Legal, Structural and Functional Aspects of Crisis Management in the Republic of Slovenia

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ABSTRACT

The article is based on the presumption that contemporary security crises are increasingly and explicitly marked by growth in quantity and important changes in quality as displayed in the endemicity of crises, their composition, duration and complexity. It is a tendency of great contemporary crises that their effects reach beyond national borders, that they expand from one social field to another, and that they connect with existing social problems which are then further exacerbated. The changing dimensions of modern crises have a direct influence on crisis management. Its conventional organization and co-ordination forms are no longer adequate, a rethinking of politics and the capacity of crisis response is needed that takes both the national and international levels of the problem into account.

The stated characteristics of a crisis and crisis management are also a concern of Slovenia, which has relatively well-developed crisis management within individual governmental agencies but has not yet established the appropriate coordination between them, i.e. on the national, strategic level. The article comprises a brief theoretical introduction to crisis and crisis management, followed by the results of an analysis of the legal structure regulating this field in Slovenia. It also offers subjective viewpoints of senior state officials on crisis management, selected functional aspects of crisis management, and final conclusions.

Keywords : Crisis management, complexity of a crisis, legal structure, crisis management actors, co-ordination of crisis response

1. INTRODUCTION

Scholars researching modern crises (Yehezkel Dror, Patrick Lagadec, Boris Porfiriev, Enrico L. Henry Quarantelli, Uriel Rosenthal, Arjen Boin, Paul t'Hart, Bengt Sundelius, Eric Stern, Louise K. Comfort and others) agree that this phenomenon is changing in terms of both quantity and quality. They believe that more crises can be expected in the future (*a quantum jump*), and that crises will be characterized by *endemicity* (crises will constitute a logical opposition to the increasingly complex systems, which will fail to meet the high security standards and expectations due to technological, financial or political factors), *complexity* (crises will consist of several combinations of crisis events and of causal

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relations triggering them, which means that a crisis permanently reproduces itself in different forms) (Rosenthal, Boin and Comfort 2001). In other words, according to Boin, t'Hart, Stern and Sundelius (2005) crises are a result of several causes, interacting in a given time span and producing a risk with destructive potential. Porfiriev (2001) believes that future crises will be characterized by *growing heterogeneity, complexity and insecurity*. These characteristics refer to the causes, conditions and directions of development. Quarantelli and Dror are more cautious in this respect. Quarantelli (2001) notes that modern crises already exert tangible negative effects on people's lives, and that this will not change in the future. Dror (2001) believes that crises, as unexpected and dangerous events, are ontologically present in the historical process; from an epistemological perspective, they are an integral part of the human mind. Consequently, he warns against the introduction of an entirely 'new' or 'modern' concept of crisis.

Notwithstanding this disagreement, scholars concur that future crises will differ at least in part from those we know, research and are preparing for today. They will become an inherent characteristic of society. In addition, their consequences will be fairly conventional; we will continue to define them in terms of victims, damage, risk, urgency, uncertainty, stress and decision-making dilemmas.

Inductive reasoning leads us to some *driving forces or critical trends* which will influence the occurrence and development of future crises, understood as situations, in which basic social values, norms and structures are at risk, where the time for decision-making is limited, and which entail uncertainty, stress and frequently also the element of surprise (Malešic 2004). These lines of force or trends are *transnationality, technological development, the influence of the mass media, and the declining role of public authority* (Rosenthal, Boin and Comfort 2001). Most future crises will certainly be limited to national or even local social systems. However, big crises will produce *international effects*. The latter can be illustrated by three major recent crises, i.e. the Chernobyl nuclear disaster in April 1986, the September 2001 terrorist attack in the USA, and the tsunami that affected Southeast Asia and part of the East African coast. Lagadec (2001) states that the whole context of world development is subject to considerable change in the fields of technology, knowledge, strategic management etc. This results in chains of crises where the dynamics are no longer exclusively seen as a local-global process, but as an increasingly global-local process. This means that in the future we will not only face the question of how local crises expand into regional, national and even global crises, but also the ever more salient question of how global processes occurring in different fields influence the emergence of a crisis in the local environment.[1]

