough? If theoretically, every citizen has a right to participate in government, does that constitute the rule of the people? Does it matter

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²³ Ibid., 89.

²⁴ Katherine Verdery, "Nationalism, Citizenship and Property: Eastern Europe since 1989," *American Ethnologist*, 25, 2 (1998), 291–306.

²⁵ Ibid., 294.

in a democratic system, how a citizen enacts, if at all, his rights?²⁶ These issues remain relevant for formal standards of democracy even today, be it the Huntington criterion that a "functioning and stable democracies must enable for a transfer of democratic authority at least two free and peaceful elections"²⁷ or be it the Copenhagen criteria for EU accession and their actual implementation and internalization. Berg-Schlosser and De Meur on the other hand identified as a democracy criterion the "importance of democratic tradition and conservation of democratic standards."²⁸ Although this criterion bridges the gap between declarative democracy and internalized democratic society, its application to Central and Eastern European societies cannot inspire particular optimism (with the exception of the Czech Republic). Since inherent political culture prevails over "imported" political concepts and since there has been obvious continuity with the previous regimes in the region, considering individual agents of political action as well as structures and institutions, would it not be pertinent to suppose that "the more it changes the more it remains the same" as the French dictum goes? Could the Communist oligarchies have been quickly and easily swept away by a true change or have they rather been replaced by new oligarchies instead?

According to Leach, "oligarchy is a concentration of rooted illegitimate power and/or influence of minority that is sufficiently strong that this minority makes happen what it wants, even if that goes against the (actively or passively expressed) interests of the majority."²⁹ The capacity to control decision making processes in organizations represents a necessary as well as sufficient indication of oligarchic power. If a minority regularly supersedes its competencies to make or influence decisions in order to manipulate issues potentially threatening its interests, if the minority uses information to the same goal and represses the opposing views to the extent that the majority feels intimidated, the minority evidently abused power.

Leach identified three indicators of oligarchisation: lack of rotation of people in positions, control of a minority over resources and low level of political participation. However, although these three criteria demonstrate that the minority has sufficient power to dominate the organization, they also represent a cause or a consequence of oligarchic power and not evidence of oligarchisation.

²⁶ Severo Mallet-Prevost, "United States - Democracy or Oligarchy?" *Annals of the American Academy of Political and Social Science*, 169 (1933), 163.

²⁷ Max Kaase and Kenneth Newton, *Zaupanje v vlado* (Ljubljana: Liberalna akademija and Znanstvena knjižnica FDV, 1999), 191.

²⁸ Ibid.

²⁹ Darcy K. Leach, "The Iron Law of What Again? Conceptualizing Oligarchy across Organizational Forms," *Sociological Theory*, 23, 3 (2005), 329.

Although a lack of change in leadership is a very common sign of oligarchisation, long-term leaders do not necessarily mean abuse of power. They may enjoy trust and popularity. The same people in leading positions however demonstrate of a probable sign of oligarchisation: the more people become specialised in certain activities the harder it is to replace them and the more the membership depends on specialized skills of their leaders, the easier it is for the latter to act illegally without consequences. In consideration of oligarchisation of an organization it is therefore important to establish whether long-term leaders used illegal means to keep their power and influence and whether they enjoyed stable support of the majority. In order to use illegal power by material rewards or sanctions, one needs to have access to resources and control their distribution. The evidence that control of resources within the organization has been concentrated in hands of a small group, indicates therefore the potential of this group for illegal use of power. Yet again, control of resources is not an evidence of oligarchisation *per se*. Evidence must also be brought forward that a minority successfully used the control to adopt or influence decisions that the majority opposed or would opposed knowing of use of illegal means.

Low participation can be a sign that people feel excluded or alienated from the decision making process and that their viewpoints and interests are not being taken into consideration. It could be an expression of an overall fatalism that participation would not change a thing since the leadership decides on everything. It could also be that the majority is content with the exercise of power of the minority until the latter is responsible and does not threaten the interests of the majority. With long-term leaders however, people often start to feel incompetent or disinclined to intervene in decision making processes after a while, despite suspicions that their interests are being threatened, especially since they don't participate in the decision making process to begin with. The minority in such cases often imposes an unpopular decision so that the majority feels guilty for first having let the leaders do all the work and doubting in it afterwards. Once again it is important to consider the means of enactment of competencies and influence in the organization very carefully in order to establish whether there is a pattern of illegal control on behalf of the minority.³⁰ Necessary contextualization regarding demographic, technological etc. evolution since the invention of democracy makes it impossible to consider the classical model of the rule of the people as a referential concept. After all, the Communist regimes in Central and Eastern Europe in 20th century declared themselves democratic as well. The delegate self-management system in Yugoslavia from the seventies on facilitated a much greater participation in decision-making processes than it was actually implemented in any Western democracy.

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³⁰ Ibid., 330–332.

Democracy and oligarchy have aspects in common that make it difficult to differentiate them. Considering the Aristotelian differentiation of moderate and extreme oligarchies, contemporary Central and Eastern European "ethnocracies"³¹ with their constitutional citizenship criteria based on ethnic affiliation and with examples of "bureaucratic ethnic cleansing" could even be classified as extreme oligarchies, where rule of the law is applied, while citizenship is accessible only by birth. Similarly to ancient oligarchies, contemporary Central and Eastern European political regimes display a disproportion of power between branches that benefits the executive (council, government) and harms the deliberative i.e. legislative branch (agora, assembly, parliament), while the judicial struggles for independence. Here and now the mandate of decision makers is also short, which bears negative impact on their liability. Re-election is limited, in smaller countries however, rotation of the same persons in important functions is perceivable. Delimitations between branches of power are unclear, while mutual control is seldom mutual and consistent.

When considering the iron rule of oligarchy that every organization eventually turns into an oligarchy, it needs to be emphasized that the rule also applies to the state albeit Michels argues that the rule is applicable to every voluntary organization.³² Not only his thesis is relevant for large political communities such as states, the question is also relevant who monitors such large non-voluntary organizations, in accordance with the Casinelli's thesis that oligarchy of a particular organization is limited by other, equally influential organizations or, applied to states, that states can prevent collapsing of other states into oligarchy.³³ After all, we have witnessed interventions of other states into internal affairs of sovereign states such as former Yugoslavia or Iraq, while there are international organizations such as the United Nations that also have instruments at disposal to intervene. However, the interventions have been limited only to certain states, leaving out obvious oligarchies, such as North Korea or Myanmar.

Returning to Central and Eastern Europe and political parties there, it can be concluded from available data that all parties, regardless of political orientation, are prone to internal oligarchic organization. Lipset namely established that democracy was ensured by a selection of various party programs on the elections, however oligarchic the internal structure of subordinate groups, interests and values,³⁴ yet indistinctiveness and irrelevance of political programs

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³¹ Katherine Verdery, "Nationalism, Citizenship and Property: Eastern Europe since 1989," *American Ethnologist*, 25, 2 (1998), 297.

³² Robert Michels, *Political Parties: a sociological study of oligarchical tendency of modern democracy* (Illinois: Free Press, 1958), 365.

³³ C. W. Cassinelli, "The Law of Oligarchy," *The American Political Science Review*, 47, 3 (1953), 19.

