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The Denationalisation of Agricultural Land and Forests in Slovenia: Unfolding a Decades-Long Journey[3]

Abstract

The article analyses the denationalisation of agricultural land and forests in post-communist Slovenia, in the aftermath of its departure from socialist Yugoslavia in 1991. It begins with a historical overview of the relevant nationalisation measures adopted during and after the Second World War on the territory of Slovenia. It then analyses the prerequisites for, and the procedural rules on, the restitution of agricultural land and forests as set out in the Act on Denationalisation of 1991, and its further amendments, primarily shaped by decisions of the Constitutional Court. Special legislation on the return of property to agrarian communities and their members, as well as cooperatives, is also analysed. The article also focuses on the legal and procedural nuances that have shaped the denationalisation process in Slovenia, which after more than 30 years is finally in its closing stage.
Keywords: nationalisation, denationalisation, agricultural land, forests, Slovenia, return of nationalised property, compensation for nationalisation, restitution in kind

1. Introduction

The process of denationalisation was one of the central parts of Slovenia's transition from socialism to democracy, occurring in the aftermath of its departure

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from Yugoslavia in 1991. Running in parallel with the privatisation of enterprises, it reinstated private property rights, which are essential in any market economy. The denationalisation of agricultural land and forests, constituting the most significant part of the denationalised property, presents a unique and complex legal case study. This article analyses the legal and procedural nuances that shaped the denationalisation process in Slovenia, which remains incomplete even after three decades.

The article begins with a historical overview of the nationalisation measures adopted during and after the Second World War in socialist Yugoslavia, focusing on the territory of Slovenia. It then analyses the labyrinth of prerequisites and procedural rules for the restitution of agricultural land and forests. This provides crucial context about the legal and political environment that led to the nationalisation, and later necessitated the restitution of the nationalised property. Following the historical context, the article focuses on the restitution of agricultural land and forests[4] after the collapse of communism and Slovenia's subsequent independence. The discussion then turns to substantive legal issues about the prerequisites for denationalisation. This includes a detailed examination of the eligibility criteria, the object of restitution, and applicable limitations. Critical challenges such as the determination of Yugoslav citizenship, loyalty to the Yugoslav state, restitution received in other states, prerequisites for restitution in kind, etc., are explored, along with, *inter alia*, problems concerning the inheritance of agricultural land and acquisition of land by foreign citizens. Procedural aspects of the denationalisation proceedings are also thoroughly examined. The role of the judiciary and in particular the Constitutional Court of the Republic of Slovenia in the denationalisation process are also discussed.

The article concludes with a final reflection on the restitution of agricultural land and forests in Slovenia, and evaluates the success of the lengthy denationalisation process that is finally nearing completion.

2. Historical background

The Kingdom of Yugoslavia, to which Slovenia belonged before the Second World War, quickly collapsed after the Axis' invasion in 1941, and its territory was divided between the invading powers.[5] Upon the war's end, Slovenia's territory was liberated by the Yugoslav Partisan army, a communist-led resistance movement that gained recognition as the legitimate national liberation force by the Allies and, eventually, by the Yugoslav king in exile. The communist partisan leadership

4 | For a characterisation of the Slovenian and ex-Yugoslav agricultural property system, see Avsec 2021, 24-39, and Dudas 2022, 20-31.

5 | Prunk 2008, 145–147. For an overview of the rules in place in these parts during the war, see Vlahek & Podobnik, 294-297.

under Marshal Tito did little to disguise their aim to use the anti-occupation fight as a means for a revolutionary overhaul of society, in line with communist ideology following the Soviet model.[6] Even though the political organisation of the Partisan movement in Slovenia, the Liberation Front, was established in 1941 as a coalition of multiple left-leaning and liberal political groupings, it was soon entirely dominated by the Communist party and politically aligned with the Partisan movement elsewhere in Yugoslavia.[7] After the war, the victorious forces immediately began to impose an undemocratic socialist regime. The elections held in November 1945 were boycotted by the anti-communist parties, protesting the unequal conditions of participation, which resulted in a complete victory by the communist side. The transition to socialism was formalised on 29 November 1945 when the Constituent Assembly abolished the monarchy and proclaimed Yugoslavia a federal people's republic. Slovenia became one of the six people's republics comprising the federation. This communist regime remained in power in Yugoslavia for almost half a century.[8]

The nationalisation of private property was an essential political and legal tool of the communist ideology, aimed at collectivising all means of production, thereby breaking capitalist production relations and destroying the influence and power of the 'bourgeois apparatus.'[9] The process was legally highly complex, consisting of more than thirty laws and decrees adopted as a framework for implementing this revolutionary social and socio-economic project. The common characteristic of all the legal instruments used was the coercive transfer of private property to the state.[10] The first phase of nationalisation had already begun during the war. It consisted of confiscating enemies' and collaborators' property, including agricultural land and forests, which are the focus of this paper. A more widespread measure was the agrarian reform (Sl. *agrarna reforma*), executed in several stages after the war until 1953, that nationalised large tracts of agricultural land. The nationalisation of private enterprises and residential buildings was carried out in several stages from 1946 to 1965.

The nationalised land became 'general people's property' (*splošno ljudsko premoženje*), which was managed either by the government or by other public organisations granted this right by the government. The state became the owner of these assets as the representative of society as a whole, and in the interest of society.[11] The system was similar to state property (*državna lastnina*) with centralised administrative planning under the Soviet model.[12] However, the political

6 | Čepič 1995, 49.
7 | Prunk 2008, 154–165.
8 | Prunk 2008, 172–173.
9 | Prinčič 1994, 16.
10 | Breznik, Prijatelj & Sedonja 1992, 21-25.
11 | Prinčič 1994, 39.
12 | Gams 1987, 216–217.

split with the Soviet Union in 1948 led Yugoslavia to gradually diverge from the Soviet example and search for its own way of constructing a socialist society, based on workers' self-management rather than a planned economy.[13] The concept of general people's property was replaced by 'social property' (*družbena lastnina*), which was not owned by the state or any individual but belonged, in principle, to the whole society and each of its members.[14] Individual socially owned assets could be subject to specific rights: the right of use, the right of management, and the right of disposal. The holder of the right of use (*pravica uporabe*) was economically in a similar position to a proper owner, and the right could be transferred contractually. After the initial phase of distributing farmland among small farmers, the right to use agricultural land was typically granted to agricultural cooperatives and combined agricultural organisations.[15]

The Yugoslav socialist economic model had some success in modernising the country. It allowed self-managed enterprises to engage in market-based business activities, and in particular the Slovenian economy became increasingly export-oriented.[16] Nevertheless, the highly ideological system of socialist self-management (*samoupravljanje*) and associated labour (*združeno delo*) proved highly inefficient. By the end of the 1980s, Yugoslavia was in a deep economic and political crisis, eventually leading to the country's disintegration in 1991. Slovenia was the first part of Yugoslavia in which the communists stepped down and allowed free multi-party elections. The democratic opposition parties, which won the elections in April 1990 and formed the new Slovenian government, promised to abolish socialism, reintroduce the market economy, and restore private property to repair the injustices caused by nationalisation.[17] Slovenia declared independence from Yugoslavia in June 1991, and effectively achieved it by the autumn of the same year.

In November 1991, the Slovenian parliament passed an act on denationalisation (*denacionalizacija*), which gave high priority to the restitution of property to its former owners and their heirs in nature, rather than in the form of financial compensation.[18] This was followed by the adoption of laws concerning the privatisation of socially owned enterprises and the transformation of the remaining social property, which occurred in parallel with the denationalisation - and also served the purpose of transitioning towards a private-property-based legal and economic system. The implementation of denationalisation began in 1992. However, the entire process turned out to be extremely lengthy due to legal complications in determining the true heirs, their citizenship, compensation received in other

13 | Prunk 2008, 176–177.
14 | Finžgar 1955, 39–40.
15 | Avsec 2018, 108.
16 | Prunk 2008, 197.
17 | Udovč 2003, 3. Prunk 2008, 208–210.
18 | Prunk 2008, 246.

countries, etc., which was the subject of separate judicial and administrative proceedings. According to the Ministry of Justice, there were still 91 denationalisation cases pending on 31 December 2023, of which 62 were at the first instance and 29 cases pending appeal at the second instance or before the Administrative Court of the Republic of Slovenia or the Supreme Court of the Republic of Slovenia.[19]

3. Legal bases for the nationalisation of agricultural land and forests

3.1. Confiscation of enemies' and collaborators' property

The so-called 'patriotic phase' of nationalisation was initiated by the Partisan authorities on the liberated territories of Slovenia during the Second World War, and continued roughly until the end of 1946. The property of domestic and foreign 'anti-people elements' was confiscated in favour of the state, without compensation, as a punishment for collaboration with the occupier, as well as for certain acts labelled as anti-people or counter-revolutionary.[20] Most confiscations were based on the Decree of the AVNOJ[21] Presidency on the Transfer of Enemy Property to the State, on the State Administration of the Property of Absentees and the Confiscation of Property Forcibly Alienated by the Occupying Authorities,[22] adopted in November 1944 and confirmed by the Yugoslav post-war parliament in August 1946.[23]

On the date of the AVNOJ Decree's entry into force on 6 February 1945, all property of the German Reich and its citizens situated in the territory of Yugoslavia, as well as the property of all persons of German ethnicity, regardless of their nationality, became state property. Ethnic Germans who fought in the ranks of the National Liberation Army and the partisan detachments of Yugoslavia, or who were citizens of neutral countries and did not behave in a hostile manner during the occupation, were exempt from the confiscation.[24] Nevertheless, the measure was wide-reaching as it allowed the authorities to confiscate the property of any person with a German-sounding surname or with German as a mother tongue. The confiscation of German property was considered compensation for war damage caused by the German state to Yugoslavia. The procedure was carried out by confiscation commissions appointed in August 1945 at the federal, district,