Some authors use the term *mediazation* to refer to the role of the mass media in crises, thus stressing the importance of the perception of a crisis and the mass media's role in shaping this perception (Rosenthal, Boin and Comfort 2001). These authors believe that the subjective significance of crises will grow in the years to come and that mediazation will become one of the driving forces of future crises. The media, especially television and internet, bring a subjective form of crises into our homes. This form can range on a continuum from sensationalism to self-imposed censorship. Within this spectrum, a crucial relationship is established between what is actually happening during the crisis and what the media transmits to decision-makers, rescuers, the affected people, and the public. Or, as Quarantelli (1996) writes, mediatization is not very much in line with the traditional definition of a crisis measured by objective indices (the number of casualties, material damage); it is more in line with a recent understanding of crisis as an expression of extreme collective stress.[2]

The changing dimensions of modern crises hold direct implications for crisis management, defined as the formulation of procedures, agreements and decisions which affect the course of a crisis, including the organization, preparation, measures and distribution of resources needed to control it (Boin and 't Hart 2002).

The administrative repertoire of preventive and intervention strategies is not adapted to the character of present and future crises which are, and will continue to be, primarily characterized by a complex and intricate structure. The conventional organizational forms of co-ordination cannot be used to organize the work of the increasing number of different organizations and individuals participating in crisis management since the *declining role of the state*, especially in Western countries, has been observed in recent decades (Rosenthal, Boin and Comfort 2001). Moreover, faced with the greater politicization of modern crises crisis managers have to satisfy tougher demands and address new ways of thinking. Numerous scholars agree that the available tools for dealing with crises are themselves also facing a crisis.[3] Routine ways of decision-making and of the political process need to be thoroughly upgraded. This calls for a broader approach to and a reflection on the policies and government competencies which should also integrate crisis management.

2. SOME SYSTEMIC AND FUNCTIONAL CHARACTERISTICS OF CRISIS MANAGEMENT IN SLOVENIA

The mentioned situation is a concern for Slovenia in all respects, bearing in mind the complexity of modern crises, the need for international co-operation to address crises and the need to upgrade crisis management at the national level. The *complexity of modern crises* is reflected in their tendency to spread beyond national borders. Moreover, a crisis arising in a certain area exerts negative effects on other dimensions of individuals' and communities' security. Crises are typically connected with other deep problems of modern societies and, last but not least, referring to Beck (1982), the author of the 'risk society' thesis, since health, personal and collective security are values of growing significance people have become more sensitive to crises. In recent years, *international co-operation* has been one of the key characteristics of crisis management in Slovenia. This is mainly a consequence of the processes of Slovenia's accession to the European Union and the NATO, both of which have developed cross-national crisis response mechanisms. Slovenia's bilateral co-operation with its neighboring countries and its participation in regional initiatives, e.g. the Central European Incentive, should also be mentioned. *The upgrading of crisis management* at the national level is particularly reflected in the establishment of different co-ordination bodies designed to bring about more efficient co-operation among different ministries addressing a crisis (Grizold 2005). Two of the most prominent institutions in this field are the National Security Council (NSC) with its secretariat, and the National Crisis Management Centre (NCMC) with its interdepartmental analytical group (Prezelj 2006).

The experience and results of empirical research carried out in recent years indicate that the country's *low level of co-ordination* represents the weakest link in crisis planning and response in Slovenia.[4] This is quite surprising given that awareness of the need for a coordinated response to a coming crisis - i.e. military aggression by the Yugoslav People's Army - during the independence process, required a *high level of co-ordination* of all actors involved in organization of an efficient defense.[5] In this spirit and in line with the legislation then in force, the 'Operative co-ordination body for emergency situations', also called the National Co-ordination Group, was created. This body combined political, administrative and operative elites; its task was to co-ordinate defense and security-related preparations before the promulgation of Slovenia as an independent and sovereign state. During the armed conflict, it was coordinating the war activities of the Territorial Defense, civil defense, internal security structures, civil protection, intelligence services, and other organs at the national (state) level. At the regional level, seven co-ordination sub-groups were established. These groups were composed of members of the Territorial Defense, of the internal security structures, and civil defense coordinators. The sub-groups were tasked to co-ordinate and streamline preparations for and the conduct of defense operations.

