1. SPREAD OF CORRUPTION IN BULGARIA – CONTRADICTORY TRENDS IN 2008

Bulgaria has been a member of the European Union for two years. The past one year put to the test the ability of Bulgarian government institutions to meet the commitments taken on with regard to countering corruption. The progress made has been unsatisfactory. Corruption, along with organized crime and the ineffective functioning of the judicial system, is still an extremely serious problem of Bulgarian society. This applies not only to administrative, but also to political and institutional corruption involving the political elite, MPs, high-ranking government officials, and magistrates.

In this context, the findings of the *Corruption Monitoring System* (CMS)⁷ in 2008 not only measure the level of corruption, but also facilitate the clearer identification of the new challenges facing anti-corruption policies and actions.

Corruption Monitoring System

The Corruption Monitoring System (CMS) has been designed and developed by the Center for the Study of Democracy and Vitosha Research. CMS was the first of its kind in post-socialist countries to combine significant research resources and powerful anti-corruption potential. The purpose of CMS is to measure the level of corruption in this country, as well as to identify related public perceptions, opinions, and expectations. It has already been eleven years since CMS was first put to use in 1998 and one of its notable benefits is the accumulation of data on the structure and dynamics of corrupt practices in Bulgaria. CMS has gained acknowledgement from the UN as a best practice national system for monitoring corruption. It has several important advantages:

- Coherence with the UN victimization approach to measuring administrative corruption levels;
- Reliance on diverse sources of information and combining quantitative and qualitative methods for monitoring and assessment;

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A detailed outline of the CMS methodology is found in *Clean Future. Anti-Corruption Action Plan. Monitoring. Corruption Assessment Indexes,* Center for the Study of Democracy, Sofia, 1998

- Use of nationally and internationally established methods and indicators for assessment of the actual spread of corruption and its public perception;
- Dynamic comparability of the monitoring findings regarding the scope, areas, and forms of corruption;
- Comparability of the information on Bulgaria with that on other European countries.

The criteria for assessment of the progress made in countering corruption have increasingly been shifting from parallels with the past to international comparative analyses outlining the country's place and prospects as an EU member. That is the reason why the Report presents data from some international studies on different aspects of the spread of corruption, its proportions and dynamics. Thus, for instance, public perceptions of the level of corruption in this country are registered by the Corruption Perception Index of Transparency International. Yet, sweeping conclusions based on a single synthetic index that reflects largely subjective opinions can be misleading. By contrast, CMS also provides information about the spread of corruption practices (experience with corruption). Surveys based on different sources tend to have divergent findings about the scope and dynamics of corrupt practices. The careful analysis of these sometimes contradictory tendencies is crucial for correctly pinpointing the highrisk areas for the spread of corruption and for outlining adequate anti-corruption policies and measures. Conclusions in the Corruption Assessment Report are therefore based on a more detailed account of data obtained by CMS and other national studies, as well as by some international surveys that together help reveal the complex nature of the spread of corruption in Bulgaria.

The most notable positive developments regarding the levels and tendencies in the spread of corruption in this country can be summed up as follows:

First, corruption victimization in the business sector has been on the decline since 2004 (as measured by the incidence of corruption-related payments made by businesses). The level of corruption victimization (i.e. the objective, rather than subjective, assessment of the corruption situation) has dropped by half – the index reflecting this level fell from 1.18 in April 2004 to 0.4 in August 2008.

Second, the share of companies experiencing corruption pressure by public administration officials has been on the decline as well. The value of the aggregate index reflecting the rate of corruption pressure on businesses fell from 2.4 (April 2004) to 1.5 (August 2008).

⁸ The maximum value of this and all other indexes referred to below is 10 (highest rate of corruption victimization), while the minimum value is 0 (absence of corruption).

Third, according to entrepreneurs and managers, corruption in business has been decreasing. The value of the index reflecting their subjective assessment of the spread of corruption fell from 6.0 (April 2004) to 5.8 (August 2008).

Fourth, corruption is increasingly less likely to be perceived as an effective tool for addressing private problems by Bulgarian business managers. The index measuring these attitudes among entrepreneurs and managers displays a positive trend and has dropped from 5.6 in April 2004 to 3.3 in August 2008.

