南 華 大 學 歐洲研究所碩士論文

斯洛文尼亞民主轉型之研究 (1980年-2000年)

Study on the Democratic Transition of Slovenia (1980 - 2000)

研究生: 陳建銘 撰

指導教授: 洪茂雄 博士

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研究生:陳建銘

四就委員: 新北京 中美麗天东

指導教授: 15.6/4

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致 謝

本論文在寫作的過程當中,實受到多方親朋師長的關心與包容。

若妳/你問我,南華歐研所的特色為何,我會回答:我很幸運,在我加入這個歐研家庭時,歐研所的規模尚不大,師生間互動頻繁,老師群很容易了解學生的想法,而學生和老師的距離不若刻板因襲而來得疏遠,師生融合一群,頻率相近,學生吸收「知識」的效率,自不言可喻。

南華大學許仟教授是我進入研究所後,第一個認真、嚴肅地鼓勵我寫作發表的師長。猶記那晚許老師在我洗澡時,掛了通電話來,說我當天在課堂上所提的 idea 不錯,鼓勵我進一步作閱讀再予以投稿發表;就這樣,我佇立在浴室、泡沫滿身、領受老師對學生的一番殷盼,達一個多小時。許老師談笑風生、譴詞幽默、反應一流,煮酒論藝,寓學識於談笑間。

研究所期間交往過的同學,各具特色,碩士班第一年期間與他們在宿舍的生活,使我學習到了書本之外,更珍貴的「人生實習」課,這在我未來的人生歷練ABC中,將佔有不小的區塊!感謝他們!

指導教授洪茂雄博士,稱他為我求學過程一盞不滅的明燈,實恰如其份!在 我最最需要幫助之時,洪老師大方的伸出雙手,鼓勵我振作,並讓我得以在他身 邊學習;與其他同學相較起來,我的確是幸運的。

北上期間,與歐研所第一屆的學長丁元亨、還有一些同好,自美賦歸後合組了一個屬於年輕人的團體,名為願景青年行動網(Vision YouthAction, VYA),內容主要是以培育台灣的青年領袖,目的是希望當前台灣的年輕朋友們,能涵養在地認同、兼俱全球視野。與這群有衝勁的伙伴共同討論、辦活動,令我體驗到「見

賢思齊」的實踐可能性。尤其是元亨學長作事情的態度:「以青年創業的態度作事情」,更令我難望其項背。論文寫作這段期間, VYA 伙伴們對我的包容,我感激之情,直無法以文字盡釋,只好對自己說:「趕快接個專案吧!」

最重要的,當然是要感謝家人長年來對我的「溺愛」,雙親、小妹屢屢在我 沮喪的時候,攤開雙臂歡迎我回家。若說照一般論文所言:「謹以這本論文獻給 我的雙親,以回報他們多年來茹苦……」云云,那簡直可笑!我所要表達的,就 是希望在研究所就學期間,在洪茂雄老師的提攜、政大國關中心的師長的勉勵之 下,令家人可以感受到我的成長,使家人有些許欣慰;然後,我對家人的愧疚感 或能稍歇!

感謝爸、媽、閔鈺,感謝大家!

陳建銘

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中文摘要

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研究生: 陳建銘 指導教授: 洪茂雄博士

論文提要內容:

斯洛文尼亞面積二萬0二百五十三平方公里,人口至二00二年已達兩百萬人,地處巴爾幹半島地區西北邊,與西歐國家接壤的是義大利、奧地利,東北與匈牙利為鄰,南邊有克羅埃西亞,西濱亞得里亞海(the Adriatic Sea)。在地緣上,斯洛文尼亞是南聯各共和國最接近西歐國家的一個,在民主化受到西歐國家的影響最深遠;至於民族問題,亦是前南斯拉夫中引起種族矛盾衝突最輕微的共和國,這與國內的民族人口比例雖有關,但盧布里亞那(Ljubljana)當局的政策引導更是使得因民族問題而起的硝煙,對斯洛文尼亞民族矛盾衝突傷害減至最低,不若其他共和國聯邦,如塞爾維亞及波黑般有血腥的種族滅絕行為。因此,自轉型起,斯洛文尼亞當局在民族主義瀰漫的南聯中,對於完整主權的思考,及在追求國家獨立的過程當中,如何兼顧民主化的深耕;這些發展均與公民社會的發展、經濟程度高低有相關連的變項,將在本文中加以探討。

於一九九一年六月二十五日正式獲得完整國家主權的斯洛文尼亞,其在南斯拉夫聯邦共和國期間即是整體發展最為快速的一邦。前南聯總統狄托逝世後,能夠凝聚整個南斯拉夫的向心力頓時消失,整體環境無法滿足斯洛文尼亞作為一聯邦國家內的一員,所要發揮的主體優勢。因此,斯國的政治菁英環顧國內外的情勢之後認為,唯有拋開意識型態的枷鎖,堅定地邁向追求國家主權一途,方是捍衛斯洛文尼亞國家利益的最佳選項。本文的目的即是在論證:斯國選擇「民主化」

的方式,作為追求國家利益的途徑;而國家完整主權的追求,異其達致國家利益的戰略目標之一,而非終程!

關鍵詞:南斯拉夫、民主化、後狄扥時期、現代化、國家主權

Abstract

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Title of Thesis: Study on the Democratization Transition of Slovenia

(1980-2000)

Name of Institute: Institute of European Studies of Nan Hua

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Name of Student: Chen, Chien-Ming

Advisor: Hung,

Mao-Hsiung

Abstract:

Slovenia has 20,253square kilometers and there are already 20 thouand people

live in Slovenia. As a part of the Former Socialist Federation of Yugoslavia(FSRY),

Slovenia has been ruled by the communist party for nearly half century. Under the

federal system of Yugoslavia, Slovenia has never gave up to struggle for her

sovereignty. By the 'Soicial Management' system and highly national identity,

Slovenia could solid the internal public opinion and could work up the democratic

transition from the political elite to popular more stable than other parts of FSRY.

These thesis would like to discuss these issues as follow:

1. The back ground of the democratic transition of Slovenia. In the writer's

opinion, before Slovenia became the 'Normal State', people have begin to

ask for the democratic reform inside the Slovenia.

2. In the process of Slovenia's democratic transformation, struggle for the

whole state sovereignty is just one of the whole strategy. So that we can't

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regard the build up of the Republic of Slovenia as the end of the democratic transition in Slovenia.

We can regard the concept 'Democracy', the 'State Sovereignty', as tools.
 And the final purpose is to seek to the national interests.

Keywords: Yugoslavia, Democratization, Post-Tito Era, Modernization, State Sovereignty

斯洛文尼亞民主轉型之研究

(1980年-2000年)

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第一章 緒論

第一節 研究動機與目的

一、研究動機:

進入後狄托時期的南斯拉夫社會主義聯邦共和國(Socialist Federal Republic of Yugoslavia,以下簡稱南聯),整個聯邦內在瞬時間因失去強有力的領導,陷入群龍無首的混亂之中,聯邦內部因而出現政權合法性的爭議。八0年代末期,共黨政權國家的垮台,蘇聯解體,連同南斯拉夫聯邦在內的東歐國家,受到第三波民主化的影響,致使聯邦內各共和國紛紛起而獨立,追求完整的國家主權;在此過程當中,就屬前南斯拉夫中的斯洛文尼亞(Slovenia)與克羅埃西亞(Croatia)較為平順,亦最早脫離南聯而獨立。

斯洛文尼亞面積二萬 0 二百五十三平方公里,人口至二 0 0 二年已達兩百萬人,地處巴爾幹半島地區西北邊,與西歐國家接壤的是義大利、奧地利,東北與匈牙利為鄰,南邊有克羅埃西亞,西濱亞得里亞海(the Adriatic Sea)。 在地緣上,斯洛文尼亞是南聯各共和國最接近西歐國家的一個,在民主化受到西歐國家的影響最深遠;至於民族問題,亦是前南斯拉夫中引起種族矛盾衝突最輕微的共和國,這與國內的民族人口比例雖有關,但盧布里亞那(Ljubljana)當局的政策引導更是使得因民族問題而起的硝煙,對斯洛文尼亞民族矛盾衝突傷害減至最低,不若其他共和國聯邦,如塞爾維亞及波黑般有血腥的種族滅絕行為。因此,自轉型起,斯洛文尼亞當局在民族主義瀰漫的南聯中,對於完整主權的思考,及在追求國家獨立的過程當中,如何兼顧民主化的深耕;這些發展均與公民社會的發展、經濟程度高低有相關連的變項,將在本文中加以探討。

斯洛文尼亞與克羅埃西亞原本在聯邦體制時期,便是經濟表現最為突出的兩共和國;九0年代初期,斯、克兩國的每人年平均所得分別是六千八百八十七美

元及五千一百六十美元,相較於當時其他聯邦成員國,經濟最為落後的蒙特內哥羅(Montenegro)則僅有三百0三美元。斯洛文尼亞在獨立後經濟發展的表現依舊使人感到耳目一新,主要表現在:其一、經濟穩定成長,國內生產總值居前南斯拉夫國家,甚至是中東歐國家之首;其二、在前南斯拉夫國家中是唯一保持國際收支盈餘的國家,早在一九九六年的二月,其外匯存底已達三十六億美元,超過自前南斯拉夫國家所繼承的二十五億美元外債,而且,從一九九五年九月一日起,其貨幣多拉(Tolar)已成為國際自由兌換貨幣;其三、人民生活水準大為領先前南斯拉夫各國。

相較於其他前南聯國家,斯國經濟能夠穩定發展的主因又在於:其一、政局 相對穩定。帶領斯洛文尼亞獨立的前共黨領導人庫昌(Milan Kucan), 在其兩任總 統期間 , 成功地穩定其國內政局 , 而且斯國民族較單一 , 斯洛文尼亞族佔總人口 近百分之九十,國內民族間的衝突相對降低,為往後的經濟快速發展創造有利的 條件;其二、經濟轉型基礎好。南聯解體前,斯洛文尼亞曾是最富裕和最發達的 共和國,人口只佔聯邦總人口的百分之八點四,生產總值卻達聯邦的百分之十九 左右。早在五、六0年代,斯洛文尼亞就在南聯總統狄托倡導下走向「半開放市 場經濟」的路線,經濟基礎的穩固,使得斯人欲追求更多的自治權;其三、積極 發展對外關係。獨立後,為了儘早回歸「歐洲大家庭」和振興經濟,把加入歐盟、 參與國際組織列為首要任務。於一九九二年五月,和「歐洲自由貿易協會」 (European Free Trade Association)簽訂合作協定;一九九三年五月和歐盟簽訂經濟 和貿易合作協議,是前南聯國家的第一個;並在一九九六年六月成為歐盟的聯繫 國;稍早之前一九九三年五月參加歐洲理事會,同年十二月成為加入西歐聯盟的 觀察員;一九九四年三月成為北大西洋公約組織(North Atlantic Treatv Organization, NATO)「和平伙伴計畫」中的一員(Partnership for Peace, PfP),美國 於二00一年九月十一日遭恐怖組織攻擊的「九一一事件」,令美國對於全球的 戰略佈局不得不重新思考;同年十一月美國在波蘭首都華沙(Warsaw)召開反

恐會議和二00二年三月底在羅馬尼亞首都布加勒斯特(Bucharest)召開的北約 準會員國會議,象徵斯洛文尼亞在歐洲的戰略地緣日益重要,可望於二00二年 十一月在捷克布拉格(Prague)舉行的北約高峰會後,正式加入北約組織。斯洛 文尼亞於一九九五年七月順利加入世界貿易組織(World Trade Organization, WTO)後,經濟的持續成長和政局的相對穩定,預料申請加入歐洲聯盟在二0 0四年有進一步的佳音。

引領作者研究斯洛文尼亞民主轉型的動機如下:

- 第一、至二十一世紀初為止,自然地理上的中、東歐國家從放棄社會主義轉向自由民主開放的市場體制已有十數年餘;若以十年為審視一國之內國政、經、社發展的時間單位,回頭再檢驗中、東歐國家的民主轉型成果,現在正好可一窺其轉型成敗之端倪。原因是,歷經十年,中、東歐前社會主義國家多已舉行過兩次以上的國會和總統大選,「政治參與」藉由制度化,使得人民逐漸瞭解並接受「法治國家」的意涵;再者,經濟制度轉型的幾項指標,如失業率、通貨膨脹率、企業私有化過程,可在過去十年間曲線圖的幾次轉折上,分析出市場體制的路線是否平順。最後,隨著政治的開放,非共化後的國家與歐美接觸日益頻繁,復以資訊流通數位化,民間各社群不管在內國、歐陸的活動量大增,多元社會兼容並蓄的特色,逐漸在其國內開展。
- 第二、狄托主義治下的南聯本是一個走「自主路線」的前社會主義國家,自 一九五0年代末、六0年初起,與蘇聯領導的共黨集團截然不同的國 家發展目標即清晰可辨,有其發展過程的特殊性。再者,南聯的分子 國斯洛文尼亞又是其中經濟狀況最為「良好」、公民社會最早成形的 一員,民族主義的火苗無法在斯國內被點燃、政治環境在過渡到民主 選舉的過程中,人民又多能適應良好;其中的源由,自有研究的價值。

第三、作者於二000年和二00一年有幸陪同指導教授前往中、東歐做田野調查,並在行程中規劃赴斯國作實地訪查;彼時在斯國三日停留期間,一掃過去對鐵幕國家,那一片市井蕭條、民生凋弊的刻板印象,發現非共化後的斯洛文尼亞全然一幅發展中國家的景象,欣欣向榮,絲毫無曾在共黨統治下的陰霾。基此,更引人欲觀察脫離南聯獲得獨立進而向民主體制轉型的過程為何。

二、研究目的

在前社會主義國家中,有如同斯洛文尼亞這般自轉型到現在(二零零零年) 仍維持政局穩定,經濟成長的例子實屬不多。波蘭的「震盪療法」雖使其經濟走 出探索自由市場經濟的迷霧,但其過程卻有如坐雲霄飛車般的起伏;南聯解體 後,塞爾維亞和蒙特內哥羅組成的南斯拉夫聯盟共和國(以下簡稱南聯盟)經濟 發展受到民族主義幽靈的拖滯,若非西方各國於其公元二千年總統大選後,解除 經濟制裁,其國計民生真叫人不敢設想!再回來審視斯洛文尼亞與南聯的關係, 作者認為,斯洛文尼亞自一九八0年代起便有轉型之肇始,獨立是轉型過程中的 一環;斯洛文尼亞的轉型過程是本文中欲探討的對象,並藉著探討出的結果,嘗 試去發現斯洛文尼亞現行的政黨政治、公民社會、經濟制度是否已穩定地邁向民 主化國家之林,而內部存在不穩定的因素為何,影響程度會否左右國家未來的整 體發展?在作者目前所掌握的資料當中,發現到台灣對南聯的研究文獻和他國比 較起來實屬缺乏,國內在前南聯解體後對各共和國的研究仍嫌不足,這方面或許 會使得國人,尤其在學術研究方面,對斯洛文尼亞者這個新興民主國家的認知上 失之偏頗;透過對此一議題的探討,從斯洛文尼亞自轉型伊始、經獨立、到積極 與歐洲國家的接觸,由歐洲國家對斯洛文尼亞政經發展的接受程度,來檢視斯國 轉型過程中的內外發展是否真的穩固,抑或有倒退的變數存在?

簡而言之,本文欲探討的命題(Proposition),有以下各點:

第一、斯洛文尼亞轉型的各項條件為何?如在何種的背景下,促使斯國的政治菁英願意朝向對自身權力會有威脅的民主化前去;民間社群期待轉型的呼聲有多高。

第二、獨立後,已具備完整國家主權的斯洛文尼亞,在面對與之前相異的政治制度、國際局勢上,如何與民主化相呼應?

第三、轉型所觸發的各項議題,對於持續在民主化的斯洛文尼亞有何影響?

第二節 研究方法

自二次大戰結束後,這個世界的新興國家如雨後春筍般脫離原殖民國家而獨立;冷戰期間美蘇兩強的對峙,使得國際關係的學者,在研究國與國之間的互動之餘,亦開始將研究重心轉至探討一國內部的制度如何影響外交上,國與國之間的縱橫捭闔。斯洛文尼亞獨立於終結冷戰的一九九0年初期,而回溯探討影響斯國開始在制度上轉型與爭取獨立最關鍵的時期:一九八0年代,並進而觀察其獨立後,朝著「民主學習」之路邁進的最初十年:二十世紀九0年代,是本研究在縱向上的時間範圍。比較政治學上對於制度面的探討,本研究中欲藉由政治和經濟及外部環境的諸項指標,如定期改選、政黨政治發展、私有化進程、參與國際社會的程度等,來研析斯國民主化的穩健與否。

因此,本文將採用的研究方法擬採下列幾種:其一、歷史研究法,運用於描述斯洛文尼亞轉型之初的時間背景八0年代到九0年代。將當時政經及社會環境作一有系統的介紹,強調解釋與理解,試圖找出其中有利於轉型的主因;其二、系統分析法,指的是由憲法架構、政府體制著手,探討轉型過程中,修憲內容和政府體制的演變。獨立後的斯洛文尼亞,其轉型是否成功,作者欲藉由其修憲的歷程和內容,及其所影響的國家機器的討論,來尋求其體制的健全與否,例如:

對人權的保障方面,歷來修憲是否有所強調;對歷屆國會選舉和總統選舉的經過 及施政績效檢視,將在本文部分列為重點探討。被列為進入民主法治國家一員的 斯洛文尼亞,國家的行政與監督單位是否均依「法」行事。其三、比較研究法, 將轉型後的斯洛文尼亞置於和前共黨時代的東歐國家與前南聯國家分別做比 較。如此,應更可突顯出斯洛文尼亞轉型所採的模式與他國轉型的差異;藉由與 前南聯國家的比較,或可找出斯洛文尼亞在清除通往更民主化國家的障礙為何。

研究架構

第一章緒論部分旨在敘述本文之研究動機、目的、方法及範圍等部分,並對 論文中將引用之文獻資料作一概述,另外,將會對論文中所採用的概念及一些重 要基本概念作一界定。

第二章斯洛文尼亞轉型之背景部分,作者在架構本文的章節之初,一度擬以「獨立後」的斯洛文尼亞作為時間點的切入,但經思考過後認為,若論「轉型」,自前南斯拉夫時期內便應有要求改革的聲浪,而獨立過程只是轉型過程中的一點。於是,便試著將時間點往前移,試圖自後狄托時期的南斯拉夫開始討論斯洛文尼亞轉型起因,八0年代至九0年代初便成為本文的時間背景。

第三章獨立後的政治運作及成效。經歷第三波民主化洗禮的斯洛文尼亞,執 政當局在政治上的運作是透過哪些方式,將處於共產體制下的斯洛文尼亞改革成 實行政黨政治、市場經濟的新興民主國家?由民主轉型各個階段看來,吾人可以 得知,斯國必定在某些方面無法滿足人民的需求,而使得社會要求改革的聲浪四 起,這也是執政當局在轉型之初所面臨的課題。執政者在正視問題的癥結後,思 考在合乎國情之下,選擇何種方式以作為轉型之路;並藉由將憲政體制、政黨運 作、選舉制度等過程,檢驗斯洛文尼亞的轉型是否步上正軌。

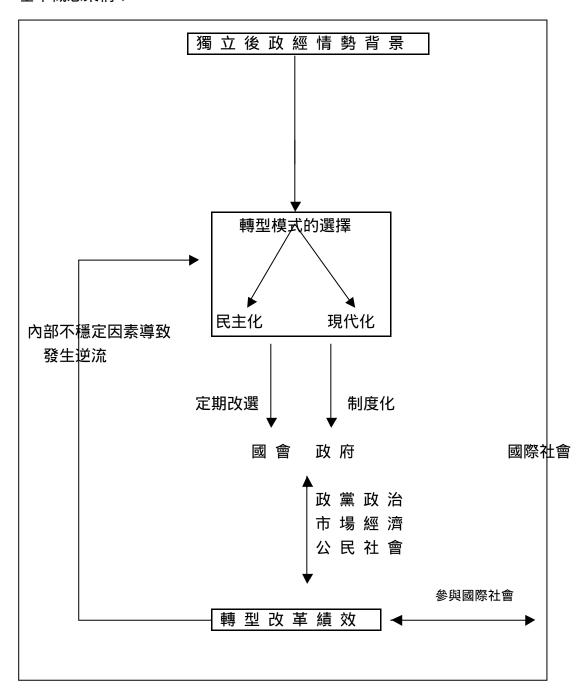
第四章斯洛文尼亞獨立後經濟之基礎及其發展,探討斯洛文尼亞如何藉著南

斯拉夫共和國聯邦獨特的「企業自營」制度,在共黨國家中維持經濟一枝獨秀; 又經濟體質良好的基礎下,獨立後的斯洛文尼亞進一步將國營企業私有化的程度 如何,並輔以種種指標性的數據來觀察斯國經濟轉型的穩健與否。

第五章獨立後的外交目標,斯洛文尼亞藉著民主轉型走出共產主義的桎梏,並達到追求國家獨立的目標。擁有完整主權的斯洛文尼亞開始思考到將「國家安全」放在外交目標的首位。九0年轉型過程的種種表現,在國際間間逐漸獲得重視,尤其是歐洲國家與斯洛文尼亞不管在經貿上的往來、外交上的互動,在在顯示出斯洛文尼亞函欲「回歸歐洲大家庭」的希望。斯洛文尼亞居巴爾幹半島西北端的戰略優勢位置,亦是北大西洋公約組織欲吸納的伙伴,尤其是近來斯國積極配合國際聯合打擊恐怖組織,有可能在二00二年十一月於布拉格舉行的北約高峰會後,成為第二批東擴的會員國。

第六章結論部分,首先回應本文研究目的,將用來檢證斯洛文尼亞民主化的 幾項指標,如憲政選擇、政黨政治、人權等,歸納出斯洛文尼亞的民主化是否深 耕;其次,延續文中的論述導出研究發現;最後,對斯洛文尼亞的民主發展作一 評估,其中,斯洛文尼亞因受國際社會的肯定,在與國際接軌上要比其餘巴爾幹 國家來的通暢;但總結民族性及其文化等因素,民主政治文化的涵養過程,國內 外環境的阻礙為何,會否發生「逆潮」?將是文末欲評估的一點。

基本概念架構:



相關文獻評述

在內文章的安排上,筆者採背景敘述、政經發展探討、成效分析及評估之順序,因此在重要文獻的使用上分為四大類:

一、有關前南斯拉夫背景部分。

李邁先教授所著的「東歐諸國史」及 Stephen White, Judy Batt and Paul G. Lewis 主編的 "Development in East European Politics", Sabeina Pedro Ramet 主編的 "Yugoslavia in the 1980's"、"The Balkan Babel"。

二、、有關政經發展探討部分。

由 David Marsh and Gerry Stoker 著,陳菁雯等譯的「政治學方法論」(Theory and methods in political science),本書主要在審視政治學領域的範圍、內容和方法,在研究本篇論文的途中,將不可避免地面臨理論及方法論上的問題,利用本書所做的概略性和系統性的分析,可協助筆者在觀察斯國政經轉型時,較易釐清所選擇的路徑;由哈佛大學政治學者 Samuel P. Huntington 所著,對於「民主化」國家有一精闢解析的代表作"The Third Wave"。這本學界耳熟能詳的著作,提供給筆者在「民主化」的概念有初步的認識,在書中對「合法統治權威」和「威權體制」的改革等的討論,更給予筆者在斯洛文尼亞轉型時期,領導當局面臨的課題有多面向的參考。而就如同本書序言部分說到的,「它不去詳細刻畫七0年代和八0年代間民主化的一般過程,也不去描述個別國家的民主化情況,而是試圖解釋並分析一群特定的國家在一段特定時間內的轉型情況」。

學者 David Potter 等著,王謙、李昌麟等譯的「民主化的歷程」(Democratization),書中對後共產時期亞洲、非洲、東歐等地區的民主化過程作分章討論,比以提供筆者以比較的視野來看斯洛文尼亞的民主轉型,避免「敝帚自珍」的情形外,更可突顯出單一國家民主轉型的特色;又本書所提出的「連續性」的概念,可使筆者對照斯國獨立前後民主化持續的情形;誠如本書第一部所提:「民主化並不存在連續發展的概念,一個政治體制不一定要從威權體制穿過部分民主再發展成自由民主或其他體制。政體可藉此跳躍方式邁向自由民主,也可直接逆向跳回威權統治。」著作中幾乎囊括世界各洲的民主化概況,以比較的方式,試圖界定驅使某些國家邁向民主,卻推動其他國家走上另外發展方向的特

殊原因或狀況。

轉型模式的探討涉及到整政經和社會整體的成長情形,因此由洪鎌德教授所著於 1998 年出版的「21 世紀社會學」將有助於作者對於公民社會有進一步的認識。另外,政治社會學大師 Seymaur Martin Lipset 所著的政治社會學經典之作"The Political Man",有深層的解析民主社會與經濟發展的關係。

一、有關轉型成效分析部分。

由於國內對於東歐新興民主國家討論分析的專書尚在成長中,藉由外國學界對民主化討論的專書、論文集,特別是集中在東南歐地區的民主發展如 Danica Fink-Hafner and John R.Robbins 主編,一九九七年出版的"Making a new nation:
the formation of Slovenia"; "Democracy and local governance: ten empirical studies", Betty M. Jacob, Krzysztof Ostrowski, and Henry Teune 等編,1993 年出版;"Industrial policy supporting economic transition in central-eastern Europe: lessons from Slovenia", Tea Petrin 著,1995 年出版及 Geoffery Pridham and Tom Gallagher 編著的"Experimenting With Democracy"等書,可助筆者在處理轉型的指標性選擇和檢證上有清楚的概念。

第四、評估部分。由與此部分著重於斯洛文尼亞在近幾年與國際間的接觸關係,目前的參考書目有 "Small states inside and outside the European Union: interests and policies",由 Laurent Goetschel 主編,1998年出版;其他重要文獻及官方公報將參考歐盟、北約組織和WTO的網站資料。

第五節 關鍵名詞解釋

一、南斯拉夫:

以「南斯拉夫」為國名最早是出現於一九一九年由塞爾維亞人、克羅埃西亞人、斯洛文尼亞人共同組成的「南斯拉夫王國」,一九四六年的憲法中改名為「南

斯拉夫聯邦人民共和國」;一九五三年一月採行新憲法,狄托被選為總統,一九 六四年四月再行公布新憲法,將南斯拉夫正式國名改為「南斯拉夫社會主義聯邦 共和國」(Socialist Federal Republics of Yugoslavia)直至一九九一年解體為止。南 斯拉夫的組成單元包括斯洛文尼亞、克羅埃西亞、波士尼亞—黑塞哥維納、塞爾 維亞、蒙特內哥羅、馬其頓等共和國和科索沃、伏依伏丁納兩自治省。

二、後狄托時期(Post-Tito Era):

強調的是南斯拉夫在強人狄托(Boris Tito)死後至解體這段期間。二次世界大戰後的南斯拉夫強人領袖狄托,在冷戰期間成功整合前南斯拉夫各種族間的衝突,締造聯邦共和國經濟的成長;但他於一九八0年逝世之後,前南斯拉夫內部頓時出現政權合法性的爭議,在無法取得政權平均分享的基礎之下,大部分的共和國紛紛想獨立,終於於一九九一年六月,由斯洛文尼亞和克羅埃西亞作為先行者爭取國家的完整主權。

三、民主化:

一國的政府體制由威權體制轉為自由民主體制的過程。在民主化所包含的術語當中,並不包含「連續發展」的概念,亦即並非由威權體制進入部分民主,再轉為自由民主或其他體制;雖有些政體遵循這種模式,但更多直接從威權體制進入自由民主的國家。政體可經由跳躍式進入民主國家,也有直接逆向跳回專制體制的可能。根據民主化政治學者 Samuel P.Huntington的觀點,界定民主可猶需注意以下各點:其一、根據選舉來界定民主是最起碼的定義;其二、一個社會透過民主手段選舉政治領性,但政治領袖未必擁有實權;其三、分析民主政體的脆弱或穩定性;其四、政府體制在民主與不民主的二分法之間可藉由許多「方法」上的測量,做單一的、相當明確和廣被接受標準來界定各方面的民主發展程度。

四、現代化(Modernization):

一種時序的觀念,過去、現代、及後現代之間的聯繫為何,成為學界觀察社 會演進的要素。本文所提出的「現代化」概念,旨在用於檢驗斯洛文尼亞政經轉 型過程不同於過去之處為何,啟動現代化的觸媒為何?現代化的概念中也涵蓋著 社會中政治型態的演進,由極權統治進入民主階段的過程,亦是政治現代化;而另一項導致現代化的變相是經濟的成長與衰退,認為經濟發展會帶來民主是其概念主要核心。許多社會學、政治學者均認為,經濟的發展會帶來社會劇烈變遷、價值多元化以及用民主制度符合各種利益的要求。根據理論學家羅文滔(Richard Lowenthal)的觀點,國家發展的必要性終會壓倒革命的理想主義,共黨對烏托邦意識型態的執著終會不敵經濟發展的需求。現代化和西方化是所有想要發展的國家所必須採取的途徑,因此共產國家的政治體制終不免要向自由化和多元化轉型。

五、公民社會:

有別於「國家」(State),可說是非強迫人民社團空間的總稱,而這個空間佈滿一連串由家庭、信仰、利益與意識型態所組成的空間網絡。一個蓬勃而多元化的公民社會可以平衡國家權力,健全的公民社會提供了重返威權體制的防禦堡壘,對自由民主的鞏固和維持很重要。本文中對於公民社會的討論,導因於公民文化的傳統對於斯洛文尼亞的獨立過程和獨立後民主鞏固期都佔有不小的份量,對於「公民社會」此一概念的釐清,有助於瞭解斯洛文尼亞民主轉型的條件為何。

第二章 斯洛文尼亞獨立前民主轉型的背景

第一節 後狄托時期的南斯拉夫

斯洛文尼亞共和國(The Republic of Slovenia)地處於歐洲中南部、巴爾幹半島西北端,西接義大利,北臨奧地利(Austria)與匈牙利(Hungary),東、南邊與克羅埃西亞(Croatia)接壤,西濱亞德里亞海(the Adriatic Sea),在「第三波」「民主化潮流的帶動下,於一九九一年六月二十五日脫離南斯拉夫社會主義聯邦共和國(Socialist Federal Republic of Yugoslavia, SFRY,以下簡稱南斯拉夫)²而獨立。(參見表 2-1)

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¹ 「第三波」(The Third Wave) 係為美國哈佛大學教授 Samuel P.Huntington 所創,用來解釋從 1974年至 1990年期間,大約有三十個國家由非民主體制轉型至民主政治體制的原因、方式及其影響;今已被多數研究民主理論者沿用。詳見 Samuel Huntington, The Third Wave:Democratization in the late twentieth centry,(Oklahoma:University of Oklahoma Press,1991).