19 | Ministrstvo za pravosodje 2023.
20 | Prinčič 1994, 30–32.
21 | The Anti-Fascist Council for the National Liberation of Yugoslavia (AVNOJ) was a deliberative and legislative body of the Partisan movement, and its presidency was the highest Yugoslav political body during the war.
22 | Official Gazette of the Democratic Federal Yugoslavia (OG DFY), 2/1945.
23 | Official Gazette of the Federal People's Republic of Yugoslavia (OG FPRY), 63/1946.
24 | Prinčič 1994, 32.

county and city levels. The commissions first registered German property and then issued confiscation decisions, valued it, and inventoried it. The property covered by these provisions included immovable property such as land, houses, agricultural estates, forests, industrial and commercial enterprises with all their installations and inventory, movable property such as furniture and valuables, and financial property such as securities and shares, industrial property rights, claims and other property rights.[25]

The AVNOJ Decree also confiscated all property of war criminals and their accomplices, irrespective of their nationality, as well as the property of any person condemned by a civil or military court to forfeit property to the state.[26] The court issued the confiscation decision in these cases, and the property was transferred to the state on the day the judgment became final. Additionally, under the Act on Confiscation of Property and the Execution of Confiscation,[27] the property was confiscated from any war criminal and enemy of the people who had been shot or killed, or had died or escaped at any time during the war. The local people's committees were tasked with drawing up lists of such persons and delivering them to the local people's courts, which then ordered confiscation regardless of whether the court possessed a judgment convicting them for war crimes or collaboration. This effectively allowed the authorities to confiscate the property of any political opponent who had gone missing during the war. For persons found guilty of war crimes or treason in a trial after the war, the courts could impose the confiscation of their property as one of the penalties prescribed by the Act on Punishment of Crimes and Offenses against Slovenian National Honour[28] and the federal Act on Crimes Against Nation and State.[29]

The AVNOJ Decree also transferred to the state the administration of all property of absentees who had been forcibly taken away by the enemy during the occupation or fled on their own. However, these persons were entitled to the restitution of their property upon their return to Yugoslavia, just like the persons whose property had been taken by the occupying forces or their collaborators during the war.[30]

All property belonging to the members of the former royal family of Yugoslavia, the Karađorđević dynasty, was confiscated in March 1947.[31]

25 | Prinčič 1994, 34.
26 | Prinčič 1994, 32.
27 | OG DFY, 59/1946.
28 | Official Gazette of the Slovenian National Liberation Council (OG SNLC) 7/1945.
29 | OG DFY, 44/1945.
30 | OG DFY, 36/1945.
31 | Order of the Presidency of the Presidium of the People's Assembly of the FPR Yugoslavia on the deprivation of citizenship and confiscation of all property of members of the Karađorđević family, OG FPRY, 64/1947.

3.2. Agrarian reform

In August 1945, the communist authorities launched the agrarian reform, based on the principle that land should belong to those who cultivate it. Therefore, farmland was to be taken from big landowners and distributed among small-scale farmers with little or no land of their own (the 'colonisation', or *kolonizacija*). The federal Agrarian Reform and Colonisation Act,[32] supplemented by the Act on Agrarian Reform and Colonisation in Slovenia,[33] expropriated the following land and forests:

1. large landed estates exceeding 45 ha altogether, or 25 to 30 ha of arable land if worked by leaseholders or hired labour
2. landed estates owned by banks, companies and other private legal entities
3. landed estates owned by churches, monasteries, or religious institutions exceeding 10 ha of arable land (or 30 ha for institutions of greater importance or historical value) and entire estates owned by any inheritance trusts
4. surplus of land worked by individual farmers with their families exceeding the land maximum of 20 to 35 ha of arable land and 10 to 25 ha of forest (and not more than 45 ha of land altogether)
5. surplus of more than three ha of arable land or five ha of forest owned by non-farmers and worked by leaseholders or hired labour
6. landed estates that, for whatever reason, were left without an owner and a legal successor during the war.

Large estates and those owned by commercial or religious institutions were expropriated without compensation. Apart from the land itself, expropriation encompassed the related buildings and installations as well as all agricultural and forestry inventories. However, individual farmers and non-farmer landowners, whose surplus of land above the maximum was expropriated, could retain the farm equipment needed to cultivate the remaining land, and were entitled to compensation for the expropriated land. Compensation was to be paid at the equivalent of one year's yield per hectare. However, this compensation was never really paid.34 Instead, the state took over the existing mortgages and other financial encumbrances on the expropriated land.35

The expropriated forests in Slovenia became the general people's property under the General Act on the Treatment of Expropriated and Confiscated Forest Estates, and were managed by the Ministry of Forestry.[36] The expropriated farmland, however, was transferred to the Land Fund of the Agrarian Reform and

32 | OG DFY, 64/1945.
33 | OG SNLC, 62/1945.
34 | Finžgar 1992, 11–12. Breznik, Prijatelj & Sedonja 1992, 10.
35 | Official Gazette of the FLRY (OG FLRY), 106/1947.
36 | Čepič 1995, 41.

Colonisation.[37] The Land Fund also took over the former German-owned arable land confiscated under the AVNOJ Decree, and the arable land of national enemies and other persons confiscated by judicial decisions. Additionally, the state could dedicate additional land from its possession to the Land Fund for allotment to impoverished farmers.

The Land Fund was used to allocate arable land to farmers owning little or no agricultural land where they lived, and for the settlement of colonists in other places designated for this purpose by the Minister of Agriculture. Priority in the allocation of land was given to landless and land-poor farmers who had fought in the partisan units or the Yugoslav army, as well as to war-disabled and the families and orphans of fallen partisans, and the victims and families of the victims of the fascist reign of terror. The Ministry of Agriculture implemented agrarian reform in Slovenia through district and regional commissions. The latter issued decisions both on expropriation and on the allocation of land. The land allocated to individuals passed into their private ownership and was immediately registered in the land registry. The remaining land in the Land Fund remained general people's property.[38]

Altogether, around 25% of all agricultural land and 18% of forests were nationalised in 1946.[39] In Slovenia, the Land Fund consisted of approx. 266,500 ha of land (approx. 96,000 ha of forests and 170,000 ha of agricultural land)[40]: 43% had been confiscated from foreign landowners and the collaborators of the occupier, 18% had been taken from the Church, 16% from domestic landowners, and 11.7% from banks and companies. Arable land was partially distributed among farmers who owned little or no land in Slovenia, numbering around 2000. The state kept 54% of the nationalised arable land to strengthen the state economy with the so-called state estates. After the agrarian reform, 83% of the farmland in Slovenia was owned by the farmers, and the rest was the general people's property, which was managed by the state and the cooperatives. However, two further nationalisation programs in the following years lowered the maximum amount of land that could be privately owned.[41]

3.3. Estates cultivated by colonists and vignerons

In addition to the general act on agrarian reform, a special act was adopted in Slovenia in 1945 that intervened in specific agrarian relations referred to as colonate (*kolonat*) and vigneronship (*viničarstvo*), two forms of semi-feudal

37 | Tractors and other large agricultural equipment were transferred to agricultural machinery stations.
38 | See Finžgar 1992, 11–12.
39 | Udovč 2003, 2.
40 | See CC Decision U-I-121/97.
41 | Prunk 2008, 171–172.

relationship between the landowner and the cultivator of the land. The colonate was a type of tenancy relationship, while the vigneronship was a labour relationship where the vignerons cultivated another person's vineyard in exchange for accommodation and payment in produce or money. Most vineyard owners, many foreign,[42] could not be expropriated based on the general agrarian reform as a large part of the vineyards did not reach the land maximum of 5 ha permitted to non-farmer landowners. Hence, special legislation was adopted to deal with these agricultural relations.

Under the Act on the Expropriation of Estates Cultivated by Colonates and Vignerons,[43] non-farmer landowners whose land was cultivated by colonates and vignerons were expropriated in total. The land was transferred to the Agrarian Reform Land Fund, together with any buildings, installations and inventory. The district and regional commissions for agrarian reform issued expropriation decisions. Compensation was only provided to small landowners who had acquired the property through savings. However, the expropriation only affected non-farmers whose vineyards were cultivated by colonates and vignerons, whereas land cultivated by hired labour was not expropriated. From the Land Fund, the expropriated land was typically allocated to the colonates and vignerons who had previously cultivated it.[44]

In 1953, all remaining farmland subject to vigneronships and colonates (belonging to farmers) was expropriated, against compensation, under the Act on the Abolition of Vigneronship and Similar Relationships.[45] The land, including buildings, became general people's property and was transferred to the Agricultural Land Fund, from which it could then be allocated to an agricultural organisation for permanent use.[46]

3.4. Abolition of agrarian communities

Before the Second World War, a significant extent of agricultural land and forests in Slovenia did not belong to individual owners but was owned by various agrarian communities (*agrarne skupnosti*), i.e. villages, townships, neighbourhoods, sub-communes, grazing communities, etc., typically composed of households in a particular area. The land was devoted to common use by the agrarian

