

Article

Challenges Facing Organised Interests Under a Populist Right-Wing Government in Slovenia

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Abstract

The development of organised interests (OIs) during the socialist period in Central and Eastern Europe was considerably limited, if not frozen. This was also somewhat the case in Slovenia, where it was mainly OIs close to the government that could operate. In the early 1990s, the interest group system in the now independent country was already recognised as vibrant with the number of OIs growing each year ever since. Yet, Europeanisation processes in particular have led to additional opportunity structures being created for OIs to become involved in policymaking. The biggest obstacle to the development of such interests has become the low level of its professionalisation, given that most are run voluntarily. Around the end of 2020, the political environment for the activities of OIs remained quite favourable, with a few isolated drops in their public image and political attacks on mostly environmental organisations. The change in government in March 2020 saw the backsliding in democracy become more apparent. This included liberal OIs being publicly discredited, the obstruction of largely environmental OIs, and attacks on the media. In this article, we examine how democratic backsliding in Slovenia has affected the articulation, representation, and intermediation of interests. To unravel this puzzle, we analyse the changing conditions for OIs' operations between March 2020 and April 2022 as introduced by the populist right-wing Slovenian government to help better understand the democratic backsliding seen in the country.

Keywords

democratic backsliding; organised interests; populist right-wing government; Slovenia

Issue

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1. Democratic Backsliding in Central and Eastern Europe

Despite countries in Central and Eastern Europe (CEE) having made successful democratic transitions after the Iron Curtain fell in the 1990s, evidence of a deterioration in democracy is observable. In 2004, eight countries with a post-socialist transition (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia) joined the EU and sought to become liberal democracies. Hungary and Poland in particular have since been accused of not following the rule of law, limiting the operations of civil society, nongovernmental organisations (NGOs) and social movements, and interfering in

the mass media. According to Freedom House analysis, since 2019 Hungary is the sole EU member state to be characterised as a hybrid regime, while Poland is a semi-consolidated democracy (Smeltzer & Buyon, 2022). Similar results arise from V-Dem democracy data where Slovenia, Poland, Slovakia, Czech Republic, and Lithuania are classified as electoral democracy regimes and Hungary as an electoral autocracy. The only exceptions are Estonia and Latvia, which are classified as liberal democracies (Boese et al., 2022). The deterioration of democracy is seen almost across the whole region, having in the last two years also become more pronounced in Slovenia, which was previously considered a democratic-transition success story. Larger regional

differences are noted in the robustness of civil society where the V-Dem core civil society index for Estonia, Latvia, and the Czech Republic is 0.9 or higher on a scale from 0 to 1, for Slovakia 0.82, Slovenia 0.74, and Poland 0.69. Once again, Hungary has the lowest score (0.44) in the region (Boese et al., 2022).

The illiberal and anti-democratic practices emerging in CEE often target and hinder the activities of OIs in the various countries there. All at once, the available opportunity structures are shrinking while political issues important for OIs are appearing on the agenda. The governing elite in countries seeing a deterioration of democracy attempts to weaken OIs, thwart their ability to influence, limit their opportunities to participate in the policy process and represent their members, and undermine watchdogs (Pospieszna & Vetulani-Cęgiel, 2021). Yet, undemocratic governments do not address all OIs equally. While seeking to maintain the appearance of a democracy, their attacks are often only directed at particular groups either critical of the government or that represent interests ideologically distant from the political party in power. The closure of the civic space is thus selective (Roggeband & Krizsan, 2021).

Still, a vibrant civic culture and civil society add to the quality of democracy and citizen representation (De Tocqueville, 1840; Lijphart, 1984) and is a sign of a “healthy” democracy (Pietrzyk-Reeves, 2008). OIs help link the citizens with the government, transmit information from citizens and the public to decision-makers, and represent citizens and their voices (Carmin, 2010; Levin-Waldman, 2012), while also keeping the government politically accountable. A vibrant civil society positively impacts democracy in various ways, even though the benefits of policy representation are limited to the particular issue domain of an OI (Rasmussen & Reher, 2019). The level of citizens’ involvement in OIs and the functioning of the system of OIs may thus be seen as a relevant indicator of a functioning democracy (Novak & Hafner-Fink, 2015).