³⁴ Martin Seymour Lipset, "Steady Work: An Academic Memoir," *Annual Review of Sociology*, 22 (1996), 7.

happens to be one of the principal criticisms addressed at contemporary Central and Eastern European parties. Mallet-Prevost states that media are the most important guarantee against excesses of American oligarchic elites for example and yet, the media situation in Central and Eastern Europe can be a source of concern as media only exceptionally act as the fifth branch of power and critique of the authorities. When they do, they often face persecution and at least self-censorship and editorial censorship, but mostly – with a few more intermediaries than under Communist regime – they are becoming propaganda for partial political and capitalist interests. “Exploitation of the media and the maintenance of political monopoly on their use had, indeed, been one of the characteristics of the communist rule and was, in its time, one of the innovatory features of the communist approach to political life.”³⁵

Leach warns from oversimplified comparison and identification when he establishes three indicators of oligarchy that do not represent evidence by themselves for such tendencies. In the past two decades in Central and Eastern Europe we witnessed long-term popular leaders that were not accused of abuse of power such as Czech Vaclav Havel or Slovenian Milan Kučan. On the other hand, there have been leaders that kept powerful political positions in spite denunciations of abuse such as Slovak Vladimir Meciar and Croat Franjo Tudjman.

Two particular factors in Central and Eastern European politics come into play with this oligarchy indicator: political hygiene in the region is such that resignations from positions are rare exceptions (such as those of Hungarian Ferenc Gyurcsany or Croat Ivo Sanader) and the particular vulnerability to oligarchic rotation of the same people in key positions of small society such as Slovenia, Estonia or Slovakia where there insufficient critical mass of politicians.

Control over resources (be it finances, information or people) could be measured via reports of national financial courts or information ombudsmen, if information of public interest is in question. Media reports demonstrate that control over financial resources and information is an issue with political elites all over Central and Eastern Europe, while disclosures of abuse of power in that respect does not result in sanctions for political careers of oligarchs involved. “Finance has been a critical dimension of party development. As in other countries, parties in Eastern Europe tend to be secretive about the financial resources they control and the sources of their funds even if parties are legally bound to make such details public. Such prescriptions are rarely observed in full and, where accounts are publicly registered, by no means all sources of funds are acknowledged. There is plenty of scope for financial scandal to erupt and undermine apparently

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³⁵ Paul G. Lewis, *Political Parties in Post-Communist Eastern Europe* (London, New York: Routledge, 2000), 113.

stable processes of party government ... the role of the state in the funding of party activity is one prominent feature.”³⁶

Low political participation is a matter of concern in Central and Eastern Europe. In Slovenia for example the participation in parliamentary elections decreased from 85,6% in 1992 to 63,1% in 2008. It is yet much lower in local elections and referenda. However, in parliamentary elections it remains relatively satisfactory compared to many other countries; if nothing else it is sufficient for legitimization of political parties that then decide who is going to represent the voters in the Parliament. Considering participation within the parties, Lewis states that

»The conditions of modern party activity, elitist attitudes on the part of many party leaders in eastern Europe, and the reluctance of the public to join them combined to give the members that parties have enrolled a relatively marginal role within the organization as a whole. This has also been reflected in the weak structural development of the east European parties.«³⁷

4 CONCLUSION

In the last two decades, Central and Eastern Europe has gone through an intensive transformation process in which the adopted global neo-liberal political-economic model, the specifics of the Europeanisation and the traditionally non-liberal corporate political cultures in the region merged to produce hybrid political systems that bear many features of oligarchies. In other, simple words: regardless of their ideological orientation, political parties in the region transpose their inner oligarchic organization and decision-making procedures to the government and state administration when they seize power. Without making the connection with Michels' theory on oligarchisation, Lewis saw the situation similarly:

”Throughout Eastern Europe, ..., questions of inner party democracy were not just ignored but were rarely perceived to be an issue at all. Post-communist politics and the practice of liberal democracy was understood to operate at national level and within the narrow confines of the political elite – which might indeed be internally differentiated and in these terms pluralist, but that involved little conception of broader political participation or a more active form of mass democracy. It involved a very limited conception of the political party and provided few incentives for developing party's organization or sub-national structure.«³⁸

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³⁶ Ibid., 107.

³⁷ Ibid., 103.

³⁸ Ibid., 104.

What is then to do in order to at least approach the democratic ideal? In theory, several solutions are observable: amidst the last comparable global crisis, Mallet-Prevost suggested that declarative, apparent democracy be replaced by actual democracy by setting criteria of electiveness and enhancing the liability of the elected by longer mandates. Mallet-Prevost's justification of these measures followed the line of argument that the ruling oligarchs would continue to lean on the most servile collaborators in order to perpetuate the oligarchic structures, while only the greediest would be interested in ruling in order to abuse of the system to their benefit. According to Mallet-Prevost, reduction of the fundamental democratic right to be elected would not translate into a less democratic system, but ensure the government of the most capable to govern. If we only consider the fact that at the last EP elections, the Slovenian Social-Democrat party currently in power was represented by two candidates that were selected exclusively by the leader of the party and were not even its members, the representativeness has already been reduced to a minimum. Another argument to back that suggestion is the existing limitation of electiveness by quotas. If the judicial branch of power is equal to the executive and the legislative ones and can only be accessed via strict qualifications and a lengthy education, the other two branches require no qualifications at all, argues Mallet-Prevost.³⁹ Longer mandates would indeed possibly enable parties in power to carry out certain vital mid-term projects in the domain of the environment, energy etc. that they are now not interested in because their time plans are limited to the length of the mandate. However, these modifications would have to be adopted by oligarchs in power that have the least interest in them. Furthermore, suggested solutions, if implemented and abused, could strengthen the existing oligarchies. More recently, Alford suggested institutional innovations while remaining sceptical:

Today we tend to put less trust in the institutions, we trust less our abilities to conceive of them and we probably trust less in our reason, at least when solutions to social issues are in question. Catastrophic failure of numerous brave new worlds justifies such scepticism. (...) Political scientists should design new institutional solutions to reduce oligarchy, based on comparative studies of institutions that at least partially succeeded in such endeavour.”⁴⁰

Alford's suggestion could not be more logical; considering all of the above however, political scientists should not look for such innovative, anti-oligarchic institutions to learn from in Central and Eastern Europe.

³⁹ Severo Mallet-Prevost, "United States - Democracy or Oligarchy?" *Annals of the American Academy of Political and Social Science*, 169 (1933), 167.

⁴⁰ Fred C. Alford, "The „Iron Law of Oligarchy“ in the Athenian Polis . . . and Today", *Canadian Journal of Political Science / Revue canadienne de science politique*, 18, 2 (1985), 310–312.

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FOR THE COMMON GOOD: COMBATING CORRUPTION IN NEW EU MEMBER STATES

Lars JOHANNSEN and Karin HILMER PEDERSEN¹

Corruption is a problem of collective action. The fight against corruption came on the international agenda in the 1990s. The core of the recommendations from International organizations and scholars is to establishment of anti-corruption agencies with the aim of increasing the risk of detection and punishment to individual who engage in corrupt affairs. However, despite condemnation by all cultures, individuals and societies can be socialized into a culture of corruption where the benefits of partaking in corruption will exceed those of being honest. It is thus not sufficient to change individual incentives without also seeking to change behavioural norms. Through a comparison of Estonia, Poland and Bulgaria it is shown that there is no 'miracle cure'. Anti-corruption agencies are important but effectiveness presumes economic reform, a well functioning system of justice and a credible public condemnation of corruption. An efficient anti-corruption policy is multi-faceted employing instruments simultaneously with each instrument conditioned on the others.