42 | A large part of the vineyards cultivated by the colonates in Istria and the Goriška Brda region belonged to owners of Italian origin. In contrast, almost half of the vineyards in the Maribor area and around Ormož and Slovenska Bistrica belonged to German owners. Similarly, Germans owned more than half of the quality vineyards in the Gornja Radgona area and the eastern part of Haloze. The owners of these vineyards were not only ethnic Germans with pre-war Yugoslav citizenship but also Austrian or German citizens from Radgona, Cmurek, Lipnica and Graz. Čepič 1995, 90.
43 | OG SNLC, 62/1945.
44 | Finžgar 1992, 12. Čepič 1995, 89-90.
45 | Official Gazette of the People's Republic of Slovenia (OG PRS), 22/1953.
46 | Finžgar 1992, 14.

community's members, e.g. as common grazing grounds or forests for firewood. Under the Agrarian Communities Act[47] of 1947, the immovable and movable property of the former agrarian communities was declared general people's property. The management of these assets was then transferred to the municipalities in whose territories they were located. The municipalities subsequently allocated the land to socially owned agricultural or forestry organisations or agricultural cooperatives, whereas common grazing grounds were managed by municipal agricultural land communities.[48]

3.5. Collectivisation and reduced land maximum

The post-war agrarian reform fragmented land holdings, resulting in reduced productivity of agriculture. To expand the socialist agricultural sector and increase food production, the government encouraged the creation of 'agricultural workers' cooperatives' (*kmečke delovne zadruge*) modelled on the Soviet kolkhozes. According to the Basic Act on Agricultural Cooperatives,[49] farmers were supposed to invest their land and other resources in the cooperative for common cultivation, except for the housing needed for their households. Since many farmers were unwilling to give away most of their land, often only recently allocated to them under the agrarian reform, the authorities launched a political campaign to mass integrate farmers into agricultural workers' cooperatives. Despite the political pressure, which was at odds with the principle of voluntary participation in cooperatives, at the peak of the campaign only 5.3% of farmers were members of agricultural workers' cooperatives, and the land invested by members in these cooperatives did not exceed 2.6% of the land area in Slovenia.[50] After the conflict between the Soviet Union and Yugoslavia, the collectivisation policy was gradually phased out. In 1953, the federal government adopted the Decree on Property Relations and the Reorganisation of Peasant Workers' Cooperatives,[51] which made it possible to dissolve or reorganise the agricultural workers' cooperatives. The land and other assets invested were returned to the farmers who left the cooperatives.

At the same time, however, a single land maximum of 10 ha of arable land per household was introduced. It was considered that a farming family alone, without foreign labour, could cultivate a farm of this size. Based on the Act on the Agricultural Land Fund of the General People's Property and the Allocation of Land to Agricultural Organisations,[52] the arable farmland above the 10-ha threshold was transferred to the Agricultural Land Fund from which it could be allocated to (socially owned)

47 | OG PRS, 52/1947.
48 | Finžgar 1992, 12.
49 | OG FPRY, 49/1949.
50 | Avsec 2018, 110.
51 | OG FLRY, No 14/1953.
52 | OG FLRY, 22/1953.

agricultural organisations for permanent use. The previous owners were entitled to compensation for the land taken, payable over twenty years, without interest, in annual instalments and bearer bonds.[53] Under the Basic Act on the Exploitation of Agricultural Land,[54] annexations of agricultural land for the benefit of the social production sector continued on a large scale in Slovenia until 1967.[55]

In 1974, the 10-ha maximum of arable land for farmers was set in Article 97 of the Constitution of the Socialist Republic of Slovenia,[56] which remained in force until 1991, when it was abolished with the constitutional Amendment XCIX.[57] The 1979 Agricultural Land Act further reduced the land maximum for non-farmers[58] to a threshold of one ha of agricultural and forest land combined in the plains, and three ha in the mountains and hills per non-farmers family. In 1992, the Constitutional Court annulled the statutory provisions on the land maximum as contrary to the new Constitution of the Republic of Slovenia.[59] In the Constitutional Court's view, statutory provisions that generally restrict or exclude the right of ownership of agricultural land do not conform with the constitutional provisions guaranteeing the right to personal property and inheritance. The constitution only allows the legislation to determine how property may be acquired and enjoyed in such a way as to ensure its economic, social and ecological function, or to allow the right to property to be taken or restricted only for the public benefit under conditions laid down by law.[60]

4. Denationalisation

4.1. Denationalisation Act of 1991

Almost immediately after the first multi-party elections in 1990, Slovenia started addressing the injustices done to private owners under the previous regime by restituting their property. Slovenia was among the first former socialist countries to enact denationalisation (*denacionalizacija*) in a single, complex piece of legislation.[61] The Denationalisation Act (*Zakon o denacionalizaciji*, or 'ZDen'), adopted by the National Assembly of Slovenia on 20 November 1991, laid down both the substantive and procedural rules for the restitution of property. The act entered into force already on 7 December 1991, i.e. before the new Constitution of

53 | Finžgar 1992, 14.
54 | OG FPRY, 43/1959.
55 | Breznik, Prijatelj & Sedonja 1992, 240.
56 | Official Gazette of the Socialist Republic of Slovenia (OG SRS), 6/1974.
57 | Official Gazette of the Republic of Slovenia (OG RS), 7/1991.
58 | OG SRS, 1/1979.
59 | OG RS, 33/91-I.
60 | Constitutional Court (CC) Decision U-I-122/91.
61 | Breznik, Prijatelj & Sedonja 1992, 10.

the Republic of Slovenia was adopted on 23 December 1991.[62] The ZDen covered a nationwide return into private ownership of mass property nationalised or otherwise expropriated in Slovenia in the former regime. It did not annul the legislative acts or the individual administrative decisions that were the basis for the expropriation. The denationalisation was conceived as an economic and political measure that set *a novo* and *ex-nunc* certain ownership status.[63] The Constitutional Court described it in one of its decisions as "a result of political consensus to rectify injustices caused by state interference in property rights, which the new constitution classifies as human rights and fundamental freedoms".[64]

As of 2024, the ZDen is still in force and has been changed fourteen times since 1991. The Constitutional Court issued nine decisions annulling several of ZDen's provisions as unconstitutional.[65] The latest of these CC interventions occurred in 2023, showing that even after 30 years, the text of the ZDen is still under scrutiny and that denationalisation in Slovenia is still incomplete. However, as the deadline for filing denationalisation requests expired in 1993 and the vast majority of the denationalisation cases have been solved, the past tense is used in this article when discussing the denationalisation process -although a few cases remain pending before the competent authorities.

4.2. Denationalisation beneficiaries

One of the main features of the Slovenian denationalisation is that it did not take effect *ex-lege* and was not performed *ex-offo,* but based on an individual request filed in the prescribed period by a beneficiary or their successor. The ZDen defined the beneficiaries of denationalisation by referring to a list of possible legislative bases upon which they had been deprived of their property. The beneficiary's citizenship or other personal status and any compensation received were also relevant factors for determining the entitlement to denationalisation.

4.2.1. Legal bases for the nationalisation

The ZDen lists 29 categories of acts based on which property was nationalised or confiscated. These acts were adopted from 1945 to 1970 (most of them up to 1958 when the regulation of nationalisation of private property ended, and was followed mainly by the adoption of the rules on land rounding-off).[66] They are analysed *supra* in Chapter 3 of this paper. It should be noted that a person whose property

62 | OG RS 33/1991.
63 | Breznik, Prijatelj & Sedonja 1992, 9, 12.
64 | CC Decision U-I-107/96.
65 | CC Decisions U-I-10/92-19, U-I-25/92-27, U-I-72/93, U-I-81/94, U-I-23/93, U-I-326/98, U-I-138/99-41, U-I-58/04-7 and U-I-473/22-11.
66 | Breznik, Prijatelj & Sedonja 1992, 20.

was nationalised was generally a denationalisation beneficiary even if they had received compensation (in cash or in-kind) when their property was nationalised. Such compensation was only to be considered in denationalisation decisions if it exceeded 30 per cent of the value of the nationalised property.[67]

According to ZDen, the beneficiaries were also persons whose property was nationalised without compensation through a measure of a state authority issued without a legal basis.[68] Nationalisation was considered non-compensatory if any nationalisation compensation did not exceed 30 per cent of the value of the nationalised property. The practice had faced a complex evidentiary challenge in determining whether compensation had been received and exceeded the 30-percent threshold, which was only sometimes evident from the nationalisation decisions. A person was also considered eligible for denationalisation if their possessions or property (in practice mostly movable property) had been transferred into state ownership based on a contract concluded due to a threat, coercion, or deceit by a state authority or its representative.[69]

The ZDen did not apply for returning property confiscated as a criminal sanction. Such property could be addressed through the reopening of the criminal proceedings. The ZDen also excluded from eligibility for denationalisation persons whose property was confiscated for acting against official duty[70] or for war profiteering, as well as members of the former royal family.