However, an analysis of some other crises that struck Slovenia in the 1990s indicates that the *co-ordination of preparations and crisis response did not reach the level* achieved

during the independence process. This became evident during the NATO air strikes against Federal Republic of Yugoslavia in 1999, which also held certain implications for the security of Slovenia, during the Y2K adaptation of computers for the passage to the new millennium, as well as in natural disasters such as the earthquake in the Posocje region and the floods in Celje region in 1998, and the environmental catastrophe triggered by the spillage of petroleum products from oil depots and the subsequent groundwater pollution in Ortnek in the same year. The crisis during the NATO air strikes against FR Yugoslavia highlighted the importance of timely preparations, the need to document events, processes and responses to these events, the requirement of a broader political consensus, of the immediate connection of crisis management actors, and the framing of a suitable model of crisis management. The year 2000 computer crisis showed that the measures taken by the Administration for Civil Protection and Disaster Relief were not sufficiently coordinated with other government agencies and that (or for this very reason) the state organs did not support the Administration in its efforts to publish information on urgent measures to be observed by the population. At that moment, the Agency was encountering severe opposition by the majority of the mass media which, notwithstanding the legal obligation to publish related information in its integral version and without commentary, had refused to do so. With the earthquake in the Posocje region the problem of coordinated action between local, regional and state crisis management actors came to the forefront. The floods in the Celje region further emphasized the problem of the coordinated action of civil and military crisis management actors. The eco-disaster in Ortnek pointed to a lack of interconnection and coordinated action between an enterprise, the state, and the local community affected by the crisis (Brändström and Malešic 2004).

An internal analysis called 'Crisis management in the Republic of Slovenia' carried out in 2001 by a group of experts from the Ministry of Defense of the Republic of Slovenia provides a similar description of the state of affairs in the field. The analysis indicates that Slovenia's national security and defense systems are required to control state of emergency and war situations. However, while the threat of war is decreasing in importance, non-military threats are rising to the fore. These are not only limited to state of emergency and war situations. The analysis shows that Slovenia has not developed an integrated system of crisis management at all levels. This generally implies that the crisis management system is relatively well developed in individual subsystems of the national security system, but is mostly limited to just one type of crisis: i.e. only to natural disasters or to a state of emergency, or to war situations. In order to ensure an efficient response to different types of crises it is necessary to ensure the adequate co-ordination of work between the different institutions and organizations involved in crisis management, a smooth information flow, to provide support to strategic management, and adequate information about crises.

Similarly, an expert analysis carried out by Mr Drago Napotnik (2003), a former official at the Ministry of Defense of the Republic of Slovenia, concludes that crisis management has not been adapted to contemporary threats. It also points to inadequate inter-organizational co-operation in resolving complex crises. The latter became evident in all crisis management exercises and in the simulation carried out by the National Crisis Management Center during the war in Iraq in 2003. Regulations should be adapted to activities in crisis situations. Moreover, training and exercises should be restructured so as to target not only state of emergency and war situations, but also other types of crises.

The abovementioned problems mostly continue to be pressing issues today, even though the Resolution on the National Security Strategy, adopted in 2001 as a basic constitutive and development document in the field of national security, gave rise to different expectations by setting the goal of integrating the elements of national security system into an efficient crisis management system with the capacity to act in the security efforts of Slovenia and the international community in solving complex modern crises. The Resolution states that Slovenia will strive to establish a concept of national security which would strengthen the role of national crisis management as a focal point of different, seemingly distinct fields of national security planning and preparations, while respecting the constitutional provisions.

Crisis prevention, preparations for crisis activities, addressing the consequences of crises, and reconstruction are common to all aspects of the assurance of national security. *They require coordinated action*, especially efforts to overcome traditional divisions between the military, the police and the civil domains.

In spite of the mentioned critical remarks Slovenia has seen considerable development in recent years. Thus, the National Security Council which was established in 1998 has managed to assert itself as the body responsible for providing a comprehensive threat assessment at the national level. It also gives proposals on adequate measures to ensure national security. Another positive experience is the establishment of the interdepartmental working group for co-operation between the Republic of Slovenia, NATO, and Partnership for Peace members. This group was established during Slovenia's preparations to join NATO. The establishment of the National Crisis Management Centre was also a move in the right direction. This body functions as a link between different departments. It comprises an operative, a decision-making, and an analytical group. Yet it should be stressed that the NCMC's tasks are limited to spatial, technical and information-communication support tasks within the government activities during a crisis.