² 南斯拉夫除了在二十世紀九0年代分裂成五個共和國外,初入二十一世紀,即在歐洲聯盟外交事務最高代表彭定康(Chris Pattern)等人的協調之下,協議由現存的塞爾維亞與蒙特內哥羅兩共和國組成的南斯拉夫,未來將以更鬆散的國家型態存在,新的國名為「塞爾維亞與蒙特內哥羅」(Serbia-Montenegro)。

表 2-1 分裂後前南斯拉夫境內各共和國概況

共和國名稱	面積(km2)	人口	首都	民族分佈比例	(%)	宣佈獨立時間
塞爾維亞	88,361	9,279,000	Belgrad	塞爾維亞族	66.4	1992 年 4 月 28 日與蒙
共和國				阿爾巴尼亞族 14.0		特內哥羅合併成立南
				其他	19.6	斯拉夫聯盟共和國
克羅埃西亞	56,538	4,576,000	Zagreb	克羅地亞族	75.1	1991年
共和國				塞爾維亞族	11.6	6月25日
				其他	13.3	
斯洛文尼亞共	20.215	1,884,000	Ljubljana	斯洛文尼亞族	90.5	1991年
和國		_,,		塞爾維亞族	2.3	6月25日
				其他	7.2	
波士尼亞-黑	51,129	4,116,000	Sarajevo	塞爾維亞族	31.4	1992年
塞哥維那共和				穆斯林族	43.7	4月7日
或				克羅地亞族	17.0	
				其他	1.9	
馬其頓	25,713	1914,000	Skopje	馬其頓族	67.0	1991年
共和國				阿爾巴尼亞族	19.7	11月20日
				塞爾維亞族	2.3	
				其他	11.0	
蒙特內哥羅	13,812	583,000	Podgorica	黑山族	76.3	1991年
共和國			Titograd	阿爾巴尼亞族	7.3	10月17日
				塞爾維亞族	3.6	
				其他	12.8	

資料來源:Mario von Baratta(Hrsg.), Der Fischer Weltalmanach 1998, (Frankfurt am Main: Fischer Taschenbuch Verlag GmbH, 1997). 洪茂雄,「南斯拉夫之分裂與未來動向」, 問題與研究(台北:政大國關中心,第31卷第1期,1992年1月),頁3。沈玄池、洪德欽主編,歐洲聯盟:理論與政策(台北:中央研究院歐美研究所,1998年1月),頁356-357。

*塞爾維亞共和國與蒙特內哥羅共和國共組一具有聯邦性質的南斯拉夫聯盟共和國,即現今之南斯拉夫;但已於二00二年四月在歐洲聯盟充作調人下,協議以新的國名「塞爾維亞-蒙特內哥羅」,及較「邦聯」更加鬆散的國家型態存在。

**塞爾維亞共和國中有兩個自治省分別為科索沃(阿爾巴尼亞族佔 87.4% 塞爾維亞族佔 10% 黑山族佔 1.4%,及其他少數民族)與伏伊伏丁那(塞爾維亞族佔 54%、馬札爾族佔 18.9%,及其 他少數民族)。

西元七世紀時,斯拉夫人(The Slave)受阿瓦爾(Avar)人的威脅,紛紛向南遷徙至今巴爾幹半島西北端,並於此定居下來,後分支為斯洛文尼亞人、克羅埃西亞人、穆斯林人、塞爾維亞人、蒙特內哥羅人(Montenegro,意譯為黑色的山,國名亦有譯作黑山)及馬其頓人;³落腳於巴爾幹半島西北端的斯洛文尼亞人曾於西元七世紀時曾建立卡蘭塔尼亞公國(tribal state of Karantanija),經過了一個

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³ 穆立立,歐洲民族概論(北京:中國社會科學出版社,1998年10月),頁九五。

半世紀與阿瓦爾人的爭鬥,殫盡氣力,換來的是從屬於黃雀在後的法蘭克王國與神聖羅馬帝國治下。"從十三世紀起至二十世紀這段期間,又一直處於奧匈帝國的統治之下,直到一九一八年。

早在十六世紀,當時尚處於一支弱小民族的斯洛文族,便有了追求完整國家 地位的念頭;由於地緣(位處東阿爾卑斯山、亞德里亞海北端)和宗教(屬於西 歐天主教信仰)的因素,斯洛文人在哈布斯堡王朝治下就完全融入西歐的文化之 中。可以說,自十六世紀至十九世紀,斯洛文人追求獨立的過程是一頁抵抗「反 德意志化」的奮鬥史。⁵

十九世紀末,斯洛文人追求主權獨立的決心,在德意志的統治下暫告幻滅;當時,環伺斯洛文族的政治勢力北有德意志、西有來自義大利的民族主義炙焰蔓延。斯洛文族的政治菁英在當時意識到:非透過結盟的方式,族群在往後的發展,會受到嚴重的威脅;而與斯洛文族語系相關,比鄰而居的正是克洛特族(Crots)。此二族在地緣上相近,民族發展歷程上亦有相同背景,面對著共同的外侮與獨立建國目標,雙方一拍即合。經過兩族政治菁英的協商便開始了斯-克「多元化」結盟的方式,兩族的結盟的型態並非只有政治高層的互動,活躍於斯、克兩族的各個民間團體亦保持不斷的往來。直至第一次世界大戰前,此種「結盟」型態便一直存在於兩族之中。但依然是有一些反哈布斯堡統治的少數團體及提倡泛斯拉夫族的團體與塞爾維亞族結盟。

一九一八年,受到俄國「十月革命」成功的鼓舞,南斯拉夫各族紛紛起義, 對抗哈布斯堡王朝的統治,其中尤以中產階級表現最為激進。隨後,斯洛文尼亞、

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⁴ 同上註, 頁九六。

⁵ Danica Fink-Hafner and John Robbins, Making a New Nation: The Formation of Slovenia, (England:Dartmouth Publishing Company Limited, 1997), P.22

⁶ 自西元七世紀以來,雖說歷經奧匈帝國治下、日耳曼人等鄰族的威脅中生存,斯洛文尼亞人一直存在著追求完整主權的意志。異族統治的歷史過程,表面上整個民族無法完成統一,但斯族政治菁英對族群統合的計畫卻是未嘗稍歇;一八四八年後,大多數的斯洛文尼亞民族計畫,都是在以一個獨立的哈布斯堡政治單位內的斯洛文尼亞人的統一為宗旨。參見米哈依洛 塞諾布恩雅 (Mihailo Crnobrnja)著,許綬南譯,南斯拉夫分裂大戲,(台北:麥田出版,1999年),頁七八。

克羅埃西亞與塞爾維亞在札格雷布(Zagreb,即為後來克羅埃西亞共和國的首都)召開大會,會後決定該會成為奧匈帝國南斯拉夫地區的中央組織,並由塞爾維亞的軍隊為主力,分派到各協約國。同年底,斯洛文人與塞爾維亞人、克羅埃西亞人聯合成立「塞爾維亞—克羅埃西亞—斯洛文尼亞王國」(Kindom of the Serbs, Croats and Slovenes),一九二八年改稱為南斯拉夫王國(Kindom of Yugoslavia),此亦為第一次以「南斯拉夫」為名的國家⁷。

一九四五年,南斯拉夫各族人民贏得反法西斯戰爭的勝利,並於同年十一月 二十九日宣告成立南斯拉夫聯邦人民共和國,一九六三年改稱為南斯拉夫社會主 義聯邦共和國,斯洛文尼亞為其中的一個共和國⁸。

統治南斯拉夫長達三十七年⁹的強人狄托(Josip Broz Tito, 1892-1980), 其特殊的領導風格,使得鐵幕下的南斯拉夫,發展迥異於同是共產主義的東歐各國。南斯拉夫的多民族色彩,加上採取特殊的「半開放型社會主義體制」,使得斯洛文尼亞的轉型,在共產政權的崩解呈現骨牌效應之前的八0年代,便開始萌芽。

依照南斯拉夫專家莎布黎娜(Sabrina Petra Ramet)的區分, 狄托統治南斯拉夫有以下的特點¹⁰:

- (一)強權統治期間長達三十七年,為共產世界領導人所罕見。
- (二)俄共與南共決定分道揚鑣後,帶領南斯拉夫走出經濟與外交的危機:

狄托主義下的南斯拉夫堅持施行「有特色的社會主義國家」, 剛毅的強人特

⁷ 李邁先,東歐諸國史(台北:三民書局,1991年),頁一六七至一六八。

⁸ 此時的南斯拉夫已是由六個共和國組成的聯邦,分別是斯洛文尼亞、克羅埃西亞、波士尼亞-黑塞哥維納、蒙特內哥羅、塞爾維亞及馬其頓共和國。

⁹ 此指自一九四三年十一月底至一九八0年狄托逝世為止的統治時期。一九四三年十一月二十九日至三十日,在波士尼亞召開南斯拉夫民族反法西斯會議;會後決議「民族解放反法西斯會議」是南斯拉夫最高立法機關,「南斯拉夫民族解放委員會」為全國最高行政機關,狄托當選為主席。參見黃鴻釗主編,東歐簡史上編-從古典文明到近代(台北:書林出版有限公司,1996年),頁三零七。

¹⁰ Sabrina Petra Ramet, The Balkan Babel(Colorado:West View, 1996), p.7.

質不見容於當時蘇共領導人史達林,終於導致蘇南決裂。一九五二年九月,南共第六次大會上,便將南斯拉夫共產黨更名為「南斯拉夫共產主義者聯盟」(Leagueof Communist of Yugoslavia, LCY)決裂後,所謂的南斯拉夫路線開始出現。狄拖主政下一連串的政治和經濟改革,使得這個國家與其他由蘇聯共產黨領導的共產主義模式漸行漸遠;在下文將討論到的「企業自營制」便是一例,令南斯拉夫在七0年代躲過了共產國家經濟大幅衰退的危機。

(三)實行「企業自營制」(Self-management)的經濟形式:

南斯拉夫成為第一個引進「企業自營制」經濟體系的社會主義國家,這套經濟制度名義上是在一九五0年發起,實際上是藉由一九五0年到一九六五年間一連串的經濟體制改革制訂出來的。這些改革轉化了經濟決策的方式,也轉移了決策權力的位置;中央計畫的作法,在狄托的大政方針中逐漸被摒棄,改以鼓勵企業自營獨立決策,而企業本身的決策過程中,工人佔有決定性的角色,有重要的決定權。但這種制度的特殊之處,在於它雖有發展商品和服務市場的傾向,卻沒有發展勞動和資金市場的傾向。這對當時的共產集團而言,簡直是一種邪說。

(四)外交方面,堅持「不結盟運動」:

不想依附於蘇聯之下的南斯拉夫,外交路線堅持不結盟運動;不結盟運動是以對美蘇兩大集團提高發言權,為了緩和冷戰,發揮橋樑作用為宗旨。不結盟國家在冷戰中,往往具有傳聲筒的中介功能,可藉此提高發言權,也可從中獲得援助;所以,南斯拉夫在此時期(至一九六九年美國尼克森總統上台前),既以反對冷戰之名力倡「不結盟運動」,卻又靠著「冷戰」獲得不少好處。

(五)統治期間四度修憲:

南斯拉夫因有多民族存在,為了維持族群間能「和平相處」,凝聚各共和國

¹¹ 參見米哈依洛 塞諾布恩雅 (Mihailo Crnobrnja)著,許緩南譯,前揭書,頁一一八。

內部的共識, 狄托主政時期的修憲動作(分別是一九四六年、一九五三年、一九六三年、一九六八年), 往往是相對於聯邦內部面臨到政治危機或經濟危機的發生時,抵抗來自各共和國權力威脅所採取的手段。因此,歷次修憲後的結果,使得至八0年代為止的南斯拉夫體制十分複雜。

(六)於南斯拉夫內建構一「手足之情」的假象:

靠著民族意識「那隻看不見的手」,能夠發揮族群整合的實際效益,比法律條文規範的力量確實要來得大;關於這一點,吾人可由二十世紀九0年代初分裂後的南斯拉夫,仍舊在民族主義的大纛下,逕行對他族「淨化」的殘酷行為可窺諸一二。

狄托將一個原本鬆散、多民族的南斯拉夫,經由半開放的自理政府(Seif-Government)和半開放的市場制度達到中央集權的聯邦制國家的目的。在較其他共產國家相對穩定的國內政治環境下,使南斯拉夫這個歐洲窮國在經過一九六0年代至一九八0年代的艱苦創業中,變成中度開發水準的國家。根據世界銀行(The World Bank)在一九八0年代的統計,南斯拉夫一九八一年的國內生產總值(GDP)為六百二十九億美元,平均國民所得為二千七百九十美元,居世界第六十位,但若回顧到南斯拉夫剛創建時的情形,一九四五年的國民平均所得僅一百美元。12

經濟快速成長的背後,卻是隱藏不少的問題,而這些問題正與斯洛文尼亞決 心脫離這個政治組合成正相關:

(一) 社會企業自營雖有其發展空間,但長久下來,依舊是缺乏競爭機制,在整個共和國聯邦內居壟斷地位(當時佔社會產值達百分之八十四),且效益日益偏低。

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¹² 網路資料: http://publications.worldbank.org/ecommerce/catalog/product?item id=631625

- (二) 狄拖為南斯拉夫苦心孤詣地設計出一套共產國家所沒有的半開放 社會主義市場制度,衍生而出國幣超量發行的情形,亦是共產國家所 不會發生的弊病。
- (三) 國幣的發行過量勢必引發通貨膨脹,相對於通貨膨脹在一九八0年代的高漲,南斯拉夫二十年經濟榮景到了後狄拖時期的八0年代已降至平均成長僅百分之一點三;而通貨膨脹率在八0年代平均高達百分之九十六點八,至一九八九年底更是令人難以想像地高達百分之二千六百六十五!雖然南斯拉夫政府在一九九0年再度實施幣制改革,以新幣一元兌換一萬舊地那爾(Dinar),在一九九0年的通貨膨膨脹依舊高達。百翻之一百二十一點七若再加上當年度的失業率高達百分之十三、企業紛紛倒閉等情形,可以想見當時南斯拉夫社會的民怨已積重難返。
- (四) 聯邦共和國的「集體總統」-聯邦主席團的設計,初衷是為求表面上的「民族平等」原則,六個共和國、包括兩自治區各出一名代表,而南斯拉夫的「唯一合法政黨」南斯拉夫共產主義者聯盟亦出一名,在加上擔任主席的狄拖一席,共九名聯邦主席團的成員。但這種的設計,明顯是刻意迴避了族群間客觀存在的差異,包括族群人數多寡、各族群有各不同的文化差異(宗教信仰)。
- (五) 脫離了強人的南斯拉夫在後狄拖時期(Post-Tito Era)的轉變,竟是如此的每下愈況,屬於聯邦內發達地區的共和國,如斯洛文尼亞和克羅埃西亞,求去的意願便益發堅決;骨牌效應的結果,使得表面看似寧靜達四十年的南斯拉夫,在瞬間爆發出了所有潛在的問題。

因此,以下各節所要論述的旨在提出斯洛文尼亞追求獨立並非單一時間點、單一事件突發使然,而是應從民族統合歷史上的各項變數(且這些變數皆帶有系

列性影響)來探討為何斯洛文尼亞追求主權(State Sovereignty)完整的願望能終至達成。

第二節 斯國政治菁英對主權的思考

若我們觀察斯洛文尼亞建國歷程,可以發現到斯洛文尼亞歷代政治精英們,對主權的堅持並非靠著一味「抗爭」的方式,而是以不斷與外在環境進行多面向「協商」的方式,顧全斯洛文尼亞(或說斯洛文尼亞族)的存在。本節所要探討的,是針對一九一九年南斯拉夫創建以來,斯洛文尼亞族人的歷史上首次以「國家」的形式,擁有自己的領土、人民;而「完全主權」(Whole Sovereignty)的進一步追求,則是斯國政治精英們在後狄托時期所積極欲彰顯的另一階段性目標。

先分兩部分說明「政治菁英」在斯洛文尼亞所佔之地位和「主權」之於斯洛文尼亞的必要性;進而再將兩者予以連接,目的是明瞭斯洛文尼亞政治菁英在八0年代對完整主權追求的過程中,既能對內漸進地使民主化成為可能,又能對外成功帶領斯國走向獨立。

自一九四五年以來受共產政權統治以來,「斯洛文尼亞共產主義者聯盟」一直是斯國內唯一合法的政黨,權力集中黨內決策高層,反對黨的形成遲至八0年代末才得以出現¹³。先前提過,狄托為求南斯拉夫經濟的發展,設計出一套由各各和國向中央繳交「聯邦預算」的機制。處於南斯拉夫發達區域的斯洛文尼亞與克羅埃西亞,在狄托強權統治時期,由於對補助中央的聯邦預算分配不公允所造

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¹³ 基本上,當時所謂的「反對黨」亦是由原共黨內改革派建議而更改黨名為「民主改革黨」(The Party of Democratic Reform, Stranka Democratskih Reformi),主張延續中間偏左路線,並重新出發;而後在一九九0年斯國所舉行的第一次國會大選中,Demos(Democratic opposition of Slovenia,民主反對聯盟)結合六個新興小黨的力量,一舉獲得首次國會大選的最多席次,取代共產黨的統治,成為國會第一大黨,完成政黨倫替。參見 James Gow and Cathie Carmichael, Slovenia and the Slovenes(London: Hurst&Comppany, 2000), p.157; The Europa World Year Book 1999, Slovenia.

成長期的不滿,在後狄托時期中央集權瞬間的崩潰,找到可發揮的空間。對於這種「非完整的主權」,及在這種狀態下所造成種種對斯洛文尼亞人民不公的待遇,處於權力位階的斯洛文尼亞共產主義者聯盟早就圖思改革。值得注意的是,「聯邦預算制」之設計的目的,原是狄托用來平衡南斯拉夫各區域間發展的平衡;而以八0年代的數據計算,當時佔南斯拉夫總人口僅百分之八點二、平均每年創造出百分之十七至百分之十八國內平均生產毛額及總出口額站南斯拉夫達百分之三十三的斯洛文尼亞,卻要每年繳給中央過高比例的聯邦預算。¹⁴斯國所上繳的經費中,全數用來幫助當時南斯拉夫的落後區域,如馬其頓、科索沃、伏依伏丁那等區域,這對斯國高層來說,毫無任何利益可言,甚至可說對於斯洛文尼亞自己內部的發展,是一項沉重的負擔。

跳脫出政治面向,政治菁英們欲擺脫南斯拉夫的合理性,從經濟面向觀察之,斯洛文尼亞是南斯拉夫發展程度最高的共和國,長於工業用品,國內的貿易條件對斯洛文尼亞有相當大的幫助,使其能夠以高附加價值的產品交換其他共和國的原料和輸出品。更重要的是,南斯拉夫的關稅同盟以較能源關稅和進口原料關稅高出許多的稅率,保護斯洛文尼亞的產品,從而提高了斯洛文尼亞人的經濟優勢。和她從聯邦共同市場的所得相比,斯洛文尼亞人對聯邦預算的支出,以及給付協助教落後共和國的基金支出,並不算高。上述提到的斯國政治人物對相關聯邦預算過高的抱怨及不滿,可視為是對斯國人民加強「內部認同」所採取的手段,屬於政治性質,目的是要進一部削弱聯邦政府的中央集權。但斯國提出的論調,通常是相當合理的,應為他們關心的是錢的使用方式,而非整體的數目。再者,藉由聯邦內部共同市場和關稅同盟之便,南斯拉夫的存在,對斯洛文尼亞的經濟發展時有相當的利益。15

至此,吾人需要考量到的一點是,政治菁英們在為斯國民眾描繪出斯國處於

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¹⁴ Danica Fink-Hafner and John Robbins, op-cit, p.27.

¹⁵參見米哈依洛 塞諾布恩雅 (Mihailo Crnobrnja) 著,許綬南譯,前揭書,頁一五四。

南斯拉夫之下種種不利的情境時,這是否是他們內心裡真正的想法;因為畢竟進入後狄托時期的南斯拉夫,不再是由強人專政的局面。¹⁶而呈現若化的聯邦政府,將原本集權的決策體系,逐漸釋放置各共和國政府;再加上原本斯洛文尼亞在聯邦主席團中佔有的「一席之地」,未來應可逐漸發揮出功效。為何在這看似對斯洛文尼亞有利的情勢之下,其願意放棄原本的聯邦體制?

再將視野放大至後狄扥時期的整個南斯拉夫共和國聯邦觀之,斯洛文尼亞忙著跳脫出南連體制框架的同時,聯邦政府(或說南斯拉夫共產主義者聯盟)並非是坐以待斃、笑看雲起的被動者;運作各種有效的管道,保持南斯拉夫體系的完整,是當時南共主要的政治工作。盱衡南斯拉夫民族的組成結構後,一個最重要的命題在後狄扥時期將立即躍上檯面,即南斯拉夫內部存在著種族歧見;雖在狄拖精心的設計之下,讓族群矛盾的議題暫時獲的舒緩,但未必是解決問題,一旦強有力的樞紐(pivot)消失了,各共和國間又是一番「權力失衡」的狀態。

狄拖逝世後的南斯拉夫,普遍還存在於強權領導的威信之下,由於人們的政治遲鈍,政治穩定的假像依然在一般的人民心中發酵著。但不久中央領導的權力失去正當性、「企業自營制」終究導致南斯拉夫內部的經濟力呈直線下滑等現象的產生。此時的塞爾維亞共和國(向來也是),是南斯拉夫成員中,最積極鼓吹一個「更團結的南斯拉夫」的一支。為了使情形不再繼續惡化,訴諸民族意識,便成了塞爾維亞的選擇。

一九八六年由塞爾維亞科學與藝術研究院(Serbian Academy of Sciences and Arts)出版了具有民族意識傾向的「塞爾維亞在南斯拉夫地位備忘錄」(Memorandum on the Position of Serbian in Yugoslavia)。這份備忘錄的內容包含許多批評意見,主要是談論兩件事:其中之一是批判南斯拉夫政經體制改革的失敗,另外一件事就是要強調塞裔民族在聯邦中的地位,該報告在民族意識這一部

¹⁶ 在狄拖擔任主席期間,聯邦總統團只是一個象徵性組織,一切的決策皆是由狄扥總統說了算

份,流露出非常深刻的情緒性看法。雖然備忘錄是出自科學研究院,但實際上這並非一份科學性的文件,而是塞裔進行政治行動的教條或手冊,被視為是「大塞爾維亞主義」的宣示。「一九八六年執行這項計劃的人,正是後來的南斯拉夫總統米洛塞維奇(Slobodan Milosevic)。

斯洛文尼亞和塞爾維亞兩族群的政治菁英皆欲藉由這種民族主義訴求的方式達到各自的目的,所不同的是,斯洛文尼亞是想呼籲斯族人團結起來,共同爭取更多的自主權,基本上是往脫離南斯拉夫體制的方向去的;而塞爾維亞的是希望擁有一個以塞爾維亞族所領導、邁向更團結的南斯拉夫。

同年,斯洛文尼亞共產主義者聯盟的新領導人米蘭·庫昌上任(Milan Kucan),具有改革思想的庫昌早想將斯洛文尼亞轉型為一更開放多元的社會;透過立法的方式,讓多黨政治、公民社會¹⁸等民主多元在社會主義的斯洛文尼亞亦能出現。外在因素則因「塞爾維亞在南斯拉夫地位備忘錄」的出爐,使得斯洛文尼亞人爭取自主更添加一份決心。

第三節 社會主義半開放市場之制度的影響

二次大戰後,斯洛文尼亞成為南斯拉夫的一個共和國,並在南斯拉夫共產主義者聯盟的領導下走上社會主義的道路。總的來說,南斯拉夫的經濟發展,向計畫與市場的結合,試圖以價格為依據,中央計畫僅限於生產與收入、個別部門

數;狄扥過世後,這個集團始表現出它的功能性。

¹⁷ 有關備忘錄的內容全文可詳見附錄二「一九八六年塞爾維亞在南斯拉夫地位備忘錄」

英譯文全文。網路資料:http://www.haverford.edu/relg/sells/reports/memorandumS ANU.htm
¹⁸ 公民社會(civil society)一詞目前雖在許多民主國家中已成為必備的要項,進而在公部門與企業之外,成為「第三部門」;而斯洛文尼亞方在一九八六修憲通過首度將公民社會的字眼放入憲法中。Adolf Bibic, "The Emergence of Pluralism in Slovenia", Communist and Post-Communist Studies, Vol.26, No.4, (December 1993), pp.367-386.