4.2.2. Citizenship and other personal status

Under the original text of the ZDen, only natural persons could be eligible as beneficiaries. The only exception applied to religious communities and their institutions that operated in the territory of the Republic of Slovenia when the ZDen entered into force. However, the Constitutional Court ruled in 1993 that the provisions of the ZDen limiting the rights to natural persons were discriminatory and that legal persons, too, should be included.[71] A legal person that filed a denationalisation request by 13 May 1995 was eligible for denationalisation if it had its registered office in the territory of the Republic of Slovenia at the time its property

67 | See Breznik, Prijatelj & Sedonja 1992, 203; Polič I 1998, 137-147; Polič II 1998, 8-12.
68 | See Breznik, Prijatelj & Sedonja 1992, 23-26.
69 | Communist party representatives, military and intelligence service personnel, state companies' representatives and other persons giving the appearance of exercising the powers of a state authority responsible for nationalisation were meant to be covered by this term. Denationalisation was not available if the taken property ended up with these persons and was not in state ownership. The affected individuals could use the substantive and procedural instruments of regular civil law. See Breznik, Prijatelj & Sedonja 1992, 27, 36-37.
70 | OG DFY, 26/45. This covers cases where the persons in charge of the nationalisation retained the nationalised property for themselves or their relatives. Breznik, Prijatelj & Sedonja 1992, 221.
71 | CC Decision U-I-25/92-27.

was nationalised, and if the legal person or its legal successor was operating in the territory of the Republic of Slovenia at the moment the ZDen entered into force.[72]

As a rule, only individuals who had held Yugoslav citizenship at the time of the nationalisation could be entitled to the restitution of their property under the ZDen, if their citizenship was recognised after 9 May 1945 by law[73] or an international treaty.[74] Some exceptions were provided to take into account that during and after the Second World War, different parts of today's territory of Slovenia belonged to other countries and regimes.[75]

If the applicant could not show legal standing for any of the reasons connected to the required citizenship, denationalisation proceedings could not start.[76] The competent internal affairs authorities determined the citizenship status outside denationalisation proceedings. If an individual was not eligible for denationalisation due to the lack of Yugoslav citizenship, the beneficiary was their spouse or first-category intestate heir if Yugoslav citizenship was granted to them by law or international treaty.[77]

Amendments to the Citizenship Act adopted in 1948 took away Yugoslav citizenship from any persons of German ethnicity who had found themselves outside the territory of Yugoslavia on 28 August 1945 if they had been disloyal to Yugoslavia during the war. The ZDen stated that such persons were beneficiaries only if they had been interned for religious or other reasons or fought on the side of the anti-fascist coalition, thus showing their loyalty to Yugoslavia. (Dis)loyalty[78] was established immediately after the war based on checks by the operational services. Nevertheless, the Constitutional Court held in 1997 that the potential denationalisation beneficiaries could still challenge the presumption of their disloyalty in proceedings for determining citizenship preceding the denationalisation

72 | The legal succession of legal persons was to be assessed under Slovenian law.
73 | The post-war Yugoslav Act on Citizenship of 1945, OG DFY, 64/45.
74 | If a person's property was nationalised after their death that occurred before their DFY citizenship could be recognised, it was considered under the ZDen that this property was nationalised to their legal successors. However, the dead person was the addressee of the nationalisation act if these legal successors were recognised as Yugoslav citizens after 9 May 1945 by law or international treaty.
75 | Denationalisation beneficiaries were also individuals who, at the time their property was nationalised, were not Yugoslav citizens but had permanent residency in the territory of the present Republic of Slovenia (residents in zone B of the Free Territory of Trieste) and their Yugoslav citizenship was recognised by law or international treaty after 15 September 1947 (i.e. after the peace treaty between Yugoslavia and Italy that established the Free Territory of Trieste and its zone B under the Yugoslav sovereignty). See Breznik, Prijatelj & Sedonja 1992, 44-46.
76 | For case law analysis, see Polič I 1998, 274-279; Polič II 1998, 126-176.
77 | See Breznik, Prijatelj & Sedonja 1992, 51-52; CC Decision U-I-23/93.
78 | In practice, disloyalty was perceived as opting for the German Reich, membership in the Kulturbund or other German organisations that propagated Nazism, cooperation or sympathising with the occupier, and the like. According to Art. 63 of the ZDen, the determination of the loyalty to the people and the state could not be determined in the proceedings for the determination of citizenship, which was the prerequisite for the denationalisation proceedings.

proceedings.[79] The Constitutional Court also ruled that Yugoslav citizenship and loyalty requirements were not unconstitutional, rejecting the claims that the collective deprivation of citizenship was based solely on racial or ethnic grounds. The court stressed that the Slovenian legislature had a justified reason for differentiation according to citizenship as the property was confiscated during a period when Yugoslavia was a devastated country after the end of the war, and its citizens suffered extensive war damage. Foreign citizens could be compensated for the confiscated property based on treaties with numerous foreign countries. Hence, the ZDen did not contradict the general legal principles recognised by civilised nations at that time, which were victims of the Nazi regime during the Second World War.

According to the ZDen, individuals who had the right to compensation for nationalised property from a foreign country were not beneficiaries under the ZDen. That is because, after the Second World War, the SFRY concluded several peace treaties with other countries (Italy, Hungary, Austria, Switzerland, Turkey, and the USA), under which foreign states were obligated to compensate their citizens for confiscated property in Yugoslavia. Whether a person enjoyed such right abroad was determined by the competent authority *ex offo* based on concluded peace treaties and international agreements. In several denationalisation cases, the Slovenian authorities rejected nationalisation requests after establishing that the applicants had already received or had the right to receive compensation from a foreign country.[80]

The 1998 amendment to the ZDen added that if an individual held Yugoslav citizenship on 9 May 1945, a (now) foreign citizen was eligible for denationalisation based on reciprocity if such right was also recognised to Slovenian citizens in the country of the applicant's citizenship. Citizenship of Slovenia when the denationalisation request was filed was not a prerequisite under the ZDen. However, foreign citizens could generally not become owners of immovables in Slovenia.[81] The 1998 amendment to the ZDen also provided that individuals who had acquired property from the occupying forces or their organisations during the Second World War were not eligible for denationalisation, but the Constitutional Court repealed this rule the same year.[82]

79 | CC Decision U-I-23/93. It ensues from the decision that, in practice, the competent administrative authorities and the Supreme Court did not enable the applicant to prove loyalty, which the Constitutional Court found unconstitutional.

80 | Several disputes covered the question of whether social assistance granted by Austria post-war to its citizens whose property was nationalised in Yugoslavia also counted as compensation from the third state in cases where the amount of the social assistance was based on the value of the property taken. See, e.g., CC Decisions Up-282/15 and Up-601/15-15.

81 | Cultural or natural heritage could, according to the ZDen, be returned to foreigners irrespective of the general rules limiting foreign citizens' acquisition of immovable property. For further details, see Vlahek 2008; Kramberger Škerl & Vlahek 2020, 78-79; Vlahek 2008.

82 | CC Decision U-I-326/98.

4.2.3. Special limitations regarding agricultural land and forests

The issue of restitution of agricultural land and forests in kind was one of the most contentious issues in the drafting of the ZDen. It must be emphasised that the ZDen did not set any thresholds above which agricultural land and forests would not be returned. Considering Constitutional Amendment XCIX, which abolished provisions of the previous constitution that set the land maximum on agricultural land and forests, the legislature decided that this maximum did not apply to the denationalisation of forests and agricultural land. By adopting the ZDen, whose purpose was to rectify injustices of the post-war period, the legislature regulated the return of agricultural land and forests without any limitations as to the size of such land.[83] As explained *infra*, the Slovenian legislature adopted in 1995 an Act on Temporary, Partial Suspension of Property Restitution[84] that set out a three-year suspension of the return of agricultural land and forest, *inter alia*, when the return of more than 200 ha of agricultural land and forests was required for the sole beneficiary.[85] This provision aimed to limit the return of the estates to the Church and other large estate owners, save the agrarian communities. The process for the adoption of the act began with the proposal of the Act on the Temporary, Partial Suspension of Property Restitution to Churches and Other Religious Communities or Orders, which proposed suspending the provision of the ZDen that gave the religious communities the right to denationalisation, until the adoption of the Act on Religious Communities. It was claimed that there was a particular general interest in preserving natural wealth as a public good. The denationalisation process of forests was expected to alter the ownership structure of forests significantly, as after the denationalisation, Slovenia would have only 20% of public forests, placing it at the bottom of the list of European countries. In 1996, the Constitutional Court repealed the 200 ha maximum set out in the Act on Temporary, Partial Suspension of Property Restitution. In 1997, however, draft amendments to the ZDen anticipated the introduction of the denationalisation of land maximum to prohibit the return of agricultural land and forests to their former owners above 100 ha of comparable agricultural land. When deciding on the constitutionality of the referendum questions drafted for the pre-legislative referendum regarding the proposed ZDen amendments, the CC found the maximum unconstitutional.[86] The CC analysis showed that there was no reason to anticipate that without the maximum, there would not be enough land to distribute among denationalisation beneficiaries and that no compelling public need for agricultural land and forests that had been nationalised to remain in state ownership was demonstrated. By referring to its previous decision, the CC

83 | See CC Decision U-I-140/94.
84 | OG RS, 74/95.
85 | See CC Decision U-I-107/96.
86 | CC Decision U-I-121/97.

reiterated that the general interest in preserving forests as a national economy could not be implemented at the expense of denationalisation beneficiaries but could be achieved through other measures and methods.