Why do people offer a bribe? And why do public servants accept it? These questions constitute a natural outset for thoughts about how to fight corruption. The answers are, however, inconclusive and rest within two contrasting but not necessarily conflicting perspectives. The debate thus distinguishes between the cultural and the individual explanations where corruption in the former is explained by the existence of behavioural norms and reciprocal networks and in the latter by an individual cost-benefit calculation weighing opportunities and risks against material incentives.

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In 2004 and 2007 the European Union (EU) welcomed 10 new member states from Central and Eastern Europe. This enlargement was, however, not unproblematic. Since the break down of the communist regime, corruption has thrived at all levels of society, albeit to a very different degree.² Although corruption is not unknown in EU the primary examples being Greece and Italy, and even though a special unit to investigate fraud and corruption within the EU was established in 1999, the problem of corruption became with the enlargement more salient. This was not least illustrated by the safeguard measures included in the Accession Treaties for Bulgaria and Romania that gives the Commission authority to withhold EU funds in case of irregularities.³

The high level of corruption in the new EU member states has been associated with two specific issues. First, research on corruption has pointed to a legacy from the soviet system where corrupt behaviour was an individual strategy for survival in a society marked by chronic shortages.⁴ In this view corruption in post-communist Europe is a cultural phenomenon where citizens early have been socialized into a culture of corruption. Second, the transition to democracy, market economy and not least the privatization of state property has created profound opportunities for individual enrichments to which the use of bribes and informal networks were not uncommon.⁵ In this view corruption is explained by an individual cost-benefit calculation. Moreover, corruption was fuel by the economic recession that followed the system break down causing extreme low wages in the public sector and thus increasing individual temptations to accept bribes in return for favours.⁶ Regardless the causes of corruption, the problem seems endemic and persistent.

Transparency International defines corruption as 'misuse of public power for private gain'. Following Rasma Karklins who adds that corruption is also 'at the

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² The organization Transparency international has since the millennium made yearly evaluations of the perception of corruption in several European as well as non-European countries (see www.transparency.de).

³ MEMO/06/347 Key findings of the monitoring report on Bulgaria's and Romania's preparedness for EU accession, 2006. http://ec.europa.eu/bulgaria/documents/abc/com534-summary-paper-college_en.pdf#xml=http://158.167.146.104:7001/wwww/xmlread.jsp?ServerSpec=158.167.146.104:9000&K2DocKey=http%3A%2F%2Fec.europa.eu%2Fbulgaria%2Fdocuments%2Fabc%2Fcom534-summary-paper-college_en.pdf%40EUROPACORE_eceu_x&QuetyText=safeguard+measures (January 2011).

⁴ Vojtech Cepl, "The Transformation of Hearts and Minds in Eastern Europe," *Cato Journal*, 17, 2 (1997), 229–234. See also Jeffrey M. Jordan, "Patronage and Corruption in the Czech Republic," *RFR/RL East European Perspective*, 49, 2 (2002), 4–5; Wayne Sandholtz and Rein Taagepera, "Corruption, Culture, and Communism," *International Review of Sociology*, 15, 1 (2005), 109–131.

⁵ The World Bank, *Anticorruption in Transition: A Contribution to the Policy Debate* (Washington, D.C.: The World Bank, 2000).

⁶ Barbara Nunberg and Luca Barbone, "Breaking Administrative Deadlock in Poland," in *The State after Communism: Administrative Transitions in Central and Eastern Europe*, ed. Barbara Nunberg (Washington, D.C.: The World Bank, 1999), 7–51.

expense of the public good',⁷ we seek to triangulate the causes of corruption and the search for an adequate anti-corruption strategy in the dilemma between individual duties ('misuse of public power or authority'), individual interests ('for private gain') and the interests of the common good ('at the expense of the public good'). Through this triangulation, corruption creates a situation resembling a 'collective action problem',⁸ according to which rule following being in the interest of society, contradicts the interests of the individual thus. Solutions to 'collective action problems' will often be to create institutions of rule enforcement that criminalize the act that is individually rational, thus motivate the individual to act according to the common good. The response to corruption is similar. The United Nation's anticorruption convention establishes a code criminalizing corruption internationally and recommends the establishment of independent anti-corruption agencies at the national level. However, criminalization of corruption and enhanced investigation through special agencies focuses on instrumental and strategic causes behind the individual decision to accept a corrupt deal. We question if institutional solutions are sufficient in societies where corruption is widespread or if efforts should be supplemented with policies derived from insights into a cultural explanation of causes of corruption?

The cases chosen for our enquiry are Estonia, Poland and Bulgaria. Even though all three countries are infected by corruption, there are differences. While Estonia is gradually recovering, Poland and Bulgaria are still struggling. The case selection therefore constitutes a comparative setup that highlights differences and commonalities in the environment of corruption and relative success in fighting corrupt behaviour. The downside of the case selection is that it gives only limited possibilities for generalizations. However, increasing insight in the mechanism between the causes of corruption and actions to fight it may pave the way for enhancing anti-corruption strategies. The following theoretical discussion of the culture of corruption we emphasize that even if corruption is an illegitimate phenomenon across cultures bribery and other forms of corruption may have become a social behavioural norm. We then proceed with a review of the individual incentives and the rational institutional strategies to combat corruption. In the empirical analysis country specific choices of anti-corruption strategies are compared and discussed in relation to the degree of success. We conclude that there is no miracle medicine. Fighting corruption must combine different strategies directed towards changing individual incentives as well as collectively accepted attitudes to bribe a public servant.

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⁷ Rasma Karklins, "Typology of Post-Communist Corruption," *Problems of Post-Communism*, 49, 4 (2002), 23.

⁸ Elinor Ostrom, *Governing the Commons. The Evolution of Institutions for Collective Action* (Cambridge: Cambridge University Press, 1990). The line of argument follows theoretical insight from rational institutionalism in contrast to sociological and partly historical institutionalisms. For an introduction to the three institutionalisms see the seminal work by Hall and Taylor.

I CORRUPTION – A CULTURAL NORM

That corruption in all cases should be looked upon as a societal disease deteriorating the common good, has often been accused of western and European ethnocentrism that did not offer respect to other cultures. From a European perspective it has been claimed that African and Asian cultures through their strong loyalties to family, clan and friendship and a widespread norm of gift giving in return for public service are the cradle for corruption.⁹ Following this Samuel Huntington has argued that fighting corruption is directly harmful to economic development as norms and traditions are the glue that keeps society together or said differently: "In terms of economic growth, the only thing worse than a society with a rigid, over-centralized, dishonest bureaucracy is one with a rigid, over-centralized, honest bureaucracy."¹⁰ The cultural based argument in support for corruption is first, that corruption *can* support economic growth by cutting red-tape in a rigid bureaucracy, and second that corruption must be accepted because it is *legitimate* in non-western cultures. However, these arguments are not sufficiently grounded.