Considering the information mentioned above, we have formulated the following hypothesis: *the objective of establishing a comprehensive system of crisis management at the national level has not yet been met in Slovenia; legal and other documents regulating this field are deemed to be the key obstacles to achieving this aim*. To confirm this hypothesis, we studied the legal, strategic and doctrinal structure which constitutes the framework for the functioning of different state bodies in crisis situations. To complete this analysis we also conducted an in-depth interview with senior state officials working in the crisis management field.

3. ANALYSIS OF LEGAL, STRATEGIC AND DOCTRINAL DOCUMENTS

We focused in our analysis on key articles of the Constitution, the Defense Act, the Foreign Affairs Act, the Disaster Relief Act, the Police Act, and the State Administration Act. The Ordinance on National Security Council, the Ordinance on the Organization and Operation of the National Crisis Management Centre, the Ordinance on Defense Plans, and the Ordinance on the Contents and Elaboration of Plans for Protection and Relief Operations were also included in the analysis. The analysis of the legislation was only limited to legal and regulatory acts, more specifically to the elements of these documents which refer to situations that can fall within *the theoretical definitions of a crisis and crisis management*, and are related to the *coordinated actions of actors* in crisis preparedness and response. This was also the perspective applied in the analysis of strategic, doctrinal and development documents and declarations.

The analysis therefore allows an insight into the concepts of crisis, crisis management and other related concepts as reflected in the observed documents. It also invites comparisons between the documents initiated by different ministries. This reveals the nature of the basic relationship between legal and other acts emanating from different departments, the level of co-ordination and consistency. The analysis also allows us to establish whether the documents offer adequate grounds for the coordinated action of crisis management actors at the strategic, national level. Some of the key findings are detailed below.

The key finding of the analysis is that the terms 'crisis' and 'crisis management' are not explicitly defined - only the terms 'state of war' and 'state of emergency' are defined - in the **Constitution of the Republic of Slovenia** (Official Gazette of the Republic of Slovenia, nos. 33I/91-I, 42/97, 66/00, 34/03, 69/04, 68/06) and in the Defense Act (Official Gazette of the Republic of Slovenia, nos. 82/94, 44/97, 87/97, 47/02, 40/04). With reference to the co-ordination function, **the Defense Act** (Chapter VI) provides that 'the Government shall

co-ordinate organization, preparations and that it shall direct the implementation of military and civil defense in the country. The Government shall assume direct leadership of the civil defense, in concerted action with the military defense, and it shall ensure the implementation of emergency measures after *a state of war or a state of emergency* has been declared. In accordance with the adopted treaties, the Government shall take decisions relative to the co-operation of the Slovenian Army in fulfilling obligations to international organizations, and adopt an annual plan of military training abroad and of foreign military units in the Republic of Slovenia.' **The Foreign Affairs Act** (Official Gazette of the Republic of Slovenia, nos. 45/01, 78/03) states that treaties providing for the fulfillment of assumed obligations or of adopted decisions relative to the international co-operation of the Republic of Slovenia shall be ratified by the *Government*.

Further, the **Defense Act** states that *in the event of war* the Government appoints the National Operative Defense Staff, consisting of representatives of military and civil defense, internal and foreign affairs, intelligence and security services, disaster relief services, and others to deal with the tasks of the *operative co-ordination* of military and civil defense, security tasks, implementation of protection and relief, and defense implementation in accordance with the guidelines set by the National Assembly. The same Act mentions the *National Crisis Management Centre (NCMC)* which is organized by the Ministry of Defense. This Centre ensures the spatial, technical, information and telecommunication conditions for the work of the Government and of the National Operative Defense Staff, *in particular* in a state of war or state of emergency. Crisis management is thus implicitly referred to in the context of the NCMC, which should act in particular, but not exclusively, in a state of war or state of emergency. This is confirmed by the **Ordinance on the Organization and Operation of the NCMC** (Official Gazette of the Republic of Slovenia, no. 9/06) which states that it should act 'in a state of war and in a state of emergency, as well as in the event of contingencies, events or crises in the country or in the regional or strategic environment liable to pose a significant threat to national security.' The Ordinance also describes the action of the NCMC during *crisis contingencies and events*. Given that crisis is a general concept encompassing war, states of emergency, disasters, terrorist attacks and other events and processes threatening the value, normative and structural substance of the community, exerting time pressure on decision-makers and causing uncertainty and stress, the question of conceptual consistency arises at this point.[6] Even though the Ordinance on the Organization and Operation of the NCMC does not explicitly mention the NCMC's coordination function, *co-ordination* is indirectly referred to through the action of its analytical group, which consists of representatives of different ministries and offers analytical and expert support to the government in the decision-making process.