A new article inserted into the ZDen in September 1998 excluded feudal-origin property from denationalisation, except where the beneficiaries of denationalisation were churches and other religious communities. The ZDen defined feudal-origin property as property granted by a monarch if such property was subsequently not the subject of a legal transaction against consideration.[87] The CC explained in 1997, when assessing the constitutionality of the questions drafted for the pre-legislative referendum on the ZDen amendments, that the initial text of the ZDen of 1991, which did not touch upon denationalisation of feudal-origin estates, had been drafted before the new legal order of the Republic of Slovenia was established, and that the return of feudal-origin property, by its nature, would not be compatible with the concept of a republic and the concept of a democratic state. In the opinion of the CC, the non-recognition of the status of denationalisation beneficiaries to previous owners of feudal estates was indispensable in a democratic society, and was also proportionate to the value of the legislative objective.[88] The proposed text of the ZDen amendments did not exclude religious communities' property from the prohibition of the return of feudal-origin property. Still, by referring to its previous decisions, the CC held that considering their role as public benefit institutions and their position in the Slovenian legal system, it would not be constitutionally permissible to equate their property with feudal estates.[89]

4.3. Forms of denationalisation

4.3.1. The basic general rules on forms of denationalisation

As the guiding principle of denationalisation, the Slovenian legislature chose restitution in kind for all types of property. This restitution in kind went further than in many other countries. Accordingly, the ZDen defined denationalisation as a return of the nationalised property in kind or, if the latter was not possible, as payment of compensation. The forms of restituting the property were regulated in detail in Chapter III of the ZDen. The general rules of property law and tort law applied to matters of denationalisation only if they were not contrary to the rules of the ZDen. Denationalisation was subject to particular regulations and principles that took into account the unique circumstances, the needs of the society, and the temporal distance of denationalisation from nationalisation.[90]

87 | See CC Decision U-I-121/97, where the CC held that notions such as "feudal-origin property" have to be explained by the legislator if applied in the ZDen or other legislation.
88 | CC Decision U-I-121/97.
89 | See CC Decisions U-I-107/96 and U-I-121/97.
90 | Breznik, Prijatelj & Sedonja 1992, 16.

The primary form of denationalisation was the return of the particular property that was nationalised. Depending on the type of property, its condition, purpose and function, as well as third parties' rights, the nationalised property was returned:

a) by returning it into ownership and possession of the beneficiary or
b) by restituting ownership rights on it to the beneficiary but leaving it (temporarily) in the obligor's possession or
c) by giving the beneficiary ownership shares.[91]

The difference between the three modalities of denationalisation was whether the possession of the item in question was also returned besides ownership rights. Whatever the form of denationalisation in kind, the beneficiary acquired ownership directly on the basis of the administrative decision and with an *ex-nunc* effect (from the moment the decision was final).[92] The ZDen laid down special rules on the return of immovable property, and further special rules on the return of farmland and forests are analysed in the next subchapters.

If it was impossible to return the property in its entirety, it could be returned partially, and compensation was paid for the difference in value. Property could not be returned if (other) natural or legal persons had become its rightful owners.[93] The only exception to this rule applied in cases where the property was nationalised based on speculative or fictitious legal transactions. Property of legal entities in mixed ownership, i.e. in different types of ownership (private ownership, social ownership, cooperative ownership, ownership by foreign persons),[94] could only be returned in the form of ownership shares in the legal entity up to the extent of the share of social property.

The denationalisation did not re-establish the property's condition at the moment of the nationalisation (the property value could have increased or decreased since then) or the condition it would have been in if the nationalisation had not occurred. Instead, compensation for the decrease in value was provided.

Compensation claims for the inability to use or manage assets due to nationalisation and up to the entry into force of the ZDen were expressly excluded. The Supreme Court and the Constitutional Court interpreted this provision as entitling the beneficiaries to compensation for the time between the entry into force of the ZDen and the issuing of the final denationalisation decision.[95] Another important decision for the beneficiaries was the Supreme Court's opinion in principle that default interest on compensation began to accrue when the beneficiary first filed an out-of-court request for compensation with the obligor rather than from the

91 | Cf. Breznik, Prijatelj & Sedonja 1992, 15.
92 | Breznik, Prijatelj & Sedonja 1992, 66–67.
93 | See case law analysis in Polič I 1998, 199-204.
94 | Such a regime was available under the novel company law legislation of the 1990s.
95 | Cf. Breznik, Prijatelj & Sedonja 1992, 203.

date of issuing the final compensation judgment. This triggered a tsunami of compensation claims, and the favourable interest rates reduced the beneficiaries' motivation to have their compensation paid out quickly.[96]

If the nationalised property could not be returned, the beneficiary was entitled to compensation in one of the following forms: (i) substitute property, (ii) securities (stocks in ownership of the Republic of Slovenia, bonds and certificates of the Farmland and Forests Fund), or (iii) a monetary sum. The latter was paid only in exceptional cases and was available only to a limited group of persons in poor financial conditions.

4.3.2. General rules on the return of immovable property

According to the ZDen, all types of immovables were returned in kind except in the following cases:

1. if it was used for the activities of state bodies or activities in healthcare, education, culture, or other public services, and if returning it would significantly impair the possibility of performing these activities
2. if it formed an integral part of the network, buildings, devices, or other assets of public companies in the fields of energy, public utilities, transportation, and communications
3. if it was *res extra commercium*[97]
4. if the spatial complexity or the utilisation of the immovables would be significantly impaired
5. in other cases specified by the ZDen.

Additionally, the ZDen stated that immovables, save forests, could not be returned to the beneficiary's possession and ownership if this would significantly impair the economic or technological functionality of the real estate complexes they were a part of. It was considered that the functionality of the complex was impaired considerably if the return of the immovable would cause disruptions or obstacles that would result in bankruptcy or liquidation of the entity managing the complex, in abandoning a significant part of its production or service, in dismissing a considerable number of employees, or in a substantial loss of revenue. There was no obstacle to the return of the immovable if the beneficiary demonstrated that they would provide investments or other necessary conditions for a more rational and economically successful use of the immovable.

Where the immovable could not be returned into the beneficiary's possession, ownership in favour of the beneficiary was established on the immovable,

96 | Pihlar 2016.

97 | The original text of this provision also excluded real estate of feudal origin from restitution in kind, but the Constitutional Court annulled this in November 1998.

whereas the obligor could use it for a period necessary to adjust its operations to the changed circumstances. This period could not exceed five years from the final decision on denationalisation or a maximum of seven years from the date of the enactment of the ZDen. The parties entered into a lease agreement for this purpose. If no agreement could be reached, the lease arose *ex-lege*, and any disputed issues were decided by a court in non-contentious proceedings upon the request of either party.

The return of an immovable under the rules of the ZDen did not affect lease, rental, and similar relationships established by a legal transaction for consideration. However, such relationships could continue for a maximum of ten additional years from the date of finality of the decision on denationalisation, unless the beneficiary and the lessee agreed otherwise. They could not be terminated prematurely only as long as the leased property was the principal source of livelihood for the lessee or their family. In such cases, the beneficiary could refuse the return of the property and was entitled to compensation.[98]

An immovable, the value of which had not significantly increased after the nationalisation, had to be returned without offsetting the difference in value. If the immovable's value increased by more than 30% due to new investments, the beneficiary could choose that the immovable was not returned to them, or that they obtained an ownership share in it corresponding to the initial value of the immovable, or that it was returned to them upon paying compensation for the difference in value. The deadline for paying compensation (not less than ten years) and other payment conditions had to be determined by the decision on denationalisation. Regardless of these rules, the obligor or the lessee who invested in the immovable could request from the beneficiary the difference in value if it exceeded one-half of the GDP per capita of the Republic of Slovenia in the year preceding the filing of the denationalisation request. Natural person obligors could request full reimbursement of their investments that increased the value of the immovable.[99] If the parties did not agree on the compensation, the beneficiary could request the return of the immovable before determining the increased value. In such a case, the authority conducting the denationalisation proceedings decided on the amount of compensation to be paid for the difference in value in a supplementary decision.

If the value of the immovable decreased by more than 30% after the nationalisation, the beneficiary was entitled to additional compensation for the decrease. The beneficiary could instead opt for total compensation rather than the return of the property. Due to the diminished value of the returned immovable, the beneficiary could request the difference in value from the obligor if it exceeded one-half of the first published GDP per capita of the Republic of Slovenia in the year before the filing of the denationalisation request. In the absence of the parties'

98 | For details on the relevant case law, see Polič I, 119-136.
99 | See case law analysis in Polič I 1998, 196-198; Polič II 1998, 35-36.

agreement, the authority performing the denationalisation proceedings decided on the compensation in a supplementary decision.

4.3.3. Special rules on the return of agricultural land and forests

The Farmland and Forest Fund of the Republic of Slovenia[100] was responsible for returning nationalised agricultural land, forests, and the substitute land. In doing so, it had to adhere to the provisions of the Agricultural Land Act[101] and the Forests Act[102] on the purchase priority rights that applied in the sale of agricultural land or forests.

Agricultural land was returned to ownership and possession if this did not impair the functionality of agricultural land complexes or complexes of permanent plantations, or if it did not lead to such fragmentation of parcels that would render economic cultivation impossible. If the ownership and possession of the land could not be returned, a co-ownership right was established in favour of the beneficiary whose land lay within the area of the socially owned agricultural land complex. The obligor still had the right to use the immovable for its activities for a period necessary to adjust its operations to the changed circumstances.[103] The same applied if new or restored permanent plantations were established on the agricultural land: the obligor could use such land until the end of its productivity, but not for more than ten years unless otherwise agreed between the obligor and the beneficiary.

If the beneficiary did not request the return of agricultural land in kind, they were issued a certificate (*priznanica*) by the Farmland and Forest Fund. The certificate was a negotiable instrument issued in the beneficiary's name and for a specified value, up to which the issuer undertook to sell agricultural land or forests or pay compensation. With the certificate subject to legal transactions, the beneficiary or the certificate's owner could purchase agricultural land or forests from the Farmland and Forest Fund or other owners. The beneficiary could also exchange the certificate for bonds issued by the Slovenian Compensation Fund.

The general rule was that immovables were returned free of mortgages that arose between the nationalisation and the day of the entry into force of the ZDen. The Republic of Slovenia guaranteed claims secured by these mortgages. Easements on immovables erased by nationalisation were reinstated.

