

D. THE ROLE OF CIVIL SOCIETY

D.1. Non-governmental Organizations

Anti-corruption initiatives and efforts launched by NGOs in Bulgaria continued to face an **essentially ambivalent attitude on the part of the state** in the course of the past year. More specifically, towards the end of its term, the previous government wavered between the aspiration to identify itself with the values of transparency and integrity, on the one hand, and the reluctance to publicly debate the presence of corruption at the higher ranks of the administration, on the other.

The divergence of interests between the civil society and the political elite was amplified by the **politicization of the debate on corruption in the context of the parliamentary elections in June and the presidential elections in November**. This circumstance inevitably limited the capacity of NGOs to reinforce their role in the fight for transparency and accountability. In the intense pre-election context attempts by political powers and figures to use civic organizations and initiatives to legitimize themselves through anti-corruption rhetoric, on the one hand, and to present the respective non-governmental sector as an element of their own party periphery, on the other hand, once again became evident. Notwithstanding the complicated situation, for the first time this period was marked by the initiation of a form of civic control over the financing of the presidential election campaign of one of the contenders (Petar Stoyanov and Nelly Koutzkova) as a result of the efforts of public-private partnership.

The attitude of the 38th National Assembly towards corruption was equally marked by ambivalence as the parliamentary committees, which were expected to combat it, could not incorporate the anti-corruption priorities in the agenda setting of the legislature. This adversely affected the anti-corruption cooperation between the government and non-governmental organizations. The inconsistent anti-corruption efforts and the lack of match between political rhetoric and action contributed to the alienation between government and the public and strengthened the need for a civic participation designed to serve as a corrective mechanism to inefficient use of power resources.

Negotiating public-private partnership mechanisms on a municipal level also proved problematic. Indeed, there was an even clearer differentiation of the attitudes among the local government representatives who had initially expressed readiness to participate in the *Coalition 2000* Local Government Transparency Program. Many pre-election commitments made in this respect proved conjuncturally motivated and failed to lead to the creation of permanent mechanisms of public-private partnership or tangible anti-corruption measures within the frames of local government.

The shape and the nature of **civic participation in fighting corruption** continued to be largely dependent on the activities of *Coalition 2000* and

its founding NGOs joined by representatives of state institutions and independent experts.

The **main spheres of activity** in this respect can be summarized up as follows:

- **Civic monitoring of corruption** continued, most notably through regular publication of the *Coalition 2000* Corruption Indexes. In spite of the absence of dramatic fluctuations in public attitudes and perceptions the Corruption Indexes are increasingly perceived as an important and actively used source of information on the spread of corruption.
- Within the framework of **the anti-corruption public awareness campaign** non-governmental organizations and their experts continued to take an active part in shaping proper public attitudes to help prevent corruption and reinforce the values of transparency and accountability.
- **Labor unions tend to express civic protest against corruption** on a more regular basis. Their strong influence on society, representative organizational structure and the impact of their anti-corruption activities on the public make them an important actor in fighting corruption. One should note the importance of the transparent rules of interaction between these unions and private business. On the one hand, the introduction of such rules would help limit corrupt practices in private business; on the other hand, if clear regulation is missing, then agreements, like the one recently signed by the „Vazrazhdane“ Club, big business and labor unions, can lead to alliances for pursuing particularistic business or political interests.
- The **consulting and expertise-sharing activity** of *Coalition 2000* on anti-corruption issues in cooperation with various state institutions and private companies grew in importance. Representatives of foreign state and non-governmental organizations increasingly consult with Coalition experts. Regional anti-corruption projects using Bulgarian experience are also under way. An example of this is the Southeast European Legal Development Initiative, which draws on the accomplishments of *Coalition 2000* in corruption monitoring and assessment and which includes non-governmental organizations from a number of states in the region. In other words, ***Coalition 2000* is increasingly perceived as a model of successful mobilization of the efforts in the public and private sectors to fight corruption.**
- There was a continued **cooperation between non-governmental and business organizations** in the process of working out joint mechanisms for assessment of the shadow economy and illegal trafficking, which have serious adverse effect on society as a whole and legitimate business in particular.
- Efforts to build a **consultative mechanism for assessment and measurement of the gray sector generated by illegal trafficking and related corrupt practices of public officials** continued in year 2001 involving *Coalition 2000* experts as well as representatives of state institutions (the Customs Agency, the Ministry of the Interior, the Ministry of Finance, etc.) and experts from private companies with a

vested interest in curbing the shadow economy and, more specifically, unfair competition of illegal imports of goods. Through comparative analysis and a specially developed methodology the dynamics of illegally imported goods is monitored and corruption related to such operations is measured.