The National Security Council - NSC - (**Ordinance on National Security Council**, Official Gazette of the Republic of Slovenia, nos. 135/04, 45/05) plays an important role in the co-*ordination of the national security policy* and in the conduct and co-ordination of actions to meet the interests and objectives of national security. This is a key co-ordination body at the strategic, national level. At this point, the question of the normative regulation of the relationship between the NSC and the NCMC emerges, in particular *'in a state of war or in a state of emergency'*, when the NSC is transformed into the National Operative Defense Staff (NODS). It remains unclear whether Article 84/4 of the Defense Act and Article 3 of the Ordinance on the NSC are in harmony. What is the logic and sense of transforming the NSC into the NODS if some ministers (or even all of them) are excluded from it, while the representatives of some organs are included in it and there is no definition of these 'other' representatives?

The **Disaster Relief Act** (Official Gazette of the Republic of Slovenia, nos. 64/94, 28/06) defines several terms which are interesting to study. The Act mentions the terms disaster, natural disaster, other disasters, and *emergency situation*. The definition of 'other disasters' is very broad: following the example of the United Nations it encompasses classical disasters of anthropogenic or technical origin, a war, a state of emergency, the use of weapons of mass destruction, terrorist attacks with classical means of combat, and other

forms of mass violence. From a professional (in particular, analytical) point of view, this is less acceptable since intentional violent actions triggered by different motives cannot be defined as disasters.[7] The text implies that natural and other disasters can lead to a crisis situation. In a specific manner, this Act deals with practically all events and processes that can commonly be referred to as a crisis.

The government also plays a key *co-ordination role* in the field of disaster relief. It co-ordinates the organization and implementation of disaster relief, in particular the work of different ministries responsible, within the limits of their competence, for implementing measures to prevent natural and other disasters or their consequences. They are also tasked with the necessary preparations to ensure implementation of the activities falling within their competence.

The same logic in terminological use is followed by the **National Disaster Relief Program** (Official Gazette of the Republic of Slovenia, no. 44/02) to refer, on one hand, to the situations in which the disaster relief system operates and, on the other hand, to *co-ordination activities*. The program highlights, *inter alia*, the issue of systemic and organizational reform to achieve *better co-ordination in the field of disaster relief*.

The **Police Act** (Official Gazette of the Republic of Slovenia, nos. 49/98, 93/01, 79/03, 50/04, 53/05, 98/05, 78/06) specifies the tasks of the police in '*crisis situations*'. As regards the field of work determined by the Act, the police prepares for duties in '*a state of emergency and in a state of* war', which again points to some differences in terminology referring to situations addressed by the national security system.

The **State Administration Act** (Official Gazette of the Republic of Slovenia, nos. 52/02, 56/03, 61/04, 123/04, 93/05) tasks ministries with the duty to *co-operate* on questions of common concern and stipulates the *organizational forms* (joint working bodies or groups) of this co-operation.

How are crisis, crisis management and co-ordination defined in other national security documents? The **Regulation on Defense Plans** (Official Gazette of the Republic of Slovenia, no. 11/04) introduces and defines the terms *crisis and civil crisis* planning. It also uses the term *crisis management*. Civil crisis planning should provide for organized cooperation between the defense system, the security system, and the protection and disaster relief system, thus endeavoring to integrate three basic national security subsystems. **The Regulation on the Contents and the Elaboration of Plans for Protection and Relief Operations** (Official Gazette of the Republic of Slovenia, nos. 3/02, 17/06), and the regulation to amend this regulation, both mention a *crisis situation* but the term appears with reference to the context of performing duties outside of the country. On the contrary, *co-ordination* between planners in the field of protection, rescue and relief activities in disasters is very precisely defined.