The argument, that corruption could have a positive impact on development and economic growth is contradicted by a number of statistical analysis and single case country studies.¹¹ Furthermore, corruption will effect the distribution of welfare to the benefit of those groups that have the economic possibility to bribe officials or the fortune by birth to have the right relatives. In addition circumventing democratically taken decision towards specific interest corruption undermines democracy and decreases trust in society.¹² Thus, in a democracy based on the normative ideal that all are equal with equal access to the benefits of society corruption will always constitute an unacceptable relation between public authority and private interest.

The second argument that corruption in some societies is acceptable and a social norm for correct behaviour can equally be questioned. Jon Elster argues that to be a social norm it would imply that the corrupt act is guided by a shared

⁹ See for example Robert Klitgaard, *Controlling Corruption* (Berkeley CA: University of California Press, 1988), 62–64 on Africa and Eric C.C. Chang, "Corruption and Trust: Exceptionalism in Asian Democracies?," *The Journal of Politics*, 68, 2 (2006), 262 on Asia.

¹⁰ Samuel Huntington, *Political Order in Changing Societies* (New Haven, CT: Yale University Press, 1968), 386.

¹¹ For example Daniel Treisman, "The Courses of Corruption: A Cross-national Study," *Journal of Public Economics*, 76, 3 (2002), 399–457; Shang-Jin Wei, *Corruption in Economic Development: Beneficial Grease, Minor Annoyance, or Major Obstacle*, World Bank Working Paper, 1999, available at <http://www.nber.org/~wei> (10 January 2009).

¹² Christopher J. Anderson and Yuliya V. Tverdova, "Corruption, Political Allegiances, and Attitudes Toward Government in Contemporary Democracies," *American journal of Political Science*, 47, 1 (2003), 91–109; Mitchell A. Seligson, "The impact of corruption on Regime legitimacy: a comparative study of Four Latin American countries," *The Journal of Politics*, 64, 2 (2002), 408–433.

belief of the act as moral and righteous.¹³ This is not the case with corruption. Comparing religious texts, representing a source for investigating cross-cultural norms, Denis Osborne unearths that Hebrew Scriptures, Confucian and Hindu writings, Teachings of Buddha, Islam and Christianity all find bribe and corruption equally unacceptable and unjust.¹⁴ Following up, John T. Noonan, an English lawyer discovers that while openness and even pride prevail over some illegal acts as for example playing hazard, nobody talks openly and proudly about paying or receiving a bribe. Consequently it is hard to argue that bribe should be a culturally guided social norm for 'righteous' behaviour. Returning to the above mentioned article by Jon Elster, his examples of how social norms are distinct from other norms in society actually indicate that *if* there is a social norm about corruption, it is a norm that corruption is *not* acceptable and not that it is.

Even though corruption is not morally accepted, it may in societies where corruption is common and has thrived for years take the form of a socially oriented behaviour guided by individual experiences.

"To summarize, 'cultural' people process experience into action through general cognitive, affective, and evaluative predispositions; the patterns of such predispositions vary from society to society, from social segment to social segment; they do not vary because objective social situations or structures vary but because of culturally determined learning; early learning conditions later learning and learning involves a process of seeking coherence in disposition. And this is so in order to 'economize' in decisions to act and to achieve predictability in social interaction."¹⁵

Following this quote a culture of corruption establishes a behavioural norm that makes bribery and other illicit actions associated with corruption to the appropriate behaviour. This insight from cultural theory contributes to the explanation of persistent corruption not only among the former communist countries but in any country where corruption is pervasive. Thus, corruption becomes a behavioural norm partly because it is what is expected,¹⁶ and partly because 'everybody else does it'.¹⁷ Empirically the argument is corroborated

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¹³ Jon Elster, "Social Norms and Economic Theory," *Journal of Economic Perspectives*, 3, 4 (1989), 99–117.

¹⁴ Denis Osborne, "Corruption as Counter-culture: Attitudes to Bribery in Local and Global Society," in *Corruption: The Enemy Within*, ed. Barry Rider (London: Kluwer Law International, 1997/1999), 11–15.

¹⁵ Harry Eckstein, "A Culturalist Theory of Political Change," *The American Political Science Review*, 82, 3 (1988), 790, 792.

¹⁶ The argument here follows sociological institutionalism's 'logic of appropriateness' as developed in March and Olsen.

¹⁷ Pranab Bardhan, "Corruption and Development: A Review of Issues," *Journal of Economic Literature*, 35, 3 (1997), 1330. See also Eric C.C. Chang, "Corruption and Trust: Exceptionalism in Asian Democracies?," *The Journal of Politics*, 68, 2 (2006), 269.

by Margit Tavits. From Estonian surveys she finds that both civil servants and citizens who believe corruption to be pervasive are more likely themselves to admit to illicit actions.¹⁸

When corruption becomes social oriented behaviour and thus all-encompassing in society, individual citizens easily becomes spun into a vicious circle where corruption breeds more corruption. First, when public services are not given on objective basis, citizens lose trust in authorities and become inclined to offer bribes themselves, and second when offering bribes becomes more frequent public servants' incentives to accept the bribe also increases.¹⁹ Italy is but one example where persistent and pervasive corruption has formed reciprocal networks spanning the administrative, judicial and political systems with the willing participation of many citizens.²⁰ Thus, when corruption becomes a social oriented behaviour it will tend to connect a majority of the population making investigation, information gathering etc. extremely difficult as everybody has something to hide.

According to cultural theory changing socially oriented behaviour is a protracted process. It requires deliberate, consequent and dedicated efforts to dismantle early learning. It is, however, not impossible to unlearn a behaviour if experience demonstrate that the expected benefit of corruption to not materialize. If orchestrated simultaneously with harvesting the low-hanging fruits by reforming the individual cost-benefit calculation change may be more effective.

2 CORRUPTION - AN INDIVIDUAL COST-BENEFIT CALCULATION

By definition corruption necessarily involves public servants – either elected politicians or appointed administrators. Combating corruption thus places public servants in the front line. The public administration is typically hierarchically organized where the principal set the general goals and activities for the organization – goals and activities that the lower ranking civil servants – the agent – are supposed to fulfil loyally.²¹ However, this creates an asymmetric relation. Removed from the field the principle has less information than the agent who possesses hands on knowledge. This asymmetric relation can be utilized to the agents own advantage. Robert Klitgaard builds on this insight and

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¹⁸ Margit Tavits, "Why Do People Engage in Corruption? The Case of Estonia," *Social Forces*, 88, 3 (2010), 1257–1279.

¹⁹ The vicious circle is a recurrent theme within the literature. The one discussed here is adapted from Eric C.C. Chang, "Corruption and Trust: Exceptionalism in Asian Democracies?," *The Journal of Politics*, 68, 2 (2006), 261.

²⁰ Donatella della Porta, "A Judge's Revolution? Political Corruption and the Judiciary in Italy," *European Journal of Political Research*, 39, 1 (2001), 1–21.