的發展、就業狀況,以及信用供給等的估計。¹⁹另外,投資率仍由中央決定,地方政府和企業機構不需完成中央預定的生產目標或定額,聯邦政府也不給他們分配資源,地方機構可以根據全國計畫指標自行擬定工作計畫,但須依照地方情況和預期利潤。各種企業部門和地方政府在決定生產計畫時,其所依據的是技術和價格。此外,地方政府尚須負責新企業的創立,並在相當程度上控制各企業部門管理人員的活動。這套制度容許計畫和價格、中央權力與地方權力、國家選擇與消費者的權利等多種混合體的存在,形成所謂「半開放市場的社會主義」。²⁰

在一九四五年的土地改革中,斯洛文尼亞有兩萬多無地或少地的農民獲得了土地。一九五三年南斯拉夫對自耕小農規定了最高擁有土地限額為十公頃耕地,並通過收回超過法定最高限額的土地建立「全民所有制」土地基金,分給國營農場和合作社使用,其中斯洛文尼亞共收回一萬多公頃土地,分給了六個國營農場和四個合作社。隨著經濟的發展和所有制的改革之,在六0年代出現了一批社會自營企業的農工聯合企業。到一九六九年斯洛文尼亞的社會自營企業二十七個,綜合農業勞動者合作社六十四個,其他農業自營組織四十三個,這些「自營企業」在七0年代又按照「聯合勞動」的組織原則改組成各種形式的聯合勞動組織。2與此同時,斯洛文尼亞還有十八萬個自耕農,他們所佔有的耕地面積為斯洛文尼亞總耕地面積的百分之八十,這些自耕農大多和自營企業的農業組織建立各種生產合作關係。由於靜的發展和非農業部門就業人數的增加,從村中出現了既從事農業又從事其餘工作的混合農戶和非農戶。六0年代末,斯洛文尼亞中的純農戶已不到總農戶的一半,混合農戶佔百分之四十三、非農戶佔百分之八。到八0年代末期,斯洛文尼亞農業人口的比重以減至百分之九點四。根據一九八七年的統計,斯洛文尼亞的耕地面積為六十五萬公頃,小麥產量為十六點五萬公頓(佔南

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¹⁹ 洪茂雄著,東歐變貌(台北:時報文教基金會,1991年),頁一九九。

²⁰ 同前註。

²¹ 全民所有制即是後來改革的「社會企業自營制」。

²² 汪麗敏著, 斯洛文尼亞共和國的經濟發展, 經濟學動態(北京: 1993年 11月), 第十一期, 頁六一至六六。

斯拉夫總產量的百分之三點一) 玉米三十一點四公噸(佔南斯拉夫產量的百分之三點五) 肉類十八萬頓(佔南斯拉夫產量的百分之十三), 奶類六億公升(佔南斯拉夫產量的百分之十二)²³。

南斯拉夫於一九四八年開始實行私營企業國有化,之後再實行建築用地和部分住房國有化;一九五0年實行工人自治後,隨即把國有制改為「企業自營制」。到一九五九年,斯洛文尼亞共有工業企業四百八十二個,員工逾十八萬人。一九七六年南斯拉夫通過「聯合勞動法」,到八0年代初南斯拉夫的經濟部門共改組成十二萬個各式各樣的聯合勞動組織²⁴,其中斯洛文尼亞佔了一萬八千多個。在此基礎上,南斯拉夫共和國聯邦逐漸形成了「社會主義半開放市場」的經濟體制。

隨著市場作用的加強和聯邦權力的分散,各共和國在經濟上的自主性不斷加強。下列便分向敘述斯洛文尼亞在「企業自營制」的體治下,各項工業的發展程度:

- 一、斯洛文尼亞在南斯拉夫各共和國的電氣化程度最高,八0年代末平均 每小時發電量一百二十五億千瓦²⁵,一九八0年還修建了第一座核電廠。
- 二、斯洛文尼亞的加工業最為發達,電子業在南斯拉夫全國居首位,產品大都輸往西歐。
- 三、斯洛文尼亞的商業、旅遊業和交通業也很發達,公共設施現代化的程度亦高出其餘共和國許多。
 - 四、每年世界各國經由南斯拉夫各港口的轉口貨物中,經斯洛文尼亞轉口

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²³ 同前註。

²⁴ 計有聯合勞動基層組織、勞動組織、聯合勞動、復合組織、勞動共同體、聯合勞動農業和手工業組織等。

²⁵ 若依當時的人口比例計算,斯國用電量還高過義大利和比利時。

的貨物佔三分之一;此外還有全國通過海運進口和出口的貨物斯洛文尼亞分別佔 了百分之十四和百分之六。

五、斯洛文尼亞每年有大批加工產品銷往南斯拉夫其他各國,又從各共和國購進加工業所需的原料和農產品²⁶;據一九八六年統計,斯洛文尼亞產品的百分之四十三點五在本國銷售,百分之十九點七供銷往西歐,其餘百分之三十六點八銷往其他共和國。

藉由「企業自營制」的設計,斯洛文尼亞經濟上的現代化在五0年代開始啟動,經濟持續穩健的成長,在五、六0年代壓縮了斯洛文尼亞爭取「自主」的合理性,使得斯洛文尼亞與南斯拉夫有「意願」保持這種國家型態的組合;但「發展基金」和「聯邦預算」的出現,又使得情勢出現轉折。

南斯拉夫為了援助經濟落後的共和國和科索沃自治省,加速發展經濟,設立了專門基金,由各共和國按其社會產值在權難會產值中的比重,提供所需資金(斯洛文尼亞佔南斯拉夫的百分之十八)。此外,聯邦預算每年還撥出專門資金用於對不發達共和國和科索沃自治省發展社會事業的補貼,由於聯邦預算靠稅收不能滿足需求,各共和國每年還需依比例向聯邦政府繳交聯邦預算斯洛文尼亞和克羅埃西亞是南斯拉夫發達地區的共和國,針對聯邦預算所提供的部分就達到名目上的淨支出²⁷。

儘管如此,斯洛文尼亞經濟在南斯拉夫體制下四十多年內仍然保持高於全南斯拉夫的平均成長率。一九五二年至一九八七年南斯拉夫全國的經濟成長五點八倍、國內生產毛額增長四點四倍,斯洛文尼亞則平均增加六點五倍和五倍。重點在於,塞爾維亞和斯洛文尼亞之間對於稅制和預算的使用方式有不同的看法。

²⁶ 因當時南斯拉夫內部開放共同市場,貨物往來無關稅壁壘。

²⁷ 亦即,斯洛文尼亞和克羅埃西亞兩共和國每年「上繳」的金額就足以平衡聯邦預算中的支出部分。

塞爾維亞認為,斯洛文尼亞藉助長期以來實行的價格政策(加工品的價格可自行依市場調整、原料價格則受國家控制),靠著「剝削」其他共和國的原料發展自己的加工業;斯洛文尼亞則認為,每年為援助落後地區的大量預算支出,影響了本國經濟的發展,關於這一點,就是導致民族矛盾和國家分裂的經濟原因之一。不過,從南斯拉夫的經濟改革過程,可以獲知一項事實,那就是,如果經濟改革沒有輔以政治改革,其改革的績效仍是有限。回顧南斯拉夫分裂的一項因素,各共和國間的資源與開發不均,使得彼此間的財富懸殊甚大。以斯洛文尼亞和科索沃自治省為例,前者在八0年代的人口僅比後者多三十萬人,平均國民所得斯國高出科省三倍之多;同時,科省至八0年代末的失業率高達百分之三十五,是斯洛文尼亞的二十倍。

再回到南斯拉夫本身複雜的組合單元論之,多民族地區欲整合本就不易;區域間經濟發展的不均要靠著中央調控的預算制度來持平,更會引發各共和國的不滿,尤其是出現在民族同質性高的地區。斯洛文尼亞當局成功地對內凝聚共識,一致對外,使得民生富足之後再來追求國家完整主權,獲得正當性。

第四節 公民社會的蓬勃發展

將斯洛文尼亞的民主化的時間點由國家獨立再往前推至八0年代,學者 Adolf BiBic 認為八0年代的斯洛文尼亞內部呈現一片多元社會的氣象,是導致斯 國民主化的發軔²⁸。在八0年代至九0年代初這段期間,斯洛文尼亞內部的經濟 的制度因素出現了衰退,令「上層」與「下層」間²⁸產生對現存秩序的危機感。 政治方面所表現出來的,便是斯共要求南共所主持的聯邦政府給予更高的自治

Adolf Bibic, "The Emergence of Pluralism in Slovenia", Communist and Post-Communist Studies (University of California: 1993), Vol.26, No.4, pp. 367-386

²⁹ 馬克斯 (Karl Marx) 語。馬克斯認為,在國家朝著歷史的演進中,不管社會如何分工,始終 只有兩種階級的存在,及「統治者」與「勞動者」;他將此兩種階級,分呈社會的上層和下層。

權,和更平等的待遇;經濟上,聯邦預算和聯邦稅使用方式和效率的不彰,更是引起斯洛文尼亞央求改革的聲浪。隨著斯洛文尼亞於一九九0年退出南斯拉夫主席團,並於一九九0年四月首次舉行民主選舉,政治高層對外要求主權獨立的呼聲已經喊得震天價響;而實際上,斯國內部由下而上的社會改革聲浪,亦是斯洛文尼亞民主過程不可忽略的一環。

Adolf Bibic 認為,共黨垮台所造成的骨牌效應,固然是引起八0年代末民主化風潮的一項因素,但是有四項在「國內部分」的決定性因素亦不可輕忽,即是第一、公民社會現象,第二、知識份子在民間帶頭的作用,第三、政治菁英「自發」啟動體制改革的角色,第四、「企業自營」制度的影響³⁰(尤其是在南斯拉夫)。Samuel P.Huntington亦認為政治菁英的改革和公民社會的醞釀是多元民主不可或缺兩項主因³¹。

斯洛文尼亞在八 0 年代中出現了一連串的社會改革風潮,諸如和平、環保、 女權、人權等,各種社會運動的崛起,引發了人民回歸到自己的「認同」問題。 社會上的知識份子和學生團體是這場社會改革運動的主角,兩份雜誌的發行更是 佔有決定性的角色,分別是「青年」(Mladina)雜誌和「新回顧」(Nova Revija) 雜誌。令人出乎意料之外的發行量,更是進一步推動了公民社會的轉型。各個民 間運動蓬勃發展的角色扮演,為斯洛文尼亞的民主轉型做詮釋:

第一、專業協會的角色:八 0 年代各式各樣的協會紛紛成立,作為帶領社會風潮的象徵。斯洛文尼亞社會科學社團(Slovenian Sociological Society)便主張社會科學研究的自主性,尤其是在教育青年一代的學子,更強調獨立思考的重要性,協會在當時仍在共黨統治的環境下,便開始討論社會衝突、社會危機、社會權力、和創新等議題,蔚為一時風尚。斯洛文尼亞在往後的八 0 年代和九 0 年代

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³⁰ Ibid. p.367

³¹ Samuel P.Huntington, "How Countries Democratize", *Political Science Quarterly*(1992), Vol.14, No.4

初的修憲工程,很多專家學者便是出自這個協會;哲學協會(Philosophical Society)舉辦多場學術研討會,不定時邀請國外的學者共同討論,並開設多個研究型學院,提升了當時的智識水準。很多年輕一代的哲學研究生,就是在這一股風氣之下,開始學習如語言學、形上學等新的研究方法。斯洛文尼亞政治科學協會(Slovenia Political Sciences Association)亦加入了公民社會崛起的行列。總體看來,各協會的成立,為下一波政治改革作了一個良好的暖身。

第二、人權議題引起討論:八0年代中期「人權委員會」(the Human Rights Committee)和人權會議(The Human Rights Council)的成立,是斯洛文尼亞政治民主的兩項重要指標。對戰罪法庭的成立與否、爭取國際輿論的支持、討論公民與軍事統治關係等種種議題,皆是直接衝擊到當時執政「合法性」(legitimacy)的議題。

第三、斯洛文尼亞作家協會(Slovenian Writer's Society):該協會倡導自由與改革風潮,國家認同和主權的議題直接挑戰了南斯拉夫政權的合法性,八0年代尚是南斯拉夫作家聯盟(Yugoslav Writers Union)一元的斯國作家協會,在八0年代強烈質疑南斯拉夫作家聯盟存在的必要性,並在一九九0年二月正式退出該組織;隨後便強烈地批判在南斯拉夫憲法下總統團一職的集權性質。稍早在一九八八年,斯洛文尼亞作家協會出版了「斯洛文尼亞憲法草案」(Materials of Slovenian Constitution),和「斯洛文尼亞社會科學社團」同為日後擘劃斯洛文尼亞新憲法的兩個民間組織。

第三章 斯洛文尼亞獨立後政治體制之選擇及其運作

從非民主轉型到民主政治,是一段牽涉許多階段的複雜過程。在許多新興民主國家的例子中,尤其是中東歐國家,過程都是始於「危機」的發生,最後導致非民主政權垮台。如果民主轉型始於威權統治者,有自知之明應該去位,則這個階段將中止於根據自由選舉所產生的新政府就職典禮。³²

依照羅思托(Dankwart Rustow)所創的模型(參考圖 3-1),民主轉型的過程有四項必不可少的要素,依序是:國家統一、非民主政權崩潰、民主秩序的建立及民主根深蒂固於政治文化之中。

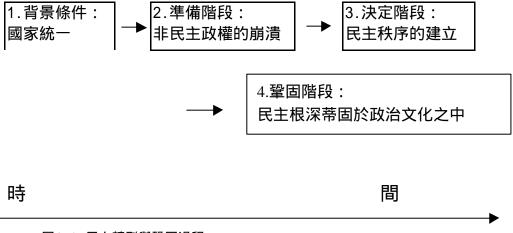


圖 3-1 民主轉型與鞏固過程

資料來源:根據 Dankwart Rustow, "Transitions To Democracy", 1970

由上一章節中的探討,可以看到斯洛文尼亞的民主轉型在時序上,不脫羅斯 托的模型,只不過由於「制度」和「地緣」之故,民主的種子在國家統一之前普 遍根植於人民的心中。

本章節所要探討的是獨立後的斯洛文尼亞在政治制度上作何種的選擇,以達 到民主鞏固。

 $^{^{32}}$ Georg Sørensen 著,李酉潭、陳志瑋譯。民主與民主化(台北:韋伯文化事業出版社,二0000年1月),頁五四。

第四節 憲政體制的選擇

一九九一年六月二十五日,斯洛文尼亞國會宣布「斯洛文尼亞獨立宣言」和 基本法後,正式宣告獨立;隨即國會在同年十二月二十三日通過斯國獨立後第一 部新憲法。共產時期,斯洛文尼亞的憲法往往只是「裝飾憲法」,人治意味高於 法制,再加上特殊的聯邦體制,雖各共和國有各自之憲法,往往尚需「聽令」於 聯邦政府的決策。

獨立後所修的新憲法,在序言中即強調斯洛文尼亞在獨立主權的基礎上維護基本人權和自由,並同時確保國家主權的獨立。由於斯洛文尼亞建國的背景,在斯國政治菁英為其量身設計一套計符合現代國家、又符合斯洛文尼亞特殊歷史背景的憲法時,特別將民主、自由、社會主義精神及合作互助等原則揉合入憲政架構之中。³³分述如下:

- 一、 自由的傳統:憲法第二章明列保護人權的條款、憲法第三條明列地 方自治權力的條款、憲法第二條明列斯洛文尼亞為一法治國家、憲法第 七條明列政教分離及憲法第七十四條明列維護競爭空間等條款來自於 斯洛文尼亞自由的傳統;
- 二、 社會主義的精神:憲法第二條明確說道斯洛文尼亞為一社會福利的 國家、第七十七條明列工人有罷工的權利、第七十六條明列工人有組織 工會的權利、第七十五條工人有參與國家決策的權利、第七十八條明列 國家有為工人提供住屋的責任及第七十二條政府應提供一清潔健康的 環境等條款,則是來自社會主義精神而設;憲法第三條明定斯洛文尼亞 的國家權力來自全體國人的賦予正說明斯洛文尼亞的民主精神;
- 三、 互助的原則:憲法自第九十六條至第一百零一條明定「國家委員會」

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³³ Igor Lukšic, The political System of the Republic of Slovenia(Ljubljana: Znanstveno 2001), p.9.

(The National Council)的各種權責、憲法第一百四十五條明定在互助合作的精神下,公民藉由地方自治的政治參與,可公平地表達出各自的意見;憲法第一百二十一條說明各公共行政系統是體現初互助精神的基本架構,而憲法並保障人民可自由組織公司、團體;

另外,顧及少數民族的權益,斯洛文尼亞新憲還明定保障境內少數族群義大利族群及匈牙利族群的自治法及參與政治的等權利。³⁴

綜觀斯洛文尼亞在後共產時期的第一部憲法,我們可以發現有別於共產時期專制的特色:其一、目前斯國的憲法為一部仿效西方,實行行政、立法、司法三權分立的憲法,以求有效防止在共產社會中,獨權專擅之情事再起;其二、隨者進入民主進程,斯洛文尼亞當局需面對多元化社會的事實,憲法中明文規定,國內部分種族、性別、語言、宗教信仰、政治信仰、財產狀況、教育程度、社會地位,保障具有平等的人權和基本自由;其三、雖現任總統庫昌是共產黨員出身,但一手主導斯洛文尼亞走向民主化,由共產時期黨、政、軍一體的專制體制轉為現今的內閣體制,在新憲為基礎之上,實行與西方民主國家接軌的政治體制。35

上述新憲的特色若吾人逕以單一國家的角度來觀察斯洛文尼亞,或會認為斯國的政治菁英在思考這套民主憲法時跳脫了過往共產治下的陰影;但若以比較政治的觀點來審視這部憲法,吾人會發現,斯洛文尼亞(甚至東歐各個新興民主國家,如波蘭、克羅埃西亞等)的憲法架構勾勒出向歐洲民主體制³⁶學習的藍圖。

³⁴ Ibid, pp.10~11

³⁵ 有關斯洛文尼亞憲法內容,請參閱本文附錄三斯洛文尼亞英譯文全文。

資料來源: http://www.law.nyu.edu/eecr/bycountryrefs/slovenia.html

³⁶ 但這並不表示是回歸「歐洲本位」; 英國學者尼爾.阿敘森(Neal Ascherson)認為,人們眼中的中、東歐國家在共產制度崩潰後的民主轉型是「回歸歐洲,但其實民主制度是在歐洲文明進程中的一個階段。中東歐國家在共產統治之前,鮮少有民主傳統,受過共產統治的極權經驗後,「民主價值」的產生亦可經由內在政治生活的檢討後出現;「制度」上,向西歐民主國家仿效,而在「文化」上,依然堅持各自的傳統,而這種「傳統」才是向歐洲文明的回歸。參見 John Dunn 編,林猛等譯,民主的歷程(Democracy: The Unfinished Journey, 508BC to 1993AD),吉林:吉林人民出版社,1999年12月,頁二二三。

茲將新憲有關行政與立法、司法的重要項目,分述如後:

憲法規定,斯洛文尼亞共和國為一民主共和國,是一法治的和社會的國家; 共和國的最高權力機關為國民議會;總統是國家最高元首,對內、對外代表國家, 是國防力量的最高統帥,由直接普選產生,任期五年,連選得連任一次。

(一)行政機關:

根據斯洛文尼亞憲法,根據斯國憲法第一百一十一條規定,政府由總理 (Prime Minister)和各部部長組成;共和國總統在新一屆國會大會結果揭曉後, 與國民議會的多數黨領袖協商,向國民議會提出政府總理的人選;為求政治穩 定,所提人選往往是國會最大黨領袖。亦即,斯洛文尼亞為一「內閣制」國家, 而政府最高首長為內閣總理,內閣須向國會負責。

(二)立法機關:

斯洛文尼亞的立法機關為仿效西方式的議會民主制(Parliemental Democracy),兩院制的國會分為「國民議會」(National Assembly),與「國務委員會」(National Council);「國民議會」是主要的立法機關,由九十名議員組成,以普遍、平等、直接和無記名投票方式選出,並有保障名額義大利族和匈牙利族議員各一名。國民議會每屆任期四年,連選得連任;「國務委員會」代表公民和社會行使監督權並有否決權,由四十名議員組成,議員身份分別為:企業界代表四名,勞工界代表四名,自由業者代表四名,非營利組織代表六名,地區利益代表22名,共計由四十位議員,任期五年,連選得連任。

表 3-1 斯洛文尼亞國務委員會組成成員

國務委員會代表名單	名額
資方代表	4
勞工代表	4
農民代表	2
法案起草代表	1
自由業代表	1
高等教育代表	1
教育界代表	1
學術界代表	1
社會安全代表	1
衛生醫療代表	1
文化暨體育代表	1
地方利益代表	22
總數	40

資料來源:作者自行整理

值得注意的是,斯洛文尼亞雖名目上為兩院制國會,但絕大多數的立法權及預算審查權主要在國民議會之中;國務委員會的設置,主要目的是要保障斯洛文尼亞各種多元的聲音和社會各階層的利益。根據憲法,雖然國務委員會有建議權,但對議題卻沒有表決的權力。

(三)司法機關:

共產治下的斯洛文尼亞在「司法體系」規劃出兩大單位,一為常態性法庭(regular courts)另一為「企業自營」法庭(Self- management),之後又再分出軍事法庭,至一九六三年憲法法庭(Constitutional Court)始告成立。憲法法庭內的「憲法法官」共有九名,由總統提推薦名單送至國會,國會通過後任命之;若國會對總統所提之名單有疑意,可退回再另行推薦;「憲法法官」任期九年,並且只能擔任一次,不得連選。

憲法法庭為保障國內自由、人權、法律等原則的最高裁決,憲法法庭的設置即是彰顯斯洛文尼亞欲脫離從前「黨國不分」的時代,走向一現代化的法治國家。

以往的共產制度的人民憲法儘管是「橡皮圖章」,也未將司法制度落實於文字之中;斯洛文尼亞在民主化制度轉型中特別規範一司法機關「憲法法庭」,作為三權分利的第三支柱。司法委員會有十一名委員,由國民議會根據總統建議,從大學法學教授、律師和其他法律工作者中選出五名司法委員會委員,另外六名則由資深法官中選出。在大多數東歐後共產主義國家皆有此一單位的設立,為的是強調司法的獨立,相當台灣的「大法官會議」。

第五節 政黨政治運作的成果

絕大多數國家和政治體系都有政黨的存在,政黨的體質可以是威權的,也可以是民主的;政黨的成立以取得政權為目的,透過革命的手段或選舉的方式獲得權力;政黨的意識型態可以是左派、右派或中間派」,甚至毫無任何政治觀念的訴求,只為特定團體的利益。又因此,人們經常把政黨與「利益團體」(the interest group)的概念混淆;而政黨和利益團體的存在,甚至存在數量的多寡,往往是學界用來判斷一個邁向民主化國家的指標之一。³⁷為了釐清政黨與其他利益團體或政治運作等概念,將政黨的四項特徵分述如下³⁸:

第一、政黨目標在於藉由贏得政治職位來控制執政大權,但新興政黨或小黨 意可藉由選舉過程宣揚理念更甚於獲得政權。

第二、政黨是組織化團體,黨員有正式的「黨證」,這可區隔較廣泛且更為

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³⁷ 民主研究機構「自由之家」(Freedom House)將一國之民主化分作兩大指標來作判準,分別是「政治權利」(political rights)與「公民自由」(civil liberties)。政治權利中又有八項指標,其中第五項:人民是否有權依其意願去組織不同型態的政黨或其他競爭性政治團體,且此系統是否允許這些競爭性政黨或團體的更迭;公民自由十三項指標中的第四項:是否擁有組織政治性獲准政治性團體的自由,和第七項:是否擁有自由的工會及農業組織,且其間能否進行有效的集體協商。資料來源:Freedom Review, V.28, No.1, 1997, pp.193-6,轉引自 Georg Sørensen,前揭書,譯序部分

³⁸ Andrew Heywood 著,楊日清、李培元等譯,政治學(台北:韋伯文化事業出版社,1999年11月), 頁三八八。

多樣化的政治運動。

第三、政黨基本上有著廣泛的議題焦點,其乃針對政府政策的主要領域而發出;利益團體等則針對單一議題加以運作。

第四、在不同程度上,政黨基於共同政治偏好及相同意識型態認同而團結起 來。

共產黨的勢力在斯洛文尼亞可謂壽終正寢,由斯洛文尼亞共產主義者聯盟蛻變而來的民主改革黨(Stranka Demokratskih Reformi, Democratic Reneawal Party, SDR) 其雖長期曾以歐共主義者的姿態致力於內部民主改革,黨內重要人物庫昌自一九八六年即帶頭與貝爾格萊德(Belgrad)當局對立。一九九0年庫昌代表民主改革黨競選,角逐斯國總統;改革派的身份和龐大的黨政資源,令其在第二輪決選時勝出。斯洛文尼亞採行新憲法後,由於民主改革黨與當時自由民主黨合併,庫昌毅然脫黨,以獨立參選的姿態在一九九二年十二月參加總統選舉,並拿下百分之六十三點九的得票率當選連任。

該黨在一九九0年國會大選時,政黨得票率還高居第二位。一九九三年,聯合其他一些左派政黨成立社會民主主義者聯合陣線參加選舉,結果退居第三位, 一九九六年選舉更形衰退,至公元二000年的大選結果出爐後,共產黨的原貌 以面目全非,其殘餘力量轉而由中間偏左黨派所吸收。

彼得勒(Lojze Peterle)政府係以些微多數組閣,再加上本身又是政黨聯盟,因而許多政策的推動都滯礙難行。斯國邁向獨立過程所凝聚的團結意識在獨立後即煙消雲散。斯洛文尼亞民主反對聯盟於一九九一年十二月分裂,翌年二月即告解散,非共政府處境岌岌可危。五月,彼得勒辭職下台,由斯洛文尼亞自民主黨(LDS)黨魁德爾諾夫塞克(Janez Drnovsek)繼任總理一職。

德諾夫塞克以經營一個過渡性技術官僚政府的方式疇謀國事而非僅為年底

大選的政客心態私肥一己。一九九二年十二月,斯國國會改選,德諾夫塞克領導的自由民主黨(LDS)以百分之二十三點三的得票率領先其他各黨,取得國會九十席中的二十二席,重新改組政府(參見表 3-2)。新政府由斯洛文尼亞基督教民主黨(SKD)、聯合陣線(ZLSD)、綠黨(ZS)和社會民主黨(SDSS)共同組成。

至二00二年為止,斯洛文尼亞歷經三次國會改選,其中歷任共七屆內閣;除了在二000初因國會不信任投票而下台外,德諾夫塞克共擔任六屆總理,領導斯國政府持續邁向改革;能長期擔任斯國總理的原因有以下兩點:第一、其所領導的自由民主黨長期以來在國會皆能保住最大黨的位置;第二、德爾諾夫舍克本人的改革深獲斯人認同,本身又協高度的協調能力,在斯國人民心目中的地位不下庫昌總統。

- 一九八九年斯洛文尼亞非共政黨紛紛成立,斯洛文尼亞共產黨亦改頭換面, 其高層領導人大多掛冠求去,另組新黨,致使該黨在一九九二年選戰表現乏善可 陳。新興政黨林立,舉其要者,分述如後:
- 一、斯洛文尼亞自由民主黨(Liberalna Demokratca Slovenije, LDS): 其前身是斯洛文尼亞社會主義青年聯盟(Zveza Socialisticna Mladina Slovenije, ZSMS), 斯洛文尼亞社會主義青年聯盟與其他共青團組織不同之處在於該聯盟自一九八0年代以來一直支持個人權利和自由的一個實質獨立組織最初改名斯洛文尼亞社會主義青年聯盟 自由黨(ZSMS Liberalna Stranka), 一九九0年十一月, 再更改名稱為自由民主黨(Liberalna Demokratca Stranka, LDS)。一九九0年選舉結果居次,一九九二年選舉即躍占鰲頭,其黨魁德諾夫塞克出任總理。一九九四年三月,與斯洛文尼亞民主黨(DSS)、斯洛文尼亞綠黨(Green Party of Slovenia, ZS)和斯洛文尼亞社會黨(SSS)合並為斯洛文尼亞自由民主黨。該聯盟主張快速有效地發展市場經濟,採取綜合性措施實行企業私有化,對經濟一體化實行戰略性規劃,建立公正、保護自然環境的社會。自由民主聯盟自從一九九二年進行黨內改革以來至今

(到二000年國會改選為止),便一直是國會中的最大黨(不見得是過半數)。 政府改組,一九九六年選舉得票雖仍居第一,但支持度已呈小幅下滑趨勢,二000年的大選仍以百分之三十六的得票率,取得三十四席,在國會居第一大黨地位。

二、斯洛文尼亞基督教民主黨(Slovenski Krscanski Demokrati, SKD)係一九八九年三月由一群非神職人員的天主教知識份子組織創立,為斯洛文尼亞獨立前「民主反對聯盟」的中堅團體。主張維護人權,倡導社會平等和國家團結。一九九0年國會大選贏得十一席,一九九二年選舉成為國會第二大黨。一九九四年維持不墜,一九九六年則被社民黨和人民黨超前,在二000年的大選僅拿下九個席落居第四大黨。

三、社會民主主義者聯合陣線(Zdruzena Lista Socialnih Demokratov, ZLSD)係由斯共轉變而來的民主改革黨(Party of Democratic Renewal),為因應一九九二年選舉而結合其中一些左派政黨如斯洛文尼亞退休人員民主黨(Demokratska Stranka Upokojencev Slovenije, DESUS)、以及斯洛文尼亞工人黨(Delavska Stranka Slovenije, DSS)。92 年與 94 年選舉保持第三大黨的地位,但 96 年落居第五,在二 0 0 0 年的大選中,有止跌回升之勢,在國會中拿下十一席,重回第三大黨的地位。

四、斯洛文尼亞社會民主黨(Socialdemokraticna Stranka Slovenije, SDS)宣稱係一個具有歐洲民主和社會主義傳統的社會民主黨。雖然其總統候選人在一九九二年總統大選僅得百分之0點六的選票,但國會選舉仍有百分之三點三的得票率,獲得四個席位,並加入斯洛文尼亞自由民主聯盟領導的聯合政府。一九九四年3月,其黨魁楊沙(Janez Jansa)被撤換國防部長一職後,該黨即退出聯合政府。在二000年的大選中,勇奪十四席,躍升為第二大黨。

五、斯洛文尼亞人民黨(Slovenska Ljudska Stranka, SLS): 一九九八年創立時以 非政治性團體「斯洛文尼亞農民聯盟」(Slovenska Kmecka Zveza, SKZ)的名稱組 成,一九九0年一月開始登記成為政黨。一九九0年在國會贏得十一席並加入「民主反對聯盟」,一九九一年改名至今。一九九二年及一九九四年選舉取得十個國會席位,一九九六年大幅增加至十九席,成為國會第二大黨,在二000年國會大選時與基民黨結盟。

總統大選方面,庫昌以63.9%的高得票率連任總統,足以證明其於斯國邁向獨立過程中扮演關鍵角色,再次受到選民的肯定(見表3-3)。

表 3-2 斯洛文尼亞一九九二年總統大選結果

政黨	候選人	得票率
無黨籍	庫昌(Milan Kucan)	63.93
斯洛文尼亞基民黨 (SKD)	畢札克(Ivan Bizjak)	21.14
斯洛文尼亞自由民主黨 (LDS)	卡欽(Jelko Kacin)	7.29
無黨籍	布薩(Stanislav Busar)	1.93
無黨籍	勞蒂亞 - 貝勃勒(Darja Lautiar - Bebler)	1.82
無黨籍	莎嘉 - 史坦那(Alenka Zagar - Stana)	1.74
無黨籍	希爾奇(Ljubo Sirc)	1.51
無黨籍	湯西奇(France Tomsic)	0.63
總計		100.00

資料來源: Europa World Year Book,1996, p.2852.