Nevertheless, the democratic deterioration in CEE has not produced a paralysis of OIs since they are still actively defending their views and positions. In some ways, over the 18-year democratic decline in CEE OIs have become more vibrant and are promoting the civic participation of citizens (Smeltzer & Buyon, 2022). Different strategies such as indirect strategies, networking with similar organisations from abroad, and cooperation between OIs are used to cope with backsliding to maintain involvement in policymaking (Pospieszna & Vetulani-Cęgiel, 2021).

The focus of this article is on how the introduced policy changes and practices in the direction of an authoritarian regime have influenced OIs. While Slovenia’s exit from the transition period is a success story, the financial crises it experienced have created increasing political division and distrust in political institutions and democratic arrangements leading to the alternation of centre-left and right coalition governments and the suc-

cess of newly established parties (Krašovec & Lajh, 2021). We analyse particularly how between March 2020 and April 2022 the former populist right-wing Slovenian government made changes that have led to democratic backsliding. While especially some OIs on one hand lost financial support, their image in the public dropped and their policymaking involvement became more difficult while, on the other hand, their activities were strengthened by protest activities, used media strategies, the forming of a coalition of the OIs—the Glas ljudstva (Voice of the People)—and policy changes achieved through opportunity structures and increasing political participation at elections. At the same time, we argue that the characteristics of the population of OIs in Slovenia enabled them to deal with the new challenges quite successfully since they show low levels of competition and mortality anxiety. Despite the deterioration of democracy, OIs have maintained their capacity to mobilise and remain strong (Pospieszna & Vetulani-Cęgiel, 2021), but this could change if the unfavourable conditions continue for a longer period. The new government (elected in April 2022) promises to govern in dialogue with representatives of OIs and stop the autocratisation processes that emerged over the last two years.

2. Obstruction of Organised Interest Activities in Slovenia

Slovenia faced the biggest drop in the quality of its democracy in 2021 according to Freedom House’s *Nations in Transit* (Smeltzer & Buyon, 2022), which also affected OIs. The population of OIs in Slovenia was acknowledged to be vibrant and well-developed despite its low professionalisation, lack of financial and human resources, and largely voluntary status (Fink-Hafner et al., 2015; Novak & Fink-Hafner, 2019). Around 28,000 NGOs are active in Slovenia (CNVOS, 2021a) while Slovenian citizens’ civic participation is comparable to other CEE countries and higher than in the Western Balkan region (Novak & Hafner-Fink, 2015). The large population of OIs in Slovenia can be seen as reflecting the relatively easy way new OIs can be registered and established, the tradition of OIs and voluntary work as well as their predominantly voluntary character. For OIs to successfully function, they need financial resources, access to the policymaking process, and functioning opportunity structures, together with the possibility of expressing their position. In this section, we focus on how these conditions have been obstructed during the last two years.

A report on the Sustainability Index of Civil Society Organisations for Slovenia in 2019 found a stronger advocacy role of OIs compared to the previous year as they had succeeded in several advocacy campaigns and their activities were increasingly present in the media (United States Agency for International Development [USAID], 2020). However, in March 2020 the change in government from a centre-left to a populist right-wing government triggered the deterioration of the conditions for

the operations of OIs, the health of the civic space, and the rule of law in quite a short time. Following the resignation of Prime Minister Marjan Šarec, Janez Janša, the long-time leader of the Slovenian Democratic Party (SDS), managed to obtain a third mandate to form a government. Janša is one of the most recognisable and experienced politicians in Slovenia. He held a visible role during the transition period, has been a member of parliament since 1990, the Minister of Defence, three times prime minister, and led both of Slovenia's presidencies of the Council of the EU. His party is the oldest right-wing party with the biggest electorate base. His unpopular politics and populist positions have seen especially centre and left parties refusing to collaborate with him. We can label the SDS party as being of the political populism type, which often stresses nationalist beliefs and conservative positions closer to extreme right-wing populism (Fink-Hafner, 2019).

With the change in government in 2020, the civic space in Slovenia was soon downgraded from "open" to "narrowed" by the CIVICUS Monitor. The lower score for fundamental freedoms and the state of civil society means that democratic liberties in Slovenia like freedom of expression, peaceful gathering and association were violated by the right-wing government (CNVOS, 2020a). In the first year of this government, the legal environment in which OIs were operating deteriorated. The laws passed in response to the pandemic were unclear, leading to uncertainty and administrative burdens. They also often contained lasting changes unrelated to the management of the pandemic. The organisations' financial situation was under pressure as organisations had fewer opportunities to sell goods/services while simultaneously public funds became less available. The government was less open to communication, while attacks on organisations by the prime minister, ministers, and members of parliament grew (USAID, 2021). Alongside the Covid-19 crisis, OIs faced several obstacles created by the deterioration of democracy. Yet, the crisis also meant the need for OIs to become active increased and introduced hurdles that encouraged OIs to mobilise. We next explain how democratic backsliding is evident in the OIs' activities.