Set against the registered positive trends in the business sector, a number of **negative findings about the spread of administrative corruption among the population** stand out:

First, unlike the decline in corrupt practices in business, there persists the alarming tendency over the past four years towards an increase in corruption pressure on Bulgarian citizens. The index reflecting this level has doubled in August 2008 (1.7) compared to March 2004 when it was at its all-time low (0.8).

Second, the registered incidence of acts of corruption committed by Bulgarian citizens has equally been on the increase – the value of the respective index rose from 0.3 in March 2004 to 0.7 in August 2008.

Third, Bulgarian citizens' general assessment of the social environment in terms of corruption is that it has been deteriorating. The value of the index reflecting subjective perceptions of the spread of corruption grew from 6.3 (March 2004) to 6.9 (August 2008). Furthermore, corruption is increasingly perceived as an effective instrument for solving private problems – the respective index rose from 6.5 in March 2004 to 7.2 in August 2008.

Fourth, corruption definitely emerges as the single most serious problem facing this country – two-thirds of Bulgarian citizens (64.7%) are of this opinion. The share of those holding this view has more than doubled over the past four years (31% in March 2004).

Overall, the general conclusion is that the business sector is displaying visible and lasting positive changes in terms of reducing corruption. However, its level is rising in citizens' daily interaction with members of the public administration. Public attention is further centered on political corruption involving high-ranking government officials, politicians, and magistrates. This largely results from the public disclosure of several major corruption scandals, which has raised public sensitivity about manifestations of political corruption, bringing it to the fore as a key problem of Bulgarian society.

1.1. Levels and Dynamics of Corruption

The analysis of the spread of corruption in this country distinguishes between two important aspects: first, the level of 'actual corruption' and second, that of 'potential corruption'. Committed acts of corruption are designated as 'actual corruption' while the solicitation of corruption transactions⁹ is termed 'potential corruption'. The level of the latter essentially reflects the amount of corruption pressure exerted by those who solicit corruption.

Corruption Victimization of the Population and the Business Sector

The general levels of actual and potential corruption are measured through two synthetic corruption indexes:

- 1. **Involvement in corruption transactions.** This index is calculated based on the frequency of self-reported instances when citizens and businesses informally provided money, gifts, or favors in order to have a problem solved. It reflects the level of actual corruption in the country over a definite period of time.
- 2. **Corruption pressure.** It is constructed on the basis of the frequency of self-reported cases when citizens and businesspersons were asked for money, gifts, or favors in order to have a problem of theirs solved. It reflects the level of potential corruption in this country.

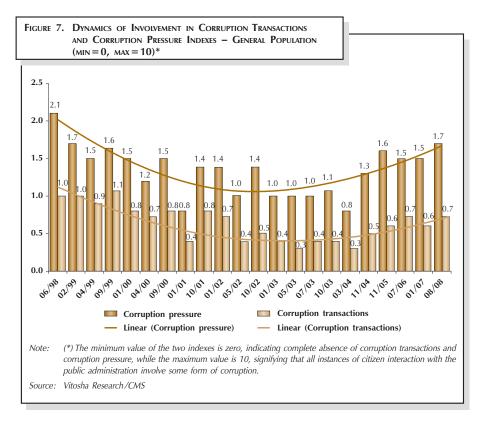
Source: Corruption Monitoring System

These two corruption indexes do not reflect subjective opinions, assessments, or perceptions but self-reported involvement in real acts of corruption. The corruption indexes reflect and measure the so-called administrative corruption occurring in the interaction of citizens and businesses with public sector employees and officials at the lower levels of the hierarchy. Information about political and institutional corruption is generally not obtained by representative surveys of the population and is obtained only to some degree by surveys of the business sector. Within CMS, the assessment of this type of corruption is based on qualitative methods and desk research.

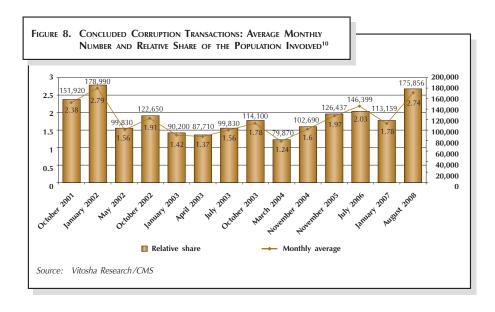
The 1998-2008 period displays an initial downward trend in actual and potential corruption among the Bulgarian population followed by another upsurge over the past four years.