表 3-3 一九九二年斯洛文尼亞國民會議選舉結果

政黨	席次	得票率
自由民主黨(LDS)	22	23.7
斯洛文尼亞基督教民主黨(SKD)	15	14.5
社會民主主義者聯合陣線(ZLSD)	14	13.6
斯洛文尼亞社會民主黨(SDSS)	4	3.3
斯洛文尼亞民族黨(SNS)	12	9.9
斯洛文尼亞人民黨(SLS)	10	8.8
斯洛文尼亞民主黨(DSS)	6	5.0
斯洛文尼亞綠黨(ZS)	5	3.7
斯洛文尼亞獨立民族黨	-	-
斯洛文尼亞右翼民族黨(SND)	-	-
獨立派候選人	-	-
總計	88	100.0

資料來源: The Europa Year Book 1993, p.2544

一九九三年,斯國國內政治環境穩定;經濟上,在彼得勒政府奠定的良好基礎之下,新政府得以使經貿持續成長並著手私有化政策。然而,一九九四年內有政治紛擾再起,外與鄰國義大利、克羅埃西亞失和,德諾夫塞克政府的穩定受到考驗。

一九九四年選舉後,斯國政府改組。斯洛文尼亞自由民主聯盟聯合基民黨

和社會民主主義者聯合陣線合組政府。基民黨與自由民主黨合作愉快,而且基於國家需要穩定的考量,所以繼續參加內閣。當然,其政黨政策的目標亦多所達成。諸如恢復學校宗教課程、歸還教會財產。一九九五年內閣合作尚稱融洽。

一九九六年一月,德諾夫塞克突然解除經濟部長泰尼卡(Maks Tajnikar)的職 務,因其不當補助體質不佳但政商關係良好的企業。39此舉導致泰尼卡所屬的社 會民主主義者聯合陣線退出聯合政府。另一個影響社會民主主義者聯合陣線退出 內閣的原因是對政府的社會福利政策不滿。因政府提案刪減退休金並獲得議會的 背書。自由民主聯盟與基民黨皆認為現行的退休金制度太過龐大,預計將有四十 五萬名受惠者,相對於只有七十五萬勞動人口而言形成財政負擔,這項政策是傳 承前斯洛文尼亞共產黨一向支持退休人員的權益以及其他優厚的社會福利繼續 施行。社民聯合陣線出走以後,基民黨在內閣的地位更形重要。內閣兩黨共有四 十五席,剛好僅占半數。情勢雖然對基民黨有利,但是聯合內閣吃力不討好,使 得基民黨在民意測驗中的支持度滑落至另兩個中間偏右政黨—社民黨和人民黨 反對黨尤其是社民黨顯現對聯合政府極度的挑戰企圖。其黨魁楊沙(Janez Jana)過去在共黨統治時期就是出名的異議份子,以「筆桿子出民主」[∞]的方式, 強力批判當時極權社會的不公,曾因共黨時期為當時的異議雜誌「Mladina」(Youth) 撰文,而被捕入獄;在當時的大學校原內還颳起一陣「釋放楊沙」的風波。楊沙 在斯洛文尼亞獨立後選擇加入斯洛文尼亞社會民主黨,並於一九九三年繼普屈尼 克 (Joze Pucnik) 後擔任該黨黨魁;他那賦強烈批判的個人特質並未因後共時期 政權的轉移而稍些,如他批評政府未能處分在快速私有化過程中以內線交易侵占 公司資產的工商業領袖。社民黨深受與過去沒有直接政治關係的年輕人支持。

³⁹ 網路資料: http://www.europeaninternet.com/slovenia/

⁴⁰ 此語出自包澹寧(Berman Daniel K.)著,李連江譯,筆桿子出民主(台北:時報文化出版基金會,1995年)。

表 3-4 一九九 0 年至二 0 0 0 年斯洛文尼亞內閣組成形式

內閣形式	組成政黨	歷任總理	任期	當時最大黨之席次
執政聯盟	SDS, DS, LS, SLS,ZS, SKD	彼得勒 (Lojze Peterle)	1990.05.16 ~ 1992.05.14	123/240
聯合政府	SDS, DS, ZS, LDS, ZLSD, SSS	德爾諾夫舍克 (Janez Drnovsek)	1992.05.14 ~ 1993.01.12	153/240
聯合政府	LDS, SKD, ZLSD, SDS	同上	1993.01.12 ~ 1994.03.14	55/90
聯合政府	LDS, SKD, ZLSD,	同上	1994.03.14 ~ 1996.01.31	51/90
聯合政府	LDS, SKD	同上	1996.01.31 ~ 1997.02.27	37/90
聯合政府	LDS, SLS, DESUS	同上	1997.02.27 ~ 2000.05.03	49/90
執政聯盟	SDS, SLS+SKD	巴裘克 (Andrej Bajuk)	2000.05.03 ~ 2000.11.30	46/90
聯合政府	LDS, ZLSD, SLS+SKD, DESUS	德爾諾夫舍克	2000.11.30 ~至今	58/90

第六節 歷次國會大選剖析

上述提到,獨立後的斯洛文尼亞採行「兩院制」(國民會議與國務委員會)的國會型態;但實際上,真正「立法機關」還是屬於國民會議,國務委員會代表的是各地區和利益團體的利益所在,且國務委員會委員的產生方式並不是經過公民直選,而是由類似美國總統選舉之「選舉人團」(Electrol bodies)。所以本節所要探討的國會大選,重點放在國民會議的之中。

斯洛文尼亞在一九九0年即開放自由選舉,當時的國會設有議員二百四十名;獨立後,國會才明確地在憲法架構下分為兩院制,分別是國務委員會四十名、國民議會九十名。

表 3-5
一九九二至一九九六年斯洛文尼亞大選國民議會(The National Assembly) 比較表(90席)

政黨		92年	大選	96年大選 11月10日		96年與92年大 選各黨得票率% 及席次變化	
		席次	得 票 %	席次	得 票 率 %	席次	得 票 率 %
自由民主主義者聯盟 LDS		22	23.46	25	27.01	+3	+1.54
Liberal Democratic Party of Sl	ovenia						
斯洛文尼亞基督民主黨SKD		15	14.51	10	9.62	-5	-4.83
Slovenian Christian Democrats	S						
斯洛文尼亞人民黨 SLS		10	8.69	19	19.38	+9	+10.69
Slovenian People's Party							
斯洛文尼亞民族黨 SNS		12	10.02	4	3.22	-8	-6.80
Slovenian National Party							
民主黨 DS		6	5.01	-	-	-	-
Democratic Party of Slovenia							
綠黨 ZS		5	3.70	-	-	-	-
The Green of Slovenia							
社會主義者聯合名單 ZLSD		14	13.58	9	9.03	-	-
United List of Social Democra	nts						
退休人員民主黨 DESUS		-	-	5	4.32	-	-
Democratic Pensioners' Party of	of Slovenia						
斯洛文尼亞社會民主黨SDS	S(前共黨)	4	3.34	16	16.13	+12	+12.79
Social Democratic Party of Slo	ovenia						

- 1.國民議會(National Assembly)有90席,88席依比例代表制選出,另外2席則係給該國境 內義大利及匈牙利少數民族的保障名額。
- 2. 國務委員會 (The National Council)共有 40 席,係政府諮詢機構,由 22 位來自各地區的代表及 18 位經濟、或社會等各方面的專家所組成 (雇主代表 4 位、員工代表 4 位、農民和小商人及自由聯盟者代表 4 位、非營利團體 6 位)。
- 3.國會設有 5% 門檻,政黨聯盟 2-3 個為 7%、3 個以上則為 10%。
- 4.一九九六年參選的政黨較主要的有22個。
- 5.一九九六年大選後,政府係由自由民主主自者聯盟、斯洛文尼亞人民黨及退休人員民主黨 所組成之聯合內閣。

資料來源:

- 1. *The Europa World Year Book 1997 Volume* , (London:The Europa Publications Limited, 1997), pp.1936-1937.
- 2.世界知識年鑑編輯委員會編,*世界知識年鑑1997/1998*,(北京:世界知識出版社,1998,1月),頁650。
- 3.REPUBLIC ELECTORAL COMMISSION, *COMPOSITION OF THE NATIONAL ASSEMBLY IN THE YEAR ー*カカニ, (URL: http://www.sigov.si/ elections/info/92urpa.htm), 4.1998.
- 4. REPUBLIC ELECTORAL COMMISSION, *ELECTIONS '92 -OFFICIAL RESULTS*, (URL: http://www.sigov.si/elections/info/92urvs.htm), 4.1198.
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表 3-6 一九九 0 年至二 0 0 0 年國會大選結果

政黨	1990		1992	1992			2000	
<u>ж</u>	席次	得票率%	席次	得票率	席次	得票率	席次	得票率
自由民主黨	39	14.5	22	23.4	25	27	34	36.3
斯洛文尼亞人民黨	32	12.6	10	8.6	19	19.3	-	-
人民黨暨基民黨	-	-	-	-	-	-	9	9.5
社會民主黨	17	7.1	4	3.3	16	16.1	14	15.8
基督教民主黨	23	13	15	14.5	10	9.6	-	-
新斯洛文尼亞暨基	-	-	-	-	-	-	8	8.7
督教人民黨								
社會民主團結名單	36	17.3	14	13.5	9	9.0	11	12.1
退休人員民主黨	-	-	-	-	5	4.3	4	5.2
斯洛文尼亞民族黨	-	-	12	10.2	4	3.2	4	4.4
民主黨	30	9.5	6	5.1	-	-	-	-
自由黨	4	2.5	-	-	-	-	-	-
綠黨	17	8.8	5	3.7	-	-	-	-
斯洛文尼亞社會黨	14	5.3	-	-	-	-	-	-
斯洛文尼亞青年黨	-	-	-	-	-	-	4	4.3
其餘政黨	-	9.4	-	17.9	-	11.5	-	3.7
總計	240	100	90	100	90	100	90	100

資料來源: Luksic Igor, The Political System of the Republic of Slovenia, (Ljubljana: Znanatveno, 2001), p.21.

第四章 斯洛文尼亞獨立後經濟之基礎及其發展

第三節 由半開放市場邁向市場經濟

斯洛文尼亞在南聯時期不管是在電子、機械、化工、木材、食品、紡織等加工業,就已是經濟最發達的共和國,自一九九一年六月獨立後,經濟上的轉型便朝向一完全的市場經濟體制,擺脫過去的「企業自營制」。

根據官方統計,斯洛文尼亞在一九九0年的國內生產總值(GDP)就已達到一百七十三億美元,國民平均所得為八千六百五十八美元。"獨立前其產品的百分之六十至七十用於出口或銷往南聯的其他共和國,但由於南聯分裂經互會的解體,使其喪失了百分之四十的市場,導致生產大幅度的下降;一九九二年斯洛文尼亞的國內生產總值降至一百二十二億美元,國民平均所得亦降至六千一百三十三美元。42由於在南聯時期半開放市場制度所立下的基礎,斯洛文尼亞的產業結構已接近西方歐美國家,一九九二年工礦業佔國內生產總值的百分之四十點七,農業只佔百分之五點三,服務業則佔百分之五十四;一九九二年斯國對外貿易總值高達一百二十八億美元,出口六六點八億美元、進口六十一點四億美元。

經過南聯實行自治的四十年經濟改革,在斯洛文尼亞已形成「半市場」的經濟體制,企業有相當大的獨立性,經濟對外開放程度高。一九八八年以後,整個南聯的經濟制度已開始轉向市場經濟制度,特別是一九九0年的改革,開放了百分之九十國內市場價格和外貿進口(出口基本上已經開放),金融與財政分離,企業開始發行股份,並按照修正後的聯邦法律規定開始了「企業自營」至的私有化。斯洛文尼亞私有化局和發展基金會於一九九0年成立,盧布里亞納證券交易所也在同一年開張,新登記的私人小企業迅速增加。

⁴¹ 網路資料: http://www.sigov.si/zrs/eng/index.html

⁴² 但當時斯國的國民平均所得仍高於葡萄牙和希臘,居整個東南歐國家之首。

一九九一年斯洛文尼亞獨立後,國內政治形勢基本上維持穩定,在經濟方面保持了對南聯法律的「連續性」,南聯的一些重要法規如企業法、社會資本法、有價證券法、外貿法、關稅法等仍維持有效,同時制訂如中央銀行法、銀行和儲蓄機構法、外匯業務法、對外信貸業務法等一系列新法規;一九九二年斯國便開始對南聯的相關貿易法規作修正,如企業法、勞動關係法和各種稅法等,一九九三年六月並通過了貿易公司法,至此始與南聯時期有關經貿政策的相關法規脫鉤,斯洛文尼亞穩定地朝著開放市場經濟邁進。43

經濟轉型順利的斯洛文尼亞若與其他南聯國家如馬其頓、波黑等國比較起來,確實是幸運多了。與義大利、奧地利接壤的交通運輸之便,搭配南聯「企業自營」的政策,讓斯洛文尼亞便打好經濟穩健而持續改革的體質,使其六、七0年代經濟急速地攀升,並躲過七0年代西歐國家普遍經濟蕭條的景況。

二十世紀的九0年代是見證斯洛文尼亞鞏固其做為中、東歐國家經濟轉型最成功的國家之一的觀察時期。直至一九九八年,斯國經濟成長率穩定維持4%,而通貨膨脹年平均率也略低於8%;同時斯洛文尼亞也逃過受俄羅斯經濟危機拖累的劫數,此外,國內經濟的穩定成長,也有助於斯洛文尼亞得以加快晉升成為歐洲聯盟會員國的一員46。

自獨立後,斯洛文尼亞幾年來在穩定與重整經濟方面有明顯實質的進步;通 貨膨脹率也由一九九二年的 201.3%(年平均值)降到一九九六年的個位數且一 直維持至今,也是在經濟轉型國家中第一批將經濟成長率回復至獨立前產值的國 家;其國際準備金之豐,初期出現經常帳盈餘,隨後則展現愈來愈強勁的淨資本 流入(Net Capital inflow)情況。這些有利的發展條件使該國得以維持首批申請進 入歐盟之經濟轉型國家中領先地位;經濟轉型國家中最高的每人所得及信用評等

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⁴³ 汪麗敏,轉軌中的斯洛文尼亞經濟,世界經濟,第一期(北京:1995年1月),頁七一至七四。 44 斯洛文尼亞於一九九六年向歐洲聯盟提出加盟的申請。經過多年的談判,二00二年十二月 哥本哈根高峰會後,確立於二00四年五月歐盟將有十個會員國加入。參見網路資料:

更強化了斯洛文尼亞申請加入會員的條件。

然而,如欲順利達成目標仍需繼續維持穩定及執行大幅度的結構改革;而斯 洛文尼亞目前確實面臨的主要挑戰之一便是確定如何在這些穩固的基礎上繼續 努力建設。中程目標來講,持續經濟成長與低通貨膨脹率將是主要政策目標;目 前成長率可望縮短斯洛文尼亞落後歐盟已開發國家的差距,而政府的經濟政策應 可逐漸降低通貨膨脹率(至二00二年可望降至3%),達成平衡預算。

第四節 總體經濟的表現

一、國內生產毛額

斯洛文尼亞十多年來經濟呈現相當穩健且持續不斷成長的現象,一九九七年 實質國內生產毛額為百分之三點八,一九九八年為百分之四點 0。此一績效使得 斯洛文尼亞更接近歐盟國家的平均值。根據 EUROSAT 資料顯示,依每人購買 力估算,一九九五年歐盟的成長率達國內生產毛額平均值的百分之六十五;一九 九七年則為百分之六十八。以九七年計算,該國每人 13,000 歐洲貨幣單位(ECU) 的國內生產毛額,同樣以購買力為估算基準來看,使斯洛文尼亞得以保持其在申 請加入歐盟會員的候選國家中名列前茅的地位。如與歐盟會員國中較不先進的國 家相比,則斯洛文尼亞僅落後希臘一個百分點,而落後葡萄牙三個百分點。

斯洛文尼亞由於經濟規模小且屬開放經濟,其發展倚賴外來經濟因素,尤其 占極大比例的歐洲貿易夥伴甚深。貨物及服務外銷占國內生產毛額 55%,而總 外銷值中約有 65%銷往歐盟市場。處在這種壓抑性的經濟成長及這些市場進口 意願不高的環境中,一九九九年斯洛文尼亞的經濟成長預計在 3.5%至 4%之間。 而 CIS 國家的需求也可能減弱。一九九八年,貨物外銷(前一年實質成長率為8.4%)為經濟成長的主要動力。由於出口需求逐漸回升,國內私人消費力的實質成長與資本型態維持在去年水準是相當重要的作為。生產力一九九八年工業生產力在量方面增加了百分之三點七,以製造業(百分之三點九)及電力供應(百分之三點三)的成長為最。礦業則下跌了百分之四。整體而言,由於經濟重整及獨立後朝向服務業發展的趨勢之故,國內生產毛額中的工業百分比自一九九0年代後期起即呈下降趨勢。生產方面,出現成長的產業主要為製造業、運輸業、倉儲和通訊業。製造業的比例最大,也是主要外銷產業,占一九九七年國內生產毛額百分之二十四點八;製造業中依其就業率與外銷比例分配,各行業所占比例順序為機械設備、運輸設備、金屬產品、電機設備、化學製造業及化學產品與紡織業及紡織品。製造業主要以中小企業為主,僅有少數大企業。

表 4-1 工業產值成長率百分比變動情形

1994	6.4
1995	2.0
1996	1.0
1997	1.0

資料來源:斯洛文尼亞總體經濟分析與發展研究所

二、通貨膨脹率

歷經貨幣緊縮及財政政策期的一九九二至一九九五年間通貨膨脹率大幅下降後,緊縮通貨膨脹的腳步也放慢許多。一九九七年十二月至一九九八年十二月

間一整年,物價上漲了百分之六點五;一九九八年平均年通貨膨脹率為百分之七點九(消費者物價指數,consumer price index, CPI)。整個年度中因國幣脫拉(Tolar, SIT)升值帶動物價下跌,隨著進口管制放寬及部份物價自由化,國內市場競爭愈形激烈。物價管制政策(百分之十七的消費者物價指數通貨籃[CPI basket])有效控制了一九九八年百分之六點五的通貨膨脹率達百分之一點八。

而一九九九年開始採用加值營業稅與貨物稅的措施也使得一九九九年通貨膨脹率下降的空間減少。然而,維持百分之六點八的年平均通貨膨脹率仍是一九九九年總體經濟主要目標;施行加值營業稅後立即出現的短期物價上漲不會以指數化的方式列入財政、物價、貨幣或所得政策中。

三人失業率

一九九八年就業率下滑的速度減緩,失業率約增加百分之零點三,由前一年的百分之七點四提高為百分之七點七,呈減緩趨勢,為十年來就業率長期下滑的狀況中最佳的結果;四十歲以上找工作的人達百分之四十七,長期失業人口則占百分之六十二;無特殊技能的失業人口比例仍維持在百分之四十七左右,且其中百分之七十的人已失業一年多;至於在轉型初期未造成問題的婦女失業率則仍持續升高。

鑒於失業率增高,國家就業處(National Employment Office)已研訂振興方案,以長期就業的觀點提供找工作的專業協助替代給予失業津貼,國家就業處於一九九八年中幫五萬五千四百四十八個失業人士找到工作。

四、公共財政和預算

(一)公共財政

斯洛文尼亞政府總預算包括國家預算、兩個社會福利基金(退休基金

[Pension Fund]及健康保險基金[Health Insurance Fund]) 和地方政府預算。

為維持政府會計帳平衡,財政政策過去數年來均配合貨幣政策施行;沒有大量對內或對外舉債,便不會有匯率及利率波動的額外壓力。

過去幾年的政策目標主要著眼於調降社會福利補助的比例。這些調降措施加上斯洛文尼亞(與歐盟及中歐自由貿易協會)簽署國際協定而調降關稅造成預算收入偏低,惟並未以一九九六年和一九九七年間施行的新財政工具帶來的所得收入如薪資所得稅(payroll tax)及 CO2 發行稅等稅收來彌補。

一九九七年政府總收入占國內生產毛額的 44.6%; 而一九九七年中政府總支 出則占國內生產毛額的 45.7%, 1996 年則為 44.9%, 主要係因公共建設工資、 社會福利移轉及轉入退休基金所致。

政府以「節約計畫」(austerity programme)補充一九九八年的概算金額, 此一計畫對國家行政工資與就業率產生正面效果。初步資料顯示,國內生產毛額 中的中央政府工資比例由一九九七年的7.1%降至一九九八年的6.9%;國家行政 機關中每個員工的平均毛工資所得實質上比一九九七年的平均值低。

一九九八年還採取額外的管制措施減少中央政府的支出。初步資料顯示,這些措施使得國內生產毛額中政府總支出比例較預算目標減少了0.2個百分點,且和一九九七年比較,國內生產毛額中政府總預算赤字也降低了0.5個百分點。45

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⁴⁵ 上列數據斯洛文尼亞國家統計局提供,網路資料:http://www.sigov.si/zrs/eng/index.html

表 4-2 政府總收入及支出

	支出	出入	結餘
會計年度	十億 SIT	十億 SIT	GDP%
1994	854.0	8.49.4	-0.2
1995	1,016.0	1,015.4	-0.0
1996	1,147.0	1,153.8	0.3
1997	1,328.0	1,295.8	-1.1
1998	1,507.0	1,489.7	-0.6

(二)國家預算

一九九九年起政府財政政策將以減少政府總預算赤字為主,修正預算計畫,加上中程政策計畫及公共建設計畫融資可望擴大彈性並減輕預算支出的壓力。一九九四年至 1996 年間出現順差後,一九九七年國內生產毛額之中央政府預算出現 1.1%的赤字;一九九八年因採取管制措施,中央政府赤字占國內生產毛額的比率則降為 0.9%。預估一九九八年總支出約占國內生產毛額的 26.6%,總收入則占 25.7%。

國會於一九九八年 12 月通過採用一九九九年預算,給予中央政府 9607 億 SIT 支出金額;因此國內生產毛額預算赤字可望由一九九八年的 0.9%降至一九 九九年的 0.8%。

五、國際貿易收支

斯洛文尼亞經濟的國際化及與歐盟整合的作法對其發展來講相當重要;並已 於經濟轉型期中順利發展,且除一九九五年外其餘各年度的經常帳均出現順差情 況。

國際貿易資料顯示國外需求為一九九八年經濟成長的動力。與主要貿易夥伴的貨物出口總額占實質成長率的 8.4%,僅有對俄羅斯的出口比例由 3.9%降為 2.6%。貨物進口總額(實質成長為 10.4%)則比出口高,但貿易赤字因貿易順暢維持在一九九七年的水準。服務業的貿易順差成長空間縮減(觀光業淨流入減少),然而服務業盈餘提高而流通轉讓(current transfers)造成 6 百萬 SIT 的赤字,也影響了國際收支(balance of payments)的經常帳(一九九七年國際收支經常帳擁有 36.6 百萬 SIT 的盈餘)。這些現象趨勢證明一九九八年的俄羅斯和亞洲經濟危機對斯洛文尼亞的經濟並沒有重大影響。一九九八年中國外需求(外銷)也是經濟成長的主要因素之一。

就地域貿易觀點來看,歐盟為斯洛文尼亞的主要貿易夥伴,占總貿易額的四分之一;歐盟國家中又以德國、義大利、奧地利和法國為最大貿易夥伴,外銷至這些市場的出口額占斯洛文尼亞外銷至歐盟總出口金額約 90%。

由於外銷順暢,斯洛文尼亞在最大貿易夥伴的市場占有率(以外銷貨品實質 成長率及在這些國家的外銷市場成長率比例來看)成長約 2%。

一九九八年間,雖然貨物進口額呈現快速成長,貿易額仍增加了百分之二點四。服務業盈餘也沒有完全抵銷赤字。根據斯洛文尼亞銀行(Bank of Slovenia) 資料顯示,一九九八年服務業順差達五億零九百萬美元。