2.1. Limiting Protests and Demonstrations

Protest actions began already upon the appointment of the new, populist right-wing government. These protests were initially individual, or took place on balconies and social media, following the closure of the country soon after Covid-19 arrived. The partial re-opening of the state saw such protest activities move to the city centres, persisting in the capital Ljubljana until the April 2022 elections. From the outset of these protests, the government attempted to silence them (European Civic Forum, 2021). The protesters were generally tightly controlled by the police despite the gatherings being peaceful, the Republic Square before the National Assembly

was fenced off, and surveillance and social media technologies were used to track, sanction, and fine protesters (Kovač, 2020). Police used physical force against and detained protesters, issued fines, recorded protest activities, referred protesters to the state prosecutor's office for using the protest slogans "Death to Janša-ism" (*Smrt janšizmu*), and identified individuals who may have intended to participate in the protests (Petković, 2020a). Among others, police fined protesters because they wrote calls for resignation in chalk on the footpath (Košir, 2020). Fines were given for jumping over protection fences and reading the Constitution in front of the parliament. When the protests included cars due to the ban on gathering during the epidemic, protesters were fined for honking. Protesters then began to collect voluntary contributions for the solidarity payment of the fines handed out to the protesters (Kosmač, 2020; "Police officers," 2020). The best-known case was when police fined students from the prominent Maribor Gymnasium who had protested to reopen their school in violation of the law on infectious diseases and summoned minors to court ("Sviz and teachers," 2021). In October 2021, police also used tear gas and water cannons at protests, described by many as the use of excessive force (CNVOS, 2021b). Jaša Jenull, the informal leader of the Friday Protests, even received a request to pay EUR 34,340.56 for police security costs for the peaceful protests when the protesters were reading the Constitution in Republic Square (Kramberger, 2022). The police and the government's attitude showed disrespect for the freedom of assembly. The government sought to portray the protesters as disobedient and mischievous individuals who wished to prevent the government from running the country and protecting the citizens from Covid-19.

Here we must point out that individual governmental actors mainly opposed protest activities that advocated liberal positions, while the activities of the conservative "yellow vest" protesters and activities of far-right organisations like the Društvo za promocijo tradicionalnih vrednot (the Society for the Promotion of Traditional Values) were tolerated by the very same governmental actors. This shows that one intention of the measures imposed by the populist right-wing government was to strengthen OIs that ideologically support the positions of its parties and are in line with the values of their electorate. The population of OIs in Slovenia is very diverse and covers all ideological positions on the continuum from libertarian to traditional, whereas almost one-third position themselves in the middle (Beyers et al., 2020).

2.2. Attacking the Public Image of Organised Interests

Social media, especially Twitter, became the space for government actors to make accusations about OIs. Such actors included the prime minister, other ministers, and members of parliament from the governing party (CNVOS, 2022a; Petković, 2020b). Both protesters and

the Constitutional Court were blamed for increases in the Covid-19 infection rate while the OIs that represented the interests of migrants, refugees, LGBTQ+ communities, human rights, the environment, gender equality, etc., were blamed for draining the state budget (Kovač, 2020). Among others, the prime minister labelled the OIs “partners” of the left-leaning parties that “breed on the work blisters of taxpayers” (Petković, 2020b). Although attacks on OIs in social media are common, it is particularly concerning when such attacks come from the ranks of officials and politicians who should be working for all citizens. Besides social media, traditional media close to the ruling party were systematically attacking OIs’ activities, notably in the fields of human rights, equality, multiculturalism, and environment, while some attacks were also directed at individual intellectuals critical of the government (e.g., Rudi Rizman, Svetlana Slapšak, Boris A. Novak; see Petković, 2020a).