- **Anti-corruption training courses**, introduced as an experimental lecture series within the curriculum of Sofia University and the New Bulgarian University, are gaining a permanent place in the curriculum. A number of other educational establishments have shown interest in this initiative.
- A number of **anti-corruption initiatives on a municipal level** within the Local Government Transparency project, in spite of some lack of consistency were launched. The introduction of the institution of local ombudsman or the civic observers in a number of municipalities had mixed results, largely due to the attitudes of local government representatives and the local divisions of central institutions. In this respect **the following conclusions** can be made:
 - Most ambitious was the joint initiative of the Sofia Municipality and the independent Center for Social Practices, a *Coalition 2000* partner, to introduce the institution of **local ombudsman**. The actual start of its activities, however, was delayed by court action. This came as further evidence of the vulnerability of such initiatives, for which there is no protection through proper legal regulations.
 - Significant progress was achieved in other local projects (for instance, in **Shoumen** and **Varna**) in the implementation of anti-corruption projects - in spite of the existing initial doubts the activity of the **civic observers** in identifying zones of non-transparency within the municipal administration assumed a more regular character and yielded tangible results. Attention was drawn to bureaucratic barriers impeding citizens from monitoring the follow-up on their complaints and reports as well as the lack of proper coordination between various branches of the local government. Such problems lead to unregulated interaction between citizens and officials and to increased risks of corruption. Specific recommendations aimed at greater accountability in the work of municipal administrations were formulated.
 - The attempt to introduce local mediators in **Pleven** proved unsuccessful. The newly elected mayor appeared committed to the goals of the anti-corruption strategy and Pleven was declared a corruption-free city, with the municipal administration supporting the introduction of a local ombudsman. Later, however, a proper mechanism for interaction between the municipality and the local structures of civil society was not established.

The institution of civic observer is novel to Bulgaria. Its activities and functions include exercise of civic control and providing independent expert assistance for further progress in the reform of local authorities and guaranteeing transparency and accountability in the work of local government institutions. Its advantage comes from the fact that it does not require additional regulation through legal or other instruments and can make the most of the existing *Law on local self-government and local*

administration and the mechanisms of transparency and accountability which are already in place.

Coalition 2000 Priorities for Local Anti-Corruption Initiatives:

- Providing assistance to intensify the work of municipal councils and make use of the existing legal framework for limiting the opportunities for corruption in the municipalities.
- Focusing efforts on exercise of effective control over municipal council decisions by permanent and *ad hoc* municipal committees.
- Exercising civic control over the activities of municipal council members, including through regulation of their removal from office in case of abuse of power.
- Improving the capacity for providing information services.
- Drafting proposals to eliminate existing ineffective mechanisms within the municipal administration, duplication of functions as well as blurring of the responsibilities of central, district, and local authorities.
- Supporting the adoption of legislative measures providing clear-cut legal and financial guarantees which ensure equal standing and independence of local governments in line with the requirements of the European Charter on Local Self-Government.

One notable aspect of the political change resulting from the parliamentary elections of June 17 was the **new government's commitment on prevention of corruption**. In this context the cooperation in a number of areas in the ongoing public-private partnership was intensified to produce specific outcomes:

- First steps were made towards **successful anti-corruption cooperation between the executive and non-governmental organizations**. *Coalition 2000* experts took part in drafting the *National Anti-Corruption Strategy*. It contains a section on anti-corruption cooperation among state institutions, non-governmental organizations, and the mass media. This document underscores the importance of „building up mechanisms and sound practices of partnership among state institutions, non-governmental organizations, and the private media in spheres such as public control over the activity of the administration; civil rights safeguards; self-regulation through the practical implementation of effective codes of conduct; initiating independent monitoring, and launching anti-corruption public awareness campaigns“. The importance of the activity of anti-corruption initiatives such as *Coalition 2000* and Transparency International is also noted. The improved communication between non-governmental organizations and key representatives of the executive in the sphere of counteracting corruption favors the creation of a sustainable consultation and cooperation mechanism on a number of governance-related issues of public concern. Nevertheless, at the present stage **public-private partnership in this area still tends to be sporadic** and largely depends on the good will of the respective ministers and their teams.

- The radically different composition of the new National Assembly and the establishment of a special Parliamentary Committee on the Issues of Civil Society are **preconditions for improved interaction between the third sector and the legislature**.
- The anti-corruption record of year 2001 is marked by an **increased activity of the Judiciary** on prevention and imposing sanctions for corrupt practices. In these circumstances **public-private partnership in reforming the Judiciary** is enjoying increasing support. An illustration of the existing opportunities in this respect is the *Judicial Reform Initiative*, in which eight non-governmental organizations have joined their efforts (see www.csd.bg/jri/).
- Within the framework of the third sector itself there is a growing **emphasis on the preventive function of civil society as contrasted to awareness-raising**, which was the initial focus of anti-corruption efforts. Thus, a number of projects of non-governmental organizations are establishing specific mechanisms of private-public partnership aimed at curbing specific corrupt practices in various sectors of social life.

It should also be noted that **non-governmental organizations themselves continue to be the target of corrupt practices**. Little progress has been made in introducing codes of ethics for the third sector, which substantiates public criticism on the activities of certain non-governmental organizations which thrive on political protection and privileges.

