

# Slovenia's Attitude Towards Slovenian Minorities in Neighbouring Countries

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## ABSTRACT

Slovenians live as indigenous national minorities in Italy, Austria, Hungary and Croatia. When gaining independence in 1991, Slovenia promised to take special care of these minorities. The article aims to analyse how Slovenia's attitude towards its minorities in the neighbouring countries developed over the last 23 years. Slovenian legal acts on this issue and their application in practice are presented in detail. The article deals with the constitutional basis for Slovenia's relation with Slovenians outside the home country, the umbrella law and other regulations. Special attention is paid to the Act Regulating Relations between the Republic of Slovenia and Slovenians Abroad, which had been promised by the Constitution, but was only adopted in 2006. In addition to the content of the Act, the author presents the process of its adoption and clearly outlines the areas in which he notices issues and what can be changed. The paper concludes with clear guidelines for the changes of Slovenian policies.

**KEY WORDS:** Slovenia, Slovenian minorities in the neighbouring countries, legal acts, actual situation.

## POVZETEK

Slovenci živijo kot avtohtone narodne manjšine v Italiji, Avstriji, na Madžarskem in Hrvaškem. Po osamosvojitvi Slovenije leta 1991 se je novo nastala država zavezala, da bo skrbela tudi za rojake izven matice. Prispevek poskuša analizirati, kako se je odnos Slovenije do slovenskih manjšin v sosednjih štirih državah razvijal v zadnjih 23 letih. Podrobno so analizirani in predstavljeni pravni akti ter njihovo udejanjanje v praksi.

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Prispevek se ukvarja z ustavnimi podlagami za odnos Slovenije do rojakov izven matične domovine, področnim krovnim zakonom in podzakonskimi predpisi. Posebna pozornost je namenjena zakonu o odnosu Slovenije do zamejstva in diaspore, ki je bil napovedan že v ustavi, a sprejet šele leta 2006. Poleg same vsebine zakona avtor prikaže tudi proces njegovega sprejemanja. Kritično je predstavljen tudi odnos v praksi – kje se po avtorjevem mnenju zatika in kaj bi bilo potrebno spremeniti. Prispevek se zaključuje z jasnimi smernicami za slovensko politiko.

**KLJUČNE BESEDE:** Slovenia, Slovenian minorities in the neighbouring countries, legal acts, actual situation.

## INTRODUCTION

Slovenia gained its independence in 1991 after the dissolution of the Socialist Federal Republic of Yugoslavia. Slovenian ethnic territory stretches beyond Slovenia's borders and indigenous Slovenian minorities live in all of the four countries neighbouring Slovenia. The Slovenians in the provinces of Trieste and Gorizia, and in Carinthia are much better organised in terms of politics than the Slovenians in the province of Udine, in Styria, Hungary and in Croatia. This is due to their larger number and larger scope of liberties that they enjoyed in the past. To become politically active, people have to develop a strong national consciousness. Minority education, the media and the Church have a great influence on it. This is the basis for developing cultural activities that strengthen the national consciousness. The lack of those elements leads to poor political organisation in these areas and consequently to a lower level of rights.

The nation of origin also plays an extremely important role in preserving the Slovenian culture in border regions. In its highest legal act, The Constitution, Slovenia has committed itself to devoting special attention to its national minorities in neighbouring countries as well as to Slovenian emigrants and workers abroad. A special act on this issue had been promised in the Constitution; however, it was only adopted after 15 years. This shows that the topic was not of great importance for the Slovenian state. We can also notice bad knowledge about Slovenians outside of Slovenia in Slovenian society, quite a lot of opposition to the financing of minorities in neighboring countries, demands for the abolition of the function of the minister etc.

This issue is highly important and also interesting from the perspective of active citizenship. Slovenia encourages members of Slovenian minorities to be active citizens in countries where they live (Austria, Croatia, Hungary, and Italy) to preserve their language, culture and national consciousness. But also, as active citizens, to maintain and develop connections as strong as possible with Slovenia which can help them preserve Slovenian identity.

Therefore, the following research question is raised: "How is Slovenia's attitude towards its minorities in the neighbouring countries, with emphasis on legal acts and their application in practice? Does Slovenia implement its constitutional provisions about the concern for Slovenian minorities in the neighbouring countries?" In order to answer the research question, the descriptive, analytical, synthetic and the method of compilation are used in the article.

The entire Slovenian legislation dealing with indigenous Slovenian minorities in neighbouring countries at the same time also deals with Slovenian migrants and their descendants around the world. Since there are substantial differences between both issues the article deals only with indigenous Slovenian minorities in the neighbouring countries and not with Slovenia's attitude towards Slovenians living around the world.