On top of attacking the public image of OIs, the right-wing government systematically confronted the media, making threats to journalists and independent media. Such attacks were generally directed at national radio and television broadcasters. Already at the start of its term, it proposed amendments to the three main laws governing the media by changing the leadership of the Slovenian Press Agency, slashing funds, and changing the leadership of the national television broadcaster, and financing media close to the ruling party with state funds. According to Media Pluralism Monitor, Slovenia’s media pluralism is under a medium threat (Petković, 2020b). The conditions for independent media collapsed when, for almost one year, the government refused to pay the Slovenian Press Agency (“Signed contract,” 2021). In the last two years, the government managed to fill the national television broadcaster’s supervisory board with its own cadre, change their leadership, and interfere in informative programming—several changes included the cancelling of established informative programmes with a high rating. Simultaneously, government-friendly media like Nova24 and Planet TV received additional funding from parties and individuals close to Viktor Orban, the Hungarian prime minister (CNVOS, 2020a). On the same day as the composition of the new parliament was convened in May 2022, SDS submitted new amendments to the Radiotelevizija Slovenija Act and thereby took over and hampered the coalition’s proposed new amendments for that Act (“SDS overtook the coalition,” 2022). In May 2022, national television journalists called for a warning strike. Their main demand was to depoliticise public broadcasting and comply with professional and ethical standards (“This leadership,” 2022). Media appearances can be an important strategy of OIs when participating in a public policy process (Beyers, 2004). Especially when decision-makers cannot be reached by individual organisations, OIs can use the media to draw attention to their positions. Media control and negative reporting on OIs can thus significantly impact the influence of OIs.

Slovenian OIs on average devote much more time to indirect strategies than direct ones. The activities most frequently engaged in to influence policies are publishing positions on their websites, followed by contacting journalists to boost media attention, active involvement in media debates such as giving interviews, writing editorials and opinion letters, and organising conferences of experts and press conferences (Beyers et al., 2020). Reliance on outside strategies like protest activities, demonstrations, public gatherings, as well as media appearances remain important OI activities for coping with the situation of backsliding. In addition, over 60% of Slovenian OIs are also members of international “umbrella organisations” (Beyers et al., 2020). This matters because OIs with international ties show lower levels of existential threats (Kamiński & Riedel, 2021).

2.3. Suspension of Funding

A survey among the Slovenian population of OIs showed that most OIs operate with a small budget. Almost 45% has an annual operating budget of just EUR 10,000, while a further 27% operates with an annual budget of EUR 10,000 to EUR 50,000. Around 58% of OIs work voluntarily and have no employees. Membership fees were the most widespread source of funding; only 14.4% of OIs were not funded by membership fees. Other funding sources include contributions from charities and sponsors, donations by individuals, services, sales, savings and national governmental funds (39 percent; see Beyers et al., 2020). In terms of funding sources, Slovenian OIs are thus largely autonomous as they generally rely on internal funding sources (Gray & Lowery, 1997). The voluntary aspect of Slovenian OIs makes them vulnerable to social and political challenges and changes. However, their strong grassroots nature makes them also more resilient to democratic deterioration, with the same survey (Beyers et al., 2020) revealing that just 12.6% of OIs state it is highly likely their organisation will face a serious challenge to their existence in the next five years. A further 22.5% believe this is likely to happen. In comparison, data for Poland show higher levels of mortality anxiety with 24% stating this is highly likely and another 33% stating this is likely. At the same time, notwithstanding the high numbers of active OIs in Slovenia, perceived direct competition, which can influence mortality anxiety levels (Gray & Lowery, 1997), is not very high. No organisation believes there is very strong competition from like-minded organisations when attracting members, donations, and subsidies: 17% find the competition strong and an additional 32% find that the competition is moderate. For comparison, in Poland, perceived direct competition is much higher in the population of national OIs since 12.5% find the competition very strong, 30% strong and a further 31% moderate (Beyers et al., 2020). Yet, the survey was conducted in Slovenia in 2016 when a centre-left government was in power and the environment for OIs’ operation was favourable,

while in Poland the survey was conducted in 2017, two years after democratic backsliding had been underway (Pospieszna & Vetulani-Cęgiel, 2021) and these circumstances can especially effect OIs' perceived anxiety.

Nevertheless, the public funding OIs manage to obtain remains important for their functioning. Official statistics show that between 2009 and 2020 public funds accounted for 35% to 47% of all OI revenues (CNVOS, 2021a). While the right-wing government in Hungary has stigmatised any OIs funded by foreign donors (Roggeband & Krizsan, 2021), in Slovenia populist right-wing politicians have accused OIs of draining the state budget. In the last two years, some government measures affecting OIs have also included limiting their funding.