²¹ Kathleen M. Eisenhardt, "Agency Theory: An Assessment and Review," *The Academy of Management Review*, 14, 1 (1989), 57–74.

generalizes the relationship between corruption and hierarchical organizations to the following formula:²²

$$\text{Corruption} = \text{monopoly} + \text{discretion} \div \text{accountability}$$

According to the formula corruption flourishes when public servants are given monopoly power over clients, when they have a high degree of discretion and when agents' accountability is weak. The first two elements – monopoly + discretion – look at the agents' ability to control public services that make him/her an interesting target for bribe giving. The third element – lack of accountability, which may take various forms including responsibility, control and punishment – draws the attention to the individual calculation of the probability that a bribe will be uncovered and the possible punishment versus the value of the proposed bribe. The formula is thus based on individual and instrumental rationality and subsequently two different set of anti-corruption strategies arises.

The first strategy focuses on changes in public administration removing public servants monopoly and discretion. Liberal economic theory and advocates for a minimal state administration points at outsourcing, privatization and de-regulation as means to minimize public servants possibilities to get involved in corrupt deals. There is no doubt that introducing competition and minimizing public service do carry potential as an anti-corruption strategy. The benefits of this strategy will also be demonstrated in the empirical discussion below. However, there is a limit to the strategy. First, in practice it is not possible to remove all kinds of public service and regulations, and second because outsourcing and privatization in itself creates new regulations and thereby opens new opportunities as well as temptations to engage in corrupt deals.²³ Moreover, outsourcing and privatizing public services enhance the private gain that may follow from bribe giving and thus the possible size of the proposed bribe which again effects the public servants cost-benefit calculation.²⁴ To illustrate privatizing state property as well as dismantling the soviet legal system after the collapse of communism created innumerable opportunities for corruption. Beside these considerations and despite a widespread support to neo-liberal economic ideas in the communist transition through the so called *Washington Consensus*, there are political and social reasons to uphold some state intervention as well as welfare services. International organizations therefore primarily recommend the second strategy that focuses on increased

²² Robert Klitgaard, *Controlling Corruption* (Berkeley CA: University of California Press, 1988), 75.

²³ Pranab Bardhan, "Corruption and Development: A Review of Issues," *Journal of Economic Literature*, 35, 3 (1997), 1330. Johann Graf Lambsdorff, *The Institutional Economics of Corruption and Reform. Theory, Evidence and Policy* (Cambridge: Cambridge University Press, 2007).

²⁴ For a discussion on how wages affect the cost-benefit calculation see Caroline van Rijckegman and Beatrice Weder, *Corruption and the Rate of Temptation: Do Low Wages in the Civil Service Cause Corruption?* IMF Working Paper 73 (Washington, D.C.: IMF, 1997).

control and thereby increasing the risk to be punished when accepting a bribe.

The international recommendations to establish specialized and independent anti-corruption agencies are based on the positive experience from Singapore, Hong Kong and later Australia.²⁵ However, their successes result mainly from the fact that corruption was closely linked to established networks between illegal organizations and the local police force. In contrast, according to the political and administrative elite in Central and East Europe in the 1990, only 10 per cent find that the cause of corruption is linked to crime.²⁶ Despite the apparent differences between East Asia and the post-communist countries anti-corruption agencies do have a potential in the fight against corruption.

First, new and independent institution enhances the integrity of the leadership and the employees creating a bulwark against already corrupt personnel. This strength is especially relevant in highly corrupted societies where the law enforcing organizations may be as infected as the rest of society.²⁷ Second, new institutions can be formed around a professional 'mission' to combat corruption which also may lower the individual inclination to break the rules of the 'mission' due to its social costs.²⁸ Third, a special anti-corruption agency may be given extraordinary competences in terms of gathering information like reversing the burden of proof and by obtaining secret informants from for example whistle-blowers.²⁹ Fourth, new and specific tasks may be allocated the agency. Anti-corruption agencies often launch large public campaigns to increase awareness and educate the public thereby changing values and sentiments for appropriate behaviour.

These virtues unsaid, the decision to establish an anti-corruption agency is not unproblematic. First, a new institution will increase public expenditures, resources that necessarily will be taken from other tasks.³⁰ Second, even though

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²⁵ Goran Klemenčič, *Specialised Anti-corruption Institutions: Review of Models* (Paris: OECD Publishing, 2008); Robert Williams, "Democracy, Development and Anti-corruption Strategies: Learning from the Australian Experience," in *Corruption and Democratisation*, ed. Alan Doig and Robin Theobald (London: Frank Cass, 2000); Jennifer L. McCoy, "The Emergence of a Global Anti-corruption Norm," *International Politics*, 38, 1, (2001), 65–90; Robert Klitgaard, *Controlling Corruption* (Berkeley CA: University of California Press, 1988).

²⁶ The survey was conducted among politicians and high level administrators holding office in the 1990s. The results is reported for example in Karin Hilmer Pedersen and Lars Johannsen, "Corruption: Commonality, Causes and Consequences in Fifteen Post-communist Countries," *Democratic Governance in the Central and Eastern European Countries: Challenges and Responses for the XXI Century*, ed. Allan Rosenbaum and Juraj Nemec (Bratislava: NISPAcee, 2006).

²⁷ Donatella Della Porta, "The Vicious Circles of Corruption in Italy," in *Democracy and corruption in Europe*, ed. Donatella Della Porta and Yves Mény (London: ACassell Imprint, 1997).

²⁸ This argument is build upon insights in public administration. See James Q. Wilson, *Bureaucracy. What Government Agencies Do and Why They Do It* (New York: Basic Books, 1989), 109–110.

²⁹ Robert Klitgaard, *Controlling Corruption* (Berkeley CA: University of California Press, 1988), 94–95.

³⁰ Frank Anechiaro and James B. Jacobs, *The Pursuit of Absolute Integrity. How Corruption Control Makes Government Ineffective* (Chicago: University of Chicago Press, 1996).

the selection of employees enhance the integrity and secure 'clean hands' in the organization, there are no guarantees that the organization will stay that way. Economic theory contends that in a highly corrupt environment, even the cleanest hand is tempted to engage in corrupt deals simply because everybody else does it.³¹ Third, extraordinary competences may be in conflict with the core principles of a law governed and democratic society. The presumption of innocence until otherwise proved and a right to know the sources of accusations to be able to construct an effective defence are among these. To avoid the creation of a state within the state Klitgaard recommends that the anti-corruption agencies should be subject to independent control.³² Finally, large public campaigns may not be very effective if citizens come to believe that these are token efforts often rooted in the political need to be seen 'doing something'.

Irrespective of the dangers involved the virtue of anti-corruption agencies is that they can utilize various instruments from investigation and punishment to attempts to change public sentiments and values. This multi-faced character means that the anti-corruption strategy can approach both rational individual incentives and cultural causes.