表 4-3 中央政府總收入及支出

A.11.5-	支出	出入	結餘
會計年度	十億 SIT	十億 SIT	GDP%
1994	413.1	421.1	0.4
1995	507.1	529.2	1.0
1996	608.5	624.2	0.6
1997	754.0	721.9	-1.1
1998	870.8	839.8	-0.9*
1999	960.7	930.9	-0.8

一九九七年出現三十六點六百萬美元收支盈餘後,一九九八年斯洛文尼亞的經常帳即出現6百萬美元的赤字;造成此一現象的主要原因為斯洛文尼亞服務業盈餘大幅滑落所致,而貿易赤字則維持不變。

六、 外來投資

一九九八年五月二十二日,斯洛文尼亞與百利銀行盧森堡股份有限公司(Banque Paribas Luxembourg S.A.)和美國摩根證券股份有限公司(J.P. Morgan Securities Ltd.)簽訂二00五年五月二十七日到期的斯洛文尼亞共和國500百萬歐元債券的認購債券協議書(Subscription Agreement),並由前述兩家公司負責

主辦。採用歐元之前,債券面值以歐洲貨幣單位計算,其兌換率為一歐洲貨幣單位(ECU)對一歐元。債券以 99.63%的價格發行,並自一九九八年 5 月 27 日開始以年利率 5.375%計息,自一九九九年 5 月 27 日起於每年的 5 月 27 日後支付利息。

一九九八年 11 月 18 日,紐約的摩根保證信託公司(Morgan Guaranty Trust Company of New York)、法蘭克福的 Zweigniederlassung 公司與斯洛文尼亞共和國簽署兩份協議書,一為2006年5月25日到期的5千萬德國馬克本票(promissory note)及2006年5月25日到期的124.5 百萬德國馬克的借款憑證(Schuldschein)5 千萬德國馬克的本票年利率為5.56%,124.5 百萬德國馬克的票券利率則為5.51%;每年於5月25日支付利息,第一筆利息將於一九九九年5月25日支付。

斯洛文尼亞一九九八年全年度的外債增加,至 12 月底止總計為 49 億美元,年增加比率為 17.8%,其中約 2.2%(或一九九八年 12 月底止 109 百萬美元)的債務為短期債務。

由於過去幾年來私有外債增加,政府及斯洛文尼亞銀行也嚐試以管制措施去除大量外資流入造成貨幣升值的衝擊。

斯洛文尼亞於一九九一年十月採用脫拉為貨幣單位,其幣值相當於南斯拉夫 (Yugoslav)的第那爾(Dinar)。而以往居高不下的通貨膨脹率於一九九五年降 為個位數。匯率呈波動現象,貨幣可完全兌換為經常帳交易。外資流入造成一九 九七年上半年脫拉對德國馬克升值百分之四,使得中央銀行不得不進場干預扭轉 趨勢。通貨膨脹率目前降至百分之八以下。

表 4-4 選擇性經濟指標

ル す] = _ //_	// 13 H 13/					
	1992	1993	1994	1995	1996	1997	1998	1999
[穩定物價的國內生產毛額(百分比變 動)	-5.5	2.8	5.3	4.1	3.3	3.8	4.0	3.5-4.0
通貨膨脹率(年平均百分比變動)*	201.3	32.3	19.8	12.6	9.7	9.1	7.9	6.8
失業率(勞動力百分比 – ILO)	8.3	9.1	9.1	7.4	7.3	7.4	7.7	na
政府總收支(國內生產毛額百分比)	0.2	0.3	-0.2	0	0.3	-1.1	-0.6	na
經常帳(單位:百萬美元)	926.2	191.9	600.1	-22.9	38.9	36.6	-6.0	-80.0
貿易收支(單位:百萬美元)	791.1	-154.2	-337.5	-954.3	-881.6	-771.6	-772.4	-900.0
總 FDI(單位:百萬美元、現金收入、	na	na	1.33	1.75	1.94	2.12	2.4	na
淨額)								
外債股份(單位:百萬美元)	1.74	1.87	2.26	2.97	4.01	4.18	4.96**	na
*一九九八年前以零售物價為通貨膨脹	的衡量標	票準,一	九九八年	後則以氵	肖費者物	價指數為	為準。	
**一九九八年 11 月								
na - 無資料								

資料來源:斯洛文尼亞銀行發行月刊及 IMAD估計值。

斯洛文尼亞二千五百家「企業自營」制的私有化速度相當緩慢,但到一九九九年總算塵埃落定。政府採用的民營化方式偏袒 MBO 及 EBO,因此民營化後的實質問題仍未解決。企業組織調整才剛要開始,而大部分大型公用設施仍待民營化。

政府出售手中所有小型銀行及石油公司,如石油(Petrol)及伊斯特拉朋馳(Istrabenz)的股份。一九九八年處理所得金額總計達 SIT 115 億,所有收入用來抵銷預算赤字。諾娃琉碧麗安斯卡銀行(Nova Ljublijanska Banka)及諾娃信用銀行(Nova Kreditna Banka)等兩大銀行民營化作業預計於一九九九年底展開。一九九八年初,斯洛文尼亞開發公司(Slovenian Development Company [SRD])基於重整需要,為國營及民營事業發行十年期利率百分之的振興債券,貨幣單位為德國馬克,票面價值計五十九點七百萬美元。

斯洛文尼亞正研擬涵蓋事業永續獲利、持續民營化及加速結構改革等措施的 全套改革方案。雖說所有權的正式轉移和大部分重整過程均已完成,然企業獲利 率方面仍未全面建立。

由於斯洛文尼亞加入歐盟體系之事仍未定案,經濟部(Ministry of Economic Affairs)已與斯洛文尼亞開發公司合作研訂企業重整計畫;初期階段,由各經濟事業中選出 10 家示範企業辦理;計畫後期,再將其他企業納入,計畫中的所有企業均由政府遴選。此外,政府亦加速退休金、稅務及財政制度的改革作業,一旦斯洛文尼亞完成必要改革作業,應可在加入歐盟前由過渡期達成固定匯率。

表 4-5 一九九八年加入歐盟技術支援計畫

優先產業項目	經費分配(百萬 ECU)
進一步整合內部市場及加強行政與法規能力	2.85
區域政策與凝聚力	3.00
環境 環境	1.90
農業	1.00
總經費分配	8.75

資料來源:EC PHARE

七、市場競爭力

製造業的進口障礙已排除,而農業及服務業則仍設限。1993 年競爭力保護法 (Law on Protection of Competition)納入新條例,設立競爭力保護局(Competition Protection Office – CPO)執行競爭、傾銷及補助進口等法規。貿易檢驗局(Trade Inspectorate)則處理不公平競爭、非法投資與中央或地方政府所設的自由市場通路管制措施;競爭力保護局自成立迄今,共審查超過 219 件的案例,其中 21 件為卡特爾(cartel)調查案件,15 件為垂直協定之調查(vertical agreement),37 件則是壟斷情況的調查,及合併案 12 件。

資本流入、銀行業及部分產業界等經濟項目競爭力及自由化問題仍未解決;

國外競爭力有限部分係因為直接及組合國外投資作業管制(請參閱投資環境 — 外國直接投資及證券市場與投資工具),惟在爭取加入歐盟過程中,現行法規及未來修正案將需達到歐盟標準。

八、工資自由化

一九九八年工資並無大幅度調整,平均毛工資仍維持在 900 美元上下。所得措施仍是資方協商最重要的議題。自獨立以來,政府積極參與工資標準訂定過程;雖然一九九七年未達成新的社會協議(Social Agreement),但達成所得措施參數協定(accord on income policy parameters)並將其納入最低工資及工資調整機制法案(Minimum Wage and Wage Adjustment Mechanism Act)。使得一九九七年及一九九八年的所得政策措施得以圓滿完成,對國家總體經濟穩定性有重大貢獻。本項法案促使 1997 年的工資提高(每名員工平均毛工資實質成長率為 2.4%,而勞工生產力則提升了 3.8%,1998 年慢慢也出現成長,惟公民營事業的工資成長率已趨緩。

第五章 斯洛文尼亞獨立後的外交目標

第一節 加入歐洲聯盟的考量

斯洛文尼亞在九0年代獲得完整國家主權(State Sovereignty)之後,立即以更積極的態度與歐洲各國交流,特別是與歐洲聯盟,脫離南斯拉夫的「共和國聯邦」組成型態,轉入另一個更為象徵「政府間合作形式」的歐洲聯盟,是自斯國獨立以來的既定國家目標,也是現階段最重要的國家目的。

鑑於在一九九七年第二屆總統大選所顯現的政治發展相對穩定,和經濟狀況 擺脫一九九四年以來的持續保持成長(年平均為 4%以上),使得斯洛文尼亞在 歐盟十五個會員國中,獲得肯定⁴⁶。

一九九七年七月十五日,歐盟執委會(European Commission)在「議程 2000」 (Agenda 2000)的報告中,即建議歐盟應與中東歐十個國家展開多層次的接觸, 開放對話管道,斯洛文尼亞更是五個候選國中的其中一個⁴⁷。

在「議程 2000」中,對斯洛文尼亞在各項指標均提出評語,報告中指出: 斯洛文尼亞在政治發展的表現上,堪稱民主轉型國家的典型;而就經濟而言,斯 洛文尼亞獨立以來的表現市場經濟被證明可在該國實際運作,且國內經濟體的健 全足以市場競爭壓力及中程來自歐盟市場分據的彈性。雖歐盟執委會對斯洛文尼 亞整體表現上持肯定的態度,就歐盟內部的官僚體系而言,斯洛文尼亞的行政體 系健全度與斯國將來對歐洲的諸多指令會否產生「適應不良」效率不彰的情形, 仍有待觀察。

既然加入歐盟為斯洛文尼亞的既定戰略目標,但恰好在這問題上又與歐洲聯

⁴⁶ European Commission, Agricultural situation and prospects: Slovenia, May 1998.

⁴⁷ 當時五個有希望於二00四年加入歐洲聯盟的國家分別是:捷克、匈牙利、波蘭、斯洛文尼亞、克羅埃西亞。

盟會員國、亦是斯洛文尼亞鄰國的義大利產生矛盾關係。義大利要求斯洛文尼亞 修改憲法,同意外國人可以在斯國境內購買不動產,否則不同意其加入歐盟。⁴⁸

而根據民意調查顯示,有超過百分之七十的人民贊成斯洛文尼亞加入歐洲聯盟,但相對的,亦有百分之七十五的民眾反對因此而修憲,由此看來,斯洛文尼亞國會將來或許會以全民公投的方式解決此一難題。重點是,斯國政府關切點在於如果依照義大利要求的條件修憲,一旦外資湧入不動產市場,不出幾年內斯洛文尼亞將被買空,不但賴以維生的民族經濟不復存在,連「主權」也即將受到挑戰。

第二節 // 加入北約的考量

所謂的「安全政策」對於斯洛文尼亞來說,要到獨立後才有可能出現。在南斯拉夫的體制下,各共和國無法擁有軍力,唯一的武力相當於一正常國家所擁有的警力(Civil police)而已,且需再出部分的人力支援由聯邦政府籌組的國家防衛力量 - 南斯拉夫軍隊(Yugoslav Armed Forces, YFA)。 ⁴⁹但這兩支對於「保衛」斯洛文尼亞的軍事力量來說,面對解體後的南斯拉夫,斯洛文尼亞要投注更多的心力去改變國防力量的規模和構思未來的安全政策。

脫離南斯拉夫後的斯洛文尼亞在面對「國家安全」的概念上有了極大的轉變,地處「歐洲火藥庫」巴爾幹半島西北端的斯洛文尼亞,自二次大戰以來,就無法如同奧地利般處於中立國的地位。「安全」對於斯洛文尼亞來說,似乎就是不斷地依附在強權底下⁵⁰。擁有完整的主權,也象徵斯洛文尼亞對「國家安全」有絕對的自主權。而整個歐洲進入後冷戰時期,對於戰略地緣的思維也勢必隨

⁴⁹ Anton Bebler, *Small States inside and outside the European Union* (Netherlands: Kluwer Academic Publishers, 1998), p.126.

⁴⁸ 龔獵夫,「斯洛文尼亞-中東歐經濟轉軌最成功的國家」,前揭文,頁四五。

⁵⁰ 斯洛文尼亞自一二八四年起便受奧匈帝國的統轄值至二十世紀初,第一次世界大戰後又受當時現實環境所迫,不得不與塞爾維亞等族「合作」。

美、蘇兩強對峙的瓦解而改變。

面對著新時代來臨的北大西洋公約組織,冷戰時期的「首要敵人」一夜之間消失,剛開始會令人質疑在後冷戰時期繼續存在的必要性;但在進入二十一世紀後,正名國際間有關軍事安全和外交國防,尚有諸多潛在的危機。區域性的防衛機制,確實有存在甚至進步擴大的必要性。一九九四年一月十一日,北約布魯塞爾高峰會(The Brussel Summit of NATO)上表示,鑑於歐洲歷史的變革,對於北約今後的目標和性質,應重新與予以定義。51布魯塞爾高峰會後聯合宣言如下:

- 一、為防止衝突與解決危機,北約強調與歐安會議合作⁵²、持續對波是尼亞 的觀察與維持和平、促進俄羅斯政治經濟的改革、使烏克蘭成為非核區 (Nuclear-weapons-free),並反對毀滅性武器的擴散。
- 二、推動「和平伙伴關係計畫」(Partnership for Peace, PfP):以「邀請」 (Invitation)和「架構文件」(Framework Document)的名稱提出「和平 伙伴計畫」。邀請「北大西洋合作會議」及其他「歐安會議」的會員國 參加。而且當會員國受到領土完整、政治獨立、或國家安全等的威脅時, 北約將會立刻積極與之協商。
- 三、在北約內部建立「歐洲支柱」(European Pillars):北約正式承認「西歐聯盟」(Western European Union, WEU)⁵³的獨立防禦地位,並在未來組成「聯合任務特遣部隊」(Combined Joint Task Forces, CJTF),其中「西

⁵¹ 對於北約往後之目標與責任定義如下:北約應擔負「預防衝突」(Preventive Conflict)與「危機處理」(Crisis Management)的任務、強化「歐洲安全暨防衛意識」(European Security and Defense Identity ,ESDI)、並再次確認東擴計畫是歐洲極大西洋盟國共同的任務。NATO: Press Communique M1(94)3, Declaration of The Heads of States and Government Participating in the meeting of the NATO Atlantic Council, held at NATO's Headquarter, Brussels, on 10-11 Jan 1994. 轉引自邱淑美

著,波海三國加入北約之機遇與挑戰(嘉義:南華大學歐洲研究所,1999年),頁二八。
⁵² 歐洲安全暨合作會議(Conference for Security and Coorparation in Europe, CSCE),自一九九五年後改為歐洲安全暨合作組織(Organization for Security and Coorparation in Europe OSCE)。

⁵³ 西歐聯盟是在一九九一年十二月由當時歐洲共同體在高峰會後所簽訂的「馬斯垂克條約」 (Masstricht Treaty)中提出,未來將把西歐聯盟作為發展「歐洲安全暨防衛意識」(ESDI)的基礎,來執行「歐洲外交暨安全政策」。

歐聯盟」與「聯合特遣部隊」在必要時可運用北約的軍事資源,以強化 所有歐洲成員的凝聚力,克盡應有的任務與責任。⁵⁴

南共時期的斯洛文尼亞跟隨著南斯拉夫的「不結盟政策」,使斯國在當時無法與西歐各國作接觸;後冷戰時期強調交往與對話的戰略,令斯國必須放棄「自我孤立」的立場,主動出擊,與西方歐美國家交流。斯洛文尼亞的小國外交思維中,不必像德、法等歐洲強國般的佈局,首先便是要在雙邊關係做好基礎。與義大利、匈牙利、奧地利等國有著天然接壤的斯洛文尼亞,在獨立後便開始與周邊國家簽訂雙邊條約(捷克、奧地利、匈牙利、烏克蘭)與三邊協約(斯洛文尼亞、義大利、匈牙利),謀求關係穩定。而軍事防衛力量上的最終目標則是加入北大西洋公約組織,成為會員國。

在國家安全的考量上,斯國政府高層在一九九一年剛獨立時,及宣布將加入北約、歐盟與西歐聯盟列為斯洛文尼亞與國際接軌的主要目標。歷經南斯拉夫內戰戰火的的斯國,深刻感受到軍事安全對其之重要性,尤其是波黑內戰深受波及之後,舉國上下對於加入北約有極大的支持。一九九六年時,斯國民調顯示有超過半數的斯國人民支持加入北約,而在九七年有百分之五十六的人民亦表示,若舉行公民投票表達加入北約的意願,他們願意支持。同年年底的民調亦顯示有超過六成的民眾支持政府加入北約;至九八年為止,尚有百分之十至二十的民眾表態不願意加入,這些民眾所呈現出來的是少數民族的民族主義。雖然波蘭、匈牙利、捷克於一九九七年被圈選為北約第一批東擴的名單,但一直以來斯國積極爭取加入北約的意願,由民調上所呈現出來的特色,始終不下於匈牙利。

美國在二00一年九月十一日發生遭恐怖份子攻擊的「九一一」事件後,立即對北約東擴產生效應。二00一年十一月,美國總統小布希(Jorge W.Bush)立刻在波蘭首都華沙召開「中東歐防恐會議」,及在二00二年四月,於羅馬尼

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⁵⁴ 轉引自邱淑美著,前揭書,頁二九。

亞首都布加勒斯特舉行北約准會員國會議。會後均與各國達成協議,認為一致防範恐怖主義、打擊恐怖主義為今後的國際性行動,歐美各國應聯合起來共同打擊恐怖主義。55雖在布加勒斯特會後的各國國防部長共同宣言中,斯洛文尼亞限於國內輿情的壓力而沒有簽署,但盱衡斯洛文尼亞的戰略地緣,和「九一一」事件後國際政治的大洗牌,若無意外,斯洛文尼亞在二00二年十一月的北約布拉格會後,將會是北大西洋公約組織第二波東擴的新會員國。

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⁵⁵ "Romania and Bulgaria Edge Nearer to NATO Membership", *New York Times*, Mar.26.2002.

第六章 結論

一、研究目的之達成

本研究以民主轉型的各項指標來檢驗斯洛文尼亞民主轉型的成效,分別是在 政治場域上以憲政選擇、政黨政治運作、選舉制度等,經濟場域上則以各項指標, 如私有化、失業率、經濟成長率等;各項單一指標雖均呈現出斯洛文尼亞正以穩 健的腳步邁向「民主鞏固」,而在「自由之家」的評比中,也已是完全自由國家。 不過在文中尚未以政治經濟學的觀點討論斯國的民主進程,政治經濟學對於一個 國家在進入「民主化」時有下列四項重要的命題:

第一、歷史事件長時期對一國政、經改革的交互影響為何;

第二、經濟危機在政治自由化中及現代化(Moernization)中扮演什麼角色;

第三、經濟危機和經濟改革的努力過程往往伴隨著民主化而來,當政者如何 面對這相對應的政治挑戰。

第四、在何種經濟環境和制度設計底下,民主可以獲得穩固?

比照斯洛文尼亞獨立前後的政經發展,雖不至於獨特到稱為一種「現象」,但跳脫出政、經條件之外,影響斯洛文尼亞「平穩革命」(Smooth Revolution)⁵⁶的因素,尚有民族性、文化傳統等。故作者藉上述的各項指標,耙梳出斯洛文尼亞獨立前後民主傳統的「連續性」。

在政經制度上,由於斯國過去受南共統治,而南斯拉夫的「半開放社會主義市場」又不同於東歐其他共產國家制度,使得斯國的漸進改革得以發軔於五、六

⁵⁶ Anton Bebler, "Slovenia's Smooth Transition", *Democracy*(John Hopkins University: 2002 Jan), Vol.13, No.1. 網路資源:

http://muse.jhu.edu/cgibin/access.cgi?uri=/journals/journal of democracy/v013/13.1bebler.html&session=17956909

0年代;政黨政治發展亦藉由共產時期(特別是後期)領導者對社會上多元組織的包容而初具模型;有趣的是,一九九0年第一次舉行的國會大選,由七個團體轉化而來的新興政黨,為贏得勝選,所有反對力量策略聯盟,結合成「民主反對聯盟」,竟能一舉奪下執政權。可見,九0年代的斯洛文尼亞看似「平順轉型」,實則進行著「雙軌」的改革工程:對外向南斯拉夫爭取國家獨立、對內人民向執政者爭取更大的民主空間。而這種種均奠基於共產時期的斯洛文尼亞發展出良好的經濟體質和涵養已久的公民文化傳統。而藉由內文中各章節之論述,可使斯洛文尼亞在民主轉型中的背景與獨立後在政經制度上積極與西歐先進國家接軌的的努力,清楚呈現出來。

二、研究發現

針對本文的論述,有以下幾點發現:

第一、若吾人僅以「制度」面的轉型來觀察斯洛文尼亞的民主化,對於非制度面的影響因素便會落於疏忽。民族主義載舟覆舟的例子在歷史上不知凡幾,「大塞爾維亞主義」的高漲,相對引發其他族群對本族人存續的危機感,甚而有「大阿巴尼亞主義」等民族氣焰,血腥、仇恨成了在南斯拉夫一個治絲益棻的難題。斯洛文尼亞獨立的過程或有政治場域的暗潮,但不若波黑等其他共和國在獨立後內部仍呈現族群對峙的煙銷,族群結構的單一在這裡呈現出作用;在加上配合著獨立後各項措施保障著境內少數民族的發言權,斯洛文尼亞的社會菁英們巧妙地運用著「民族主義」可見一斑。

第二、斯洛文尼亞在自然地理上處於巴爾幹半島的西北邊陲,是南聯最接近 西歐的國家;政治地理上,歷經奧匈帝國的統治、天主教的洗禮,不 管在生活形態、社會文化上,其實很多都是「面向西方」的。與奧地 利、義大利等國的天然接壤,人民生活上接觸潛移默化的效果,以及 即使在共產統治時期,自奧、義兩國往來經貿、觀光的人口,都使得斯洛文尼亞在本質上是一「西歐國家」,斯洛文尼亞參與「南斯拉夫」這個國家型態的權宜結合,只是更突顯出斯族人藉由各種途徑,爭取獨立自主的精神。而獨立後積極參與國際組織,尤其是獨立十年來一直將加入歐洲聯盟列為國家首要目標,可看出斯國人積極爭取融入「歐洲大家園」;政治穩定連帶的經濟自一九九四年後的穩健成長,已被歐盟列為二00四年東擴的候選國之一。

第三、二000年與二00一年夏,作者有幸與指導教授、研究所教授及同學前往斯洛文尼亞,作專案計畫之相關研究。當然,赴斯之前對這個蕞爾小國,尚無太多印象;印在腦海中的想像畫面,盡是一片處於灰濛濛、極權專治下個公共設設施落後的斯洛文尼亞。想不到,親身一遊後,竟發現剛獲獨立僅十年的斯國毫無共黨統治過的氣息;旅遊觀光業興盛,各項設施進步,首都盧布里亞那清潔、小而美,令人印象深刻。幾經觀察過後發現,斯洛文尼亞國土面積小、人口又不多,歷來自由的傳統,使得執政者的管理容易掌握,人民的聲音亦容易傳達給政府知道;整個國家規模雖小,而小國的優點即在於靈活性高、彈性大;整體經濟充滿活力的表現,容易吸引德、義等歐盟大國的注意,將焦點放在斯國轉型過程中,各項政策配套措施是否皆能銜接到位;對於加入歐盟,斯洛文尼亞穩健的表現,令人對二00四年在歐盟第一波東擴中將其納入,充滿期待。

三、評估與展望

首先,帶領斯洛文尼亞走向獨立,且已連任兩屆(若自一九九0年獨立前的第一次總統大選算起已有三屆)總統的庫昌,在二00二年秋天的總統大選已無法再出馬角逐;下屆的總統候選人已確定的有現任總理德爾諾夫舍克表明參選意願,其餘各個黨派尚在觀望中。當初庫昌以共黨溫和改革派的形象深獲人心,即使九二年脫黨參選亦是連兩屆高票當選,在斯洛文尼亞人的心目中有著相當程度

的「領袖地位」; 斯洛文尼亞最後一任的南聯總統團代表德爾諾夫舍克亦是代表 改革的力量,獨立後致力於經濟朝向市場開放、對外關係持續配合著加入歐盟所 訂定的進度,雖說在二000年在國會遭不信任投票,但隨即在半年後以自由民 主黨在國會最大黨的勢力重回總理一職;其所領導的自由民主黨在過去三屆國會 大選中,雖無過半席次,但始終保持最大黨地位。設若下屆總統由其勝出,而在 國會中自民黨依舊是最大黨的情勢下看來,下屆的總統與總理有可能為同一政 黨,這亦是斯洛文尼亞獨立後首見,影響將來政黨生態在國會間的推移,值得觀 察。

其次,美俄兩國元首在二00一年六月於斯洛文尼亞舉行元首會談,地點選在這歐洲的蕞爾小國,善盡東道主之責的斯洛文尼亞將該次會談的宣傳,準備的比斯國獨立十年紀念還來得盛大,顯見其爭取參與國際性合作積極態度。二00二年十一月底將在布拉格召開的北約高峰會議,預期在會後將宣布北約第二波東擴的名單,而斯國是候選名單之一。聯合打擊恐怖主義是北約下一階段的目標,未來斯洛文尼亞加入北約後,如何發揮其在巴爾幹半島的戰略地緣重要性,將潛藏在波黑伊斯蘭教激進組織對歐洲安全的威脅性減至最低,該是斯國重點發揮之處。

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附錄一 斯洛文尼亞大事年表 (1980~2000)

資料來源:

"Chronology of attainment of independent of Rspublic of Slovenia", from Making a New Nation: The Formation of Slovenia, PP.295-307

1980年5月4日

南斯拉夫強人狄托 (Josip Broz Tito) 逝世。

1981年3月11日~1981年4月2日

科省阿爾巴尼亞裔抗議事件,斯洛文尼亞代表認為要以平和方法解決;塞共中央委員會重新討論科索沃及伏依伏丁那二省之自治權,持中立者施壓塞共中央,籲其放棄二自治區之統治權。

1984年9月24日

塞爾維亞科學暨藝術學院發表「備忘錄」。文中聲明基於歷史上的正確,南斯拉夫應建立成一具完整主權和文化整體的國家;並基於塞爾維亞族為所佔比例之最多者,應擴大該族在南斯拉夫的影響力,使塞族成為將來南斯拉夫之主要代表。該份文件被視為是正式接櫫「大塞爾維亞主義」。

1984年11月23~24日

塞共第十八次中央委員會中,米洛塞維奇公開譴責斯洛文尼亞和克羅埃西亞的聯邦主義構想。

1987年2月11日

南斯拉夫聯邦大會通過總統團所擬對 1974 年憲法所做的修正。此舉引發洛文尼亞民間普遍的反對,反對者包括斯洛文尼亞作家協會、教授團體、及一般大眾。

1987年2月25日

文化月刊「Nova Revija」第五十七期刊載一篇名為「斯洛文尼亞國家方略」 的文章,引起國內一片討論。當時斯共中央委員會主席庫昌決定不對該出版社提 出控告,但認為該項言論是「一種危險且不可能實現的想法」。