Soon after the new populist right-wing government took office in 2020, some project contractors approved by the Government Communication Office to conduct projects concerning respecting and accepting different ethnic groups, refugees, migrants, and media literacy were told, in a letter, to voluntarily withdraw from their contract and give up their project funding. The Government Communication Office stated that the key reason for this demand was that their funds were needed to fight Covid-19. The project tender was worth just EUR 107,000 (CNVOS, 2020b), immediately raising suspicions that the government simply wanted to avoid supporting activities in the fields of multiculturalism and in fighting against fake news (Petković, 2020b).

In October 2020, the Ministry of Culture requested the eviction of OIs from Metelkova 6 in Ljubljana in order to renovate the premises. Since 1994, Metelkova 6 has been home to 18 OIs and six libraries known to promote cultural, scientific research, and advocacy activities on premises owned by the Ministry of Culture. Forced eviction attempts were understood as undermining independent, autonomous and free creative production and a political reckoning of critical, thoughtful and creative voices/institutions, especially given that the renovation work is only planned for 2023 while OIs were asked to leave the premises by 2021. Further, they were not offered alternative premises, despite provisions for that in the lease agreement ("The Ministry of Culture," 2020).

Yet what is most worrying was the attempt to abolish the Fund for the development of NGOs under the Determining Intervention Measures to Assist in Mitigating the Consequences of the Second Wave of the Covid-19 Epidemic Act (ZIUZEOP, after the original title). In 2018, the Ministry of Public Administration set up a budget fund for the development of NGOs to finance projects and programmes of OIs and volunteering. The funding sources are personal income tax funds that have not been used by taxpayers to finance public-benefit purposes. Funds are allocated to OIs based on public tenders. The fund is the sole systemic funding source for OIs and finances professionalisation, enables development investments, and strengthens the quality of OIs' services. An important role of the fund is to

co-finance European projects. Between 2018 and 2020, 194 organisations from all Slovenian regions received funds (CNVOS, 2020c). Both the attempt to abolish the fund and to include this measure in the ZIUZEOP without prior announcement or public discussion were controversial. By sending letters to members of parliament and addressing the public and the media, OIs were able to draw attention to the proposal's harmfulness. They managed to persuade the coalition partners Modern Centre Party and New Slovenia not to support the proposal. Still, this was not the ruling party's only attempt to abolish the fund (CNVOS, 2020d).

Attacks on OIs by curtailing their funds also entail individual cases. One example is the environmental organisation Lutra, Institute for the Preservation of Natural Heritage, which is actively opposed to the building of a hydroelectric power plant on the lower Sava River. In 2020, the Institute was awarded a project under a LIFE programme call financed by the European Commission. Since the EU is only co-financing the project and OIs must find an additional funding source, Lutra successfully applied for co-financing with the Ministry of Environment. However, the minister refused to sign the co-financing agreement, presumably because the state no longer needed the services to be provided by the organisation within the project. Yet, the whole case raised suspicion that minister Andrej Vizjak was taking revenge on the organisation for having obstructed the hydroelectric power plant's construction on the Sava River, a project that he was interested in (CNVOS, 2022b).

Similarly, the results of a 4-year programme call by the Ministry of Culture to select public cultural programmes in the fields of music, intermedia, and performing and visual arts excluded from funding certain well-established non-governmental cultural organisations. Some of these organisations had been involved in this co-financing mechanism since the start of the Ministry of Culture's programme and held strong references in their field of activity (Kocijančič, 2022; Svetec, 2022). By controlling the funds available to an OI, the state can easily jeopardise its existence. This is especially when organisations are small and operate on a limited budget. Slovenian OIs generally have balanced sources of funding from public to private funds and their own services (CNVOS, 2021a). Unlike in some other CEE countries, Slovenian OIs are not considerably financed by foreign donations.

2.4. Administrative Obstruction of Organised Interests

The obstruction of OIs' functioning was best seen in the field of the environment. Environmental organisations in the past had pointed to the harmful environmental impacts of the planned construction of industrial facilities, hydroelectric power plants or other high-profile foreign investments, which led to negative media coverage of environmental interests (USAID, 2018, 2020). However, until 2020 environmental organisations had