The variety of concepts used in other documents is even broader. Thus, the **Resolution on the National Security Strategy** (Official Gazette of the Republic of Slovenia, no. 56/01) explicitly mentions and defines the term 'crisis'. A broadened definition of crisis also appears in the **Military Doctrine** (Government of the Republic of Slovenia 2006). Further, the document defines a crisis as a situation which cannot be handled by the regular means and activities of national security subsystems since it requires the use of *crisis management*. This formulation opens the question of the relationship between the national security system and crisis management. We believe that crisis management only relates to integration of the elements of national (and international, where necessary) security into a *functional module* required by the nature and intensity of a given crisis. Consequently, one cannot talk about two systems and two activities, but about a single structure (the system of national security and the international security organizations), which is modeled to achieve the maximum level of crisis response by *guidance and co-ordination*.

Similarly, the military doctrine considers *crisis management* as a process in the national security system, a process establishing common principles, procedures, mechanisms and measures for a coordinated and efficient crisis response. The doctrine also mentions *crisis contingencies and focal points of crises*. **The Resolution on a General Long-term Development Program of the Slovenian Armed Forces** (Official Gazette of the Republic of Slovenia, no. 89/04) mentions a *crisis period*, (sub-regional) crisis, challenges, dangers, instability, tensions and conflicts. It should be noted, however, that 'challenges' are defined as situations going beyond the semantic meaning of the term and that they denote significantly broader concepts, in some cases (provided that they were translated into practice) even complex crises.

In the **Disaster Relief Doctrine** (Government of the Republic of Slovenia 2002) the terms crisis and crisis management are not used. Yet these terms appear in the **Civil Defense Doctrine** (Official Gazette of the Republic of Slovenia, no. 56/01). Both of these doctrines view the co-ordination aspects of a response to disasters, and crisis management as being highly important.

The analysis therefore reveals, that as a general rule, the Constitution and the basic sectoral acts in the national security field do not explicitly use the terms crisis and crisis management, although there are *differences between individual laws*, while the terms are more or less consistently and systematically used in some other documents (ordinances, decrees, resolutions, strategic and doctrinal instruments) *within different sectors or their organizational units, but not at the cross-sectoral level*.

In spite of some imprecision, the analysis allows us to conclude that at the government level Slovenia has *instruments of co-ordination* of the government's activities in the event of a state of war, a state of emergency, and disasters, but such instruments do not exist for other types of crises. However, for functional reasons it would be advisable to make a special provision for the co-ordination of different types of crises. Although the government also has the function of co-ordination and guidance in the legal field, i.e. in the formulating of legal proposals, the terminology referring to the situations in which the national security system operates differs significantly across the sectoral acts.

With regard to the co-ordination of crisis management actors, it can therefore be concluded that in principle provision has been made for it: the government is responsible for performing this duty in accordance with the law. The legislation also makes provision for information, technical and analytical support of the Government's co-ordination role. However, the latter is not adequately operationalized. This is evident when the actual status and role of the National Crisis Management Center are observed. Although some training and exercises have already been organized, the event of a big complex crisis will be a serious test of the Government's actual efficiency in performing its co-ordination role.

4. CRISIS MANAGEMENT IN SLOVENIA: SUBJECTIVE VIEWS OF SENIOR STATE OFFICIALS

Additional information on the situation in the crisis management field was gathered through in-depth interviews with 11 high-ranking representatives of the following institutions: the Administration for Civil Protection and Disaster Relief (ACPDR), the Office for Civil Defense at the Ministry of Defense (OCD), the Slovenian Armed Forces (SAF), the Ministry of the Interior (MoI), the Ministry of Health (MoH), the Public Health Institute (PHI), and the Ministry of Foreign Affairs (MFA). These institutions are the key actors involved in crisis management in the country. The sampling procedure followed the criteria of the adequate representation of institutions participating in crisis management at the national level, the importance of the rank and of the role of the interviewee in the process of preparing and responding to different types of crises. The experience and knowledge of the interviewed persons form a valuable subjective view on the understanding of the

concept of crisis and crisis management and on the issue of coordinated action before, during and after a crisis. This subjective view complements the more objective conclusions resulting from the content analysis of different legal, strategic and doctrinal documents. The in-depth interviews were conducted in October and November 2007. We used a semi-structured instrument which included general questions addressed to all interviewees, and specific questions. The general questions referred to the conceptual dilemmas of crisis management in Slovenia. The specific questions referred to the functional aspects of a crisis response within and between the institutions represented by the interviewees. In the following section we present the main ideas and views of our respondents. Further, we point out the findings most relevant to this article.