After 2004 there appeared alarming indications of rising incidence of corruption transactions. In 2008 there was a slight increase in the values of the Involvement in Corruption Transactions and Corruption Pressure indexes concerning the general population.

The term 'corruption transaction' refers to all instances of informal provision of money, gifts or favors by citizens or businesspersons, regardless of the sphere in which this occurs – legislative, judiciary, or executive branches of power, public services, business, or the third sector.

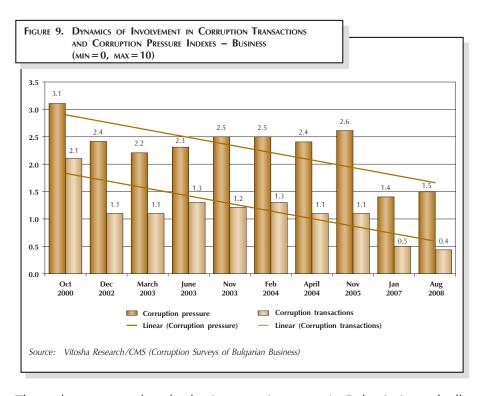


Whereas in 1998-1999 the average monthly number of self-reported cases of involvement in corruption transactions by adult Bulgarian citizens ranged between 180,000 to 200,000, in the period July 2003-March 2004 it was about 80,000 to 90,000. After 2004 the number of actually concluded corruption transactions reverted to the higher values characteristic of the earlier 2000-2001 period. In 2008, the average monthly number of corruption transactions in which Bulgarian citizens were involved increased, reaching approximately 175,000.



Note: Calculations of the number of corruption transactions are based on the March 2001 population census according to which the population aged 18 and over numbered 6,417,869 and 1% of the sample accordingly represents 64,180 persons.

The reverse tendency is observed as regards actual and potential corruption levels in business. The index of actual corruption in business dropped tangibly from 1.1 in November 2005 to 0.4 in August 2008, i.e. the level of corruption victimization fell almost threefold. Corruption pressure by public and administrative officials on businesses has also been on the decline. The value of the corruption pressure index dropped from 2.6 (November 2005) to 1.5 (August 2008). As the corruption pressure on companies decreases ever fewer businesspersons say it is an established practice in their sector to make extra informal payments in the process of conducting business affairs/transactions.



These data suggest that the business environment in Bulgaria is gradually improving and is beginning to operate in a more regular manner. The reasons for this may lie in the following recent developments:

- The reduced fiscal burden on businesses reduces covert business activity, the existence and proliferation of which generally involves the widespread use of corrupt practices;
- The change in the customs regime for foreign-trade operations involving EU member countries. Customs have long been regarded as a domain of pervasive corruption and limiting corrupt practices within this system has had a tangible effect on the general level of business corruption;
- Increased foreign investment and the establishment of major international corporations in the Bulgarian market in a number of sectors (banking and insurance, telecommunications, industrial production, retail, etc) that have accompanied Bulgaria's EU accession have led to the adoption by Bulgarian entrepreneurs

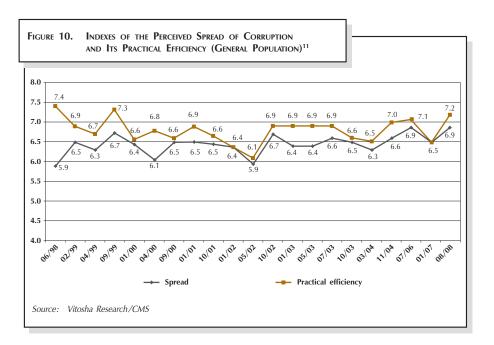
and managers of European good governance practices which help reduce the incidence of corruption in business;

• Efforts aimed at **internal self-regulation** in the various branches and sectors of the economy – the adoption of codes of ethics and business conduct rules aimed at limiting unfair competition – have gradually been driving out of the market discredited business entities using corrupt practices.

