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On the project

Due to the new treaty provisions of the Lisbon Treaty and the economic crises the enlarged EU of 27 member states is on the search for a new *modus operandi* while also continuing membership talks with candidate countries. The EU-27 Watch project is mapping out discourses on these and more issues in European policies all over Europe. Research institutes from all 27 member states and the four candidate countries give overviews on the discourses in their respective countries.

The reports focus on a **reporting period from December 2009 until May 2010**. This survey was conducted on the basis of a questionnaire that has been elaborated in March and April 2010. Most of the 31 reports were delivered in May 2010. This issue and all previous issues are available on the EU-27 Watch website: www.EU-27Watch.org.

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Slovenia

Border dispute resolution changes social policies

Andreja Jerončič and Danijel Crnčec

In the last six months, the Slovenian foreign policy was characterised by the Arbitration Agreement regarding the ongoing border dispute between Croatia and Slovenia and by the Brdo process concerning the future of the Western Balkans that started in March 2010 with the Brdo Conference. Additionally, the government's decision to reform the pension system, employment policy and the family code were among the most discussed issues. All of the mentioned are discussed separately in the following paragraphs.

Slovenia and Croatia to move forward on the border dispute resolution

By signing the Arbitration Agreement between Croatia and Slovenia in Stockholm in November 2009, the two countries agreed to establish a five-member arbitration court empowered to resolve the nearly 20-year border dispute.¹ According to Article 3 of the Arbitration Agreement, "the Arbitral Tribunal shall determine the course of the maritime and land boundary between the Republic of Slovenia and the Republic of Croatia, Slovenia's junction to the High Seas and the regime for the use of the relevant maritime areas."²

After the prime ministers of both countries signed the Arbitration Agreement, it had to be ratified in the national parliaments. Before its ratification by the Slovenian parliament, the Slovenian government referred the agreement for review to the constitutional court, which found that the agreement is not inconsistent with the Slovenian constitution and the basic constitutional charter, as it does not, in fact, stipulate a border between the two countries but only establishes a mechanism, i.e., an arbitration court, to find a peaceful solution to the border dispute.³ Although the opposition was strongly against it and boycotted the vote in parliament, the agreement was ratified in April 2010.⁴

However, Slovenian voters had yet to confirm or reject the Arbitration Agreement on a referendum scheduled for 6 June 2010. The referendum was open to all citizens registered to vote in the Republic of Slovenia, and the outcome of 51.5 percent in favour of the agreement is scant but final.⁵ The referendum campaign began on 7 May 2010. The official position of the Republic of Slovenia is that the Arbitration Agreement is a historical opportunity for the two countries to finally resolve the conflict. It takes into account vital national interests, the benefits of future generations and the stability of relations between the neighbouring countries, thus sending a positive message to East European countries, the EU and the international community if the border issue is resolved.⁶ According to the Slovenian Minister of Foreign Affairs, Samuel Žbogar, the Arbitration Agreement is a good agreement for Slovenia and therefore its ratification was in Slovenia's interest. Since the outcome was favourable, the arbitration court shall determine Slovenia's junction to the High Seas by applying international law, equity and the principle of good neighbourly relations in order to achieve a fair and just result by taking into account all relevant circumstances and also the vital interests of Slovenia. Slovenia intends to demonstrate all the important documents and *de facto* implementation of powers and all historic, economic and other circumstances in a memorandum, which will be annexed to the Arbitration Agreement.⁷

On the other hand, all the opposition parties, some experts (Marko Pavliha), some veteran thinkers (France Bučar, Tine Hribar and Boris Pahor) and some civil society groups (Civil Initiative for the Border in Istria) believe the Arbitration Agreement is harmful for Slovenia, due to the fact that it does not ensure territorial access to the High Seas and that it consequently means the loss of the Slovenian status as a maritime country and an injury to its economic interests.⁸ Public opinion reflected these substantial disagreements expressed by politicians and experts regarding the Arbitration Agreement. One of the latest surveys⁹ had found that there were still more of those who would support the referendum on the Arbitration Agreement, but that the share of opponents had risen up to April 2010. The Slovenian-Croatian Arbitration Agreement was backed by 37.6 percent of those questioned, while 32.9 percent said they would vote against it and 29.5 percent were undecided.