Some respondents are more integrated into crisis management processes at the national level and are consequently more informed about it, other respondents are less so. Some of them framed their answers more on system- or doctrine-based solutions, while others relied on their practical functional experience of concrete crisis management or at least on experience gained during exercises. Despite these differences, many common points are found in the respondents' answers. It is evident that there is a high level of consensus on the fact that crisis management actors in Slovenia have a *different understanding of the concepts of 'crisis' and 'crisis management'*. This can also be seen implicitly in their answers. They believe that a sectoral approach to the phenomena is prevailing, which is strongly conditioned by the *unclear and unharmonized legislation*. In addition, problems also arise from inconsistent application of the legislation. However, the respondents were less worried about functional integration and co-operation between actors in concrete crisis situations.

The key problem in development of the crisis management system is that a bottom-up approach has been used, whereas a top-down approach would be more appropriate. Many actors stick to their existing competencies and relations, thereby failing to meet the requirements to build a more modern and functional system. Another problem is the *absence of strategic reflection* at the level of the system as a whole which would allow for different systemic solutions and doctrinal groundings. In addition, the role of crisis management related expertise is underestimated.

All the respondents *observe a need for adequate co-ordination mechanisms* to integrate the crisis management actors during the stages of preparation, response and after a crisis. It is evident that coordination is relatively good within practically all the sectors or at least within their organizational entities, but the co-ordination among them is insufficient. However, the respondents do not agree when assigning authorities to the existing organs. Some believe that the National Security Council (NSC) could perform the co-ordination function at the national level, but what is lacking is the political will; while others believe that the NSC is a government advisory body, or a more strategic body, and is therefore unsuitable for this function. Another issue is the question of transparent relations among the NSC secretariat, the NSC and the National Operative Defense Staff.

The respondents also differ in their proposals for solutions to the existing situation. Most agree that we need *a cross-sectoral organ, attached to the government*, and authorized to co-ordinate agents in different government sectors. Some cite the example of the Swedish Emergency Management Agency, whereas others are skeptical of the uncritical transfer of foreign experience into our system. The respondents believe that this would certainly be an opportunity to overcome the residues of the former system of total defense, which can still be noticed particularly at the system and organizational levels, but less so in the content and the functional domains.

As mentioned above, the National Crisis Management Centre (NCMC) has been working for several years now. The majority of respondents agree that the existing solution, whereby the NCMC operates within the Ministry of Defense, is not good. Some see the NCMC as primarily a centre for logistic, material and technical support in the crisis response process

(even though the ordinance relative to its establishment does not prescribe this), while others are afraid that some people understand the NCMC in a broader sense as expanding beyond the legal framework, as a kind of super-body, which is unacceptable to many actors within and especially outside the Ministry of Defense. The NCMC also comprises a cross-sectoral analytical group for crisis management. This group could perform the tasks now carried out by other cross-sectoral groups, addressing crises partially.[8]

The respondents mainly do not mention the issues of different organization cultures and interpersonal problems. However, they observe the introverted nature of sectors, insufficient integration with other actors, in particular during planning and preparation. The crisis management actors overcome many of these problems during a crisis response, but they cannot catch up on everything that has been missed in the previous stages. It seems that crisis management could be significantly more efficient and rational if adequate systemic and doctrinal solutions are found and followed in practice. The abovementioned flood in Železniki is a good example in all the said respects: to the outside observer the response was seen to be adequate, while experts working in the field observed problems of leadership, command and co-ordination.

5. CONCLUSION

Contemporary security crises are ever more characterized by a transformation in terms of their quantity and quality. This is reflected in the increased number of crises, their endemicity, composition, durability and complexity. The effects of big contemporary crises expand beyond national borders, refer to different social fields and relate to existing social problems which, in turn, exacerbate them. These changes directly influence crisis management. The adequacy of conventional organizational and co-ordination forms has obviously come into question. This situation requires innovation in both politics and crisis response capabilities to address the national and international levels of the phenomenon. The changed characteristics of crises and crisis management are also relevant to Slovenia, which has relatively well-developed crisis management within individual government sectors, although adequate co-ordination between them has yet to be established.