Further evidence of the normalization of the business environment is found in the ever greater consistency between data on people's subjective perceptions of the spread of corruption and data on the corrupt practices in which they are actually involved. Differences in corruption trends among the Bulgarian population and in the business sector are equally reflected in the divergent subjective assessments of the spread of corruption of citizens and business managers.

1.2. Subjective Assessments of the Spread of Corruption by Citizens and Business Representatives

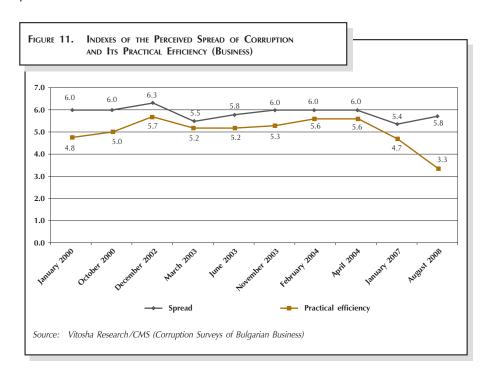
The perceived spread of corruption in Bulgarian society from the point of view of the general public and the business community tends to change in line with the registered corruption victimization tendencies in the country in 2008. The subjective opinion of the Bulgarian population in the past four years is that corruption has been increasing.



The proportion of citizens who perceive corrupt practices as an effective problem-solving tool has been increasing as well. Bulgarian businesspersons, on the other hand, tend to assess differently the spread

The Index of the Perceived Spread of Corruption registers citizens' subjective assessments of the spread of corruption. The Index of the Practical Efficiency of Corruption reflects citizens' subjective opinions about the extent to which corruption is becoming an effective means of solving private problems.

of corruption in the economy. Over the past four years, the proportion of business managers who consider corruption an effective means of solving private business problems has been decreasing tangibly. This is one of the factors contributing to the registered decline in corrupt practices in the business sector.



1.3. Values and Public Attitudes to Corruption

1.3.1. Acceptability of Corruption

The Corruption Monitoring System incorporates two sets of indicators concerning corruption-related values and attitudes:

- Level of tolerance of various forms of corruption;
- Citizens' inclination to resort to corrupt practices to solve arising problems.

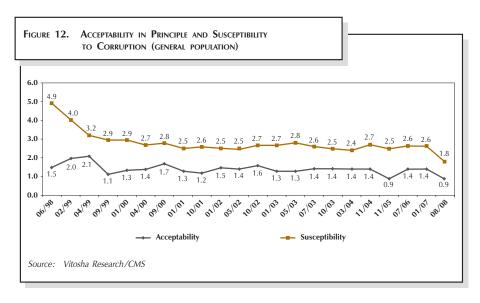
Corruption Indexes of Public Attitudes to Corruption

Acceptability in Principle of Corruption – measures the level of acceptability within the value system and tolerance of corruption occurring in different areas of the public sector.

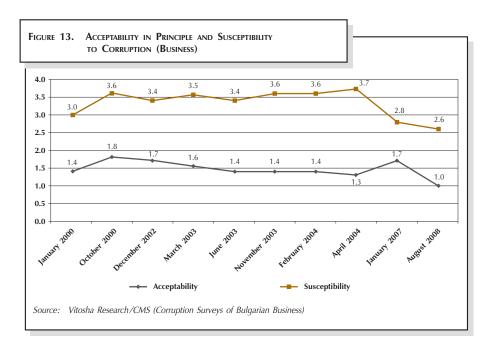
Susceptibility to Corruption – assesses the inclination of citizens and businesspersons to resort to corrupt practices in addressing private problems.

Source: Corruption Monitoring System

In the period covered by regular monitoring of these two corruption indexes, there has emerged a tendency towards growing moral rejection of corruption. Since 2001, the public's tolerance of corruption has remained essentially unchanged at a relatively low level. In 2008 there was a decrease both in Bulgarian citizens' tolerance of corruption and in their inclination to engage in corrupt practices. Citizens appear less likely to accept various forms of corruption as normal, which is a critical favorable precondition for the implementation of effective anticorruption policies.

