

D. THE ROLE OF CIVIL SOCIETY

D.1. Non-governmental Organizations

After initiating - together with the independent media - the public debate on corruption, a number of Bulgarian NGOs became permanently engaged in, and committed to, anti-corruption efforts. Furthermore, throughout the year, institutionalized forms of fighting corruption were extended with spontaneous initiatives and civic action, which mobilized the public energy of informal organizations and individual citizens. The increased public sensitivity to the misuse of public office and discretionary authority within the public sector is likewise the outcome of the growing corruption pressure in certain social sectors following the introduction of paid services as a standard procedure.

The civic sector in general, and NGOs in particular, are increasingly affirming their public role in the prevention of corruption, which is becoming a prime area of activity for them. Indicative of the results of the efforts of the civil society to limit corrupt practices is the broadening public support for the exercise of independent control over government, as well as for the overcoming of the outright negativist attitude towards civic initiatives for transparency on the part of the authorities. A tangible anti-corruption effect was achieved as a result of the improved interaction between non-governmental organizations, the media, and civil society as a whole, which also helps overcome the alienation between the various social spheres.

In the course of the year 2000 NGOs, together with the independent media and representatives of other social spheres, have reinforced their leading role in **a number of anti-corruption areas:**

- **Anti-corruption education** was initiated for the first time. The *Anti-Corruption* handbook published by *Coalition 2000*, intended for the secondary and higher-education system, and the specialized studies on various aspects of corruption, have generally had an awareness-raising effect on civil society.
- **Civic monitoring of corruption** and above all, the quarterly Corruption Indexes of *Vitosha Research*, have become an important and frequently consulted source of information about the actual levels, manifestations, and spread of corruption, as well as an indicator of the progress made in the efforts to curb it.
- Business associations and other professional organizations have been playing an increasingly active role through self-regulation and the introduction of **codes of ethics**, as well as by clearly stating the vested interest of business in the abolition of the bureaucratic obstacles and in transparent interaction with state institutions.
- There has emerged a lasting tendency for anti-corruption activity to spread from the center to the periphery through the involvement of non-governmental organizations in a number of towns and

municipalities. There have appeared the **rudiments of a national anti-corruption system** through the application of the partnering formula of *Coalition 2000* on a local level, which encourages cooperation between local authorities and civic structures.

- There has been a clear evolution towards greater professionalism on the part of the civic organizations committed to anti-corruption initiatives, as evidenced by the establishment of local **ombudsman institutions** (civic mediators), civic observers, as well as other forms of civic mediation (for instance in Shumen, Smolyan, Varna, Sofia, Koprivshtitsa, and other towns).
- NGOs have been more active in the **debate and expertise in the process of draft-law development** in areas of relevance to the prevention of corruption. One such example was the draft law on the parliamentary ombudsman and the local civic mediators prepared by the Center for the Study of Democracy.
- **Regional anti-corruption partnership** was launched between non-governmental organizations and institutions from the neighboring Balkan countries. Building on the experience of *Coalition 2000*, regional anti-corruption monitoring was conducted for the first time, comprising Albania, Bulgaria, and Macedonia.

It should be noted that despite its role as initiator and avant-garde in counteracting corruption, the NGO community is itself not immune to this phenomenon. In the past year **some non-governmental organizations came under anti-corruption criticism**. In connection with the problems arising within this sector, the issue of corruption acquired a broader interpretation. Other related phenomena, such as money-laundering, the symbiosis between the state and NGOs, the lack of transparency about donations, etc., also became subject to critical analysis. In turn, the public allegations against some NGOs brought up the critical issue of the insufficient differentiation between government and the party structures, between state institutions and NGOs. Another set of problems concerns the lack of modern legislation introducing standards of transparency in such presumably legitimate areas as partnership relations, lobbying, donations, and other activities, which in fact often verge on corrupt practices. The anti-corruption effect of the newly adopted Law on Not-for-Profit Legal Persons, to be enforced as of January 1st, 2001 is yet to be assessed.

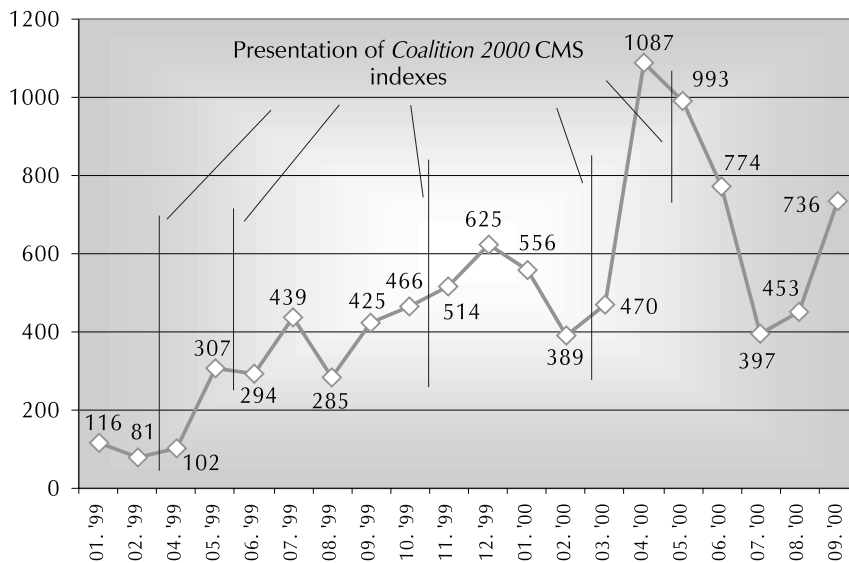
The very debate on corruption within the NGO community makes it possible to focus the efforts to achieve greater transparency within non-governmental organizations.