mostly faced accusations about obstructing development and negative attitudes, even though no measures were taken to formally prevent environmental OIs from participating in policy processes. The right-wing government sought to avoid OIs' opposition to planned new investments by introducing fresh administrative obstacles. In the ZIUZEOP framework, it added new conditions for OIs regarding their involvement in the process of issuing building permits. These new conditions were so strict that practically even the most active and recognisable environmental organisations from Slovenia would have been unable to meet them, largely because the rules were retrospective and organisations should have met those conditions two years before. The conditions determined the minimum number of active members with proven regular membership fee payments and participation at members' meetings, the number of full-time employees with a professional higher education and work experience, and the minimum assets (CNVOS, 2020e). The Constitutional Court then withheld the enforcement of these conditions. The same conditions for the involvement of OIs were proposed regarding obtaining the status of acting in the public interest in the nature conservation field under the Environmental Protection Act (CNVOS, 2020f), although ultimately the "retrospectivity" of these conditions was not included in the Act. These new conditions also apply to OIs that had already received the status of acting in the public interest (CNVOS, 2020g). In addition, the government proposed that OIs are excluded from the environmental impact assessment process. Environmental organisations could only appeal against a decision after it had been taken. Within the framework of the Spatial Management Act, the government proposed to withdraw an article that enabled individuals and environmental organisations to appeal against harmful interventions in space. The government thereby wanted to enable all investments without consideration of their effect on the environment (Umanotera, 2021; Weiss, 2021). Although in previous governments environmental organisations had been attacked in the media for interfering and obstructing a new investment project, the right-wing government introduced legal amendments that prevented environmental organisations from watching over planned interventions in nature.

While, on one hand, the populist right-wing government took measures that largely affected OIs that are perceived as "left-leaning"—that are more in tune with issues of multiculturalism, fake news, human rights, equality, etc.—on the other hand, environmental organisations also encountered obstructions because of their different views on economic development and investments. The ruling party's intention with the measures taken against OIs could be understood as strengthening their ideological position in line with the values of their electorate and enabling effective and quick policy decisions without the need to consider OIs that held the potential to slow the process down.

2.5. Suspension of Social Dialogue

The neo-corporatist model of representation, whereby trade unions and employers have institutionalised contacts with decision-makers within the Economic-Social Committee (ESC) and through established social dialogue, has strong foundations in Slovenia. The ESC was established in 1994 and permits the equal representation of representatives of employees, employers and government. Its main aim is to address issues and measures concerning economic and social policy by participating in the initiating and formulating of legislation. ESC decisions are binding for all authorities and working bodies of all three partners and the ESC holds a real "economic and political influence" (Krašovec & Johannsen, 2017). Despite income policies being the committee's chief focus over the years, other topics have been discussed that led to the adoption of social and other pacts (Krašovec & Novak, 2021), while social dialogue in the ESC framework has proven to be durable and adaptable to good and hard economic times (Krašovec & Johannsen, 2017). Cooperation with the ESC and the establishment of social pacts has also added to the legitimacy of governmental decisions, especially before elections (Krašovec & Johannsen, 2017). Despite the strong role of trade unions and employers' associations, during the last populist right-wing government both employers and employees' representatives warned about the lack of dialogue and collaboration with the ESC. The first ZIUZEOP was formulated without social dialogue and cooperation with the trade unions, while due to the lack of dialogue trade unions walked out of the negotiations for the fifth ZIUZEOP package in protest (Kovač, 2020). In July 2021, ESC chairman Mitja Gorenšček, the Executive Director of the Chamber of Commerce and Industry of Slovenia, called for the social dialogue to be revived and noted the harmful consequences of the social partners' inactivity and inconsistency since several new acts had been adopted without an ESC meeting (ESC, 2021). A similar concern regarding the 1.5-year absence of social dialogue and wilful misconduct of the ESC's rules was raised in October 2021 by representatives of the biggest trade unions. According to them, the government had submitted to parliament draft laws about the national demographic fund, income tax package, health legislation, and packages of legislation to help the economy and people during the coronavirus epidemic, but without any prior coordination with the social partnership, namely in violation of the ESC's rules ("A year and a half without social dialogue," 2021). Although the institutionalisation and formalisation of neocorporatist models mean that they are more difficult to destroy during a backsliding (Pospieszna & Vetulani-Cęgiel, 2021), this example clearly shows that one strategy of the populist right-wing government for curtailing OIs was to interrupt the social dialogue and ignore the neo-corporatist structure.