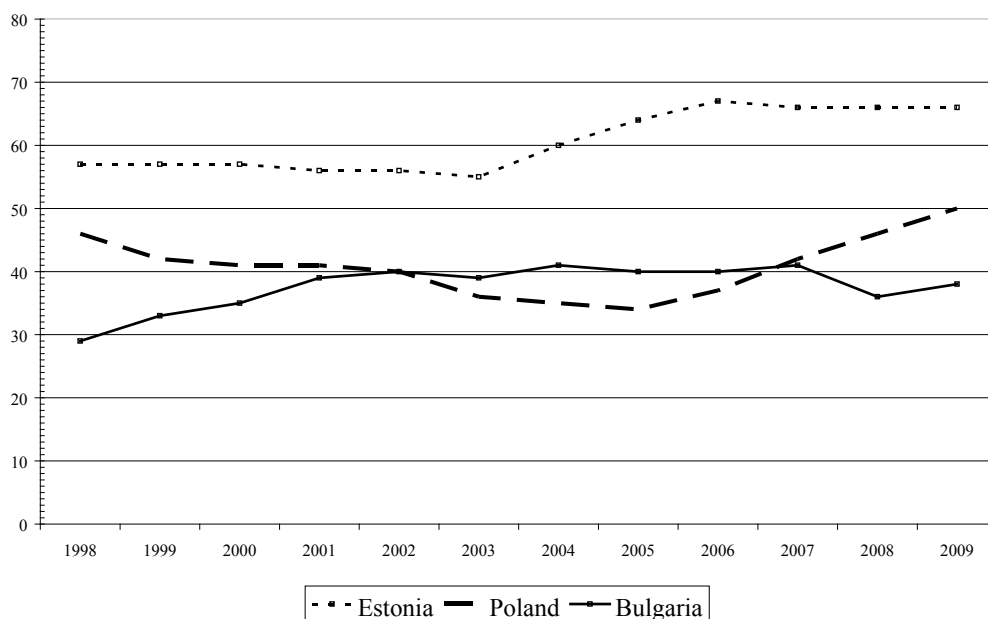
3 COMPARING ANTI-CORRUPTION EFFORTS IN ESTONIA, POLAND AND BULGARIA

Why compare? The reason to compare countries is to reveal possible explanatory effect on a specific outcome. In our case the choice of Estonia, Poland and Bulgaria are suitable to illustrate possible explanations why anti-corruption efforts may work. The dependent variable in our discussion is changes in the perceived level of corruption. Figure 1 exposes the trend in the dependent variable between 1998 and 2009. The Estonian trend clearly leads toward less corruption with a significant jump around 2004 and the countries membership in EU. In contrast Poland and Bulgaria have consistently fallen below and the trends have been more uneven. Poland is more or less as corrupt in 2009 as in 1998 but the country was marked by higher corruption levels between 2003 and 2005. The Bulgarian trend shows early improvements and a stagnation followed by a slightly worsened situation after EU membership. The question is how may these differences be explained?

FIGURE 1: DEVELOPMENTS IN PERCEIVED CORRUPTION. 1998-2009. 0-100

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³¹ Pranab Bardhan, "Corruption and Development: A Review of Issues," *Journal of Economic Literature*, 35, 3 (1997), 1330.

³² Robert Klitgaard, *Controlling Corruption* (Berkeley CA: University of California Press, 1988), 120-121.



Source: Transparency International (corruption perception index; see www.transparency.org).
 Note: On a scale from 1 to 10 low values indicate high levels of perceived corruption.

It is striking that that differences in democratic development follow differences in outcome. All three countries quickly gained status as democratic and 'free' already in the early 1990s.³³ A different picture, however, emerges when participation and satisfaction with democracy is considered. In Estonia electoral participation has been relatively stable around 70 per cent of voters. In Poland and Bulgaria voter turnout is significantly lower. Furthermore, satisfaction with democratic development is also significantly lower in Poland and Bulgaria.³⁴ The variations in participation and expression of satisfaction are, even if they are difficult to substantiate, related to the level of corruption. First, dissatisfaction may be fuelled by corruption scandals in which political leaders have been accused for corrupt deals. This has been the case in both Bulgaria and Poland. Second, dissatisfaction may also work as incentive to engage in corrupt deals, thus maintaining corruption as a social oriented behaviour.

The reminder of the analysis is illustrated in table 1 below. Recall that the argument efficient anti-corruption strategy should be multi-faceted because corruption is either an act either caused culturally by social orientation or by an instrumental cost-benefit calculation. First, it should be directed towards changing the incentive structure in public administration, and second it should be directed towards changing appropriate behaviour. But more so the strategy should be supported by an efficient judicial system guaranteeing the legitimacy of the system.

³³ *Freedom House various years*. Available at <http://www.freedomhouse.org>.

³⁴ See Eurobarometer. Available at http://www.ec.europa.eu/public_opinion/index_en.htm.

The speed of liberal changes and economic recovery are two important aspects of the economic reform process. It follows from the discussion economic reform affects individual cost-benefit calculations by lowering individual incentives and/or removing opportunities. The transition from plan to market have without doubt contributed to corruption by increasing opportunities of bribery and embezzlement – in particular in relation to the privatization process. However, the relation between a coherent and swift process of reform and less corruption in the long run is just as evident. In comparison with Poland and Bulgaria, Estonia speedily changed the structure of opportunities and incentives within three areas of economic reform. First, a centrally guided privatization process along the (East-) German *Treuhand* model rolled back the state and by 1994, three years after gaining independence more than half of the gross national product came from the private sector. Simultaneously, the 'gray' economy was rapidly declining.³⁵ Second, a swift and determined liberalization of trade and foreign exchange was introduced. On the one hand Estonia early became one of the most open economies of the world and on the other hand it was a step that effectively removed opportunities and incentives to bribe custom officers.³⁶ Third, administrative reforms and an almost total replacement within the central civil service were carried through. This replacement took place partly as a result of the language policy that made Estonian the only official language and partly because of the citizenship law. In praxis it meant that the Russian speaking immigrants lost their jobs in public administration and that vacancies were staffed with young Estonians. Some of the new administrative elite had received western training but more important it created a momentum for changing established social behaviour developed during Soviet rule. Furthermore, the replacements dismantled Soviet networks which in other case were a root for corruption.³⁷ Rooting out the old networks in conjunction with rapid reforms and removing opportunities is, with hindsight, an effective formula for breaking the vicious circle of corruption.

In Poland the process of reform slowed and in particular privatization turned difficult. Rather than spurring the transition it appeared that the window of opportunity utilized by a small change-team under the heading of Prime Minister Leszek Balcerowicz gradually closed down. Secondly, administrative reforms were painfully slow with little replacement and even though a civil service law was adopted in 1996 it was not implemented and renewed attempts to form

³⁵ Ole Nørsgaard and Lars Johannsen with Mette Skak and Rene H. Sørensen, *The Baltic States after Independence* (Cheltenham: Edward Elgar, 1999).

³⁶ Lars Johannsen and Sebastian Stålfors, *Från Sovjetunionen till Europeiska unionen: De baltiske ländernes frömgångssaga* (Kalmar: BBS, 2005).

³⁷ Lise Berit Grødeland, "Red Mobs, Yuppies and Lamb Heads: Informal Networks and Politics in the Czech Republic, Slovenia, Bulgaria and Romania," *Europe-Asia Studies*, 59, 2, (2007), 217–252.

civil service legislation took place in 1998.³⁸ Adding to these failures networks established during the communist period managed to survive and dominate the political and economic realm throughout the 1990s.³⁹

Belated reforms were also the case in Bulgaria. But in contrast to Poland an unreformed Communist party won the 1994 election on a platform of return to socialism, and a formalized privatization process not started before the liberal government came to power in 1997. This meant two things. First, it gave the old networks the upper hand in a process of informal privatization, and second when the privatization process started it was plagued by established networks and informal contacts. Similarly, administrative reforms were not initiated before 2000. In general Bulgarian economic reforms have been determined from the outside and driven by the accession process towards EU membership.