#### **ARTICLE 5 OF THE CONSTITUTION OF THE REPUBLIC OF SLOVENIA**

In its highest legal act, The Constitution, Slovenia has committed itself to devoting special attention to its national minorities in neighbouring countries as well as to Slovenian emigrants and workers abroad. Since the issue is specified in Article 5 of the Constitution and can therefore be found among general provisions, it is clearly of great importance for the country. Article 5, paragraph 1, of the Constitution states: "In its own territory, the state shall protect human rights and fundamental freedoms. It shall protect and guarantee the rights of the autochthonous Italian and Hungarian national communities. It shall maintain concern for autochthonous Slovenian national minorities in neighbouring countries and for Slovenian emigrants and workers abroad and shall foster their contacts with the homeland. It shall provide for the preservation of the natural wealth and cultural heritage and create opportunities for the harmonious development of society and culture in Slovenia" (Constitution of the RS, OJ RS, n. 33/1991, Article 5).

Article 5 of the Constitution imposes positive obligations of the state, i.e. it is not sufficient that the state only passively refrains from certain infringements, but is also committed to performing minimal actions (Župančič in Šturm et al, 2002, p. 112). According to Boštjan M. Župančič, the positive obligations of the state would only be constitutionally relevant when maintaining concern for Slovenian minorities in neighbouring countries if the Constitutional Court established a doctrine on a specific issue, based on a particular case (*Ibid.*, p. 115). Article 5, paragraph 2, of the Constitution states: “Slovenians not holding Slovenian citizenship may enjoy special rights and privileges in Slovenia. The nature and extent of such rights and privileges shall be regulated by law” (OJ RS, 33/1991). This provision of the Constitution is targeted on Slovenians living in neighbouring countries as well as on emigrants and workers abroad. It is taken from a similar provision in the previous constitution (of the Socialist Republic of Slovenia – SRS), which stated: “The State shall maintain concern for autochthonous Slovenian national minorities in neighbouring countries” (Constitution of the SRS, OJ SRS, n. 6/1974, Article 2). The verb “to strive for”, which is used now, is weaker than the verb “to maintain concern”, used in the Constitution of the SRS. The announcement of the adoption of a law on special rights of Slovenians without Slovenian citizenship sought to eliminate the weakness, but the path to this later proved to be very long.

An interesting provision that goes beyond this article is the one on “Slovenians not holding Slovenian citizenship”, as thus the Constitution makes an assumption that being Slovenian does not equal having Slovenian citizenship. Western legal systems (especially in Romance countries) equate the notion of nationality with citizenship, while the Slovenian Constitution allows for a person not holding Slovenian citizenship to be considered Slovenian (Župančič in Šturm et al, 2002, p. 116). As a result, the term non-Slovenian is also in line with the Constitution. This formulation would become particularly topical if the state opted for a much easier acquisition of citizenship for Slovenians without Slovenian citizenship (like for example in Israel, Italy, Bulgaria, Romania, Hungary ...).

Article 5 of the Constitution is certainly multifaceted as it first ensures the protection of human rights in the country. This provision is the basis for the second chapter of the Constitution which specifies the protection of human rights and fundamental freedoms. Article 5 then ensures a special concern for Slovenians living outside the

borders of their homeland. This provision can no longer be placed among human rights, but we can say that it is the result of the fact that Slovenia was founded as a nation state. Article 5 concludes with the provision specifying the concern for preserving natural wealth and cultural heritage. The provision stating that the state shall “create opportunities for the harmonious development of society and culture in Slovenia” is very general and it is therefore difficult to imagine its practical concretization.

### **Resolution on the Status of Autochthonous Slovenian Minorities in Neighbouring Countries and the Hereto Related Tasks of the Government and Other Bodies of the Republic of Slovenia**

The Resolution was adopted by the National Assembly in 1996. As a non-binding document, it was intended to pave the way for a law on this subject. Article 1 of the Resolution states that Slovenian minorities in neighbouring countries “form a common Slovenian cultural space” together with the Republic of Slovenia (OJ RS, n. 35-2280/1996). The Resolution underlines the validity of the existing international legal acts for the protection of the rights of autochthonous Slovenian minorities in neighbouring states, including the Treaty of Osimo which concerns the Slovenian minority in Italy (*Ibid*). The Resolution also announces the adaptation of a law on Slovenians outside Slovenian national borders and in general calls for the support of cultural, economic, educational, sporting, research and other activities, institutions and organizations of Slovenians in neighbouring countries, as well as civil societies in Slovenia collaborating with autochthonous minorities. What is more, the Resolution predicts the establishment of a special consultative body and the appointment of a minister without portfolio – these measures were later imposed by a new law, adopted in 2006. The Resolution set out guidelines and priorities which would later be precisely defined by law (the importance of education, science, culture and economic development of minorities, the improvement of transport and telecommunication links).

### **ACT REGULATING RELATIONS BETWEEN THE REPUBLIC OF SLOVENIA AND SLOVENIAS ABROAD (ZORSSZNM)**

The Constitution stated that the issue of Slovenians abroad would be regulated by a special law. However, sufficient political will for the adaptation of the law was found no earlier than in 2006. Even

during the process of adapting the law, an extremely long and often unproductive MPs debate showed that Slovenia was far from reaching a consensus on the fact that Slovenians abroad represent a connecting link of national awareness and are not a subject of discussion about internal political burdens of their home country, as it was indicated by a frequent cultural battle and politicization of the issue during the debate (Marinac in Bajc, 2008, p. 252).