1987年3月18日

斯洛文尼亞大會通過南斯拉夫總統團的憲法修正案。

1987年9月23~24日

在塞共中央委員會第八次會議中,部分領導幹部表明不支持米洛塞維奇。

1988年1月15日

聯邦大會通過 1988 年的聯邦預算,較上年增加百分之八十七。

1988年2月12日

斯洛文尼亞暢銷雜誌「Mladina」揭發一則有關南斯拉夫人民解放軍的將軍和聯邦公共防衛部書記,軍售給未開發國家的新聞;不久新聞便被軍中高層壓下。

1988年2月12日

聯邦公共防衛部決定進軍斯洛文尼亞。

1988年3月25日

一場由多黨及各共和國軍事領導單位舉行的聯合軍事會議在貝爾格勒召開,將發生於斯國境內的軍事情勢定義為一「特殊戰事」,及討論各軍隊介入的必要性。

1988年3月25日

南斯拉夫總統團舉行秘密會議討論持續鎮壓斯國境內異議份子的必要性。斯國代表反對軍隊擁有更多的政治主導權。該場會後並未向斯國人民公開

1988年4月25日

斯洛文尼亞作家協會會同社會學協會聯合提出一份「斯洛文尼亞憲法替代草案」。

1988年5月13日

「斯洛文尼亞農民聯盟」成立,為第一個民間政治組織。

1988年5月19日

米洛塞維奇獲選為塞爾維亞總統

1988年5月26日

南斯拉夫總統團發表聲明否認計畫軍事力量進入斯洛文尼亞。

1988年5月31日

作家楊沙(Janez Jansa)因為「Mladina」雜誌撰文被斯洛文尼亞警察逮捕; 軍方並逮捕另一名軍職人員布爾斯納(Ivan Borsner)。

1988年6月1日

另兩名「Mladina」雜誌人員亦被逮捕,分別是記者塔希奇(David Tasic)和主編札渥爾(Franci Zavrl)。被警方及軍方所逮捕人員皆是以「洩漏軍事機密」為理由。這四起事件即是著名的「JBTZ事件」。

1988年6月2日

「悍衛楊沙協會」成立。隨即便擴大成為「悍衛人權協會」, 成員包括超過 十萬餘名個人及一千多個團體;協會堅持正當司法程序,包括反對由軍方執行司 法程序、要求四名受害者可自由選擇律師為其辯護,並反對塞爾維亞-克羅埃西 亞語在斯洛文尼亞成為官方語言。

1988年6月21日

超過三萬五千人群聚盧布里亞那示威抗議這場軍事逮捕。

1988年6月24日

科省塞裔人士成立「科索渥反抗組織委員會」。委員會攻擊在伏依伏丁那和 蒙特內哥羅的合法政府。

1988年7月12日

南斯拉夫聯邦政府提議將聯邦預算較一九九八年提升百分之三十三。

1988年7月18日

斯洛文尼亞軍事法庭審理被逮捕的四人。軍事法庭前和盧布里亞那各地集聚 各方的抗議示威群眾。斯洛文尼亞當局此時也改變原先「要求公平審理」的手段, 轉而對軍方表達抗議。

1988年7月27日

軍事法庭最後裁定,四人分別被判六個月至四年不等的刑期。

1988年7月27~29日

南共中央委員會討論科索渥議題,斯方代表反對要求科省境內阿裔與塞裔的對話。

1988年9月21日

「悍衛人權協會」發表一篇批判軍方介入公眾事務的報告。

1988年10月17~21日

科省阿裔民眾示威抗議遭無情的鎮壓

1988年11月19日

南斯拉夫憲法修正案最後在「統派」人士與「獨派」人士的妥協下過關,因 而無任何指標性的成果。

1988年12月1日

斯洛文尼亞行政會議否決聯邦政府所提關於一九八九年的預算。

1988年12月19日

斯洛文尼亞大會拒絕聯邦 1989 年的預算,並要求減少聯邦開銷。

1989年1月11日

斯洛文尼亞第一個獨立政黨「斯洛文尼亞民主聯盟」正式成立。

1989年2月21日

科省阿爾巴尼亞裔大規模罷工。

1989年2月28日

斯共及斯國內反對團體同聚一堂,表達對科省阿裔族群的支持;同日斯國境 內塞裔城鎮舉行反斯洛文尼亞示威。

1989年3月1日

塞爾維亞宣布抵制斯洛文尼亞貨物進口。

1989年3月28日

修正後的塞爾維亞社會主義共和國憲法取消科索沃和伏依伏丁那的自治權。

1989年5月8日

斯洛文尼亞作家協會、斯洛文尼亞民主聯盟、斯洛文尼亞農民聯盟、斯洛文 尼亞社會民主聯盟及斯洛文尼亞基督社會運動共同為「五月宣言」起草,文中強 烈反對斯洛文尼亞在南聯中的地位;並要求斯洛文尼亞能夠擁有主權,包括多元 政治、人權等。

米洛塞維奇成為塞爾維亞總統。

1989年5月22日

米洛塞維奇將斯洛文尼亞的要求視為激進主義,並要求斯人改變對科省情勢的態度。

1989年6月1日

斯洛文尼亞行政會議拒絕在同年三月所通過的聯邦預算;而該年預算在同年的七月確定。

1989年6月22日

為了回應國內反對力量所起草的「五月宣言」, 斯洛文尼亞當局發表「斯洛 文尼亞基本法」, 明確定義斯洛文尼亞相對於南聯的主權。

1989年9月27日

斯洛文尼亞進行共和國憲法修憲,宣布共和國憲法適用優先於聯邦憲法之上;共和國擁有自決權、聯邦繼承權及有權舉行自由選舉。此舉引發塞爾維亞及蒙特內哥羅大舉反彈,塞、蒙二國人民要求以軍隊進駐斯洛文尼亞。

1989年11月7日

由塞爾維亞所主持的「誠實會議」計畫在十二月在斯國首都盧布里亞那舉行,會議內容將討論南聯內部所有的居民集合起來將斯國分離主義分子予以解散。此計畫為斯國當局所禁止,塞爾維亞將此舉視為是斯洛文尼亞有意斷絕與南聯在政治、經濟、文化上的聯繫。

1989年12月22日~23日

在斯共第十一次大會上,斯洛文尼亞共產黨將自己定義為一現代左派政黨, 支持市場經濟、民主及人權等原則。

1989年12月27日

一個由多黨所組成的聯盟 DEMOs 成立,加入斯國第一次自由選舉。

1990年1月8日

第一次全國大選確定於同年四月舉行。

1990年1月20日~22日

南聯共黨臨時大會於貝爾格勒舉行。由於斯方所提對斯洛文尼亞主權的提案 一再被否決,斯方代表憤而退席;臨時會在斯國代表缺席下繼續進行。

1990年1月27日

「斯洛文尼亞基督民主黨」成立大會在盧布里亞那舉行。

1990年1月29日

塞共中央委員會呼籲,斯洛文尼亞及克羅埃西亞政府有義務負責防止科省情

勢惡化。

1990年2月4日

斯洛文尼亞的警察單位退出聯邦警務系統,最後一處即是自科索沃撤出。

1990年2月20日

斯洛文尼亞作家協會退出南斯拉夫作家協會

1990年2月22日

由於塞爾維亞對斯洛文尼亞經濟的封鎖,斯國決定否決聯邦預算的增加。

1990年2月24日

斯洛文尼亞社會民主聯盟第一次會員大會召開,地點在盧布里亞那。

1990年2月27日

社會主義者聯盟認為斯洛文尼亞的軍隊理應保護斯國國土,故應自科省撤軍,但有大批人士反對。

1990年3月6日

聯邦國防委員會提案修法,增加對邊境的駐防力量,斯洛文尼亞反對,並無 投票。

1990年3月8日

斯洛文尼亞大會支持採取因塞爾維亞封鎖而出現的經濟危機。斯洛文尼亞大會的決議將優先適用於聯邦決議之上;並決定今後斯洛文尼亞國名將去掉「社會主義」的文字。

1990年3月15日

聯邦大會決定延長該屆代表的職權至 1990 年 12 月 21 日。

1990年3月25日

塞爾維亞總統決定塞爾維亞警方應對科省情勢採取因應措施。

1990年3月29日

最後一次斯洛文尼亞大會開會宣布廢止舊有制度並終止代表職權。

1990年4月8日

舉行斯洛文尼亞國會暨總統第一次大選。DEMOs 贏得國會過半席次,由前斯共改名而來的「民主革新黨」位居國會第二大黨。米蘭 庫昌成為第一任總統。

1990年4月18日

贏得勝選的 DEMOs 邀集各在野黨,盼能凝聚國內共識,完成兩項重要改革,包括在一民主憲法架構下確立議會政治制度,及追求完整的國家地位。

1990年5月2日

南聯軍方一士兵殺害一名試圖越過斯、義邊境的人民。

1990年5月7日

斯洛文尼亞新國會開議。

1990年5月16日

南聯總統團要求解決南斯拉夫境內的「危機」。

1990年5月18日

斯洛文尼亞總統要求斯國國防單位加強戒備。南聯總統團解除科省緊急狀態;塞爾維亞警方完全接管科省安全事務。

1990年5月26日

第十四屆南斯拉夫共產聯盟大會落幕。斯洛文尼亞、克羅埃西亞、馬其頓等 共和國之代表均無出席,這亦象徵南共聯盟的日薄西山。

1990年6月15日

斯洛文尼亞國防部部長宣布斯洛文尼亞軍隊權力只及於本國境內。

1990年7月2日

斯洛文尼亞國會通過「國家主權宣言」。宣言內文揭示:一年內頒佈斯洛文 尼亞新憲法、斯洛文尼亞新憲法位階高於南聯聯邦憲法、及斯國代表不再出席聯 邦大會等。

1990年7月23日

斯洛文尼亞總統及南聯總統團集會商討聯邦未來走向。

1990年7月27日

聯邦政府提出「特別聯邦捐」,以補助南斯拉夫人民軍。

1990年8月9日

聯邦大會譴責斯洛文尼亞「國家主權宣言」。

1990年8月14日

斯洛文尼亞、聯邦方面分別對各自軍隊下召集令,一名斯國士兵於科索握被殺害。

1990年9月10日

斯國政府開始起草與克羅埃西亞之結盟計畫。

1990年9月28日

斯洛文尼亞國會通過憲法修正案,總統掌握國防的權力。同時,新的塞爾維亞憲法亦通過,情勢對科省阿裔及伏依伏丁那內的匈牙利少數民族更加不利。

1990年10月2日

南聯總統團宣布將採軍事力量解決斯洛文尼亞問題;斯國總統庫昌亦宣示悍衛斯洛文尼亞主權的決心。

1990年10月5日

南斯拉夫人民軍攻擊前斯洛文尼亞國防部,斯國總統庫昌向南聯總統團表達抗議。

1990年10月16日

南聯總統團斯洛文尼亞代表德爾諾夫切克離職。

1990年10月23日

塞爾維亞對斯洛文尼亞、克羅埃西亞及聯邦政府採取新一波經濟封鎖。

1990年10月27日

斯洛文尼亞和克羅埃西亞致函聯邦政府主席馬爾柯維奇,要求軍隊去政治 化。

1990年11月13日

DEMOs 宣布舉行斯洛文尼亞獨立議題之公民投票。

1990年11月20日

馬爾柯維奇接管南斯拉夫人民軍。

1990年11月25日

主管聯邦內務部部長格拉昌尼宣布南斯拉夫人民軍以準備好阻絕任何分裂的企圖。

1990年12月5日

斯洛文尼亞當局抗議聯邦國防部所發佈,軍隊集結斯洛文尼亞邊境的消息; 斯洛文尼亞認為此舉與佔領並無二異。

1990年12月23日

斯洛文尼亞公投的結果,88.2%的民眾支持獨立。

1991年1月7日

塞爾維亞宣布已由聯邦基金取得兩億美元的挹注。

1991年2月20日

斯洛文尼亞國會通過提案,建議南斯拉夫獨立為兩個或兩個以上的國家;南斯拉夫總統團斥責這項提案。

1991年3月15日

克羅埃西亞境內克拉及那一帶發生衝突;南聯總統團依然不願宣布國家進入 緊急狀態。

1991年4月18日

斯洛文尼亞國會通過徵兵限制的法案。

1991年5月20日

斯洛文尼亞政府向南斯拉夫人民軍建議逾 1993 年 12 月 31 日前完全撤出斯國境內、斯國並願意以任何議題展開對話。

1991年5月23日

斯洛文尼亞與南斯拉夫人民軍發生第一次衝突,斯、南雙方各逮捕二名人質;事後四名人質均被釋放。

1991年6月12日

聯邦政府代表訪問斯洛文尼亞,並宣布聯邦方面將不會阻止斯洛文尼亞的去意。

1991年6月21日

聯邦政府宣布聯邦立法之國境範圍,並告知聯邦內務部及國防部。

1991年6月25日

斯洛文尼亞大會公布「斯洛文尼亞獨立宣言」及斯洛文尼亞自主、獨立之基本法。聯邦會議力促聯邦政府及南斯拉夫人民軍阻止南斯拉夫的分裂。

1991年6月26日

南斯拉夫人民軍試圖佔領斯洛文尼亞邊界郵務及重要交通關卡。斯洛文尼亞總統下令國防部力守邊防,並將斯屬南斯拉夫軍人徵召回國。

1991 年 6 月 26 日~7 月 5 日 斯、南間爆發「十日戰爭」, 但南斯拉夫人民軍在此中保持中立。

1991年7月7日

斯洛文尼亞、克羅埃西亞及聯邦代表在歐洲聯盟的協調下簽署「布里歐尼宣言」, 聲明終止仇恨、解決彼此間歧見。

- 1991年7月18日 南斯拉夫軍隊撤離斯洛文尼亞。
- 1991 年 12 月 19 日 德國率先承認斯洛文尼亞為一主權獨立國家。
- 1991 年 12 月 23 日 斯洛文尼亞施行新憲法。
- 1992 年 1 月 15 日 歐洲聯盟承認斯洛文尼亞的獨立,往後數日,各國陸續承認。
- 1992年3月24日 斯洛文尼亞成為歐安會議(CSCE.現為歐安組織 OSCE)成員。
- 1992年4月7日 美國承認斯洛文尼亞為一主權獨立的國家。
- 1992年5月22日 斯洛文尼亞成為聯合國成員。
- 1993 年 2 月 15 日 斯洛文尼亞成為國際貨幣基金會成員。

1993年5月14日

斯洛文尼亞成為歐洲理事會成員。

1996年

斯國與歐盟簽訂聯繫協定。

1997年

斯國舉行第二屆總統暨國會大選,庫昌和德爾諾夫舍克雙獲連任成為新任總統和總理。

歐洲聯盟和斯國展開會員國入會談判。

1999年

斯國加入北約組織和平伙伴計畫 (Partnership for Peace programme), 並在科索握戰役中,開放機場供北約軍機起降; 童年美國總統柯林頓訪問斯國, 盛讚其為北約堅強伙伴。

2000年

總理德爾諾夫舍克因國會不信任案而下台,由中間偏右的社會民主黨籍巴裘克 (Andrej Bajuk)繼任總理一職。同年十月,四黨聯合所組成的聯盟贏得大選, 德氏重掌政權。

附錄二 一九八六年「塞爾維亞在南斯拉夫地位備忘錄」 英譯文全文

資料來源:

http://www.haverford.edu/relg/sells/reports/memorandumSANU.htm

Serbian Academy of Arts and Sciences (SANU)

Memorandum 1986

[The President of SANU at this time was Dobrica Cosic]

There is deep concern in Yugoslavia because of stagnating social development, economic difficulties, growing social tensions, and open inter-ethnic clashes. A serious crisis has engulfed not only the political and economic arenas, but Yugoslavia's entire system of law and order as well. Idleness and irresponsibility at work, corruption and nepotism, a lack of confidence in and disregard for the law, bureaucratic obstinacy, growing mistrust among individuals, and increasingly arrogant individual and group egoism have become daily phenomena. The resulting blow to moral values and to the reputation of leading public institutions and a lack of faith in the competence of decision-makers have spread apathy and bitterness among the public and produced alienation from all the mainstays and symbols of law and order. An objective examination of Yugoslav reality suggests that the present crisis may end in social shocks with unforseeable consequences, including such a catastrophic eventuality as the fragmentation of the Yugoslav state. No one can close his eyes to what is happening and to what may happen. Certainly, our nation's oldest institute of scientific and cultural creativity cannot do so.

In these fateful times, the Serbian Academy of Arts and Sciences feels obliged to express its views on society's condition in the conviction that this will help us find a way out of our present troubles. The nature of this document, however, obliges us to limit ourselves to the key issues of Yugoslav reality. Regretfully, these issues include the undefined and difficult position of the Serbian nation, a position brought to the fore by recent events.

In order to understand the primacy of ethnicity in the present practice of the League of Communists of Yugoslavia it is necessary to consider the influence of the Comintern on the Communist Party of Yugoslavia between the two world wars. The Comintern's strategy during that period derived from the conclusion that following the failure of the proletarian revolution in Western Europe, the Communist parties of Eastern, Central, and Southern Europe had to depend on national movements, even though they were expressly anti-socialist and based on the idea of national rather than class unity. Stalin engaged in crushing all opposition to such a strategy (as, for example, in the case of Sima Markovic, one of the founders of the Yugoslav Communist Party). In this spirit, the solution to the national question was formulated and developed theoretically by Sperans (Kardelj) in his book "Razvoj slovenskoga narodnoga vprsanja" (The Development of the Slovene National Question), which generally served as the ideological model for Yugoslav development in the direction of a confederation of sovereign republics and autonomous regions, which was finally achieved by the Constitution of 1974.

The two most developed republics, which achieved their national programs with this Constitution, are now the most ardent defenders of the existing system. Thanks to the political position of their leaders at the centers of political power, they have held (both before and after the decisive years of the 1960s) the initiative in all matters affecting the political and economic system. They modelled the social and economic structure of Yugoslavia to suit their own desires and needs. Nothing would seem more normal that they now defend the structure that they stubbornly took so long to build, a structure that represents the attainment of most of their national programs.

No one needs convincing that separatism and nationalism are active on the social scene, but there is insufficient understanding of the fact that such trends have been made ideologically possible by the Constitution of 1974. The constant reinforcement of and the competition engendered by separatism and nationalism have driven the (ethnic) nations further from one another to a critical degree. The manipulation of language and the confinement of scientific and cultural professionals within the ranks of the republics and regions are sorry signs of the growing power of particularism. All new ethnogeneses are unfortunate products of locally closed, regional ideologies and shackled logic, and they are also symptomatic of a retreat from a common past, a common present, and a common future. It is as if everyone wished to flee as fast and as far as possible from a collapsing house. Mental attitudes warn us that the political crisis has reached the critical point, threatening the complete destabilization of Yugoslavia. Kosovo is the clearest expression of this.

No form of political oppression and discrimination on the basis of nationality is

properly acceptable in modern society. The Yugoslav solution to the nationalities question could be considered at its inception an exemplary model of a multinational federation in which the principle of the unity of the state and state policy was successfully joined with the principle of the political and cultural autonomy of nationalities and national minorities. During the past two decades the principle of unity has become progressively weaker and the principle of national autonomy is stressed, which has in practice changed into a sovereignty of the parts (republics, which are not ethnically homogenous as a rule). The weaknesses that were present in the model from the beginning became more and more visible. All nations are not equal: the Serbian nation, for example, did not obtain the right to its own state. Unlike national minorities, portions of the Serbian people, who live in other republics in large numbers, do not have the right to use their own language and alphabet, to organize politically and culturally, and to develop the unique culture of their nation. The unstoppable persecution of Serbs in Kosovo in a drastic manner shows that those principles that protect the autonomy of a minority (Albanians) and not applied when it comes to a minority within a minority (Serbs, Montenegrins, Turks and Gypsies in Kosovo). Considering the existing forms of national discrimination, present-day Yugoslavia cannot be considered a democratic state.

Yugoslavia is seen less as a community of citizens, nations and nationalities all equal before the law, and more as a community of eight equal territories. But even this variety of equality does not apply to Serbia because of its special legal and political position which reflects the tendency to keep the Serbian nation under constant supervision. The guiding principle behind this policy has been "a weak Serbia, a strong Yugoslavia" and this has evolved into an influential mind-set: if rapid economic growth were permitted the Serbs, who are the largest nation, it would pose a danger to the other nations of Yugoslavia. And so all possibilities are grasped to place increasing obstacles in the way of their economic development and political consolidation. One of the most serious of such obstacles is Serbia's present undefined constitutional position, so full of internal conflicts.

The Constitution of 1974, in fact, divided Serbia into three parts. The autonomous provinces within Serbia were made equal to the republics, save that they were not defined as such and that they do not have the same number of representatives in the various bodies of the federation. They make up for this shortcoming by being able to interfere in the internal relations of Serbia proper through the epublic's common assembly (while their assemblies remain completely autonomous). The political and legal position of Serbia proper is quite vague-Serbia proper is neither a

republic nor a province. Relationships in the republic of Serbia are quite confused. The Executive Council, which is a body of the republic's assembly, is in fact the Executive Council for Serbia proper. This is not the only absurdity in the limitation of authority. The excessively broad and institutionally well established autonomy of the provinces has created two new fissures within the Serbian nation. The truth is that the proautonomy and separatist forces insisted on increasing autonomy, but this would have been difficult to achieve had they not received moral and political support from those republics in which separatist tendencies have never died out. Relations between Serbia and the provinces cannot be reduced solely or even primarily to a formal legal interpretation of two constitutions. It is primarily a matter of the Serbian nation and their state. A nation that has regained statehood after a long and bloody struggle, that has achieved civil democracy, and that lost two and half million kinsmen in two world wars underwent the experience of having a bureaucratically constructed party commission determine that after four decades in the new Yugoslavia it alone was condemned to be without its own state. A more bitter historic defeat in peacetime cannot be imagined.

The expulsion of the Serbian nation from Kosovo bears spectacular witness to its historic defeat. In the spring of 1981 a very special, but nevertheless open and total war, prepared by administrative, political, and legal changes made at various periods, was declared against the Serbian people. Waged through the skilful application of various methods and tactics, with a division of functions, and with the active, not merely passive, and little concealed support of certain political centers within Yugoslavia (more pernicious than the support coming from outside), this open war, which has yet to be looked in the face and called by its proper name, has been continuing for almost five years. It has thus lasted longer than the entire Yugoslav war of liberation (from April 6, 1941 to May 9, 1945). The Balli (anti-communist nationalist) uprising in Kosovo and Metohija that broke out just before the end of the war with the participation of fascist units was broken militarily in 1944-45, but it appears not to have been broken politically. Its present form, disguised with a new content, is proceeding more successfully and is moving towards a victorious outcome. A final showdown with neo-fascism did not materialize; all of the measures so far taken have only removed the expression of this aggression from the streets and in fact, its racially motivated and unretracted goals, which are being sought after by all means and at all costs, have only been reinforced. Deliberately drastic sentences are even pronounced on young offenders in order to incite and inflame inter-ethnic hatreds.

The physical, political, legal and cultural genocide perpetrated against the

Serbian population of Kosovo and Metohija is the greatest defeat suffered by Serbia in the wars of liberation she waged between Orasac in 1804 and the uprising of 1941. Responsibility for this defeat falls primarily on the still living Comintern heritage in the nationalities policy of the Communist Party of Yugoslavia and on the acquiescence of Serbian communists in this policy and on the exorbitant ideological and political delusion, ignorance, immaturity, and chronic opportunism of an entire generation of post-war Serbian politicians, always on the defensive and always more concerned with the opinions others have of them and of their hesitant explanations of Serbia's position than with the true facts affecting the future of the nation that they lead.

Kosovo is not the only region in which the Serbian nation is being pressured by discrimination. The absolute (and not merely relative) fall in the number of Serbs in Croatia is sufficient proof of this assertion. According to the 1948 census there were 543,795 Serbs in Croatia (14.48% of the total). According to the 1981 census their number has been reduced to 531,502 or only 11.5% of the total number of inhabitants in Croatia. Over 33 peacetime years the number of Serbs in Croatia has declined, even in relation to the immediate post-war period when the first census was taken and when the effects of the war on the number of Serbian inhabitants in Croatia was well known.

Lika, Kordun, and Banija have remained the most underdeveloped regions of Croatia and this has greatly encouraged the emigration of Serbs to Serbia and migrations to other parts of Croatia where the Serbs, being newcomers, are a minority and socially inferior group, greatly exposed to assimilation. In any case, the Serbs in Croatia are otherwise exposed to a sophisticated and quite effective policy of assimilation. One component of this policy is the prohibition of all Serbian associations and cultural institutions in Croatia, which had had a rich tradition dating from the Austro-Hungarian and pre-war Yugoslav periods, and the imposition of an official language that bears the name of another nation (Croatia), thus giving concrete shape to national inequality. A constitutional provision has made this language obligatory for the Serbs in Croatia, and nationalistically inclined Croatian linguists are distancing it systematically and by well-organized actions from the language used in the other republics of the Serbo-Croatian language area, and this is helping to weaken the ties binding the Serbs in Croatia to other Serbs. Such action is gladly undertaken at the cost of interrupting language continuity among the Croats themselves and of eliminating international terms that are invaluable for communicating with other cultures, particularly in the field of science and technology. But the Serbian community in Croatia is not just cut off from their homeland culturally; that homeland cannot keep itself informed of their circumstances or of their economic or cultural situation anywhere near the extent to which it is possible for some nations in Yugoslavia to maintain contact with their compatriots in other countries. The integrity of the Serbian nation and its culture in Yugoslavia as a whole is an issue vital to its survival and progress.

With the exception of the Independent State of Croatia from 1941- 45, Serbs in Croatia have never been as persecuted in the past as they are now. The solution to their national position must be considered an urgent political question. In so much as a solution cannot be found, the results could be disastrous, not just in relation to Croatia, but to all of Yugoslavia.

The question of the Serbian people's position is given considerable weight by the fact that a large number of Serbians live outside of Serbia, especially Serbia proper, and that their number is larger than the total number of people of some other nations. According to the census of 1981, 24% of the Serbian people (1,958,000) live outside of the Socialist Republic of Serbia, which is considerably more than the number of Slovenians, Albanians, Macedonians and taken individually, almost the same as the Muslims. Outside of Serbia proper there are 3,285,000 Serbs or 40.3% of their total population. In the general disintegration process which has taken over Yugoslavia, the Serbs are hit with the most intense disintegration. The present course which our society in Yugoslavia has taken is totally opposite from the one that has moved for decades and centuries until the formation of a unified state. This process is aimed at the total destruction of the national unity of the Serbian people.

Having borne for over half a century the stigma and handicap of being the jailer of the other Yugoslav nations, the Serbian nation was incapable of deriving support from its own history. Many aspects of this history itself were even brought into question. The democratic bourgeoisie tradition for which Serbia had struggled successfully in the 19th century has remained in the shadow cast by the Serbian socialist and labor movement until quite recently because of narrow-mindedness and lack of objectivity on the part of official historiography. This so impoverished and restricted the true picture of the contribution made by Serbian bourgeoisie society to law, culture, and statesmanship that, deformed in this manner, it could not provide mental or moral support to anyone nor could it serve as a foothold for preserving or reviving historical self-confidence. The brave and honorable efforts at liberation exerted by the Serbs of Bosnia-Herzegovina and by all Yugoslav youth, which included Young Bosnia, experienced a similar fate and were pushed into the historical background by the

contributions of a class ideology whose proponents and creators were Austrian Marxists, confirmed opponents of movements of national liberation.

Influenced by the ruling ideology, the cultural achievements of the Serbian people are undergoing alienation, being usurped by others or denigrated, or they are ignored and retrogress; the language is being displaced and the Cyrillic script is gradually being lost. In this connection, the realm of literature is serving as the main arena for caprice and anarchy. The cultural and spiritual integrity of no other Yugoslav nation is so roughly challenged as that of the Serbian nation. No other literary and artistic heritage is so disordered, ravaged, and confused as the Serbian heritage. The political criteria of the ruling ideology are imposed on Serbian culture as being more valuable and stronger than scientific or historical criteria.