2.6. Exclusion of Organised Interests From Policymaking

The National Council is the upper house of parliament and the peak corporatist institution in Slovenia that represents indirectly elected social, economic, professional, and local interests. While it is often pointed out that the National Council only has a minor role in Slovenian policymaking, it retains the power of a suspension veto. When new legislation is passed by the National Assembly, the National Council can, with its suspension veto, demand that fresh voting be held in the Assembly, but this time voting with an absolute majority is applied. This may be an important policymaking mechanism when a ruling coalition has a minimum majority, as was the case with the last populist right-wing government. The most striking example is an amendment to the Water Act from 2021 that included the controversial Article 37 allowing public areas to be privatised and the fencing of and restricted access to surface waters. On 30 March 2021, despite mass support for the petition for drinking water, the National Assembly adopted these controversial amendments. The civil initiative then immediately collected 9,000 signatures in support of a legislative referendum. The initiative to call a legislative referendum was filed on 6 April 2021. Still, on that day, the National Council did not vote against the amendments to the Water Act despite the petition having been signed by over 50,000 citizens and organised by the environmental organisation *Eko krog* (Eco Circle) and the civil initiative *Danes* (Today), *Mladi za podnebno pravičnost* (Youth for Climate Justice), *Smetumet*, and *Inštitut 8. marec* (Institute 8 March; see Malovrh, 2021).

The Water Act amendments were not only controversial regarding Article 37 but also in a procedural way. The amendment to the Act was only up for public debate for just one week, whereas the government's own rules of procedure provided a minimum deadline for the public's response of 30 to 60 days. Moreover, the disputed changes were made following a public debate on the Ministry of the Economy's initiative (with the consent of the Ministry of the Environment), which breaches the Aarhus Convention (Malovrh, 2021). Regular monitoring of public involvement in the drafting of legislation reveals that all governments have violated the agreement on the public's involvement in terms of there being no public debate, no deadlines for comments, or the deadline being too short. While the government of Marjan Šarec breached the provisions on public involvement in 60% of cases, the last right-wing government of Janez Janša breached them in 70% of cases (CNVOS, 2022c). *Inštitut 8. marec* also warned that the parliament's internal rule that foresees the presentation of opinions on a given topic by OIs had, in practice, been violated and almost no organisation was invited to parliament (Kovač, 2020).

3. Enhanced Actions of Organised interests

The situation during the Covid-19 crisis encouraged active citizenship and the need for voluntary assistance to be given to weak and vulnerable members of society. Volunteers helped in hospitals, collected computer equipment for distance learning, made purchases and deliveries for vulnerable groups of people, provided free transport to vulnerable groups and medical workers, sewed protective masks, and prepared disinfectant. Despite the limits the democratic deterioration imposed on OIs' activities, they undertook various actions to cope with the backsliding situation. We detected several forms of response: indirect strategies like mobilising and organising protests, signing petitions, participating in the media, and networking with like-minded organisations from Slovenia. Yet, at the same time, they also reached out to opposition parties, notably in 2022 before the elections, and used opportunity structures for citizens such as a referendum and the forming of legislative proposals.

OIs have been very active in mobilising the public. Although during the Covid-19 crisis most EU member states limited the public space and the right to gather, a need was expressed for the right of people to protest and establish a dialogue between the government and the public. The most visible mobilisation attempts during the Covid-19 crisis were the Friday Protests on bicycles that gathered every Friday for two years from April 2020 to the elections in April 2022. A series of protests were also organised on Tuesdays to draw attention to the status of culture during the pandemic, the Tuesdays for Culture. Moreover, several actions were organised by environmental OIs such as hiking for nature along the Sava River (Balkan River Defence, 2020).

Several petitions were signed over the last two years, including the "We Are Not Giving Our Nature Away" in response to the obstacles introduced concerning environmental organisations' involvement in decisions about new building investments, a petition in support of the informative television shows *Studio City*, *Tednik*, and *Tarča*, a petition on behalf of public radio and television broadcasters, as well as autonomous journalism, and a petition by academics against government interference in education. Media participation along with statements given to journalists and posted on websites were used to inform the public about any irregularities the OIs were experiencing.

Different OIs started to network together. This was most evident during the campaign for the Water Act and just before the elections when a network encompassing over 100 OIs—the *Glas ljudstva* (Voice of the People)—was established. *Glas ljudstva* actively called on the public to participate in the elections. It also prepared 100 demands to improve the social, political, economic, and environmental situation in Slovenia. Demands were also sent to political parties to ask them to commit themselves to the changes needed. This information was also available to voters, yet only left-wing parties responded

to the invitation (Glas ljudstva, 2022). Also due to the OIs' activities, the turnout for the National Assembly elections in April 2022 rose to 70.97%, a considerable increase over the 2018 elections when the turnout was just 52.64% (Državna volilna komisija, 2022). Without an increase in voter turnout, with the large steady electoral base of the SDS party and devoid of a strong party on the left, the populist right-wing government could have received another mandate.