The Brdo process launched in Slovenia

A high-level conference on the Western Balkans, entitled “Together for the European Union: Contribution of the Western Balkans to the European Future”, which aimed to present a common position in the region’s path towards EU integration, was organised in Brdo, Slovenia on 20 March 2010. According to the media, it was overshadowed by the boycott by the Serbian president Boris Tadic, triggering the absence of other major European politicians such as the President of the European Council Van Rompuy and the Spanish Minister of Foreign Affairs Miguel Angel Moratinos, who was the chairman of the Council of the European Union at that time. Despite diplomatic efforts by the Slovenian Prime Minister and the Minister of Foreign Affairs, the Serbian President refused to participate in the conference while the representatives of Kosovo’s institutions were present.¹⁰ The leaders present adopted a joint declaration expressing a firm determination for further regional cooperation. The Slovenian Prime Minister Borut Pahor noted that the conference was a success as it featured leaders of countries that do not recognise each other, and added that the key issue in the region was that “everybody has to recognise everybody.”¹¹ Communication with all Western Balkan leaders was excellent and all sides were in favour of continuing such efforts: “We have decided to institutionalise the Brdo Process.”¹²

The modernisation of the existing pension system in Slovenia

Given the demographic indicators, which suggest that Slovenia, like the majority of developed countries, will experience longer life expectancy coupled with a low birth rate causing the ageing of the population, a reform of the pension system has for some time been a subject of debate. The most recent economic and financial crisis has additionally intensified this debate. According to the Ministry of Labour, Family and Social Affairs, the key objective of such comprehensive reform of the pension system is the long-term financial viability of the system and the appropriateness of pensions.¹³ Trade unions oppose the Pension and Invalidity Insurance Act, especially due to the increased retirement age, which will go up to 63 years for women and 65 years for men; in the case of early retirement, proportional deduction of the pension rent will apply. Currently, the government and trade unions are in the process of negotiations, where the latter insist on 40 years of work as the sole retirement criterion. The latest public opinion survey showed that 82.3 percent of those questioned believe that changes of the current pension system are indispensable, but only 6.2 percent completely support the proposed provisions.¹⁴

Active employment policy measures

According to the Slovenian government,¹⁵ greater social cohesion should be achieved through greater efficiency in the system of social security and rights relating to public funds. In order to achieve the concept of secure flexibility, changes have been drawn up in the regulation of what is called casual work and employment, with the aim of affording employers more flexible employment while employees maintain their social security. One of the measures that Slovenia is to introduce are mini jobs for students, pensioners and the unemployed in line with a new bill proposal that aims to curb the existing rampant abuse of student work, to reduce illegal employment, and to generate new revenues for the pension and health purse. While the Minister of Labour, Family and Social Affairs, Ivan Svetlik, is convinced that each of these groups will reap its benefits, the Slovenian Student Organisation met the new proposal regulating student work with loud protests and claims that it would hurt students who have to rely on student work in order to be able to study.¹⁶ The protests went even so far that a group of around 30 people attacked the national assembly building.

New family code subject of fierce debate

In December 2009, the government approved the proposal for a new family code, which should introduce many novelties (in the area of arranging marriage and relationship between spouses, cohabitation, and the relationship between children and their parents or adoptive parents). What caused most of the public controversy is that this new family code would redefine marriage, introduce a new concept of family and allow the option of same-sex couples to adopt children. The position of the government of the Republic of Slovenia is that the recognition of rights to same-sex partners means a shift towards a more tolerant society as a whole. The new family code reflects a social reality where different forms of family already exist. It comprehensively regulates the field of family law, enables the protection of the rights of all children and eliminates systemic discrimination on the basis of sexual orientation.¹⁷ The opposition political parties, the Catholic Church and some civil initiatives are strongly against the new family code, especially due to the equalisation of homosexual

communities with heterosexual communities and the alleged devaluation of the traditional family.¹⁸ The family code is currently in its second reading in the national assembly.¹⁹ The opposition already declared that it would launch an initiative for a referendum in the case of the family code being adopted in its current form. If that happens, Slovenia is to become the first Central European country to legalise same-sex marriage and adoptions. However, according to a survey made in March 2010,²⁰ only 21 percent of those questioned support the new family code.