After the dramatic interethnic conflicts of the world war, it had appeared that chauvinism has lost momentum was even on the road to oblivion. This appearance has proven deceptive. It was not long before nationalism began rising up once more, and every change in the constitution served to promote its growth. Nationalism has been promoted from above; its chief proponents have been politicians. The fundamental cause of this multi- dimensional crisis is to be found in the ideological defeat of socialism at the hands of nationalism, which has produced the centrifugal processes that have brought the Yugoslav community to the brink of ruin and which has destroyed the old system of values.

Its roots lie in the ideology of the Comintern and in the nationalities policy of the pre-war CPY. The revanchism directed at the Serbian nation as an "exploiting" nation that was built into this policy has had far-reaching consequences for inter- ethnic relations, the social organization, the economic system, and the fate of moral and cultural values since the Second World War. The Serbian nation has been encumbered with a feeling of historical guilt and has remained the only nation not to solve its national problem and not to receive its own state like the other nations. Therefore, the first and foremost action must be to remove this burden of historical guilt from the Serbian nation, to categorically deny the contention that it enjoyed a privileged economic position between the two world wars, and to refrain from denigrating Serbia's liberation-oriented history and contribution in creating Yugoslavia.

Complete national and cultural integrity of the Serbian people is their historic and democratic right, no matter in which republic or province they might find themselves living. The attainment of equality and an independent development have

profound historical meaning for the Serbian people. In less than fifty years, over two successive generations, the Serbian nation has been exposed to such severe trials-twice exposed to physical extermination, to forced assimilation, to religious conversion, to cultural genocide, to ideological indoctrination, and to the denigration and renunciation of their own traditions beneath an imposed guilt complex, and thereby disarmed intellectually and politically, that they could not but leave deep spiritual wounds that cannot be ignored as this century of the great technological takeoff draws to a close. In order to have a future in the international family of cultured and civilized nations, the Serbian nation must have an opportunity to find itself again and become a historical agent, must re-acquire an awareness of its historical and spiritual being, must look its economic and cultural interests square in the eyes, and must find a modern social and national program that will inspire this generation and generations to come.

The present depressing condition of the Serbian nation, with chauvinism and Serbophobia being ever more violently expressed in certain circles, favor of a revival of Serbian nationalism, an increasingly drastic expression of Serbian national sensitivity, and reactions that can be volatile and even dangerous. We must not overlook or underestimate these dangers for a moment under any circumstances. But a principled struggle against Serbian chauvinism cannot be based on the reigning ideological and political symmetry in historical guilt. The rejection of this symmetry, fatal to the spirit and morale, with its trite falsehoods and injustices, is a precondition for mobility and effectiveness on the part of democratic, Yugoslav, humanistic awareness in contemporary Serbian culture.

The fact that ordinary citizens and the working class are not represented in the appropriate councils in the Federal Assembly cannot simply be ascribed to favoritism for ethnic nationalisms; it is also the result of an attempt to place Serbia in a position of inequality and thereby weaken her political influence. But the greatest calamity is the fact that the Serbian nation does not posses a state like all of the other nations. True, the first article of the Constitution of the Socialist Republic of Serbia contains a provision to the effect that Serbia is a state, but the question immediately arises: What kind of a state is one that lacks authority within its own territory and lacks the means to protect the personal property of its citizens, to prevent genocide in Kosovo, and to prevent the emigration of Serbs from their ancient homeland? This position underlines the political discrimination against Serbia, especially when one remembers that the Constitution of the Socialist Federal Republic of Yugoslavia has imposed internal federalism on Serbia, creating a permanent source of conflicts between Serbia Proper

and the provinces. The aggressive Albanian chauvinism in Kosovo cannot be contained until Serbia ceases to be the sole republic whose internal relations are ordered by others.

The Federal Constitution has formally established the equality of all the republics but this has been rendered worthless in practice by forcing the Republic of Serbia to renounce many of its rights and powers in favor of the autonomous provinces, the status of which is regulated by the Federal Constitution to a considerable extent. Serbia must openly state that this is an imposed arrangement. This is especially true in regard to the position of the provinces, which in reality have been promoted to republics and which regard themselves far more as constituent elements of the Federation rather than as parts of the republic of Serbia.

Besides failing to consider a state for the Serbian nation, the Yugoslav Constitution also created insurmountable difficulties to the establishment of such a state. In order to satisfy Serbia's legitimate interests, a revision of that constitution is unavoidable. The autonomous provinces must become true integral parts of the Republic of Serbia by granting them a degree of autonomy that would not destroy the integrity of the Republic and would make it possible to act in the common interests of the wider community.

The unhappy matter of Serbian statehood is not the only deficiency that must be corrected by constitutional amendments. The 1974 constitution turned Yugoslavia into a very unstable state community, prone to consider alternatives other than the Yugoslav alternative, as has been made clear in recent statements by public figures in Slovenia and the earlier positions taken by Macedonian politicians. Such considerations and fragmentation lead to the notion that Yugoslavia is in danger of further corrosion. The Serbian nation cannot meekly await the future in such a state of uncertainty. Therefore, all of the nations within Yugoslavia must be given the opportunity to express their wants and intentions. Serbia would then be able to declare and define her own national interests. Discussions and agreements in this vein must precede an examination of the Constitution. Naturally, Serbia must not take a passive stand in all this, waiting to hear what others will say, as she has done so often in the past.

The position of equality that Serbia must strive for presupposes the same initiative in deciding on key political and economic issues as enjoyed by others. Four decades of Serbian passivity have been bad for Yugoslavia as a whole by failing to

contribute ideas and critical appraisals based on her longer state tradition, enhanced feeling for national independence, and rich experience in struggling against home-grown usurpers of political freedom. Unless the Serbian nation within Serbia participate on an equal footing in the entire process of decision making and implementation, Yugoslavia cannot be strong--and Yugoslavia's very existence as a democratic, socialist community will be called into question.

An entire period in the development of the Yugoslav community and of Serbia has clearly ended in a historically worn-out ideology, overall stagnation, and ever more obvious regression in the economic, political, moral, and cultural spheres. Such a situation imperatively requires a profound and well-thought out, rationally grounded, and decisively implemented reform of the entire governmental structure and social organization of the Yugoslav community of nations, and speedy and beneficial integration into the modern world through social democracy. The human resources of the entire country must be involved to the utmost extent in social reform in order that we may become a productive, enlightened, and democratic society capable of existing on the fruits of our own labor and creativity and able to make our fair contribution to the human race.

The Serbian Academy of Arts and Sciences is taking this occasion to express once again its willingness to promote this portentous undertaking and the historical aspirations of our generation with all the resources at its disposal.

附錄三 斯洛文尼亞新憲英譯全文

PREAMBLE

Proceeding from the Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia, and from fundamental human rights and freedoms, and the fundamental and permanent right of the Slovene nation to self-determination; and from the historical fact that in a centuries-long struggle for national liberation we Slovenes have established our national identity and asserted our statehood, the Assembly of the Republic of Slovenia hereby adopts

THE CONSTITUTION OF THE REPUBLIC OF

SLOVENIA

* Adopted on 23 December 1991 (Official Gazette of the Republic of Slovenia, No. 33/91-I), as amended by the Constitutional Act of 14 July 1997 (Official Gazette of the Republic of Slovenia, No. 42/97) and the Constitutional Act of 25 July 2000 (Official Gazette of the Republic of Slovenia, No. 66/2000).

I. GENERAL PROVISIONS

Article 1

Slovenia is a democratic republic.

Article 2

Slovenia is a state governed by the rule of law and a social state.

Article 3

Slovenia is a state of all its citizens and is founded on the permanent and inalienable right of the Slovene nation to self-determination.

In Slovenia power is vested in the people. Citizens exercise this power directly and through elections, consistent with the principle of the separation of legislative, executive and judicial powers.

Article 4

Slovenia is a territorially unified and indivisible state.

Article 5

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 Slovene national

minorities in neighbouring countries and for Slovene 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.

Slovenes not holding Slovene citizenship may enjoy special rights and privileges in Slovenia. The nature and extent of such rights and privileges shall be regulated by law.

Article 6

The coat-of-arms of Slovenia has the form of a shield. In the middle of the shield, on a blue background, is a representation of Mount Triglav in white, under which there are two undulating blue lines symbolising the sea and rivers and above which there are three golden, six-pointed stars forming a downward-pointing triangle. The shield is bordered in red. The coat-of-arms is designed in accordance with a set standard of geometry and colour.

The flag of Slovenia is the white-blue-red Slovene national flag with the coat-of-arms of Slovenia. The ratio of the width of the flag to the length thereof is one to two. The colours of the flag are in the following order: white, blue and red. Each colour occupies a horizontal band covering one third of the area of the flag. The coat-of-arms is positioned in the upper left portion of the flag such that it lies with one half in the white field and the other in the blue field.

The national anthem of Slovenia is "Zdravljica".

The use of the coat-of-arms, the flag and the national anthem shall be provided by law.

Article 7

The state and religious communities shall be separate.

Religious communities shall enjoy equal rights; they shall pursue their activities freely.

Article 8

Laws and regulations must comply with generally accepted principles of international law and with treaties that are binding on Slovenia. Ratified and published treaties shall be applied directly.

Article 9

Local self-government in Slovenia is guaranteed.

Article 10

The capital of Slovenia is Ljubljana.

Article 11

The official language in Slovenia is Slovene. In those municipalities where Italian or Hungarian national communities reside, Italian or Hungarian shall also be official languages.

Article 12

Slovene citizenship shall be regulated by law.

Article 13

In accordance with treaties, aliens in Slovenia enjoy all the rights guaranteed by this Constitution and laws, except for those rights that pursuant to this Constitution or law only citizens of Slovenia enjoy.

II. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Article 14

(Equality before the Law)

In Slovenia everyone shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political or other conviction, material standing, birth, education, social status or any other personal circumstance.

All are equal before the law.

Article 15

(Exercise and Limitation of Rights)

Human rights and fundamental freedoms shall be exercised directly on the basis of the Constitution.

The manner in which human rights and fundamental freedoms are exercised may be regulated by law whenever the Constitution so provides or where this is necessary due to the particular nature of an individual right or freedom.

Human rights and fundamental freedoms shall be limited only by the rights of others and in such cases as are provided by this Constitution.

Judicial protection of human rights and fundamental freedoms, and the right to obtain redress for the violation of such rights and freedoms, shall be guaranteed.

No human right or fundamental freedom regulated by legal acts in force in Slovenia may be restricted on the grounds that this Constitution does not recognise that right or freedom or recognises it to a lesser extent.

Article 16

(Temporary Suspension and Restriction of Rights)

Human rights and fundamental freedoms provided by this Constitution may exceptionally be temporarily suspended or restricted during a war and state of emergency. Human rights and fundamental freedoms may be suspended or restricted only for the duration of the war or state of emergency, but only to the extent required by such circumstances and inasmuch as the measures adopted do not create inequality based solely on race, national origin, sex, language, religion, political or other

conviction, material standing, birth, education, social status or any other personal circumstance.

The provision of the preceding paragraph does not allow any temporary suspension or restriction of the rights provided by Articles 17, 18, 21, 27, 28, 29 and 41.

Article 17

(Inviolability of Human Life)

Human life is inviolable. There is no capital punishment in Slovenia.

Article 18

(Prohibition of Torture)

No one may be subjected to torture, inhuman or degrading punishment or treatment. The conducting of medical or other scientific experiments on any person without his free consent is prohibited.

Article 19

(Protection of Personal Liberty)

Everyone has the right to personal liberty.

No one may be deprived of his liberty except in such cases and pursuant to such procedures as are provided by law.

Anyone deprived of his liberty must be immediately informed in his mother tongue, or in a language which he understands, of the reasons for being deprived of his liberty. Within the shortest possible time thereafter, he must also be informed in writing of why he has been deprived of his liberty. He must be instructed immediately that he is not obliged to make any statement, that he has the right to immediate legal representation of his own free choice and that the competent authority must, on his request, notify his relatives or those close to him of the deprivation of his liberty.

Article 20

(Orders for and Duration of Detention)

A person reasonably suspected of having committed a criminal offence may be detained only on the basis of a court order when this is absolutely necessary for the course of criminal proceedings or for reasons of public safety.

Upon detention, but not later than twenty-four hours thereafter, the person detained must be handed the written court order with a statement of reasons. The person detained has the right to appeal against the court order, and such appeal must be decided by a court within forty-eight hours. Detention may last only as long as there are legal reasons for such, but no longer than three months from the day of the deprivation of liberty. The Supreme Court may extend the detention a further three months.

If no charges are brought by the end of these terms, the suspected person shall be released.

Article 21

(Protection of Human Personality and Dignity)

Respect for human personality and dignity shall be guaranteed in criminal and in all other legal proceedings, as well as during the deprivation of liberty and enforcement of punitive sanctions.

Violence of any form on any person whose liberty has been restricted in any way is prohibited, as is the use of any form of coercion in obtaining confessions and statements.

Article 22

(Equal Protection of Rights)

Everyone shall be guaranteed equal protection of rights in any proceeding before a court and before other state authorities, local community authorities and bearers of public authority that decide on his rights, duties or legal interests.

Article 23

(Right to Judicial Protection)

Everyone has the right to have any decision regarding his rights, duties and any charges brought against him made without undue delay by an independent, impartial court constituted by law.

Only a judge duly appointed pursuant to rules previously established by law and by judicial regulations may judge such an individual.

Article 24

(Public Nature of Court Proceedings)

Court hearings shall be public. Judgements shall be pronounced publicly. Exceptions shall be provided by law.

Article 25

(Right to Legal Remedies)

Everyone shall be guaranteed the right to appeal or to any other legal remedy against the decisions of courts and other state authorities, local community authorities and bearers of public authority by which his rights, duties or legal interests are determined.

Article 26

(Right to Compensation)

Everyone has the right to compensation for damage caused through unlawful actions in connection with the performance of any function or other activity by a person or body performing such function or activity under state authority, local community authority or as a bearer of public authority.

Any person suffering damage has the right to demand, in accordance with the law,

compensation also directly from the person or body that has caused damage.

Article 27

(Presumption of Innocence)

Any person charged with a criminal offence shall be presumed innocent until found guilty in a final judgement.

Article 28

(Principle of Legality in Criminal Law)

No one may be punished for an act which had not been declared a criminal offence under law, or for which a penalty had not been prescribed, at the time the act was performed.

Acts that are criminal shall be established and the resulting penalties pronounced according to the law that was in force at the time the act was performed, save where a more recent law adopted is more lenient towards the offender.

Article 29

(Legal Guarantees in Criminal Proceedings)

Anyone charged with a criminal offence must, in addition to absolute equality, be guaranteed the following rights:

the right to have adequate time and facilities to prepare his defence;

the right to be present at his trial and to conduct his own defence or to be defended by a legal representative;

the right to present all evidence to his benefit;

the right not to incriminate himself or his relatives or those close to him, or to admit guilt.

Article 30

(Right to Rehabilitation and Compensation)

Any person unjustly convicted of a criminal offence or deprived of his liberty without due cause has the right to rehabilitation and compensation, and other rights provided by law.

Article 31

(Prohibition of Double Jeopardy)

No one may be sentenced or punished twice for the same criminal offence for which criminal proceedings were dismissed finally, or for which the charge was finally rejected, or for which the person was acquitted or convicted by final judgement.

Article 32

(Freedom of Movement)

Everyone has the right to freedom of movement, to choose his place of residence, to leave the country and to return at any time.

This right may be limited by law, but only where this is necessary to ensure the course

of criminal proceedings, to prevent the spread of infectious diseases, to protect public order or if the defence of the state so demands.

Entry into the country by aliens, and the duration of their stay in the country, may be limited on the basis of law.

Article 33

(Right to Private Property and Inheritance)

The right to private property and inheritance shall be guaranteed.

Article 34

(Right to Personal Dignity and Safety)

Everyone has the right to personal dignity and safety.

Article 35

(Protection of Right to Privacy and Personality Rights)

The inviolability of the physical and mental integrity of every person, his privacy and personality rights shall be guaranteed.

Article 36

(Inviolability of Dwellings)

Dwellings are inviolable.

No one may, without a court order, enter the dwelling or other premises of another person, nor may he search the same, against the will of the resident.

Any person whose dwelling or other premises are searched has the right to be present or to have a representative present.

Such a search may only be conducted in the presence of two witnesses.

Subject to conditions provided by law, an official may enter the dwelling or other premises of another person without a court order, and may in exceptional circumstances conduct a search in the absence of witnesses, where this is absolutely necessary for the direct apprehension of a person who has committed a criminal offence or to protect people or property.

Article 37

(Protection of the Privacy of Correspondence and Other Means of Communication)

The privacy of correspondence and other means of communication shall be guaranteed.

Only a law may prescribe that on the basis of a court order the protection of the privacy of correspondence and other means of communication and the inviolability of personal privacy be suspended for a set time where such is necessary for the institution or course of criminal proceedings or for reasons of national security.

Article 38

(Protection of Personal Data)

The protection of personal data shall be guaranteed. The use of personal data contrary

to the purpose for which it was collected is prohibited.

The collection, processing, designated use, supervision and protection of the confidentiality of personal data shall be provided by law.

Everyone has the right of access to the collected personal data that relates to him and the right to judicial protection in the event of any abuse of such data.

Article 39

(Freedom of Expression)

Freedom of expression of thought, freedom of speech and public appearance, of the press and other forms of public communication and expression shall be guaranteed. Everyone may freely collect, receive and disseminate information and opinions.

Except in such cases as are provided by law, everyone has the right to obtain information of a public nature in which he has a well founded legal interest under law.

Article 40

(Right to Correction and Reply)

The right to correct published information which has damaged a right or interest of an individual, organisation or body shall be guaranteed, as shall be the right to reply to such published information.

Article 41

(Freedom of Conscience)

Religious and other beliefs may be freely professed in private and public life.

No one shall be obliged to declare his religious or other beliefs.

Parents have the right to provide their children with a religious and moral upbringing in accordance with their beliefs. The religious and moral guidance given to children must be appropriate to their age and maturity, and be consistent with their free conscience and religious and other beliefs or convictions.

Article 42

(Right of Assembly and Association)

The right of peaceful assembly and public meeting shall be guaranteed.

Everyone has the right to freedom of association with others.

Legal restrictions of these rights shall be permissible where so required for national security or public safety and for protection against the spread of infectious diseases.

Professional members of the defence forces and the police may not be members of political parties.

Article 43

(Right to Vote)

The right to vote shall be universal and equal.

Every citizen who has attained the age of eighteen years has the right to vote and be elected.

The law may provide in which cases and under what conditions aliens have the right to vote.

Article 44

(Participation in the Management of Public Affairs)

Every citizen has the right, in accordance with the law, to participate either directly or through elected representatives in the management of public affairs.

Article 45

(Right to Petition)

Every citizen has the right to file petitions and to pursue other initiatives of general significance.

Article 46

(Right to Conscientious Objection)

Conscientious objection shall be permissible in cases provided by law where this does not limit the rights and freedoms of others.

Article 47

(Extradition)

No citizen of Slovenia may be extradited to a foreign country. The extradition of aliens shall only be permitted in cases covered by treaties that are binding on Slovenia.

Article 48

(Asylum)

Within the limits of the law, the right of asylum shall be recognised for foreign nationals and stateless persons who are subject to persecution for their commitment to human rights and fundamental freedoms.

Article 49

(Freedom of Work)

Freedom of work shall be guaranteed.

Everyone shall choose his employment freely.

Everyone shall have access under equal conditions to any position of employment.

Forced labour shall be prohibited.

Article 50

(Right to Social Security)

Citizens have the right to social security under conditions provided by law.

The state shall regulate compulsory health, pension, disability and other social insurance, and shall ensure its proper functioning.

Special protection in accordance with the law shall be guaranteed to war veterans and victims of war.

Article 51

(Right to Health Care)

Everyone has the right to health care under conditions provided by law.

The rights to health care from public funds shall be provided by law.

No one may be compelled to undergo medical treatment except in cases provided by law.

Article 52

(Rights of Disabled Persons)

Disabled persons shall be guaranteed protection and work-training in accordance with the law.

Physically or mentally handicapped children and other severely disabled persons have the right to education and training for an active life in society.

The education and training referred to in the preceding paragraph shall be financed from public funds.

Article 53

(Marriage and the Family)

Marriage is based on the equality of spouses. Marriages shall be solemnised before an empowered state authority.

Marriage and the legal relations within it and the family, as well as those within an extramarital union, shall be regulated by law.

The state shall protect the family, motherhood, fatherhood, children and young people and shall create the necessary conditions for such protection.

Article 54

(Rights and Duties of Parents)

Parents have the right and duty to maintain, educate and raise their children. This right and duty may be revoked or restricted only for such reasons as are provided by law in order to protect the child interests.

Children born out of wedlock have the same rights as children born within it.

Article 55

(Freedom of Choice in Childbearing)

Everyone shall be free to decide whether to bear children.

The state shall guarantee the opportunities for exercising this freedom and shall create such conditions as will enable parents to decide to bear children.

Article 56

(Rights of Children)

Children shall enjoy special protection and care. Children shall enjoy human rights and fundamental freedoms consistent with their age and maturity.

Children shall be guaranteed special protection from economic, social, physical, mental or other exploitation and abuse. Such protection shall be regulated by law.

Children and minors who are not cared for by their parents, who have no parents or who are without proper family care shall enjoy the special protection of the state. Their position shall be regulated by law.

Article 57

(Education and Schooling)

Freedom of education shall be guaranteed.

Primary education is compulsory and shall be financed from public funds.

The state shall create the opportunities for citizens to obtain a proper education.

Article 58

(Autonomy of Universities and Other Institutions of Higher Education)

State universities and state institutions of higher education shall be autonomous.

The manner of their financing shall be regulated by law.

Article 59

(Freedom of Science and the Arts)

The freedom of scientific and artistic endeavour shall be guaranteed.

Article 60

(Intellectual Property Rights)

The protection of copyright and other rights deriving from artistic, scientific, research and invention activities shall be guaranteed.

Article 61

(Expression of National Affiliation)

Everyone has the right to freely express affiliation with his nation or national community, to foster and give expression to his culture and to use his language and script.

Article 62

(Right to Use One Language and Script)

Everyone has the right to use his language and script in a manner provided by law in the exercise of his rights and duties and in procedures before state and other bodies performing a public function.

Article 63

(Prohibition of Incitement to Discrimination and Intolerance and Prohibition of Incitement to Violence and War)

Any incitement to national, racial, religious or other discrimination, and the inflaming of national, racial, religious or other hatred and intolerance are unconstitutional.

Any incitement to violence and war is unconstitutional.

Article 64

(Special Rights of the Autochthonous Italian and Hungarian National Communities in Slovenia)

The autochthonous Italian and Hungarian national communities and their members shall be guaranteed the right to use their national symbols freely and, in order to preserve their national identity, the right to establish organisations and develop economic, cultural, scientific and research activities, as well as activities in the field of public media and publishing. In accordance with laws, these two national communities and their members have the right to education and schooling in their own languages, as well as the right to establish and develop such education and schooling. The geographic areas in which bilingual schools are compulsory shall be established by law. These national communities and their members shall be guaranteed the right to foster relations with their nations of origin and their respective countries. The state shall provide material and moral support for the exercise of these rights.

In order to exercise their rights, the members of these communities shall establish their own self-governing communities in the geographic areas where they live. On the proposal of these self-governing national communities, the state may authorise them to perform certain functions under national jurisdiction, and shall provide funds for the performing of such functions.

The two national communities shall be directly represented in representative bodies of local self-government and in the National Assembly.

The position of the Italian and Hungarian national communities and the manner in which their rights are exercised in the geographic areas where they live, the obligations of the self-governing local communities for the exercise of these rights, and those rights which the members of these national communities exercise also outside these areas, shall all be regulated by law. The rights of both national communities and their members shall be guaranteed irrespective of the number of members of these communities.

Laws, regulations and other general acts that concern the exercise of the constitutionally provided rights and the position of the national communities exclusively, may not be adopted without the consent of representatives of these national communities.

Article 65

(Status and Special Rights of the Romany Community in Slovenia)

The status and special rights of the Romany community living in Slovenia shall be regulated by law.

III. ECONOMIC AND SOCIAL RELATIONS

Article 66

(Security of Employment)

The state shall create opportunities for employment and work, and shall ensure the protection of both by law.

Article 67

(Property)

The manner in which property is acquired and enjoyed shall be established by law so as to ensure its economic, social and environmental function.

The manner and conditions of inheritance shall be established by law.

Article 68*

(Property Rights of Aliens)

Aliens may acquire ownership rights to real estate under conditions provided by law or if so provided by a treaty ratified by the National Assembly, under the condition of reciprocity.

Such law and treaty from the preceding paragraph shall be adopted by the National Assembly by a two-thirds majority vote of all deputies.

[* As amended by the Constitutional Act Amending Article 68 of the Constitution of the Republic of Slovenia, 14 July 1997 (Official Gazette of the Republic of Slovenia No. 42/97).

The original text of Article 68 read as follows:

"Aliens may acquire ownership rights to real estate under conditions provided by law. Aliens may not acquire title to land except by inheritance, under the condition of reciprocity."]

Article 69

(Expropriation)

Ownership rights to real estate may be revoked or limited in the public interest with the provision of compensation in kind or monetary compensation under conditions established by law.

Article 70

(National Assets and Natural Resources)

Special rights to use national assets may be acquired, subject to conditions established by law.

The conditions under which natural resources may be exploited shall be established by law.

The law may provide that natural resources may also be exploited by foreign persons and shall establish the conditions for such exploitation.

Article 71

(Protection of Land)

The law shall establish special conditions for land utilisation in order to ensure its proper use.

Special protection of agricultural land shall be provided by law.

The state shall promote the economic, cultural and social advancement of the population living in mountain and hill areas.

Article 72

(Healthy Living Environment)

Everyone has the right in accordance with the law to a healthy living environment.

The state shall promote a healthy living environment. To this end, the conditions and manner in which economic and other activities are pursued shall be established by law.

The law shall establish under which conditions and to what extent a person who has damaged the living environment is obliged to provide compensation.

The protection of animals from cruelty shall be regulated by law.

Article 73

(Protection of Natural and Cultural Heritage)

Everyone is obliged in accordance with the law to protect natural sites of special interest, rarities and cultural monuments.

The state and local communities shall promote the preservation of the natural and cultural heritage.

Article 74

(Free Enterprise)

Free economic initiative shall be guaranteed.

The conditions for establishing commercial organisations shall be established by law.

Commercial activities may not be pursued in a manner contrary to the public interest.

Unfair competition practices and practices which estrict competition in a manner contrary to the law are prohibited.

Article 75

(Participation in Management)

Employees shall participate in the management of commercial organisations and institutions in a manner and under conditions provided by law.

Article 76

(Freedom of Trade Unions)

The freedom to establish, operate and join trade unions shall be guaranteed.

Article 77

(Right to Strike)

Employees have the right to strike.

Where required by the public interest, the right to strike may be restricted by law, with due consideration given to the type and nature of activity involved.

Article 78

(Proper Housing)

The state shall create opportunities for citizens to obtain proper housing.

Article 79

(Aliens Employed in Slovenia)

Aliens employed in Slovenia and members of their families have special rights provided by law.

IV. ORGANISATION OF THE STATE

a) The National Assembly

Article 80*

(Composition and Election)

The National Assembly is composed of deputies of the citizens of Slovenia and comprises ninety deputies.

Deputies are elected by universal, equal, direct and secret voting.

One deputy of the Italian and one deputy of the Hungarian national communities shall always be elected to the National Assembly.

The electoral system shall be regulated by a law passed by the National Assembly by a two-thirds majority vote of all deputies.

Deputies, except for the deputies of the national communities, are elected according to the principle of proportional representation with a four-percent threshold required for election to the National Assembly, with due consideration that voters have a decisive influence on the allocation of seats to the candidates.