However, OIs did not limit themselves simply to indirect strategies but also used all of the opportunity structures available to citizens. The two biggest successes of OIs under the populist right-wing government were the Water Act referendum and the proposed amendment to the Criminal Code. OIs managed to mobilise citizens and first collect enough signatures for a referendum and then enough votes at the referendum to prevent the harmful amendments to the Water Act coming into force ("The quorum is exceeded," 2021). Inštitut 8. marec prepared a draft amendment to Criminal Code to redefine the crime of sexual assault and rape according to the "Only Yes Means Yes" model, which received sufficient parliamentary support and was thus adopted ("Model," 2021).

Following the elections in April, Inštitut 8. marec submitted to the National Assembly a proposed law against the harmful measures taken by the previous government, supported by 15,000 collected signatures. With this proposal, it wishes to repeal 11 legal provisions adopted by the last government that are opposed by experts, beneficiaries, and the general public. The proposal includes preventing Uber from entering Slovenia, reducing the influence of local politics in schools and kindergartens, preventing the police from being politicised, enabling nature conservation organisations to engage in nature conservation, and restricting the Minister of Culture from arbitrarily allocating public funds. Before the election, the parties that later won the election supported this legislative proposal (Dernovšek, 2022).

4. Conclusion

The process of democratic deterioration and the altered conditions for OIs' operations and activities over the last two years of populist right-wing government led by SDS and Janez Janša was summarised by Tina Divjak, head of advocacy at the Centre for Information Service, Cooperation, and Development of NGOs, as follows: "We went to sleep in Slovenia and woke up in Hungary" (European Civic Forum, 2021). With the constant improvement of the legal environment for OIs' operations before 2020, which included the adoption of the Non-Governmental Organisations Act and the establishment of a fund for NGOs in 2018, the financial situation also improved and the number of active organisations every year increased. The year 2020, with the appointment of a new populist right-wing government and the start of the Covid-19 pandemic, was a

turning point in the conditions facing OIs. Measures against NGOs grew, new legal obstacles and administrative demands were introduced, while several attempts were made to reduce financial support for OIs and their services.

Our analysis shows the closure of civic spaces selectively happened at the same time by targeting certain organisations (especially organisations in the areas of the environment, culture, and human rights) that shared different positions, value orientations, and ideologies than the ruling party and its electorate, as well as generally with some attempts like the proposal to withdraw fundings for NGOs that would affect all OIs. The government attempted to limit OIs' activities by intervening in their financial resources, legal framework, and public image to make quick and effective policy decisions without needing to consider the positions of OIs.

Ironically, during the Covid-19 epidemic, the need for the services of OIs rose rapidly while the obstruction of these interests encouraged the further mobilisation of citizens. Some of the greatest successes of OIs came during this period, namely the referendum on the Water Act, the amendment to the Criminal Code, and the rise in political participation. Set to commence its term at the start of June, the newly elected centre-left government promises to govern in close cooperation with civil society's OIs. Despite the OIs' success, any continuation of the right-wing government, especially due to its increasing influence on the national radio and television broadcaster, would probably have seen the civic space close even more and OIs being less likely to repeat their successes. How the relationship between the new government and OIs develops has yet to be seen. Still, it is very clear that OIs will continue to be "mischievous" (as claimed by the right-wing government) if any further democratic deterioration occurs. On its first day under the new leadership, the Ministry of the Interior withdrew its consent for lawsuits filed against Jenull to reimburse police security costs from unreported protests over the past two years ("The ministry withdrew," 2022).

While the measures imposed to limit OIs by aiming to more effectively adopt policies in the interest of the government may seem an isolated and specific case, the result of the analysis is not just limited to Slovenia and the studied government. This case also shows that when the OI population experiences neither strong competition nor high mortality anxiety they can respond to the introduced limitations by reinforcing their indirect strategies, encouraging mobilisation, and extensively using opportunity structures to bring about changes. Nevertheless, we believe it is harmful if, due to democratic backsliding, OIs must focus on their survival instead of providing services for members and beneficiaries. Future research is particularly needed in terms of the long-term impact of the limitations experienced by OIs in the last two years and how likely such deterioration is with other governments.

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Conflict of Interests

The authors declare no conflicts of interest.

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