TABLE 1: COMPARING ANTI-CORRUPTION STRATEGIES

	Estonia	Poland	Bulgaria
Economic Reform	Quick transition to liberal marked economy Political consensus on goal and pace of transition	Quick initial phase of transition to liberal marked economy Lack of consensus on reforms: following phases characterized by stop-go policy	External pressure for economic reform Lack of consensus on transition: gradual and slow transition.
Anti-corruption legislation and institutions	Have not signed UN convention No anti-corruption agency. Anti-corruption program lead by the Ministry of Justice	Ratified UN convention Anti-corruption agency established 2006	Ratified UN convention Several anti-corruption agencies. Division of competences unclear Latest agency established in 2008
Judicial system	Well functioning Increasing trust among population	Well functioning Increasing trust among population	Marked by corruption and political interference Lack of trust among population
Influence on norms	Broad based public campaigns and the stress of particular Estonian values	Targeted public campaigns and political usage of corruption	Targeted public campaigns and political usage of corruption

Authors' summary of the analysis.

The short analysis demonstrates that the effect of the reforms are magnified and more sustainable if a clear break with old political and administrative networks

³⁸ Dimitrova, L. Antoaneta, "Europeanization and civil Service Reform in central and Eastern Europe," in *The Europeanization of Central and Eastern Europe*, ed. Frank Schimmelfennig and Ulrich Sedelmeier (Ithaca and London: Cornell University Press, 2005), 84.

³⁹ Radoslaw Zubek, "Breaking with Post-communism in Poland," in *Pathways – a Study of Six Post-communist Countries*, ed. Lars Johannsen and Karin Hilmer Pedersen (Aarhus: Aarhus University Press, 2009), 138–154; see also Jadwiga Staniszkis, "The Post-Communist State: In Search of a Paradigm," *Polish Sociological Review*, 2 (2000), 193–214.

are made simultaneously. The replacements in Estonian public administration broke the networks that were established during Soviet rule but liberalizing the economy also contributed to keep corruption at bay. However, the Estonian success was also supported by a speedy recovering of the economy making higher public salaries possible. Known as 'the Baltic tiger' Estonian economy resumed a 10 per cent growth in GDP on a yearly basis and already by 1997 the economy was fully recovered.⁴⁰ In Poland the Balscerowicz' shock-therapy resulted in over 10 per cent unemployment and started only recovering with growth rates between 5 and 7 per cent GDP after 1995.⁴¹ Economic transition in Bulgaria remained painfully slow resulting in large demonstrations in Sofia in January-February 1997 and subsequently a change of government. The three countries, thus illustrate the general relation between economic growth and corruption discussed earlier.⁴²

The further question is how deliberate anti-corruption strategies contribute to combat corruption. First, it is noticeable that the effect of international commitments and establishment of independent anti-corruption agencies are far from unequivocal. Estonia have neither signed the UN anti-corruption convention nor established an agency. Poland and Bulgaria have, in contrast, both ratified the convention and established special anti-corruption units. Supporting the liberal claim that economic reform may do the job a closer analysis of the history of fighting corruption in the three countries will reveal that the effect of anti-corruption agencies is conditioned by the political determination and dedication when the agency was first established and by a well functioning judicial system which back up the credibility of accountability and risk for punishment. Moreover, it reveals the importance of a strong anti-corruption rhetoric and perceived relatively corrupt-free elite.

Even though the economic reform process may have had an independent effect on the Estonian positive trend in corruption levels, it is supported by a political will and determination which seems to penetrate the administration. Although Estonia have not signed the UN anti-corruption convention, it is an active member of GRECO who monitor and recommends specific anti-corruption policies tailored to the needs of each country. Furthermore, Estonia has instead of establishing a special anti-corruption unit developed an anti-corruption program 'An honest state' which involves several ministries.⁴³ One may argue that the weakness of the program is the increased costs related to coordination and a

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⁴⁰ Lars Johannsen and Sebastian Stålfors, *Från Sovjetunionen till Europeiska unionen: De baltiske ländernes frömgångssaga* (Kalmar: BBS, 2005), 51.

⁴¹ Kristian Gerner, "Polen – från motstånd i Gdansk till EU-medlemskap," in *Det nya Östeuropa – stat och nation i förändring*, ed. Fredrika Björklund and Johnny Rodin (Lund: Studentlitteratur, 2010), 230.

⁴² *The World Bank*. Available at <http://databank.worldbank.org/ddp/home.do> (January 2010).

⁴³ *An Honest State*. Available at <http://www.korrupsioon.ee/orb.aw/class=file/action=preview/id=13373/AN+HONESTSTATE.pdf> (January 2010).

possibility that the sting of command may be weak due to mixed interests. On the other hand the program has created stakeholders in the various ministries through a relatively clear subdivision of the program.

In the Polish case there seems to be a tradition to channel political conflict into institutions where political disagreements can be mediated, regulated and political gains secured.⁴⁴ Having had several different anti-corruption units serve to confirm the tendency. The anti-corruption efforts began as grand campaigns and to the establishment of a central anti-corruption bureau, CBA (*Centralne Biuro Antykorupcyjne*) in 2006. However, it is doubtful whether CBA in praxis is independent of the government and the CBA already has a problematic reputation by discrediting political opponents in election campaigns, a problem that concerned the OSCE/ODHIR election mission in 2007.⁴⁵ This is a worrying development. Although previous campaigns did not produce significant results they increased public awareness and promoted a general concern that corruption is not an acceptable social behaviour. This achievement may be degraded if CBA is used in dirty political games.

In Bulgaria the political will and determination to fight corruption has clearly lacked. As in the case of economic reform it was pressure from the outside that placed anti-corruption policies on the political agenda. The outside pressure is clearly recognizable. First, when Bulgaria did not make it to the first round of enlargement the reaction was to establish several anti-corruption units. However, these units have primarily been tasked with coordination and prevention having shortcomings with respect to investigative powers and resources.⁴⁶ Second, when EU withheld funds in 2008 Bulgaria reacted by establishing an anti-corruption agency along the lines of international recommendations.⁴⁷ The anti-corruption agency DANS (*Darzhavna Agencija za Nacionalna Sigurnost*) were on the one hand given investigative power to pursue corruption among politicians and high ranking civil servants. However, on the other hand DANS is subjected to political priorities and control not only through committees of the parliament and senate but also the government's anti-corruption committee.⁴⁸ Thus, creating DANS can be seen in the light of a political need to signal determination on the matter.

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⁴⁴ Radoslaw Zubek, "Breaking with Post-communism in Poland," in *Pathways – a Study of Six Post-communist Countries*, ed. Lars Johannsen and Karin Hilmer Pedersen (Aarhus: Aarhus University Press, 2009).

⁴⁵ Available at <http://www.osce.org/odihr/elections/poland/item/31217>.

⁴⁶ Daniel Smilov, "Designing Anticorruption Institutions in Central and East Europe," *Development and Transition*, 12 (2009), 14–15.