¹ STA: Slovenia and Croatia Sign Arbitration Agreement, 19 April 2010, available at: <http://www.sta.si/vest.php?s=s&id=1444704&pr=1> (last access: 16 May 2010).

² Arbitration agreement between the Government of the Republic of Slovenia and the Government of the Republic of Croatia, available at: http://www.esiweb.org/enlargement/wp-content/uploads/2010/02/arbitration_agreement.pdf (last access: 21 May 2010).

³ The Government of the Republic of Slovenia: Arbitration agreement between Slovenia and Croatia ratified, 19 April 2010, available at: http://www.vlada.si/en/news/press_releases/press_release/article/5/9197/baac9bf68b/ (last access: 16 May 2010).

⁴ STA: DZ ratificiral sporazum, zdaj na referendum (National Assembly ratified the agreement, now the referendum), 19 April 2010, available at: <http://www.sta.si/vest.php?s=s&id=1504245> (last access: 17 May 2010).

⁵ STA: Slovenia and Croatia Sign Arbitration Agreement, 19 April 2010, available at: <http://www.sta.si/vest.php?s=s&id=1444704&pr=1> (last access: 16 May 2010).

⁶ The Government of the Republic of Slovenia: Arbitražni sporazum (Arbitration agreement), available at: http://www.vlada.si/si/teme_in_projekti/arbitrazni_sporazum_o_sporazumu/ (last access: 18 May 2010).

⁷ Ministry of Foreign Affairs: Izjava MZZ ob potrditvi Arbitražnega sporazuma v Državnem zboru (The statement of the Ministry of Foreign Affairs after the confirmation of the arbitration agreement in the National Assembly), 19 April 2010, available at: <http://www.mzz.gov.si/nc/si/splosno/cns/novica/article//26826/> (last access: 21 May 2010).

⁸ STA: Opposition and Coalition Agree to Disagree on Border Agreement, 5 May 2010, available at: <http://www.sta.si/en/vest.php?s=a&id=1508796&q=ARBITR+AGREEMENT> (last access: 17 May 2010).

⁹ STA: Survey Gives Slight Majority to Border Treaty Supporters, 13 May 2010, available at: <http://www.sta.si/en/vest.php?s=a&id=1512040&q=ARBITR+AGREEMENT> (last access: 16 May 2010).

¹⁰ Dnevnik: Srečanje na Brdu: Konferenca uspešna, a z grenkim priokusom (The Brdo meeting: Conference successful with a bitter after taste), 22 March 2010, available at: <http://www.dnevnik.si/novice/svet/1042346690> (last access: 18 May 2010).

¹¹ STA: W Balkans Summit Hailed as Success Despite Serbia's Absence, 20 March 2010, available at: <http://www.sta.si/en/vest.php?s=a&id=1493536&q=BRDO+CONFERENCE> (last access: 18 May 2010).

¹² STA: Steinberg and Pahor Discuss W Balkans, Hail Brdo Process, 6 April 2010, available at: <http://www.sta.si/en/vest.php?s=a&id=1499344> (last access: 21 May 2010).

¹³ Government of the Republic of Slovenia: Structural changes: social security for all ages, available at: http://www.vlada.si/en/projects/crisis_exit/structural_changes/ (last access: 16 May 2010).

¹⁴ STA: Govt Modifies Pension Reform; Unions Unmoved, 5 May 2010, available at: <http://www.sta.si/en/vest.php?s=a&id=1508760&q=PENSION+REFORM> (last access: 17 May 2010).

¹⁵ Government of the Republic of Slovenia: Exit strategy, available at: http://www.vlada.si/si/teme_in_projekti/izhod_iz_krize/ukrepi_ekonomske_politike/krepitev_elementov_varne_proznosti/ (last access: 16 May 2010).

¹⁶ STA: Bill Introduces Mini Jobs for Students, Pensioners, 12 March 2010, available at: <http://www.sta.si/en/vest.php?s=a&id=1490676&q=MINI+JOB> (last access: 18 May 2010).

¹⁷ STA: Ministrstvo za delo: družinski zakonik ohranja tradicionalno družino (Ministry of Labor: Family code preserves traditional family), 3 December 2010, available at: <http://www.sta.si/vest.php?s=s&id=1455701&q=DRU%C5%BDIN+ZAKONIK> (last access: 17 May 2010).