D.2. The Media

Even in the year 2000, the media - and more specifically, independent media - have played an extremely important role in mobilizing public opinion against corrupt practices. They should be credited for creating an adequate public discourse on this phenomenon.

There were certain periods of highly incisive and extensive journalistic criticism in connection with corruption scandals at the political level. Despite the apparent **intensification of anti-corruption reporting**, it tended to display certain ups and downs. The peak in this respect occurred in the period March-June. In this connection the government started

NUMBER OF CORRUPTION ARTICLES IN THE PRESS BY MONTHS *



Source: CMS - media monitoring.

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

speaking of a „defamation war“ in the media.

The year 2000 was marked by **improved quality of the coverage of corruption issues:**

- Public criticism focused on behind-the-scenes schemes of corruption and on **untypical forms of corruption** such as nepotism, trade in influence, misuse of public office, etc.;

- There was an increased **follow up coverage of developments to corruption disclosures** over a relatively long period of time;

- An altogether **new type of editorial positions** was demonstrated

by several national papers (among which, those with the largest circulation), which challenged the „right of adjournment“ of the authorities and demanded specific answers and facts under a number of corruption allegations against top officials; some media introduced into journalistic practice techniques characteristic of watchdog-type NGOs (hot lines, legal consultations for citizens exposed to corruption pressure, etc.);

- In a number of studies and publications corruption was set in a global context and was articulated as an **international and global problem;**
- Another positive development was the **expansion of public dialogue in the media** through inclusion of the point of view of civil society and individual citizens, through broad coverage and popularization of the experience of *Coalition 2000* and other civic initiatives and organizations;
- The anti-corruption concern and awareness of the **regional and local media** have increased substantially and they often treated corruption-related topics with professionalism, managing to provoke reactions on the part of the competent local authorities;
- It can generally be concluded that for the large part the media no longer tend to act as speakers of certain subgroups of the political establishment, but have managed to formulate more deep-seated public concerns and attitudes, to articulate issues of concern to the general public. In this sense there has been a **rise in the prevention potential of the mass media** in the framework of anti-corruption initiatives on a national level.

Along with these positive trends towards improved coverage and analysis of corruption-related phenomena, as well as the reinforcement of the civic function of the media, there were still instances of fragmented approach, shallow interpretations, sensationalism, and lack of professionalism.

Serious investigative journalism is impeded by imperfections in the existing legislation, as well as by the obsession with secrecy and the lack of transparency about the activities of most state and municipal institutions, inherited from the communist period. The hopes that the adoption of the Law on the Access to Public Information would improve relations between reporters and the authorities have so far failed to come true. This is partly due to the fact that the provisions are not exhaustive and leave much room for court interpretation. Furthermore, the introduction of excessive fines under the various offences has a deterring effect on many journalistic investigations. There is a continuing tendency to actively persecute and exert administrative pressure on public officials, who violate the collective institutional *omerta* on providing information to reporters. In this sense, even though Bulgaria adheres to the world practice of guaranteeing reporters' right not to reveal their sources, the action taken by the authorities has been aimed at disclosing and sanctioning these sources.

Attempts have continued to impose the political will of those in power in the process of elaborating the editorial policy of the state electronic media and the coverage of priority public issues on Bulgarian National Television (BNT) and Bulgarian National Radio (BNR). There have been indications of recourse to the practice of „telephone instructions“ from those in power, which was notorious in the past, and in fact constitutes a political shield against public criticism. In this sense, the claims of these media that they are representing all-national, rather than party-and-group interests are not convincing. Little progress has been made in their transformation into public institutions in the modern sense of the term. This to a large extent accounts for the lesser attention by state media towards corruption disclosures, and more specifically, those implicating persons and interests at the top of government.

A new issue raised by politicians in power and widely publicized in the past few months was the subject of corruption within the media. The problems of media ownership, the symbiosis between business and media, the relations between the authorities and the owners of various media, are the Achilles' heel of journalism with regard to reporters' objectivity and professionalism. All too often journalistic investigations with anti-corruption potential fail to receive adequate in-depth treatment and are not backed by sufficient facts under the influence of interests that remain anonymous to the public at large.

A positive result of the increased public concern over corruption in the media was the increased support for the introduction of clear-cut, and approved by all members of the professional community, rules of conduct and standards of exercising this critical activity in defense of the freedom of speech and in the public interest.