Until the adaptation of the law, this field was unregulated – the adopted declarations were not legally binding and sufficiently concrete. Institutions and organizations of Slovenians abroad as well as institutions and organizations in Slovenia dealing with Slovenians outside their home country embraced the adaptation of the law, as it indicated a major advance in the issue. Some of them had comments about the fact that the same law regulates both relations with Slovenians in neighbouring countries and relations with Slovenians in other parts of the world. These are two subjects that are very similar in some respects and quite different in others (e.g. if someone carelessly read the law, he or she might think that the repatriation<sup>2</sup> is meant for Slovenian minorities in neighbouring countries as well). Although welcoming the adaptation of the law, certain representatives of organizations of Slovenians in neighbouring countries expressed some other concerns. SLOMAK<sup>3</sup> prepared its own proposal for the law which was later, in their view, not sufficiently considered in the actual act. They were bothered by the fact that the law did not take sufficient account of their interests and expectations (*Ibid*). Nevertheless, the adaptation of the law had at least a very important symbolic meaning and represented a major advance in practice.

The Act is divided into ten parts. The preliminary provisions define the regulations and the status of Slovenians outside Slovenia. The Act regulates relations between the Republic of Slovenia and Slovenians living abroad, as well as sets out the responsibilities of the bodies of the Republic of Slovenia in this field. Moreover, it regulates the status of Slovenians without Slovenian citizenship and repatriation (the latter targets only Slovenian emigrants and workers abroad) (Article 1 of the

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<sup>2</sup> (Re)settlement in Slovenia.

<sup>3</sup> SLOMAK stands for the Coordination of Slovenian Minorities that unifies the so-called umbrella organizations of Slovenian minorities from all four neighbouring countries. Due to certain disagreements, it only existed on paper for the past few years, until this spring when it was reactivated.

ZORSSZNM, OG RS 43/2006). The Act applies to the Slovenians outside the country who hold Slovenian citizenship, those who have a status of a Slovenian but no Slovenian citizenship and those who do not hold the citizenship of the Republic of Slovenia and do not have the status (*Ibid*, Article 3). Slovenians outside Slovenia are defined as an equal part of a single Slovenian nation that forms a single cultural space with Slovenians living in the homeland (this particularly applies to the minorities in neighbouring countries). Concern for Slovenians abroad should represent an integral and essential part of Slovenian foreign policy. The Act also ensures compliance with all bilateral and multilateral international treaties dealing with respect for minority rights (*Ibid*, Articles 5, 6, 7 and 8.).

### Overview of the Contents of the Act

The most important change, introduced by the Act, is the fact that The Government's Office for Slovenians Abroad is now headed by a minister without portfolio and no longer by a state secretary within the Ministry of Foreign Affairs (*Ibid*, Article 14). This certainly offers many advantages. There is no doubt that a minister has greater political power which can be exercised over other state officials when considering issues from the field. The minister also takes an active part in decision-making and has a significant influence on decisions, as he or she participates in government sessions. What is more, the minister has greater respect abroad, although he or she does not have considerable powers in the field but works through other line ministries, especially through the Ministry of Foreign Affairs. The modification of the Office has also granted him or her more powers, particularly when allocating funds following calls for projects in neighbouring and other countries. The Office is responsible for allocating financial resources following the calls that provide funding only for organizations and institutions operating in neighbouring and other countries. In addition, those organizations and institutions can respond to (some) calls within line ministries (especially within the Ministry of Education, Science and Sport and the Ministry of Culture) that are targeted primarily on organizations and institutions in Slovenia, but are also open for organizations and institutions with equivalent projects operating abroad. Financial resources for the Office have been assured by two special permanent items in the regular annual budget of Slovenia. The resource allocation procedure was established established by a government decree which was provided for by law

(Decree on the Granting of Financial Support for the Maintenance and Development of the Slovenian Identity Outside the Republic of Slovenia) (*Ibid*, Articles 46 and 47). The Office allocates funds by issuing decisions. It should be pointed out that minority organizations expressed some concerns about the changes in the implementation of financial assistance. Prior to the adaptation of the Act, the financial assistance for associations, organizations and institutions was allocated by umbrella organizations. Now the government decides on it by a decree based on analyses, assessments and strategies. Some showed concerns about the possibility of manipulation, as the government could financially support only those recipients who are closer to their interests and political orientation (Marinac in Bajc, 2008, p. 268). However, there are also counter-arguments – the Office could be more neutral which would result in activity-based resource allocations. Moreover, if the money comes to the associations directly from Slovenia, the links between these associations and the homeland will be strengthened.