The reports on the implementation of the ZDen show that the majority of agricultural land and forests were returned in kind into ownership and possession, while only smaller amounts were returned in other forms of compensation..[104]

100 | https://www.s-kzg.gov.si/en/ [18. 3. 2024].
101 | OG RS, No. 59/96, with further amendments.
102 | OG RS, No. 30/93, with further amendments.
103 | See case law in Polič I 1998, 193-195.
104 | The latest publicly available report on the implementation of the ZDen is the 16th Report adopted by the Government of Slovenia in November 2001 that shows, for example, that on 30 June 2001 the

4.3.4. Compensation for the nationalised immovable

Monetary compensation was available only exceptionally if the beneficiary was a person of lower financial means. As a general rule, if restitution in kind was not possible the beneficiary was entitled to compensation in the form of shares in the respective legal entity or, upon request, in bonds issued for this purpose. The beneficiary and the obligor could agree that the obligor would instead give the beneficiary a substitute immovable. The right to compensation was also available to beneficiaries who had regained their nationalised property based on a legal transaction for consideration.

The value of the nationalised property was determined based on the condition of the property at the time of nationalisation and by considering its current value. The value of agricultural land and forests was determined based on cadastral culture, cadastral class, and cadastral district. If the property's current value could not be determined, it was assessed using a prescribed methodology.[105]

The bonds issued to pay compensation were denominated in German marks and payable in equal semi-annual instalments over 20 years. The interest rate was set to six per cent. The bonds were issued in the name of the bearer and payable in the currency of the Republic of Slovenia. The bondholder could use it to purchase shares of funds managed by the Republic of Slovenia or shares held by these funds. They could also be used as a means of payment for purchasing real estate and other capital in the privatisation process. The funds to cover the obligations from the issued bonds were gathered in the Slovenian Compensation Fund[106] from the Development Fund of the Republic of Slovenia, from the sale of social housing and apartments, from the Farmland and Forests Fund and from other sources. If the beneficiary was a person of lower financial means, the state could ensure their social security by redeeming the bonds at their nominal value.

If the denationalisation beneficiary met the criteria for social welfare as a person of lesser financial means, compensation was paid in cash - up to the amount of 24 average monthly net personal incomes per employee in the Republic of Slovenia in the last three months prior to the issuance of the decision. Compensation in such cases was paid in a lump sum or monthly instalments.[107]

If the immovable property was returned to the denationalisation beneficiary from the funds of the obligor who had acquired it for consideration, the obligor was

return of agricultural land and forests was in the form of: ownership and posession (agricultural land: 55.21%, forests: 84.47%), ownership without the return of posession (agricultural land: 6.97%, forests: 2.03%), ownership shares (agricultural land: 8.82%, forests: 4.51%), substitute immovable (agricultural land: 0.09%, forests: 0%), shares and bonds of the Republic of Slovenia (agricultural land: 15.31%, forests: 0.73%), cash (agricultural land: 0.07%, forests: 0%), certificate of the the Farmland and Forest Fund (agricultural land: 0.04%, forests: 0%).

105 | See Polič I 1998, 186-188.

106 | Today, the fund is part of the Slovenian Sovereign Holding.

107 | See Breznik, Prijatelj & Sedonja 1992, 139-140.

entitled to compensation under the rules on expropriation and forced transfer of property into social ownership. The Slovenian Compensation Fund paid the compensation in bonds.

4.4. Transfer of socially owned agricultural land and forests to state ownership

At the start of denationalisation, most agricultural land and forests nationalised or confiscated since 1945 were held in social ownership. In many cases, non-state organisations, particularly agricultural cooperatives and socially owned enterprises held the right to use specific farmland or forests. Special rules were in place regarding how these organisations managed this land.[108] To facilitate the restitution of this property to its original owners, all the rights were first centralised in public authorities' hands as a first step in the denationalisation process. Under the Cooperatives Act[109] of 1992, socially owned agricultural land and forests managed by cooperatives became the property of the Republic of Slovenia. Similarly, under the Ownership Transformation of Enterprises Act,[110] socially owned enterprises had to exclude any agricultural land and forests from their assets, which then became the property of the Republic of Slovenia or the respective municipality. Any remaining socially owned agricultural land and forests were transferred to state or municipal ownership based on the National Farmland and Forest Fund Act of 1993.[111] The state and the municipalities were liable to return the agricultural land and forests to their original owners under the denationalisation procedure rules if proper restitution claims were filed. This transfer to state ownership turned out to be extremely important as it, *inter alia*, prevented the property from being part of the bankruptcy estate of the former entities that had the right of use on it.

From the entry into force of the ZDen and up to 30 days after the expiration of the deadline for filing a denationalisation request, no disposition of real property subject to the obligation of restitution under the provisions of ZDen was permissible. According to the ZDen, legal transactions and unilateral declarations of will that contravened this were void. Additionally, the ZDen enabled the first-instance bodies assessing the denationalisation requests to issue a decision temporarily

108 | The Decree on the Management of Forests in Social Ownership Subject to the Obligation of Restitution According to the Denationalisation Act until the Denationalisation Process is Completed, OG RS, 33/91 and 3/92, for example, required that until the transfer of forests to the ownership and possession of beneficiaries under the ZDen, all necessary cultivation and protective work in these forests is carried out and that logging is only carried out in forests for which a denationalisation claim has been filed if the beneficiary agrees to it. The organisations and companies had to keep a special record of logging, harvesting, and transporting forest wood assortments in cubic meters per plot, and the costs of logging, harvesting, transportation, and other forest preservation, protection, and development activities.
109 | OG RS, 13/1992.
110 | OG RS, 55/1992.
111 | OG RS, 10/1993.

prohibiting the disposition of real estate to secure denationalisation claims or other relevant reasons. It could order the transfer of real estate into temporary use by the beneficiary if the factual and legal basis of their claim for the return of the real estate were likely to be established. Since agricultural land and forests were relatively soon transferred into the state or municipality ownership, these moratorium rules were not particularly important for these types of property.

4.5. Denationalisation obligors

The person required to return the nationalised property was the legal person in whose assets the property to be returned to the beneficiaries was located. Since agricultural land and forests were beforehand transferred into the ownership of the state or a municipality, these (and no longer the legal persons) were denationalisation obligors in the case of denationalisation of agricultural land and forests. The person required to ensure the compensation in shares held by the Republic of Slovenia, as well as the compensation in bonds, was the Slovenian Compensation Fund. The payment of monetary compensation was the obligation of the Republic of Slovenia.

4.6. Denationalisation procedures

4.6.1. Jurisdiction

Administrative units throughout Slovenia assessed the requests for the denationalisation of agricultural land and forests at the first instance.[112] The heads of administrative units established five-member commissions, which had to include a graduate lawyer, an expert in the relevant field, and an expert in geodetic services. The ministry responsible for agriculture, forestry, and food decided on appeals against decisions on the denationalisation of agricultural land, forests, and agricultural estates. However, a district court decided in non-contentious proceedings on requests for denationalisation by beneficiaries whose possessions or property were transferred into state ownership based on a legal transaction concluded due to a threat, coercion, or deceit by a state authority.

The denationalisation decision of the first-instance authority had to be issued and served to the beneficiary no later than one year after filing an adequately

112 | Before the 1998 ZDen amendments, municipal bodies responsible for agriculture had jurisdiction and were assisted by five-member expert commissions established by the executive municipal councils. Before and after 1998, several ministries also had first-instance jurisdiction in denationalisation cases, but these were typically not cases covering agricultural land and forests.

drafted request.[113] Due to numerous ambiguities in the legislation, the requests often had to be supplemented, which prolonged the procedures. The one-year deadline also proved unrealistic due to the necessity of involving experts and resolving many preliminary issues. Thus, the deadline was continuously extended, and the competent authorities made many intervention attempts to tackle the vast backlogs of denationalisation cases. Some authors have argued that deciding on denationalisation cases has been too difficult for the administrative units, and that the courts would have tackled the task better.[114]

As of 31 December 2023, there were still 1091 denationalisation requests being assessed by the administrative units and ministries deciding as first instance bodies, representing 1.7% of all denationalisation requests filed in Slovenia. 20 out of 46 cases still pending before the administrative units (i.e. 43.47%) dealt with the return of agricultural land, forests, and agricultural holdings.

Administrative and judicial decisions on denationalisation were implemented by:

1. regular courts, if it involved the return of real estate or the establishment of property rights on other real estate, by registering this in the land register[115]
2. the Development Fund, if it involved the establishment of ownership shares in a company or compensation in shares[116]
3. the Slovenian Compensation Fund, if it involved compensation in bonds
4. the Ministry of Finance, if it involved monetary compensation.
5. Vrh obrazca

4.6.2. Denationalisation request

The denationalisation proceeding started upon the filing of a denationalisation request. The right to file the request was given to the beneficiary or their legal successor. If beneficiaries to denationalisation were deceased or declared dead, their legal successors were entitled to assert rights under the ZDen. Legal succession was, in principle, assessed under Slovenian law. However, a legal succession of churches and other religious organisations was assessed according to their autonomous law. Further, if legal successors were already determined by foreign law, foreign law applied except for succession of real estate ownership, where Slovenian law applied in any case. The denationalisation obligor could also request

113 | In cases where the first-instance authority issued a decision through an expedited procedure, it had to be issued and served to the beneficiary within sixty days of the filing of a properly drafted request. If the authority had to obtain the documents required for its assessment, the authority was not bound by the one-year deadline.
114 | Pihlar 2016.
115 | Breznik, Prijatelj & Sedonja 1992, 161.
116 | During the period pending denationalisation when the companies were privatised, this fund was also the administrator of the denationalisation reservation fund. See Breznik, Prijatelj & Sedonja 1992, 162.

denationalisation proceedings, provided they demonstrated a legal interest. If the competent authority determined that a legal interest existed, it initiated the proceedings, in which case the proceedings were considered initiated *ex offo*.