[* As amended by the Constitutional Act Amending Article 80 of the Constitution of the Republic of Slovenia, 25 July 2000 (Official Gazette of the Republic of Slovenia No. 66/00). The original text of Article 80 read as follows: "The National Assembly is composed of deputies of the citizens of Slovenia and comprises ninety deputies. Deputies are elected by universal, equal, direct and secret voting. One deputy of the Italian and one deputy of the Hungarian national communities shall always be elected to the National Assembly. The electoral system shall be regulated by a law passed by the National Assembly by a two-thirds majority vote of all deputies."

Article 81

(Term of the National Assembly)

The National Assembly is elected for four years.

If the term of the National Assembly expires during a war or state of emergency, its term shall expire six months after the end of the war or state of emergency, or earlier if the National Assembly itself so decides.

Elections to the National Assembly are called by the President of the Republic. A new

National Assembly shall be elected no sooner than two months and no later than fifteen days before the expiry of four years from the date of the first session of the previous National Assembly. If the National Assembly is dissolved, a new National Assembly shall be elected no later than two months after the dissolution of the previous one. The term of the previous National Assembly shall end on the first session of the new National Assembly, which shall be called by the President of the Republic no later than twenty days after the election of the new National Assembly.

Article 82

(Deputies)

Deputies of the National Assembly are representatives of all the people and shall not be bound by any instructions.

The law shall establish who may not be elected a deputy, and the incompatibility of the office of deputy with other offices and activities.

The National Assembly confirms the election of deputies. An appeal may be made before the Constitutional Court, in accordance with the law, against a decision of the National Assembly.

Article 83

(Immunity of Deputies)

No deputy of the National Assembly shall be criminally liable for any opinion expressed or vote cast at sessions of the National Assembly or its working bodies.

No deputy may be detained nor, where such deputy claims immunity, may criminal proceedings be initiated against him without the permission of the National Assembly, except where such deputy has been apprehended committing a criminal offence for which a prison sentence of over five years is prescribed.

The National Assembly may also grant immunity to a deputy who has not claimed such immunity or who has been apprehended committing such criminal offence as referred to in the preceding paragraph.

Article 84

(President of the National Assembly)

The National Assembly has a president who is elected by a majority vote of all deputies.

Article 85

(Sessions of the National Assembly)

The National Assembly meets in regular and extraordinary sessions.

Regular and extraordinary sessions are called by the President of the National Assembly; an extraordinary session must be called if so required by at least a quarter of the deputies of the National Assembly or by the President of the Republic.

Article 86

(Decision-making)

The National Assembly may pass decisions if a majority of deputies are present at the session. The National Assembly adopts laws and other decisions and ratifies treaties by a majority of votes cast by those deputies present, save where a different type of majority is provided by the Constitution or by law.

Article 87

(Legislative Power of the National Assembly)

The rights and duties of citizens and other persons may be determined by the National Assembly only by law.

Article 88

(Legislative Initiative)

Laws may be proposed by the Government or by any deputy. Laws may also be proposed by at least five thousand voters.

Article 89

(Legislative Procedure)

The National Assembly shall pass laws in a multiphase procedure unless otherwise provided by its rules of procedure.

Article 90

(Legislative Referendum)

The National Assembly may call a referendum on any issue which is the subject of regulation by law. The National Assembly is bound by the result of such referendum.

The National Assembly may call a referendum from the preceding paragraph on its own initiative, however it must call such referendum if so required by at least one third of the deputies, by the National Council or by forty thousand voters.

The right to vote in a referendum is held by all citizens who are eligible to vote in elections.

A proposal is passed in a referendum if a majority of those voting have cast votes in favour of the same.

Referendums are regulated by a law passed in the National Assembly by a two-thirds majority vote of deputies present.

Article 91

(Promulgation of Laws)

Laws are promulgated by the President of the Republic no later than eight days after they have been passed.

The National Council may within seven days of the passing of a law and prior to its promulgation require the National Assembly to decide again on such law. In deciding again, a majority of all deputies must vote for such law to be passed unless the Constitution envisages a higher majority for the passing of the law under

consideration. Such new decision by the National Assembly is final.

Article 92

(War and State of Emergency)

A state of emergency shall be declared whenever a great and general danger threatens the existence of the state. The declaration of war or state of emergency, urgent measures and their repeal shall be decided upon by the National Assembly on the proposal of the Government.

The National Assembly decides on the use of the defence forces.

In the event that the National Assembly is unable to convene, the President of the Republic shall decide on matters from the first and second paragraphs of this article. Such decisions must be submitted for confirmation to the National Assembly immediately upon it next convening.

Article 93

(Parliamentary Inquiry)

The National Assembly may order inquiries on matters of public importance, and it must do so when required by a third of the deputies of the National Assembly or when required by the National Council. For this purpose it shall appoint a commission which in matters of investigation and examination has powers comparable to those of judicial authorities.

Article 94

(Rules of Procedure of the National Assembly)

The National Assembly has rules of procedure which it shall adopt by a two-thirds majority vote of deputies present.

Article 95

(Remuneration of Deputies)

Deputies of the National Assembly receive such salary or remuneration as are established by law.

b) The National Council

Article 96

(Composition)

The National Council is the representative body for social, economic, professional and local interests. The National Council has forty members.

It is composed of:

four representatives of employers; four representatives of employees; four representatives of farmers, crafts and trades, and independent professions; six representatives of non-commercial fields; twenty-two representatives of local interests.

The organisation of the National Council is regulated by law.

Article 97

(Powers of the National Council)

The National Council may:

propose to the National Assembly the passing of laws; convey to the National Assembly its opinion on all matters within the competence of the National Assembly; require the National Assembly to decide again on a given law prior to its promulgation; require the calling of a referendum as referred to in the second paragraph of Article 90; require inquiries on matters of public importance as referred to in Article 93.

Where required by the National Assembly, the National Council must express its opinion on an individual matter.

Article 98

(Election)

Election to the National Council shall be regulated by a law passed by the National Assembly by a two-thirds majority vote of all deputies.

Members of the National Council are elected for a term of five years.

Article 99

(Decision-making)

The National Council may pass decisions if a majority of members are present at the session.

The National Council decides by a majority of votes cast by those members present. Decisions requiring the calling of a referendum shall be adopted by the National Council by a majority vote of all members.

Article 100

(Immunity and Incompatibility of Office)

A member of the National Council may not at the same time be a deputy of the National Assembly.

Members of the National Council enjoy the same immunity as deputies. Immunity is decided upon by the National Council.

Article 101

(Rules of Procedure of the National Council)

The National Council has rules of procedure which it shall adopt by a majority vote of all members.

c) President of the Republic

Article 102

(Office of President of the Republic)

The President of the Republic represents the Republic of Slovenia and is commander-in-chief of its defence forces.

Article 103

(Election of the President of the Republic)

The President of the Republic is elected in direct, general elections by secret ballot.

The candidate who receives a majority of the valid votes cast is elected President of the Republic.

The President of the Republic is elected for a term of five years and may be elected for a maximum of two consecutive terms. If the term of office of the President of the Republic expires during a war or state of emergency, the President Sterm shall expire six months after the cessation of such war or state of emergency.

Only a citizen of Slovenia may be elected President of the Republic.

Elections to the office of President of the Republic are called by the President of the National Assembly. The President of the Republic must be elected no later than fifteen days before the expiry of the term of the incumbent President.

Article 104

(Oath of Office of the President of the Republic)

Before taking office, the President of the Republic shall swear the following oath before the National Assembly:

"I swear that I shall uphold the constitutional order, that I shall act according to my conscience and that I shall do all in my power for the good of Slovenia."

Article 105

(Incompatibility of the Office of President of the Republic)

The office of President of the Republic is incompatible with any other public office or occupation.

Article 106

(Deputisation of the President of the Republic)

In the event of permanent absence, death, resignation or other cessation of performing the office of President, the President of the National Assembly shall temporarily perform the duties of the office of President of the Republic until the election of a new President of the Republic. In such event, elections for a new President of the Republic must be called no later than fifteen days after the cessation of office of the previous President of the Republic.

The President of the National Assembly also temporarily performs the duties of the office of President of the Republic during any absence of the President of the Republic.

Article 107

(Powers of the President of the Republic)

The President of the Republic: calls elections to the National Assembly; promulgates laws; appoints state officials where provided by law; appoints and recalls ambassadors and envoys of the Republic, and accepts the letters of credence of foreign diplomatic representatives; issues instruments of ratification; decides on the granting of clemency; confers decorations and honorary titles; performs other duties determined by this Constitution.

Where required by the National Assembly the President of the Republic must express his opinion on an individual issue.

Article 108

(Decrees with the Force of Law)

In the event that the National Assembly is unable to convene due to a state of emergency or war, the President of the Republic may, on the proposal of the Government, issue decrees with the force of law.

Such decrees may, in exception, restrict individual rights and fundamental freedoms as provided by Article 16 of this Constitution.

The President of the Republic must submit decrees with the force of law to the National Assembly for confirmation immediately upon it next convening.

Article 109

(Accountability of the President of the Republic)

If in the performance of his office the President of the Republic violates the Constitution or seriously violates the law, he may be impeached by the National Assembly before the Constitutional Court. The Constitutional Court shall decide either that the impeachment charges are justified or it shall dismiss the charges, and it may further decide on relieving the President of office by a two-thirds majority vote of all judges. Upon receiving a resolution on impeachment from the National Assembly, the Constitutional Court may decide that pending a decision on impeachment the President of the Republic may not perform his office.

c) The Government

Article 110

(Composition of the Government)

The Government is composed of the president and ministers. Within the scope of their powers, the Government and individual ministers are independent and accountable to the National Assembly.

Article 111

(Election of the President of the Government)

After consultation with the leaders of parliamentary groups the President of the Republic proposes to the National Assembly a candidate for President of the

Government.

The President of the Government is elected by the National Assembly by a majority vote of all deputies unless otherwise provided by this Constitution. Voting is by secret ballot.

If such candidate does not receive the necessary majority of votes, the President of the Republic may after renewed consultation propose within fourteen days a new candidate, or the same candidate again, and candidates may also be proposed by parliamentary groups or a minimum of ten deputies. If within this period several candidates have been proposed, each one is voted on separately beginning with the candidate proposed by the President of the Republic, and if this candidate is not elected, a vote is taken on the other candidates in the order in which they were proposed.

If no candidate is elected, the President of the Republic dissolves the National Assembly and calls new elections, unless within forty-eight hours the National Assembly decides by a majority of votes cast by those deputies present to hold new elections for President of the Government, whereby a majority of votes cast by those deputies present is sufficient for the election of the candidate. In such new elections a vote is taken on candidates individually in order of the number of votes received in the earlier voting and then on the new candidates proposed prior to the new vote, wherein any candidate proposed by the President of the Republic takes precedence.

If in such elections no candidate receives the necessary number of votes, the President of the Republic dissolves the National Assembly and calls new elections.

Article 112

(Appointment of Ministers)

Ministers are appointed and dismissed by the National Assembly on the proposal of the President of the Government.

Prior to appointment a proposed minister must appear before a competent commission of the National Assembly and answer its questions.

Article 113

(Oath of Office of the Government)

Upon election and appointment respectively, the President of the Government and ministers shall swear before the National Assembly the oath of office provided by Article 104.

Article 114

(Organisation of the Government)

The President of the Government is responsible for ensuring the unity of the political and administrative direction of the Government and coordinates the work of ministers. Ministers are collectively accountable for the work of the Government, and each

minister is accountable for the work of his ministry.

The composition and functioning of the Government, and the number, competencies and organisation of ministries shall be regulated by law.

Article 115

(Termination of Office of the President of the Government and Ministers)

The President of the Government and ministers cease to hold office when a new National Assembly convenes following elections; ministers also cease to hold office whenever the President of the Government ceases to hold office and whenever such ministers are dismissed or resign; ministers must, however, continue to perform their regular duties until the election of a new President of the Government or until the appointment of new ministers.

Article 116

(Vote of No Confidence)

The National Assembly may pass a vote of no confidence in the Government only by electing a new President of the Government on the proposal of at least ten deputies and by a majority vote of all deputies. The incumbent President of the Government is thereby dismissed, but together with his ministers he must continue to perform his regular duties until the swearing in of a new Government.

No less than forty-eight hours must elapse between the lodging of a proposal to elect a new President of the Government and the vote itself, unless the National Assembly decides otherwise by a two-thirds majority vote of all deputies, or if the country is at war or in a state of emergency.

Where a President of the Government has been elected on the basis of the fourth paragraph of Article 111 a vote on no confidence is expressed in him if on the proposal of at least ten deputies, the National Assembly elects a new President of the Government by a majority of votes cast.

Article 117

(Vote of Confidence)

The President of the Government may require a vote of confidence in the Government. If the Government does not receive the support of a majority vote of all deputies, the National Assembly must elect within thirty days a new President of the Government or in a new vote express its confidence in the incumbent President of the Government, or failing this, the President of the Republic dissolves the National Assembly and calls new elections. The President of the Government may tie the issue of confidence to the adoption of a law or to some other decision in the National Assembly. If such decision is not adopted, it is deemed that a vote of no confidence in the Government has been passed.

No less than forty-eight hours must elapse between the requirement of a vote of

confidence and the vote itself.

Article 118

(Interpellation)

An interpellation with respect to the work of the Government or an individual minister may be initiated in the National Assembly by at least ten deputies.

If, after the debate following such interpellation, a majority of all deputies carries a vote of no confidence in the Government or in an individual minister, the National Assembly dismisses the Government or said minister.

Article 119

(Impeachment of the President of the Government and Ministers)

The National Assembly may impeach the President of the Government or ministers before the Constitutional Court on charges of violating the Constitution and laws during the performance of their office. The Constitutional Court considers the charges in such a manner as determined in Article 109.

d) State Administration

Article 120

(Organisation and Work of the State Administration)

The organisation of the state administration, its competence and the manner of appointment of its officers are regulated by law.

Administrative bodies perform their work independently within the framework and on the basis of the Constitution and laws.

Judicial protection of the rights and legal interests of citizens and organisations is guaranteed against decisions and actions of administrative bodies and bearers of public authority.

Article 121

(Duties of Administrative Bodies)

Duties of the state administration are performed directly by ministries.

Self-governing communities, enterprises, other organisations and individuals may be vested by law with public authority to perform certain duties of the state administration.

Article 122

(Employment in the State Administration)

Employment in the state administration is possible only on the basis of open competition, except in cases provided by law.

e) National Defence

Article 123

(Duty to Participate in the National Defence)

Participation in the national defence is compulsory for citizens within the limits and in the manner provided by law.

Citizens who for their religious, philosophical or humanitarian convictions are not willing to perform military duties, must be given the opportunity to participate in the national defence in some other manner.

Article 124

(National Defence)

The form, extent and organisation of the defence of the inviolability and integrity of the national territory shall be regulated by a law adopted by the National Assembly by a two-thirds majority vote of deputies present.

The conducting of defence is supervised by the National Assembly.

In the provision of security the state proceeds principally from a policy of peace, and an ethic of peace and non-aggression.

f) The Judiciary

Article 125

(Independence of Judges)

Judges shall be independent in the performance of the judicial function. They shall be bound by the Constitution and laws.

Article 126

(Organisation and Jurisdiction of Courts)

The organisation and jurisdiction of courts are determined by law.

Extraordinary courts may not be established, nor may military courts be established in peacetime.

Article 127

(Supreme Court)

The Supreme Court is the highest court in the state.

It decides on ordinary and extraordinary legal remedies and performs other functions provided by law.

Article 128

(Participation of Citizens in the Exercising of Judicial Power)

The circumstances and form of the direct participation of citizens in the exercising of judicial power are regulated by law.

Article 129

(Permanence of Judicial Office)

The office of a judge is permanent. The age requirement and other conditions for election are determined by law.

The retirement age of judges is determined by law.

Article 130

(Election of Judges)

Judges are elected by the National Assembly on the proposal of the Judicial Council.

Article 131

(Judicial Council)

The Judicial Council is composed of eleven members. The National Assembly elects five members on the proposal of the President of the Republic from among university professors of law, attorneys and other lawyers, whereas judges holding permanent judicial office elect six members from among their own number. The members of the council select a president from among their own number.

Article 132

(Termination of and Dismissal from Judicial Office)

A judge ceases to hold judicial office where circumstances arise as provided by law.

If in the performance of the judicial office a judge violates the Constitution or seriously violates the law, the National Assembly may dismiss such judge on the proposal of the Judicial Council.

If a judge is found by a final judgement to have deliberately committed a criminal offence through the abuse of the judicial office, the National Assembly dismisses such judge.

Article 133

(Incompatibility of Judicial Office)

Judicial office is not compatible with office in other state bodies, in local self-government bodies and in bodies of political parties, and with other offices and activities as provided by law.

Article 134

(Immunity of Judges)

No one who participates in making judicial decisions may be held accountable for an opinion expressed during decision making in court.

If a judge is suspected of a criminal offence in the performance of judicial office, he may not be detained nor may criminal proceedings be initiated against him without the consent of the National Assembly.

g) State Prosecutor SOffice

Article 135

(State Prosecutor)

State Prosecutors file and present criminal charges and have other powers provided by law.

The organisation and powers of state prosecutor offices are provided by law.

Article 136

(Incompatibility of the Office of State Prosecutor)

The office of State Prosecutor is not compatible with office in other state bodies, in local self-government bodies and in bodies of political parties, and with other offices and activities as provided by law.

h) Attorneyship and Notariat

Article 137

(Attorneyship and Notariat)

Attorneyship is an independent service within the system of justice, and is regulated by law.

The notariat is a public service regulated by law.

V. SELF-GOVERNMENT

a) Local Self-Government

Article 138

(Exercise of Local Self-Government)

Residents of Slovenia exercise local self-government in municipalities and other local communities.

Article 139

(Municipalities)

Municipalities are self-governing local communities.

The territory of a municipality comprises a ættlement or several settlements bound together by the common needs and interests of the residents.

A municipality is established by law following a referendum by which the will of the residents in a given territory is determined. The territory of the municipality is also defined by law.

Article 140

(Scope of Local Self-Government)

The competencies of a municipality comprise local affairs which may be regulated by the municipality autonomously and which affect only the residents of the municipality.

With the prior consent of the municipality or wider self-governing local community, the state may by law vest specific duties within the state jurisdiction in the municipality or wider self-governing local community, if the state provides financial resources for this purpose.

State authorities shall supervise the proper and competent performance of work

relating to matters vested in the local community bodies by the state.

Article 141

(Urban Municipalities)

A town may attain the status of an urban municipality in accordance with such procedure and under such conditions as provided by law.

An urban municipality performs, as being within its original competence, particular duties within the state competence relating to urban development as provided by law.

Article 142

(Municipal Revenue)

A municipality is financed from its own sources. Municipalities that are unable to completely provide for the performance of their duties due to insufficient economic development are assured additional funding by the state in accordance with principles and criteria provided by law.

Article 143

(Wider Self-Governing Local Communities)

Municipalities may independently decide to join into wider self-governing local communities, as well as regions, in order to regulate and manage local affairs of wider importance. In agreement with such communities, the state may transfer specific matters within the state competence into their original competence and determine the participation of such communities in proposing and performing particular matters within the state competence.

The principles and criteria regarding the transfer of competence from the preceding paragraph are regulated by law.

Article 144

(Supervision by State Authorities)

State authorities supervise the legality of the work of local community authorities.

b) Other Forms of Self-Government

Article 145

(Self-Government in the Field of Social Activities)

Citizens may form self-governing associations to promote their interests.

Citizens may be given the authority by law to manage through self-government particular matters within the state competence.

VI. PUBLIC FINANCE

Article 146

(Financing of the State and Local Communities)

The state and local communities raise funds for the performance of their duties by

means of taxes and other compulsory charges as well as from revenues from their own assets.

The state and local communities disclose the value of their assets by means of balance sheets.

Article 147

(Taxes)

The state imposes taxes, customs duties and other charges by law. Local communities impose taxes and other charges under conditions provided by the Constitution and law.

Article 148

(Budgets)

All revenues and expenditures of the state and local communities for the financing of public spending must be included in their budgets.

If a budget has not been adopted by the first day it is due to come into force, the beneficiaries financed by the budget are temporarily financed in accordance with the previous budget.

Article 149

(State Borrowings)

State borrowings and guarantees by the state for loans are only permitted on the basis of law.

Article 150

(Court of Audit)

The Court of Audit is the highest body for supervising state accounts, the state budget and all public spending.

The organisation and powers of the Court of Audit are provided by law.

The Court of Audit is independent in the performance of its duties and bound by the Constitution and laws.

Article 151

(Appointment of Members to the Court of Audit)

Members of the Court of Audit are appointed by the National Assembly.

Article 152

(Central Bank)

Slovenia has a central bank. In its functioning the bank is independent and directly accountable to the National Assembly. The central bank is established by law.

The governor of the central bank is appointed by the National Assembly.

VII. CONSTITUTIONALITY AND LEGALITY

Article 153

(Conformity of Legal Acts)

Laws, regulations and other general legal acts must be in conformity with the Constitution.

Laws must be in conformity with generally accepted principles of international law and with valid treaties ratified by the National Assembly, whereas regulations and other general legal acts must also be in conformity with other ratified treaties.

Regulations and other general legal acts must be in conformity with the Constitution and laws.

Individual acts and actions of state authorities, local community authorities and bearers of public authority must be based on a law or regulation adopted pursuant to law.

Article 154

(Validity and Publication of Regulations)

Regulations must be published prior to coming into force. A regulation comes into force on the fifteenth day after its publication unless otherwise determined in the regulation itself.

State regulations are published in the official gazette of the state, whereas local community regulations are published in the official publication determined by the local community.

Article 155

(Prohibition of Retroactive Effect of Legal Acts)

Laws and other regulations and general legal acts cannot have retroactive effect.

Only a law may establish that certain of its provisions have retroactive effect, if this is required in the public interest and provided that no acquired rights are infringed thereby.

Article 156

(Constitutional Review)

If a court deciding some matter deems a law which it should apply to be unconstitutional, it must stay the proceedings and initiate proceedings before the Constitutional Court. The proceedings in the court may be continued after the Constitutional Court has issued its decision.

Article 157

(Judicial Review of Administrative Acts)

A court having jurisdiction to review administrative acts decides the legality of final individual acts with which state authorities, local community authorities and bearers of public authority decide the rights or obligations and legal entitlements of individuals and organisations, if other legal protection is not provided by law for a particular matter.

If other legal protection is not provided, the court having jurisdiction to review administrative acts also decides on the legality of individual actions and acts which intrude upon the constitutional rights of the individual.

Article 158

(Finality of Legal Decisions)

Legal relations regulated by the final decision of a state authority may be annulled, abrogated or amended only in such cases and by such procedures as are provided by law.

Article 159

(Ombudsman for Human Rights and Fundamental Freedoms)

In order to protect human rights and fundamental freedoms in relation to state authorities, local self-government authorities and bearers of public authority, the office of the ombudsman for the rights of citizens shall be established by law.

Special ombudsmen for the rights of citizens may also be established by law for particular fields.

VIII. THE CONSTITUTIONAL COURT

Article 160

(Powers of the Constitutional Court)

The Constitutional Court decides:

on the conformity of laws with the Constitution; on the conformity of laws and other regulations with ratified treaties and with the general principles of international law; on the conformity of regulations with the Constitution and with laws; on the conformity of local community regulations with the Constitution and with laws; on the conformity of general acts issued for the exercise of public authority with the Constitution, laws and regulations; on constitutional complaints stemming from the violation of human rights and fundamental freedoms by individual acts; on jurisdictional disputes between the state and local communities and among local communities themselves; on jurisdictional disputes between courts and other state authorities; on jurisdictional disputes between the National Assembly, the President of the Republic and the Government; on the unconstitutionality of the acts and activities of political parties; and on other matters vested in the Constitutional Court by this Constitution or laws.

In the process of ratifying a treaty, the Constitutional Court, on the proposal of the President of the Republic, the Government or a third of the deputies of the National Assembly, issues an opinion on the conformity of such treaty with the Constitution. The National Assembly is bound by the opinion of the Constitutional Court.

Unless otherwise provided by law, the Constitutional Court decides on a constitutional

complaint only if legal remedies have been exhausted. The Constitutional Court decides whether to accept a constitutional complaint for adjudication on the basis of criteria and procedures provided by law.

Article 161

(Abrogation of a Law)

If the Constitutional Court establishes that a law is unconstitutional, it abrogates such law in whole or in part. Such abrogation takes effect immediately or within a period of time determined by the Constitutional Court. This period of time may not exceed one year. The Constitutional Court annuls or abrogates other regulations or general acts that are unconstitutional or contrary to law. Under conditions provided by law, the Constitutional Court may, up until a final decision, suspend in whole or in part the implementation of an act whose constitutionality or legality is being reviewed.

If in deciding on a constitutional complaint the Constitutional Court establishes the unconstitutionality of a regulation or general act, it may in accordance with the provisions of the first paragraph of this article annul or abrogate such regulation or act.

The legal consequences of Constitutional Court decisions shall be regulated by law.

Article 162

(Proceedings before the Constitutional Court)

Proceedings before the Constitutional Court shall be regulated by law.

The law determines who may require the initiation of proceedings before the Constitutional Court. Anyone who demonstrates legal interest may request the initiation of proceedings before the Constitutional Court.

The Constitutional Court decides by a majority vote of all its judges unless otherwise provided for individual cases by the Constitution or law. The Constitutional Court may decide whether to initiate proceedings following a constitutional complaint with fewer judges as provided by law.

Article 163

(Composition and Election)

The Constitutional Court is composed of nine judges, elected on the proposal of the President of the Republic by the National Assembly in a manner provided by law.

The judges are elected from among legal experts.

The President of the Constitutional Court is elected by the judges from among their own number for a term of three years.

Article 164

(Early Termination of Office of a Constitutional Court Judge)

A Constitutional Court judge may be subject to early termination of office in a manner provided by law only: if the judge himself so requests, if the judge is punished by

imprisonment for a criminal offence, or due to permanent loss of capacity to perform his office.

Article 165

(Term of Office of Judges)

Constitutional Court judges are elected for a term of nine years. Constitutional Court judges may not be re-elected.

Upon the expiry of the term for which a Constitutional Court judge has been elected, he continues to perform his office until the election of a new judge.

Article 166

(Incompatibility of Office)

The office of Constitutional Court judge is not compatible with office in state bodies, in local self-government bodies and in bodies of political parties, and with other offices and activities that are not compatible by law with the office of Constitutional Court judge.

Article 167

(Immunity)

Constitutional Court judges enjoy the same immunity as National Assembly deputies. The National Assembly decides on such immunity.

IX. PROCEDURE FOR AMENDING THE CONSTITUTION

Article 168

(Proposal to Initiate the Procedure)

A proposal to initiate the procedure for amending the Constitution may be made by twenty deputies of the National Assembly, the Government or at least thirty thousand voters.

Such proposal is decided upon by the National Assembly by a two-thirds majority vote of deputies present.

Article 169

(Acts Amending the Constitution)

The National Assembly adopts acts amending the Constitution by a two-thirds majority vote of all deputies.

Article 170

(Confirmation of Constitutional Amendments by Referendum)

The National Assembly must submit a proposed constitutional amendment to voters for adoption in a referendum, if so required by at least thirty deputies.

A constitutional amendment is adopted in a referendum if a majority of those voting voted in favour of the same, provided that a majority of all voters participated in the referendum.

Article 171

(Promulgation of Constitutional Amendments)

Constitutional amendments enter into force upon their promulgation in the National Assembly.

X. TRANSITIONAL AND FINAL PROVISIONS

Article 172

This Constitution enters into force upon its promulgation.

Article 173

The provisions of this Constitution apply from the day of its promulgation, unless otherwise provided in the constitutional act implementing this Constitution.

Article 174

A constitutional act shall be passed in order to implement this Constitution and to ensure transition to the application of the provisions of this Constitution.

The constitutional act shall be passed by a two-thirds majority vote of all deputies in all chambers of the Assembly of the Republic of Slovenia.