Other concerns about the funding occurred during the adaptation of the law. A SLOMAK member, Marjan Pipp from Austria, said that the change was not radical enough, since it maintained funding of minority structures that are doubled in all fields (a residue of ideological divisions from the Cold War) and are therefore ineffective. This problem does not exist only among Slovenians in Austria, but also among those in Italy. Mr Pipp believes that Slovenia should approach the problem with financial assistance, since the minorities alone will not be able to resolve it. Pipp wonders “what are the possibilities for a national community, organized on the level of association law, with such associations as the Bee-keepers’ Association or the association of Slovenian Dairymen. With funds being allocated to our minority communities, the Republic of Slovenia maintains this duality which is unnecessary and ineffective not only for the minority but also in terms of regulating mutual relations. And the Act that is currently discussed is not very encouraging as it maintains this method of funding” (*Ibid*, p. 265, 266). In this regard, we should add that the Office adopted a policy of eliminating duality (especially during the 2008–2011 term), but it can be estimated that the policy was selective and politically unbalanced.

In addition to the allocation of funds, the Office has the duties of informing and advising Slovenians outside Slovenia, formulating and implementing state policy and coordinating the work of all mini-

stries in this field (Article 15 of the ZORSSZNM, OJ RS 43/2006). Another very important innovation, introduced by the Act, is the establishment of the Council for Slovenians in Neighbouring Countries (in addition, the Council for Slovenians Abroad was separately established). The Council is a permanent consultative body of The Government of the Republic of Slovenia and is composed of representatives of state bodies, institutions, political and civil society organizations from Slovenia and abroad. The Act states that the Council shall meet at least twice a year. Slovenian minorities in neighbouring countries are represented in the Council by representatives of ethnic communities from the Autonomous Region of Friuli Venezia Giulia (Italian Republic) and the State of Carinthia (Republic of Austria) and by two representatives of ethnic communities from the State of Styria (Republic of Austria) and the Raba region (Hungary), appointed by representative organizations of the relevant minorities. What is more, the Prime Minister appoints two members from the Slovenian national community in Croatia, living in the seven counties of the Republic of Croatia that border Slovenia and in the city of Zagreb (*Ibid*, Article 20). Such a division of 14 places in the Council provoked criticism especially from some representatives of the Slovenian minority in Italy. Their community is by far the largest but they hold only four places, i.e. the same number as the Slovenians of Carinthia, who are, according to some estimates, almost 10 times less numerous (although this figure is not realistic). In addition, together with Styrian Slovenians, they have as many as 6 representatives. According to some, representatives from Italy it could also be more clearly divided, as the situation in, for example, Gorizia and Trieste differs considerably from the one in Resia, Veneto and Canale Valley. Tasks of the Council include drawing up a long-term strategy for development of relations, advising the government on the issues concerning Slovenians in neighbouring countries and presenting views on their situations and events related to them (Article 21 of the ZORSSZNM, OJ RS 43/2006). The Council operates under the Rules of Procedure of The Government Council for Slovenians in Neighbouring Countries. Moreover, it defines the tasks and responsibilities of the National Assembly Commission for the Relations with Slovenians Abroad, which already existed before, but obtained new tasks and responsibilities after the adaptation of the law. The Commission is a working body of the National Assembly, responsible for the policy of Slovenia on Slovenians abroad (*Ibid*, Article 16). It has been often proposed that the Commission should

be transformed into a committee, i.e. into the central working body of the National Assembly, but this has not yet been carried out.

The Act further focuses on culture, preservation of Slovenian language and education, science, higher education, sports, economic and regional cooperation. In addition to the aforementioned funding of projects (for which the Office must get expert opinions of the Ministry of Culture), the field of culture includes the definition of archival activity and very important provisions on the media. Article 30 of the Act stipulates that the RTV Slovenia public institution is obliged to inform Slovenians in neighbouring countries and in the homeland on the issues of Slovenians abroad. What is more, the article states that it is necessary to ensure the accessibility of Slovenian public radio and television via satellite broadcasting for all Slovenian minorities in neighbouring countries without any compensation, subscriptions or other forms of payment (*Ibid*, Article 30). However, this measure has encountered many obstacles in practice, as the country where the minority lives must show interest, offer a frequency and enable the reception of channels. Italy in particular presents a problem. It was expected that the matter would be settled when both countries switched to digital broadcasting, but they chose different broadcasting standards. Consequently, switching to digital broadcasting had a negative effect on Slovenian channels – they used to exist in the Province of Udine but now it is not possible to watch them anywhere in Italy without a special decoder. Since the cornerstones of the EU are four freedoms (free movement of people, goods, services and capital), such a restriction of television signals represents a violation of European legislation. Free flow of information could also be considered one of these freedoms; Italian restriction of Slovenian television signals is thus contrary to European principles and legislation. Consequently, Slovenia could file a lawsuit against Italy at the Court of Justice of the European Union in Luxembourg. Nevertheless, the problems could also be resolved without legal remedies; only some good would be needed, commitment and European spirit of the governments of both neighbouring countries.