The denationalisation request had to be filed no later than 24 months after the entry into force of the ZDen, i.e. by 7 December 1993. At first, the ZDen set out an 18-month deadline, but the amendments of 1993[117] prolonged it to 24 months. A request filed promptly by one of the beneficiaries benefitted all beneficiaries eligible to assert the rights covered by the specific request. As denationalisation decisions were issued to the owner of the nationalised property at the time of the nationalisation, and denationalisation proceedings were not burdened by succession determination, challenges with handling multiple claimants and taking succession decisions were omitted in denationalisation proceedings.

The denationalisation request had to contain all necessary information for determining the request's eligibility and the form in which denationalisation was to take place. It had to be accompanied by all relevant documents required to identify the beneficiary and the nationalised property. If the person filing the request did not have a permanent residence in the territory of the Republic of Slovenia, they had to appoint a person to represent their interests before the competent authority.

The highest number of denationalisation requests was filed at the Ljubljana administrative unit, totalling 10,923, representing 27.75% of all denationalisation requests filed in Slovenia.

4.6.3. Parties to denationalisation proceedings

Parties to denationalisation proceedings were the beneficiary, their legal successor,[118] and the obligor or any other legal or natural person who had the right to participate in the proceedings to protect their rights or legal interests. Parties who did not have a permanent residence or a seat in the Republic of Slovenia had to appoint a representative with a residence or a seat in the Republic of Slovenia who represented them in the proceedings. If the claim concerned property owned by the Republic of Slovenia, the State Attorney of the Republic of Slovenia represented the interests of the obligor. The beneficiary and their legal successors were parties in determining citizenship as a preliminary question in the denationalisation proceedings. A party to denationalisation proceedings was also a legal or natural person who had invested in the nationalised real estate before the entry into force of the ZDen on 7 December 1991.

117 | OG RS, 31/93.
118 | Probable evidence sufficed for showing legal succession. See Polič I 1998, 294-295.

4.6.4. Settlement

During the first-instance proceedings, the beneficiaries and obligors could enter into a settlement regarding the property subject to denationalisation. The settlement could encompass all denationalised property or part thereof. The first-instance authority could inform the parties to the proceedings about the possibility of settlement and assist them in reaching it. The settlement had to be in line with the mandatory provisions of the ZDen. The settlement was concluded when the parties read and signed the settlement minutes. The first-instance authority included the settlement in the denationalisation decision.

4.6.5. Denationalisation decision

A special determination proceeding was carried out to establish all the facts and circumstances relevant to deciding on the request. Upon completion of the determination proceeding, the denationalisation commission drafted a report on the established factual and legal status of the case. The report was served to the parties, who could, within fifteen days of receiving it, propose amendments to the report or supplements to the determination proceeding. The parties' proposals did not bind the administrative unit.

Upon completion of the determination proceeding and after the expiry of the 15-day deadline for any reactions to the report, the administrative unit decided on the property to be returned, the beneficiaries to whom the property was to be returned, the form and scope of restitution, the denationalisation obligors, and the deadlines for performing the decision. In the denationalisation decision, the first-instance authority also issued an order to the competent authorities to implement the decision, as well as orders regarding any encumbrances and decided on the costs of the procedure. Parties in the denationalisation process under the ZDen were not required to pay any fees. Changes in the land register based on the denationalisation decision were carried out by the competent courts *ex-offo*.

Irrespective of who filed a denationalisation request, the denationalisation decision was issued to the beneficiary – the former owner of the nationalised property.[119] If this person had already died or was declared dead, the denationalised property was temporarily entrusted to a guardian for special cases. The beneficiary's legal successor could be appointed as such guardian.[120] The aim of issuing the decision in the name of the former owner, irrespective of whether they were still alive, was to guarantee that the decision was issued to the same person to whom the property in question had been nationalised and thus to avoid lengthy

119 | Only in exceptional cases covered by Art. 12 in connection with Art. 9 of the ZDen (explained supra) was the beneficiary not the person whose property was nationalised.
120 | For case law analysis, see Polič I 1998, 290-293.

proceedings on determining and contacting this person's heirs, and other issues that typically arise in succession proceedings. The latter are civil, non-contentious proceedings, whereas denationalisation proceedings are administrative proceedings unsuitable for addressing succession-related issues.

The beneficiary acquired ownership originally, i.e. upon the denationalisation decision's finality, not derivatively from the former owner. Ownership was acquired *ex nunc*, not *ex tunc*. Acquiring real estate, other property, or compensation under the ZDen was not subject to taxation.

4.6.6. Suspension of Property Restitution

In 1995, the Slovenian legislature adopted an Act on Temporary, Partial Suspension of Property Restitution[121] that set out a three-year suspension of the return of agricultural land and forests in the following cases:

- when the return of more than 200 ha of agricultural land and forests was required for sole beneficiary,
- when the beneficiary received or had the right to receive compensation for confiscated property from a foreign country and
- when the competent administrative authority determined beforehand that the beneficiary not registered as such in the citizenship records had Yugoslav citizenship at the time of nationalisation.

The moratorium was criticised as a political measure targeting the Catholic Church and wealthier persons with large estates by postponing the finalisation of the denationalisation. On the other hand, it was explained that the first-instance administrative bodies had detected many irregularities in determining citizenship as a prerequisite for denationalisation. This is why the legislature wished to address them and guarantee proper administration before allowing the assessment in the citizenship determination cases to proceed.[122]

The Roman Catholic Diocese of Maribor, the Cistercian Abbey of Stična, the Benedictine Priory of Maribor, and several individuals, initiated proceedings before the Constitutional Court, claiming the act was unconstitutional. In 1996, the Constitutional Court repealed the parts on the 200 ha maximum and the citizenship determination.[123]

121 | OG RS, 74/95.

122 | U-I-107/96. Being aware of inconsistencies and irregularities in the denationalisation procedures, one of the proposed ZDen amendments envisaged that all albeit already final denationalisation decisions could be reviewed, but the CCC deemed such a solution unconstitutional. See CC Decision U-I-127/97.

123 | The annulment was to take effect after six months. This timeframe was later amended; see CC Decision U-I-107/96.

4.7. Inheritance of the (de)nationalised property

If the denationalisation beneficiary died before the denationalisation was finished, and the initial inheritance proceedings did not cover the property to be denationalised, the inheritance of the denationalised property had to be decided in new inheritance proceedings. The deceased's denationalised property passed to their heirs on the date of the finality of the decision on denationalisation, not on the day the person died, as is the general rule of Slovenian inheritance law. The decision to denationalise put the denationalised property under guardianship until its heirs were determined in inheritance proceedings.

Inheritance statements made prior to the issuance of the denationalisation decision had no legal effects on the denationalised property unless they were given before the property had been nationalised or in the denationalisation proceedings themselves. Further, inheritance agreements concluded before the issuance of the denationalisation decision had no legal effects regarding the property belonging to the denationalisation beneficiary unless explicitly stated otherwise in the agreement.[124] Testamentary dispositions made before the issuance of the denationalisation decision had legal effects regarding the denationalised property only if the testator explicitly listed the nationalised property in their will.[125] If that was not the case, the ZDen stated that testamentary dispositions had legal effects only if the lawful heirs (if any) consented to such effects.[126] Such a rule was criticised in legal theory as too strict, as it did not enable the determination of the testator's true will.[127] In the absence of inheritance statements, agreements, and testamentary dispositions, the court decided on the inheritance of the denationalised property based on the initial inheritance decision without performing new inheritance proceedings. Inheritance of the denationalised property was subject to inheritance tax.

4.8. Denationalisation records and statistics

The first-instance authorities were obliged to keep records of filed denationalisation requests, issued denationalisation decisions, and their execution. The responsible state administrative bodies kept an aggregate database. Data from the 85th monitoring of the conclusion of the denationalisation process[128] shows that on 31 December 2023, 38,624 out of 39,715 denationalisation requests were resolved.

124 | For further details, see Zupančič & Žnidaršič Skubic 2009, 329.
125 | According to prevailing case law, the testator was not required to refer to the property they disposed of as nationalised property as long as the testator listed and described it. See Zupančič & Žnidaršič Skubic 2009, 330.
126 | For a critique of such a provision, see Zupančič & Žnidaršič Skubic 2009, 332.
127 | Despite the critique, the Constitutional Court did not decide to repeal this provision in 1993 (U-I-96/92). See Zupančič & Žnidaršič Skubic 2009, 331-332.
128 | Ministrstvo za pravosodje (2023).

This represents 98.3% of all denationalisation requests. A total of 91 unresolved denationalisation cases remained, of which 62 were still pending before the first instance body (an administrative unit or a ministry), while 29 were pending an appeal against the administrative unit's decision with the ministry, or were under judicial review at the Administrative Court or the Supreme Court.

Across all administrative units (most of the first instance denationalisation bodies), 38,410 out of 38,472 (i.e. 99.8%) requests have been resolved. The total number of unresolved requests across administrative units was 62, of which 46 were still pending before the units, while 16 cases were under appeal at the ministry or under judicial review. 20 out of the 46 cases pending before the units (43.47%) covered the return of agricultural land, forests, and agricultural holdings.[129] The highest number of all denationalisation requests was filed with the Ljubljana administrative unit, totalling 10,923. The Maribor administrative unit had the highest number of unresolved cases (six cases, representing 13.04% of all unresolved cases).[130] At the ministries acting as first-instance administrative bodies, 29 out of 1243 cases still had to be solved (not covering the denationalisation of agricultural land and forests).[131]

Seven denationalisation cases remained unresolved at the second instance, three at the Ministry of Agriculture, Forestry, and Food (including the denationalisation of agricultural land or forests) and four at the Ministry of Natural Resources and Spatial Planning. The Ministry of Economy, Tourism, and Sport had no unresolved cases. Twenty-two cases were pending review before the Administrative Court or the Supreme Court.