¹⁸ STA: V koaliciji družinskemu zakoniku večinoma naklonjeni, v opoziciji proti (Coalition mostly support the new family code, opposition is against it), 17 December 2010, available at: <http://www.sta.si/vest.php?s=s&id=1460946&q=DRU%C5%BDIN+ZAKONIK> (last access: 17 May 2010).

¹⁹ Delo: Družinski zakonik spet v parlamentu (Family code again in the parliament), 4 May 2010, available at: <http://www.delo.si/clanek/105342> (last access: 16 May 2010).

²⁰ 24ur: Podpirate posvojitve s strani istospolnih partnerjev, ki jih predvideva nov družinski zakonik? (Do you support same-sex couples adoption as anticipated by the new family code?), 3 March 2010, available at: http://24ur.com/specialno/ankete/4.html?&page=4&p_all_items=1895 (last access: 16 May 2010).

Questionnaire for EU-27 Watch, No. 9

Reporting period December 2009 until May 2010 – Deadline for country reports 21 May

All questions refer to the position/assessment of your country's government, opposition, political parties, civil society organisations, pressure groups, press/media, and public opinion. Please name sources wherever possible!

1. Implementation of the Lisbon Treaty

On the 1 December 2009 the EU-reform ended with the entering into force of the Lisbon Treaty. However, the new treaty provisions still have to be implemented. Some procedures and conditions have to be determined. In other cases, procedures, power relations, and decision-making mechanisms will change due to the new provisions.

- How is the work of the new President of the European Council, Herman Van Rompuy, assessed in your country? Which changes to the role of the rotating council presidency are expected?
- How is the work of the new High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, assessed in your country? Please take into particular consideration both her role within the European Commission and her relationship to the Council of the European Union.
- On 25 March 2010 a "Proposal for a Council Decision establishing the organisation and functioning of the European External Action Service" was presented. How is this concept perceived in your country? Which alternatives are discussed?
- On 31 March 2010 the European Commission presented a proposal defining the rules and procedures for the European Citizens' Initiative (ECI). What are the expectations for the ECI in your country? What are the various positions concerning the rules and procedures?

2. Enlargement and European Neighbourhood Policy

The European Commission has given its opinion on Iceland's application for EU-membership and a decision from the Council is expected before the end of June. Croatia seems to have settled its border dispute with Slovenia. Against this background:

- Which countries does your country expect to become members of the European Union in the next enlargement round? What are the opinions in your country on the membership of these countries?
- How are the membership perspectives of those countries discussed, which are not expected to become a member in the next enlargement round?

The Eastern Partnership and the Union for the Mediterranean were the last major projects dealing with the European neighbourhood:

- How are these projects assessed in your country?

3. European economic policy and the financial and economic crisis

The European Council agreed on 25/26 March on the key elements of the Europe 2020 strategy, the successor of the Lisbon strategy. While not being on the formal agenda the economic and financial situation in Greece was discussed. The European Council agreed on a finance package combining bilateral loans from the eurozone and financing through the International Monetary Fund.

- How is the finance package for Greece assessed in your country? Are there any opinions on the process, how the agreement on the package was reached?
- Which lessons should be drawn from the Greek case for a reform of the Stability and Growth Pact?
- How is the idea of "a strong coordination of economic policies in Europe" perceived in your country? What concepts of an European economic governance are discussed in your country and which role do they assign to the Euro group?
- How is the Europe 2020 strategy discussed in your country? What are the priorities for the Europe 2020 strategy from your country's perspective?

4. Climate and energy policy

The climate conference in Copenhagen took note of the Copenhagen Accord but did not reach a binding agreement. The next conference of the parties (COP 16 & CMP 6) will take place at the end of November 2010.

- How is the Copenhagen conference assessed in your country? Please take into consideration the negotiation strategy of European Union and the results of the conference.
- Does the European Union need to change its own energy and climate policy in order to give a new impulse to the international negotiations?
- Is a global agreement within the UNFCCC the best strategy to fight climate change? If not, which alternative strategy should the European Union follow?
- What is your country's position on financing mitigation and adaptation efforts in developing countries?

5. Current issues and discourses in your country

Which other topics and discourses are highly salient in your country but not covered by this questionnaire?