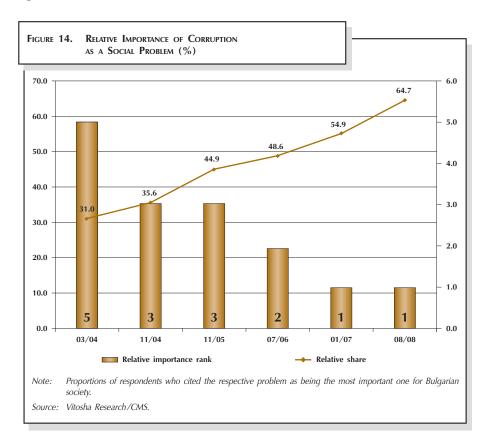


Equally on the decline are business managers' tolerance of corruption and their inclination to engage in corruption transactions. These indexes reached all-time low values for the entire duration of the monitoring. This fact provides further confirmation of the significant positive changes taking place in the business sector as regards curbing administrative corruption.



1.3.2. Social Significance of Corruption

The Bulgarian public still largely considers corruption to be a pervasive phenomenon at all levels of government and in all areas of public life. In the period since 1998 corruption has invariably been perceived as one of the most serious problems Bulgaria is facing. In the years between 2004 and 2008, as a result of the stable macroeconomic situation, high economic growth rates, and the government's active social policies, the severity of problems such as poverty and unemployment diminished. Yet the importance of corruption as a social problem grew ever more urgent and in 2008 it rose to the top of the country's pubic agenda.



The importance of corruption as a social problem is sometimes downplayed with the argument that subjective opinions are all too often at odds with the actual corruption situation. Yet the data gathered in the ten years of CMS implementation suggest that **public perceptions relatively closely match the actual achievements or failures of anti-corruption policies in the various sectors of society.** Thus, for instance, the improvements in terms of reducing unemployment and poverty in the country are in line with the perceived lower significance of these two negative phenomena. In 2008, the correlation between the actual dynamics of corrupt practices and their subjective perception found confirmation in the data on corruption-related attitudes and behaviors both of the population as a whole and of the business sector in particular.

1.4. Spread of Corruption in Bulgaria in the International Context

The monitoring and measurement of corruption not only have a national, but also an international dimension. It is thus equally important to examine the relative corruption level in Bulgaria in comparison with other countries, including members of the European Union. International comparative studies facilitate the improved identification of problem areas with regard to corruption in individual countries, as well as the existing anti-corruption best practices.

Although corruption tends to be defined in different terms and its forms are constantly evolving, considerable experience has been gained in recent years in the implementation of international comparative surveys on corruption.

International and National Corruption Surveys

The **International Crime Victim Surveys** (ICVS), which have been conducted since the late 1980s, make it possible to assess acts of crime, including corruption, on the basis of their objective parameters rather than subjective perceptions (such as the Transparency International Corruption Perceptions Index). The first National Crime Survey (NCS) using this methodology was conducted in Bulgaria in July 2002¹².

Based on the methodology of the international victimization surveys, the EU International Crime Survey¹³ was conducted in 2005 making possible the assessment of the position of Bulgaria in terms of the spread of various criminal, including corrupt, practices.

Since 1995 Transparency International has been publishing its annual **Corruption Perceptions Index** (CPI) providing an international framework for comparing the rate of corruption as subjectively perceived by businesspersons, experts, risk analysts, and citizens.

The **World Bank** has been conducting **enterprise surveys** that assess countries' economic climate and obstacles to business development. These surveys also collect data on the incidence and rate of corrupt practices and their impact on the business environment¹⁴. These surveys have served as a basis for three World Bank reports on corruption in the countries in transition¹⁵.

The survey was conducted by Vitosha Research on commission by Open Society Fund and UNICRI. In November 2004, December 2005, March-April 2007, and January-February 2008, the Center for the Study of Democracy and Vitosha Research conducted another four national crime surveys in the country.

¹³ In 2007 it was conducted in Bulgaria, as well, by the Center for the Study of Democracy and Vitosha Research.