⁴⁷ See for example Global Subsidies Initiative's homepage, available at <http://www.globalsubsidies.org/en/subsidy-watch/news/european-commission-freezes-subsidies-romania-and-bulgaria-over-charges-corr> (January 2011).

⁴⁸ See for example Alexenia Dimitrova, *Reporter's Notebook: Bulgaria and the following peer-review-discussion in Global Integrity Report – 2008*. Available at <http://report.globalintegrity.org/Bulgaria/2008/notebook> (January 2011).

According to *Global Integrity* the effectiveness of the Polish and Bulgarian anti-corruption agencies are at par but on other aspects of anti-corruption efforts Poland is a notch better placed than Bulgaria. Even though both countries have established systems such as hotlines or entrusted persons to whom civil servants can turn blowing the whistle or feed with information there is a difference in praxis. The system for whistle blowing is more effective in Poland and this is mirrored in the protection of the whistle blower. While the whistle blower is fully protected by the court in Poland no formal protection is given in Bulgaria even if it is expected. A similar pattern can be seen when ordinary citizen expect if they turn a corrupt civil servant in. The average Pole has nothing to fear while ordinary Bulgarian will have a fifty-fifty risk of experiencing victimization.

The independence and effectiveness of the legal system is mirrored in the trust bestowed upon it. Among Estonians 53 percent trust the legal system whereas the corresponding figures from Poland and Bulgaria are 36 and 14 percent respectively.⁴⁹ The lack of trust raises questions about the effectiveness of the Polish and Bulgarian efforts and the effectiveness of the anti-corruption agencies. The situation highlights international recommendations, based on the experiences from Hong Kong, that in order to be effective anti-corruption agencies need to be controlled by a well functioning judicial system. The Bulgarian system is supposedly not capable of securing the neutrality of DANS or provide whistle blowers and accused due process. The situation in Poland is not as grave but members of the CBA management have become accused of corruption indicating that network and the politicization of corruption play a significant role.⁵⁰ Thus the virtue of the Estonian anti-corruption program also lies in the efficiency of their judicial system.⁵¹

It is evident from the Estonian case that to establish independent anti-corruption agencies is not a necessary condition to fight corruption, if the background variables together with an efficient judicial system favour a corruption free society. This is hardly the whole story of the Estonian success or the political determination. It is a long process to re-socialize experiences and change behavioural orientations. Public campaigns stressing the negative effects of corruption for the common good is a good start. But even if campaigns are carried out with more or less regular intervals, it takes more to change or reconstruct behaviour. Political determination to fight corruption rounds up our argument as ne more striking difference between our three countries.

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⁴⁹ Standard Eurobarometer 71, (2009), 71. Available at http://www.ec.europa.eu/public_opinion/index_en.htm.

⁵⁰ For example Toni Mickiewicz, *Reporter's Notebook: Poland and the following peer-review discussion in Global Integrity Report – 2008*. Available at <http://report.globalintegrity.org/Poland/2008/notebook> (January 2011).

⁵¹ See Evaluation Report on Estonia. *Greco Eval I Rep I*, available at www.greco.coe.int (January 2011).

Explaining corruption in former communist countries the debate has pointed either at a soviet legacy or the transition process. Following the legacy argument a culture of corruption established during the communist regimes led to a situation where corruption became – perhaps not accepted – then socially expected behaviour. Noting Estonia’s complete integration in the Soviet Union we would expect that corruption would be relatively more widespread, persistent and difficult to fight compared to Poland and Bulgaria. But even, if the trend in corruption eradicates the legacy explanation at face value, it may in fact not. Having been occupied by the Soviet Union, the Estonian elite could utilize an anti-corruption rhetoric to restore statehood and nationality in a ‘we – uncorrupt’ versus ‘them – corrupt’ manner. For example Lennart Meri, the former and first Estonian president, made specific use of an anti-corruption rhetoric building national values in ‘we the corruption free Estonians’ against ‘them the corruption prone Russians’.⁵² Such rhetoric was not possible in Poland and Bulgaria where corruption instead is associated with incompetent political and administrative elites and effectively used in election campaigns by populist politicians. Accordingly Estonia may have cut the curve of endemic corruption actually because corruption could be and was framed as the evil of the past, thus changing a culture where corruption had become social oriented behaviour.

In contrast corruption has been utilized both in Poland and Bulgaria in an anti-establishment propaganda.⁵³ The risk is naturally that the campaigns or nation-building discourses end up as political symbolism if they do not coincide with actual reforms producing some sense of progress and change. This risk underscores the trust of the argument that efficient anti-corruption strategy should be multi-faceted because it requires deliberate, consequent and dedicated efforts to dismantle early learning. Thus efforts to change norms must be enacted with economic and administrative reforms targeted at changing the individual cost-benefit calculation.

4 CONCLUSION

The fight against corruption has become salient on the international agenda since mid 1990s. International organizations and scholars recommend the establishment of anti-corruption agencies armed with a broad range of competences from investigation, legislative review with the aim of strengthening law and punishment to the conduct of public campaigns. The core of the recommendations is that by increasing the risk of detection and punishment individual incentives to engage in corrupt affairs are reduced.

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⁵² Karin Hilmer Pedersen and Lars Johannsen, “Building the nation or struggle for power in the Baltics? Presidential choices of strategy in framing the issue of corruption,” unpublished paper, 2010.

⁵³ Peter Učeň, “Parties, Populism, and Anti-Establishment Politics in East Central Europe,” *SAIS Review*, XXVII, 1 (2007), 49–62.

At the expense of the common good corruption is the misuse of entrusted authority for personal gain. Corruption is thus a problem of collective action. As institutions are often the answer to collective action problems the international recommendations are quite understandable. However, by nature corruption is an illicit affair with little transparency. Despite condemnation by all cultures, individuals and societies can be socialized into a culture of corruption. A culture understood as social orientation towards appropriate behaviour and a sense of acceptability because 'everybody else does it'. Thus, in such high corrupt societies the benefits of partaking in corruption will exceed those of being honest. The argument here is that to change a culture of corruption efforts must be broadly anchored and multiple instruments applied simultaneously.

The empirical point of departure is that Estonia and – to some degree – Poland have experienced a decline in corruption since the late 1990s, whereas corruption seem to have become persistent in Bulgaria. The analysis shows that neither economic reform nor the establishment of anti-corruption agencies is the universal remedies in combating corruption. It is, in other words, not sufficient to change individual incentives without also seeking to change behavioural norms. This implies that even though administrative reforms and anti-corruption institutions contribute to the solution the effect and sustainability of these reforms are dependent on a well functioning judicial system and a forceful discourse affecting the behavioural norms.

The comparison of Estonia, Poland and Bulgaria has shown that there is no 'miracle cure'. Anti-corruption agencies are important but effectiveness presumes economic reform, a well functioning system of justice and a credible public condemnation of corruption. The Estonian success is thus grounded in deregulation, replacement and the stress of Estonian virtues. However, Estonia is not a corruption free country. Corruption is still a problem especially within the local administration. It is therefore paramount that the fight against corruption is continued and momentum kept.

The Estonia success can be compared to a bicycle chain. If the chain is broken it is no longer possible to maintain propulsion. In correspondence with this analogy the difficulties in Poland and Bulgaria can be attributed to missing links in the continuous chain. It is, however, not the specific link that is important – it is the chain.

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