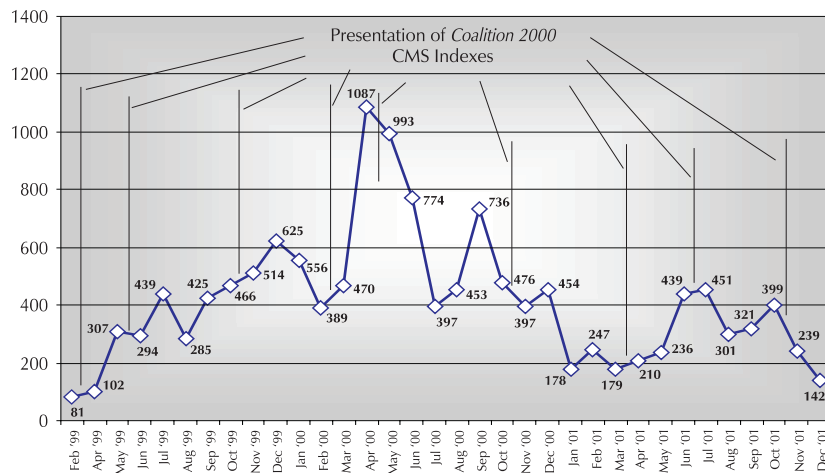
D.2. Role of the Media in Fighting Corruption

With the political changes resulting from the parliamentary elections, the **Bulgarian media face a new situation**:

- There has been a **rise in public interest in the exposure of political corruption among representatives of the former government**. In this new context the media have largely concentrated their efforts as intermediaries in disclosing classified information alleging high-ranking public officials' involvement in corrupt practices.
- The media have had a serious contribution to the **interpretation of the specific allegations of corruption of high-ranking government officials**. In this respect one has to admit that leading journalists successfully formulate deep-rooted public perceptions by publicly addressing concerns generated at the level of mass consciousness.
- At the same time **investigative reporting still faces serious financial, political and legal obstacles in pursuit of its mission**. The *Law on the Access to Public Information* should be further elaborated to allow greater transparency of state institutions and therefore facilitate the reporters' work.

The considerable rise in media interest in corruption-related issues has had the following features:

- The issue of **political corruption was at the center of the public interest**. Moreover, the publications dealing with this phenomenon revealed facts of familiar public figures in specific situations. Dozens of publications in the national press covered the investigations of former

MONTHLY NUMBER OF ARTICLES ON CORRUPTION IN THE PRESS*


Source: CMS - media monitoring.

*Media monitored: „24 Chasa“, „Trud“, „Sega“, „Standard“, „Pari“, „Novinar“, „Monitor“, „Demokratzia“, „Duma“, „Kapital“, „168 Chasa“ and „Banker“.

ministers and MPs who were charged with various forms of abuse of office. Interest in corruption-related issues is sustained by the new government's resolve to shed full light on the acts of the former ruling majority, including through the publication of a White Book on abuse of office in the government agencies and institutions.

- There have been new developments concerning media allegations of corruption among government officials from previous years. Preliminary investigations were initiated following several media reports of cases

which **raised public respect for journalists' contribution to anti-corruption efforts**. In the second half of 2001 an increased number of **publications/broadcasts targeted the „soft“ forms of corruption: trade in influence, conflict of interests and other forms of abuse of public office**. Clientelism has become a key term mentioned in these publications, especially in the period since June-July 2001. The frequency of its recurrence is about four times higher compared to the same period of the previous year. Kinship terms („cousins“) are also highly recurrent in the press with reference to the same phenomenon.

Specific schemes of legal, but unethical, use of office by the incumbents have been exposed:

- The practice of selling state-owned apartments to high-ranking government officials at prices much lower than market value, which has been going on since before the transition to democracy.
- The practice of including high-ranking government officials in numerous boards of enterprises in which the state has a share.
- Excessive lavishness and improper expense accounts for public officials.

As a result of the political change following the parliamentary elections of June 2001 **a new balance of power between the government and the media came to being**, having the following features:

- The media did not abide by the convention of a three-month period of tolerance and started criticizing specific corruption-ridden actions of representatives of the new ruling majority from the very beginning. Thus, **no honeymoon protection from critical publications and broadcasts** which used to be the case in each previous power shift in the course of the transition in Bulgaria.

- The **public debate**, which took place through the independent media, was ideologically neutral and largely perceived as an expression of civic rather than political interest.
- The fight of corruption is increasingly treated in the context of the debate on the **need for a new political and managerial as well as for administrative reform** aimed at overcoming the existing statist model.
- In this context a **more active role of the civic organizations specializing in the protection of journalistic freedom** became possible due to their resolve not to allow a reemergence of nepotism in the interaction between the government and the media. Once more prevention of political abuse of free speech and public interest took precedence.
- The above-mentioned considerations do not rule out, however, the risks of renewed restriction of the access to public information coupled with censorship in the state electronic media and taking over the levers of information control following the consolidation of the position of the new government. The perceived lack of willingness or capacity of representatives of the new majority to communicate with the media so far sustains public **concerns regarding a new possible status quo in the government/mass media relations, which may not be conducive to transparency and accountability.**

It should be noted in conclusion that the positive tendency toward intensifying the media pressure for greater transparency and integrity in the public sphere will most likely remain as a permanent feature of journalistic behavior in the coming years.