Article 31 also addresses the media, specifying the support of printed media that provides information about Slovenians abroad. The magazines coming out in Slovenia (e.g. *Slovenija danes*, *Moja Slovenija*, *Naša luč*, *Rodna gruda* e-magazine, etc.) used to be co-financed by the Office (in 2011 these assistances were abolished and the Office

now funds only one official magazine) and focuses basically on the issues of migrant workers and emigrants. Ethnic minorities in neighbouring countries, on the other hand, mainly have their own, narrowly targeted printed media that concentrate on the events in their country and in their minority. We could say that this article was already outdated when it was written as it refers only to printed media. The latter is nowadays losing its importance and influence, especially among the younger generation who prefers the modern digital media. Since the establishment of their own television service would be completely unrealistic, the minorities must broadcast their programmes on other channels if possible. The Internet is a much more easily accessible medium. Therefore, it would be very useful if the Office financed this type of activity as well. Most of the media already has their own websites and some operate only through the internet (e.g. the Slomedia.it portal in Italy).

As for the preservation of the Slovenian language and education, the state shall finance the rents for learning facilities in the areas where it is not possible to hold Slovenian supplementary classes in public educational institution (this is more applicable to Slovenian emigrants than to Slovenian minorities in neighbouring countries). The state shall also help to ensure the provision of Slovenian teachers, assist in their professional training and integrate with Slovenian schools in neighbouring countries into school competitions and other activities in Slovenia (the latter is indeed happening regularly) (Article 32 of the ZORSSZNM, OJ RS 43/2006).

As regards science and higher education, the Act provides more favourable conditions for Slovenians outside their homeland to enter higher education, as defined by an act regulating the field of higher education. What is more, Slovenian students outside Slovenia can gain special scholarships (*Ibid*, Article 34). The Act also provides financial assistance for Slovenian research institutes operating in neighbouring countries. With regard to sports, the Act ensures that umbrella sports organizations, Slovenian sports clubs and individuals abroad can respond to the relevant ministry calls. In addition, it encourages links between sports organizations in Slovenia and abroad by joint sports meetings, seminars and assistance in organizing major sports events (*Ibid*, Articles 38 and 39).

The Act also devotes attention to economic and regional cooperation. It is known that economically powerful minorities have much better

possibilities for preservation. Moreover, such economic cooperation can bring many benefits to the home country, to Slovenia in this case. Regarding cooperation methods, the Act relies on previously adopted documents (Slovenia's Economic Development Strategy, Slovenia's Regional Development Strategy, National Development Programme, programming documents for the EU, Programme of Measures to Promote Entrepreneurship and Competitiveness, Strategy for the Labour Market Development and Employment, Strategy of the Republic of Slovenia in Information Society and Regional Development Programmes). To facilitate cooperation, the Act provides for the establishment of the Business Development Council which would receive guidelines and reports as well as promote cooperation (*Ibid*, Article 44). Under Article 66 of the Act, Slovenians enjoying the status of a Slovenian without Slovenian citizenship have an advantage over other foreigners, i.e. foreigners who are not citizens of the Member States of the European Union, in applying for a job. The only criminal provisions of the Act refer to this provision. If legal persons, sole traders, authorised persons in a state body or self-governing local community, and individuals violate this measure, they have to pay a fine. The implementation and supervision of this provision are carried out by the Labour Inspectorate of the Republic of Slovenia (*Ibid*, Article 95).

The status of a Slovenian without Slovenian citizenship (the method of acquisition is regulated by the Act) is not very well organized. The Act stipulates that Slovenian origin should be proven by extracts from the register of births and other relevant documents. However, this poses a problem to many Slovenians abroad because their birth certificate does not say that they are Slovenians (e.g. members of ethnic minorities in neighbouring countries that were not born in Slovenia and emigrants whose ancestors emigrated at the time of the Austro-Hungarian Empire, from the areas that belonged to Italy after the First World War or from the minority areas in neighbouring countries). The status of a Slovenian without Slovenian citizenship can be acquired by individuals of Slovenian origin who are active in Slovenian organizations outside Slovenia or are actively connected with the country, who are not members of associations, political parties and other organizations that oppose constitutional and (international) legal rights of Slovenians in neighbouring countries or actively act against the constitutional system of the Republic of Slovenia and whose Slovenian citizenship was not taken away pursuant to the

provisions of the act governing the citizenship of the Republic of Slovenia (*Ibid*, Articles 68 and 59). Persons with the status of a Slovenian without Slovenian citizenship enjoy special rights (reliefs) in the Republic of Slovenia in the fields of education, culture, research activities and on the labour market.