According to the initial plan, first-instance denationalisation cases should have been finalised by 7 December 1994. The short time frame illustrates how the legislature underestimated the complexity of the matter, which later compelled it to extend the deadline several times. Thirty years afterwards, the process of denationalisation is still unfinished. In most cases, the parties resorted to legal remedies in administrative and judicial proceedings.

129 | 19 cases (41.3%) deal with the return of residential houses, apartments, commercial buildings, commercial premises and building plots, while 7 cases (15.21%) cover the return of private commercial enterprises.

130 | Thirty-two administrative units have resolved all their cases, and their denationalisation decisions are already final. Five units have resolved all cases at the first instance pending appeal or judicial review. The Tržič unit has four unresolved cases, the Ajdovščina, Jesenice, Kočevje, Kranj, Ljubljana, and Ptuj units each have three unresolved cases. In contrast, the Lendava, Radovljica, Sežana, Škofja Loka and Žalec units each have two unresolved cases. Eight units each have one unresolved case (Celje, Gornja Radgona, Hrastje, Kamnik, Koper, Novo Mesto, Piran, and Šmarje pri Jelšah).

131 | At the Ministry of Culture, 1010 out of 1034 (i.e. 97.7%) denationalisation requests have been resolved. 24 claims remain unresolved, of which 14 are pending before the ministry, while 10 cases are under review. 121 denationalisation claims were filed with the Ministry of Natural Resources and Spatial Planning, of which 116 (i.e. 95.9%) have been resolved and five unresolved (2 still pending at the ministry and 3 under review). At the Ministry of Finance, 88 denationalisation requests were filed and resolved.

Information on the beneficiaries in the denationalisation proceedings is relatively scarce. One of the largest beneficiaries of denationalisation was the Archdiocese of Ljubljana. In the Radovljica administrative unit alone, the archdiocese filed a single request to return approximately 21,000 ha of nationalised property (agricultural land, forests, buildings, and building plots), with around 15,000 ha located within the Triglav National Park. By 2016, they had reclaimed more than 16,000 ha of land, mainly within the Triglav National Park, while for a small amount of land that could not be returned in kind, they received compensation in the form of bonds.[132]

4.9. Specific rules on the re-establishment of agrarian communities and the return of their nationalised land

As explained *supra*, agrarian communities were abolished after the Second World War and their property was nationalised. The former agrarian communities had to be re-established to reinstate this property. Thus, in 1994, the Slovenian parliament adopted the Act on Re-Establishment of Agrarian Communities and Restitution of their Property and Rights.[133] Until the adoption of this special legislation, the ZDen applied, while not being a very appropriate legal basis for handling the return of property to former agrarian communities.

The return covered the following rights:

- ownership rights registered in the land register under the agrarian community and its members, indicating individual co-ownership shares of the members by name, house numbers, etc.
- ownership rights registered in the land register under the agrarian community without specifying individual ownership shares of the members; instead, joint ownership of the members was established and was regulated in the rules of the agrarian community
- right to pasture, gathering of bedding, brushwood, woodcutting, right to water livestock, and other similar easements.

The new act defined an agrarian community as a community of natural and legal persons based on a contract. Community members have common rights, duties, and obligations determined by law and by the rules of the agrarian community. The agrarian community is not a legal entity. It must have a bank account. The agrarian community could be re-established in the area where it existed before the

132 | Pihlar 2016. One of the most notorious cases of denationalisation in Slovenia concerned the return of Bled Island to the Archdiocese of Ljubljana. Eventually, the minister of culture and the Roman Catholic Church signed an agreement according to which the Church withdrew its request for the return of the island in kind, in exchange for ownership of the sacred objects and a 45-year lease of the entire island free of charge.

133 | OG RS, 5/1994, with further amendments.

post-war rules abolished it. Only one agrarian community could be re-established in the area of the former agrarian community.

The right to re-establish an agrarian community was granted to all former members or their legal successors if they were Slovenian citizens or Slovenian legal entities. By the rules of the agrarian community, other Slovenian citizens living in the area of the community and other domestic legal entities with headquarters in the area of the community could also become members. Under the proviso of reciprocity, foreign citizens who were members of the former agrarian community or their legal successors also had the right to membership and the right to re-establishment of agrarian communities. The agrarian community was re-established if, after a public call, at least three adult beneficiaries concluded an agreement on its re-establishment and adopted written rules, taking into account the former rights, duties, and responsibilities they had under the rules valid at the time of the dissolution of their community. The agreement on re-establishing the agrarian community, the community membership register, and the community rules had to be certified by a notary public. The new agrarian community was established when it was registered in the Register of Agrarian Communities, a public record of agrarian communities and their membership maintained by the competent authority for agriculture and forestry. Administrative authorities decided on the registration requests. Without a registration decision, it was impossible to register the property rights of the agrarian community and its members in the land register.

After the agrarian community was re-established, any member or joint representative of the members could request the return of property to members of agrarian communities. The request had to be submitted by 30 June 2001.[134] The return requests were decided in the administrative procedure by the competent authority for agriculture and forestry.

A member of the agrarian community could only assert the extent of property rights they or their legal predecessor had at the time of nationalisation. Property rights were returned to the natural person from whom they were taken or to their legal successors. If the previous holder of the property rights was already deceased or declared dead, the returned property rights were dealt with under the inheritance law rules on subsequently discovered property. In such a case, the property rights in kind were inherited only by the heir who was a member of the agrarian community, while other heirs could claim only their share in cash. If former members or their legal successors did not claim the return of property rights in full, the remaining portions of the former agrarian community's area became the property of the municipality where they were located, and the municipality became a member of the agrarian community. If, however, the beneficiaries did not claim the return of property rights, the property became the ownership of the municipality, which had to offer it for free use and management to the village or local

134 | The deadline was initially set at two years and gradually prolonged by amendments to the law.

community in the area where it was located. If an easement was the subject of the return, it could be returned only if, given the actual and legal state of affairs, such right could be re-established and the general conditions of property law regarding easements were met. When returning property rights to agrarian communities, any compensation already paid for nationalisation was to be considered.

According to official records, there are over 500 agrarian communities in Slovenia, with around half of them active. Agrarian communities own around 10% of all land in Slovenia. In some parts of Slovenia, they have a significant share of ownership of forests and pastures.[135] In 2012, the Association of Representatives of Agrarian Communities of Slovenia was established to address and solve efficiently the problems encountered by the communities.

4.10. The return of cooperatives' property

In 1992, the Slovenian legislature adopted the Cooperatives Act, which also regulated the privatisation of the cooperatives and the return of the cooperatives' property that had been nationalised or otherwise taken from them without compensation after the Second World War. The rules of the ZDen were applied to questions not covered by the Cooperatives Act. As in the denationalisation process, cooperatives were also involved as denationalisation obligors, not just beneficiaries; denationalisation triggered shifts in the cooperatives' property in both directions.[136] Agricultural and forestry cooperatives, which have the longest tradition in Slovenia, remain the most important cooperatives and are members of the Cooperative Association of Slovenia.[137]

5. Conclusion

The denationalisation process brought about significant economic and legal change in Slovenia. Due to the legislators' decision to favour restitution in kind, large swathes of agricultural land and forests changed hands. Returning real property to foreigners and the Catholic Church remained politically contentious, leading to attempts to suspend the process and change the rules. Nevertheless, the main principles of denationalisation remained unchanged, and the process of reinstating private ownership of agricultural land and forests was not stopped.

As a legal process, the denationalisation turned out to be highly challenging. Consequently, it dragged on beyond the initial expectations that it could be carried out in a few years. The large number of claims to be decided was a heavy burden for

135 | https://agrarne.si/agrarne-skupnosti/ [18. 3. 2024].
136 | Avsec 2018, 112.
137 | Avsec 2018, 114.

the administrative units. The procedure also raised many preliminary questions, such as the beneficiaries' citizenship, their loyalty during the war, the inheritance of confiscated property, the possibility of restitution in kind, etc. Agricultural communities had to be re-established before their property could be returned to them. The administrative units were not used to deciding on such complex issues. Decisions on appeals and other denationalisation-related issues also burdened the courts. For example, the correctness of past deprivations of citizenship and criminal convictions had to be reviewed. Several hundred decisions regarding denationalisation were issued by the Administrative Court, the high courts and the Supreme Court.[138] The Constitutional Court also played an essential role in ensuring a constitutionally consistent interpretation of the disputed provisions of the law. The denationalisation process was regularly observed by the Slovenian Human Rights Ombudsman, to whom different persons and associations affected by nationalisation and denationalisation regularly turned.[139] It was also an important subject of the negotiation process for the accession of Slovenia to the EU.

After over thirty years, the denationalisation process is almost complete, and most denationalisation requests have been decided on. Rather than being a simple legal process of undoing past decisions, the denationalisation involved a wide-reaching reckoning of the modern legal system with the problematic legal legacy of the socialist past. The outcome of the process has had lasting consequences for the future.

138 | Pihlar 2016.
139 | One of the most active associations within this field was the Association of Owners of Confiscated Property (1990 – 2018).

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