The findings of the content analysis of relevant legal documents *confirm our initial* hypothesis. They indicate that a lack of precision and serious legal inconsistencies are hampering the development of effective crisis management in Slovenia. This is even more evident in the strategic and doctrinal documents. As suggested in the responses of the interviewees, at first sight it seems that the legal impediments can be overcome in an actual crisis and that co-operation can be achieved among all the crisis management actors. Nevertheless, improvisation during a crisis response action cannot completely do away with the shortcomings stemming from differences in understandings of the concepts of crisis, crisis management, and from uncoordinated crisis preparedness. The sterility of the 'crisis' legislation is therefore only partially compensated for by the activist improvisation of the crisis management actors. However, the problem does not only lie in the legal structure and in the derived systemic, organizational and consequently also co-ordination solutions. In the preparations for different crises we also encounter an inadequate legal culture, namely disrespect of the existing norms, principles and solutions, or the inability to fully take advantage of the possibilities they offer. This means that a firm and consistent legal basis is only *a necessary but by no means a sufficient precondition for effective crisis management* at the national level.

The analysis therefore reveals a lack of *awareness about the changed nature of contemporary crises*, the insufficient development of inter-organizational co-operation, and the inadequate co-ordination of actors and promotion of innovative approaches to crisis preparation and response. In this respect, the lack of a *coordinating mechanism* can be observed. Such a mechanism would integrate crisis management actors at the state level and could ensure a flexible, rational and efficient crisis response. The Strategy of the National Security of

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the Republic of Slovenia is outdated because it is not based on the recent achievements of individual sectors in the crisis management field and because it fails to integrate them into a *functional entity or even into several functional modules* which would provide for a crisis response adapted to the nature, intensity and scope of a particular crisis.

Conceptual inconsistencies can be observed in the analyzed laws, ordinances and regulations. This prevents the framing of a more or less unified representation of crisis and of crisis management by the key actors in the country. The results of the analysis also point to the absence of an umbrella act, *i.e. an act on crisis management*, which would regulate this field, overcome the existing situation and enable *the establishment of co-ordination structures at the national level, e.g.* a crisis management agency. This institution should be attached to the executive authorities.

The efforts deployed by the government in the crisis management field are insufficient. The government is failing to take the initiative and implement a top-down approach. Moreover, it is not sufficiently providing for the harmonization of ordinances relative to planning in the fields of security, military, internal security, and disaster relief. Planning is only partially targeted to the *concept of crisis planning* and it is therefore impossible to provide for integrated training including comprehensive (simulation) exercises or the testing of different scenarios as foreseen by the plans.

ENDNOTES

[1] Aprocess supporting this assumption is the pending financial crisis that is spreading into local environments even where there are no home-grown reasons for financial problems.

[2] For a more detailed description of the role of the mass media in crises and of crisis communication in general, see Malešic, B. Hrvatin and Polic (2006).

[3] In the context of the new critical theory of the world risk society, Beck (2008, 5) holds that the traditional technologies of risk assessment, management and insurance are no longer fully functional.

[4] The system of national security of the Republic of Slovenia comprises a defence system, a security system, and a system for protection and disaster relief. The defence system embraces the defence forces (Slovenian Army) and the civil defence. The civil defence comprises economic, psychological, and political and non-violent defence measures, but does not include civil protection, with the latter being part of the system for protection and disaster relief. The security system comprises police, intelligence, prosecution, judicial, surveillance, and inspection services.

[5] Slovenia became de facto independent from the Socialist Federal Republic of Yugoslavia after a ten-day armed conflict between federal and Slovenian forces in June and July 1991.

[6] Cf. also Boin, t'Hart, Stern and Sundelius, 2005, 2-4.

[7] Beck holds the same opinion (2008, 14). He distinguishes between environmental and economic risks on one hand, and terrorist attacks as planned and intentional events on the other.

[8] It is symptomatic that the NCMC was not even publicly mentioned as an actor in the response to the floods in Železniki in September 2007, and that some rescuers had missed its presence in the field.

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Foreign Affairs Act, Official Gazette of RS nos. 45/01, 78/03.
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