Another very important right of Slovenians in neighbouring countries is the possibility of acquiring Slovenian citizenship. It is regulated by Article 13 of the Citizenship of the Republic of Slovenia Act (OJ RS, n. 24/2007-Official Consolidated Text 2) and the Decree on Criteria for Establishing the Compliance of National Interest for Acquiring the Citizenship of the Republic of Slovenia through Article 13 of the Citizenship of the Republic of Slovenia Act. The conditions became even more restrictive on 4<sup>th</sup> April 2013. Article 3 of the Decree provides inter alia as follows: “(1) /.../ Members of the autochthonous Slovenian ethnic communities in neighbouring countries can also apply for the naturalization. (2) Extraordinary naturalisation for national reasons shall be possible if the applicant mentioned in the preceding paragraph provides evidence of a multi-annual personal tie binding him or her actively with the Republic of Slovenia and at least five-year's active participation in Slovenian associations abroad or other Slovenian emigrant, migrant or minority organizations. Extraordinary naturalisation for national reasons shall also be possible if the applicant mentioned in the preceding paragraph has been stripped of Slovenian citizenship for justifiable reasons and reapplies for it. (4) Extraordinary national reasons mentioned in the preceding paragraph shall be given if the applicant's activities have contributed enormously to the social, economic, scientific, cultural or other development of the Republic of Slovenia and to raising international reputation of the Republic of Slovenia. (6) An opinion regarding the fulfilment of the criteria listed in the second and fourth paragraph of this Article and regarding the eligibility for the citizenship of the Republic of Slovenia shall be issued by a state body, responsible for the cooperation with Slovenians abroad. If the body states that it needs additional information about the applicant to form its opinion, a relevant diplomatic or consular mission of the Republic of Slovenia shall request them through the internal consular service of a ministry, responsible for foreign affairs” (Decree on Criteria for Establishing the Compliance of National Interest for Acquiring the Citizenship of the Republic of Slovenia through Article 13 of the Citizenship of the Republic of Slovenia Act, OJ RS, n. 41/2007 with amendments).

There is concern as to whether such a regulation of granting citizenships is appropriate or it would be better to follow the example of numerous other countries (e.g. Italy, Hungary, etc.) that are much more generous and also more successful in preserving the identity of their compatriots outside the homeland.

### Amendments to the Act in 2010

After four years in force, the Act Regulating Relations between the Republic of Slovenia and Slovenians Abroad underwent first amendments. The Act adopted in 2006, stated the establishment of the Council for Slovenians in Neighbouring Countries as a consultative body, but did not determine its mandate. The amendments to the Act stipulate that the mandate shall run for 5 years and expire with the appointment of a new Council. An individual can be appointed to the Council multiple times. A new indent of the Act refers to the Council's rules of procedure regarding the reasons for early dismissal of a member of the Council (Article 20 of the ZORSSZNM, OJ RS 43/2006). The Act also states that control over the two areas that fall under the responsibilities of the Archives of the Republic of Slovenia and RTV Slovenia shall be exercised by the Ministry of Culture (*Ibid*, Article 30a). What is more, the Act introduces some changes regarding the promotion of sports organizations, associations and individuals in neighbouring countries. There are also some amendments with regard to financing. Previously, the Office could issue a decision only for the current year; now it can conclude an agreement with an applicant for the assistance that is valid for a limited period of time, possibly for several years (*Ibid*, Article 53). Other adopted amendments to the Act refer to the Slovenians abroad and not members of Slovenian minorities in neighbouring countries.

The adaptation of the Act after 15 years of Slovenian independence was certainly an important step forward for relations between Slovenia and Slovenians outside its borders, but it should be emphasized that the Act is by no means a revolutionary advancement or a major change. The most important thing is undoubtedly the fact that Slovenians outside Slovenia have finally become a subject in our legislative system. Further progress will greatly depend on persons adopting the regulations and their attitude towards Slovenian minorities and the diaspora.

## The Strategy of Relations Between the Republic of Slovenia and Slovenians Abroad

Adopted by the government in 2008, the Strategy was already provided for in the ZORSSZNM. The Act predicted that the Council for Slovenians in Neighbouring Countries would draw up a strategy regulating relations between Slovenia and Slovenian minorities in neighbouring countries and submitted it to the government for adoption, but the strategy that was later adopted concerns both Slovenian minorities in neighbouring countries and Slovenian emigrants and migrants abroad. The introduction states that the Strategy is a part of the development strategy of Slovenia (The Strategy of Relations between the Republic of Slovenia and Slovenians Abroad, OJ RS n. 53000-1/2008/5). In general, the Strategy defines concepts, such as common cultural space, national minorities in neighbouring countries, Slovenian emigrants and workers abroad, etc. Its objective is the preservation, enhancement and development of Slovenian identity in the common Slovenian cultural space, stressing that Slovenia is a joint project of its people living in the homeland or anywhere abroad. Slovenians outside the Republic of Slovenia are also dominant players in the development of the country. In the Strategy, the government promised sustainable activities for comprehensive strengthening of autochthonous Slovenian minorities in neighbouring countries and for the establishment of a space and infrastructure common to Slovenia and its neighbouring countries. What is more, the government promised full support for social, political and cultural activities in the homeland environment and for the integration of minorities into the Slovenian state. The Strategy states priorities and concern for the state of Slovenians outside the country, divided by fields (foreign policy, culture, science and higher education, sports, economic and regional cooperation, financial assistance of the Republic of Slovenia). The Strategy is intended as a long-term work plan in the field of Slovenians outside Slovenia and contains mainly general and fundamental assumptions. It repeats provisions from resolutions and the parent act.

The Office for Slovenians Abroad later drafted the Strategy of Cooperation between the Republic of Slovenia and the Autochthonous Slovenian National Community in Neighbouring Countries in the Field of Economy by 2020 and the Action Plan Regarding Cooperation and Support to Young Slovenians Living in Neighbouring Countries and Abroad, both indicating work plans of the Office in the future.

As results of this Strategy and Action Plan we can list the formation of evidence of Slovenian businessman in neighbouring countries and around the world and organization of four business conferences and couple of consultations in the field of economy. In the field of youth the Office organized a meeting of representatives of all Slovenian youth organizations in neighbouring countries and youth organizations in Slovenia in 2011. We can see that also at other occasions the Office tries to include young people.

### **SLOVENIA'S ATTITUDES TOWARDS THE MEMBERS OF SLOVENIA MINORITIES IN PRACTICE**

The first democratically elected Slovenian government in 1990 appointed a minister (back then called the Republic Secretary), responsible for Slovenians abroad and national minorities in Slovenia. Janez Dular was elected to this position. The DEMOS coalition changed the attitude of the authorities towards Slovenians outside the home country which was previously subordinate to purely ideological criteria. The DEMOS government decided to offer the same amount of support to ideologically different organizations (this was applicable mainly in Italy and Austria where all structures in two ideologically distinct groups were, and still are, doubled). Such a regulation is still largely present today and is subject to criticism of many minority representatives.

The Minister for Slovenians abroad also existed in the first Drnovšek's government (Janko Prunk). After the 1992 elections, the ministry was cancelled and the Office for Slovenians Abroad was later established within the Ministry of Foreign Affairs. By 2004, more than 10 state secretaries occupied this position, which indicates that it was primarily a springboard for other positions. However, after the election of a new government in 2004, the centre-right coalition moved the Office from the Ministry of Foreign Affairs directly under the jurisdiction of the Prime Minister. In 2008 the position of a minister without portfolio, responsible for Slovenians abroad, was re-established, just as it was predicted by a sector-specific law in 2006. Boštjan Žekš was named as the new minister. Before and after the 2011 parliamentary elections, all parties adopted a modern (and populist) paradigm of the alleged saving by reducing the number of ministries and, consequently, the position of the Minister for Slovenians Abroad was seriously endangered. Nevertheless, the newly elected govern-

ment decided to maintain the function, but came under fierce criticism from the opposition, media and part of the public. Ljudmila Novak was appointed as the minister. Upon the formation of a new government in March 2013, the abolition of the function was again in the air, but it never took place. Tina Komel became a new minister without portfolio, responsible for the Office for Slovenians Abroad. But also her mandate did not last more than for a year. Coalition parties have decided to replace ministries and currently the Minister is Gorazd Žmavc. The ministry still exists for the time being, but its future is uncertain. The abolition of this position would undoubtedly be a great loss for Slovenians outside the borders of their homeland, both on symbolic and practical levels.

In 20 years of Slovenian politics, the attitude towards Slovenian minorities and emigrants has been negatively marked by two aspects: there have been repeated accusations of foreign policy on neighbouring countries not being decisive enough and of ambiguous funding to Slovenian organizations abroad. It seems that Slovenia has constantly subordinated the situation of its minorities in neighbouring countries to other foreign policy objectives and, consequently, has not acted decisively. It also looks like the country does not have a clear vision of how to deal with Slovenians abroad. Data on financial support were made public in 2010. It was revealed that the state had largely maintained the large-scale funding to ideologically different structures and therefore avoided criticism about political preferences (nevertheless, it needs to be said that such funding is not entirely justified – different organizations vary considerably in the number of members and in the scope of activities). In recent years, the Office has allocated approximately EUR 7.8 million per year<sup>4</sup>. Due to the country's economic situation and the consequent austerity policy, EUR 5.6 million of funding has been predicted for 2014, which represents a significant reduction in the amount of funds.

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<sup>4</sup> In 2010 the Office considerably reduced the amount of funds (up to 1/3 less) for two umbrella political organizations in Carinthia – the National Council of Carinthian Slovenians (NSKS) and the Association of Slovenian Organizations (ZSO) – which came as a great shock for them. The funds for the third umbrella organization, the Community of Carinthian Slovenians (SKS), which had already received significantly lower amount than the other two organizations, were not reduced. The Office thus wanted to punish the umbrella organizations for not being able to agree on common functioning and redirected the funds to cultural organizations. The reactions were very violent; the NSKS even started the dissolution procedure. For the same reasons, cuts in funding Slovenian organizations in Italy were made last year. Both umbrella organizations were against it, pointing out the negative effects on their position.

The Office has introduced many new initiatives, especially for economic, scientific and youth cooperation. The initiatives are definitely praiseworthy, but as they are still in the initial stage, we have to wait to see how they will develop in practice.

Given the situation, we can estimate that maintaining concern for Slovenian national minorities is the most problematic in Resia. Since a part of its population categorically rejects contacts with Slovenia, the country has limited options in this area. It is therefore unclear what policy should be followed to prevent the strained relations from worsening. Even the part of population that identifies itself as a Slovenian minority in Italy does not want Slovenia to be actively involved. Consequently, Slovenia has not carried out any major activities and has not been engaged in the dispute. Resia is included in the framework of the country's activities regarding the Province of Udine as much as the local politics and cultural workers want it. Through annual calls, they can receive the same funding as other minority organizations. Due to the situation in the valley, even the organizations that consider themselves a part of the Slovenian minority rarely take advantage of the offered funds. The reason could lie in the fact that receiving funds would lead into dissatisfaction and problems with some members of the association, as persons in managerial positions are often the only ones active within the Slovenian minority (Public announcements, 2013).

## CONCLUSIONS

Slovenian minorities in the neighbouring countries were separated from their mother nation over different historical periods and the conditions for their development throughout the history were different as well. Consequently, their life today varies greatly between individual countries and within different areas of these countries. In individual countries, as well as in areas of settlement within these countries, Slovenian minorities vary greatly in terms of number, degree of national consciousness, legal protection they are provided with, degree of assimilation, and self-organisation. This is a consequence of the political environment in which a particular minority lived in the past and still lives today, of the legal protection it was provided with in the past, of the possibility of contacts between the minority and Slovenia in the past, of the tolerance of the majority population towards the minority and of ideological, and political divisions

within the minority. That is why the attitude of Slovenia towards its minorities in the neighbouring countries has to be very sensitive, as they have very different needs and wishes.

We can state that the basis in Slovenian Constitution is good for this topic. However, for the adoption of the law Slovenia needed a lot of time which shows that the topic was not of big importance for Slovenian politicians. The adaptation of the Act after 15 years of Slovenian independence was certainly an important step forward for the relations between Slovenia and Slovenians outside its borders, but it should be emphasized that the Act is by no means a revolutionary advancement or a major change. The most important thing is undoubtedly the fact that Slovenians outside Slovenia have finally become a subject in our legislative system. Further progress will greatly depend on persons adopting the regulations and their attitude towards Slovenian minorities and the diaspora. After the adoption leaders of minority organizations were bothered by the fact that the law did not take sufficient account of their interests and expectations. Nevertheless, the adaptation of the law had at least a very important symbolic meaning and represented a major advance in practice. Until the adaptation of the law, this field was unregulated – the adopted declarations were not legally binding and sufficiently concrete. Institutions and organizations of Slovenians abroad as well as institutions and organizations in Slovenia dealing with Slovenians outside their home country embraced the adaptation of the law, as it indicated a major advance in the issue.

Nevertheless, we have to stress that the status of Slovenians without Slovenian citizenship is not well organized and changes are needed.

The second problematic topic is the financial support of minority organizations. The DEMOS government decided to offer the same amount of support to ideologically different organizations (this was mainly applicable in Italy and Austria where all structures in two ideologically distinct groups were, and still are, doubled). Such a regulation is still largely present today and is subject to criticism of many minority representatives. It was revealed that the state had largely maintained the large-scale funding to ideologically different structures and therefore avoided criticism about political preferences (nevertheless, it needs to be said that such funding is not entirely justified – different organizations vary considerably in the number of members and in the scope of activities).

There is also a big problem of very frequent changes of representatives (now ministers and before secretaries) of the Office for Slovenians Abroad (and also appointing incompetent representatives). A more serious approach would be expected. If good relations with Slovenians outside Slovenia are a strategic interest for Slovenia, then it would be expected that all governments appoint people who are very familiar with these issues before becoming officers in the Office. It would also be very important that the same person would be in charge of the Office (except in case of his incompetence or bad work) over the full term of the Government. This would allow continuity in the functioning of the Office.

There has also been done very little (or nothing) in Slovenia to encourage (or order) that Slovenian minority organizations in the neighbouring countries would legitimize their leaders on democratic elections where (all) members of Slovenian communities or at least members (and supporters) of these organizations could vote. Since all organizations are completely dependent on Slovenian financial support, Slovenia has the power to do this. The actual support for these organizations by individual Slovenian people living in neighbouring countries is very questionable. If leaders of these organizations had to be elected on democratic elections the real support to these organizations and leaders would have been seen<sup>5</sup>. By doing so, Slovenia could make its financial and political support to these organizations fairer.

A topic which is relevant from the days when Slovenia gained its independence till today is guaranteed seats in parliament for representatives of Slovenians in neighbouring countries and around the world. For this reform a two-third majority would be needed, but there was never enough consensus to accept this.

An important issue that Slovenia still has to deal with is also how to make that people in Slovenia know more about their compatriots outside Slovenia. Today, the general knowledge is very low.

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<sup>5</sup> As example we can tell that the National Council of Carinthian Slovenians is the only political organization of Slovenians in the neighbouring countries that is democratically legitimated. Angelika Mlinar, member of European Parliament and an important member of the National Council of Carinthian Slovenians criticized on different occasions that the second important political organization in Carinthia the Association of Slovenian Organisations has its electoral system as they would live in the middle of Cuba (Mlinar 2014a, Mlinar 2014b).

We can certainly claim that in twenty-three years Slovenia has not managed to do that could have been done in this field and there are still many challenges for the future.

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