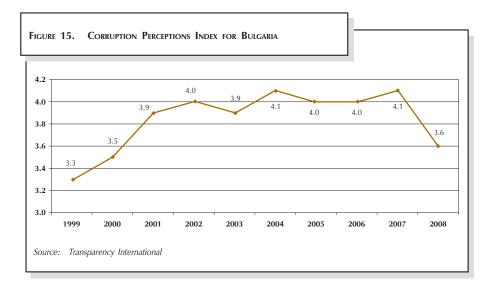
Bulgaria was included in the 2001 World Business Environment Survey (WBES), and in the three regional surveys of the countries in transition – Business Environment and Enterprise Performance Survey (BEEPS), in 1999, 2002 and 2005.

Anticorruption in Transition. A contribution to the Policy Debate, The World Bank, 2000; Anticorruption in Transition 2, The World Bank, 2003; Anticorruption in Transition 3. Who is Succeeding ... and Why", The World Bank, 2006.

In 2006, Bulgaria was included for the first time in the **ranking of the Institute for Management Development** (IMD), Lausanne, assessing the competitiveness of the economies of 61 countries. It incorporates a component measuring the rate of corruption¹⁶. These surveys are conducted on an annual basis, including in Bulgaria.

All of these international comparative surveys help answering the question "Where does Bulgaria stand in terms of the rate of corruption with respect to the other European countries?"

The annual Transparency International Corruption Perceptions Index shows that in the period from 1998 to 2008, being initially a nation state with systematic corruption problems (CPI lower than 3), Bulgaria became a country with a moderate rate of corruption. However, although the index value increased till 2004, it remained largely unchanged until 2007, while a drop was registered in 2008.



These tendencies fall in line with the findings of national corruption surveys regarding worsening public perceptions of the rate of corruption over the past four years.

In comparative terms, the lowest values of the Corruption Perceptions Index in the countries of the European Union were registered in Bulgaria (3.6) and Romania (3.8). A decline in CPI values was also observed in other European countries – United Kingdom (from 8.4 in 2007 to 7.7 in 2008), Portugal (from 6.5 to 6.1), France (from 7.3 to 6.9), Italy (from 5.2 to 4.8). CPI values rose in Cyprus (from 5.3 in 2007 to 6.4 I 2008) and in Poland (from 4.2 to 4.6). Among the countries of Central and Eastern Europe, the highest index values were registered in Slovenia (6.7) and Estonia (6.6). Overall, the average index value for the EU has been on the decline and reached 6.48 in 2008.

¹⁶ IMD World Competitiveness Yearbook, Lausanne, Switzerland, 2006, p. 377; 2007, p. 348; 2008, p. 357.

TABLE 1. CORRUPTION PERCEPTIONS INDEX (CPI) FOR SOME EUROPEAN COUNTRIES

State	2008	2007	2006	2004	2002	2001	2000	1999	1998
Denmark	9.3	9.4	9.5	9.5	9.5	9.5	9.8	10.0	10.0
Sweden	9.3	9.3	9.2	9.2	9.3	9.0	9.4	9.4	9.5
Finland	9.0	9.4	9.6	9.7	9.7	9.9	10.0	9.8	9.6
Netherlands	8.9	9.0	8.7	8.7	9.0	8.8	8.9	9.0	9.0
Czech Republic	5.2	5.2	4.8	4.2	3.7	3.9	4.3	4.6	4.8
Hungary	5.1	5.3	5.2	4.8	4.9	5.3	5.2	5.2	5.0
Italy	4.8	5.2	4.9	4.8	5.2	5.5	4.6	4.7	4.6
Greece	4.7	4.6	4.4	4.3	4.2	4.2	4.9	4.9	4.9
Poland	4.6	4.2	3.7	3.5	4.0	4.1	4.1	4.2	4.6
Romania	3.8	3.7	3.1	2.9	2.6	2.8	2.9	3.3	3.0
Bulgaria	3.6	4.1	4.0	4.1	4.0	3.9	3.5	3.3	2.9

Note: The Corruption Perceptions Index measures the corruption level in a given country as perceived by businesspersons and risk analysts, and ranges from 10 (low corruption level) to 0 (extremely high corruption level).

Source: Transparency International

However, the values of the Transparency International Corruption Perceptions Index are based on data about subjective perceptions and assessments.

Methodological Limitations of the Transparency International Corruption Perceptions Index

The Transparency International Corruption Perceptions Index suffers from several limitations in terms of its computation methodology and application:

First, it is largely based on subjective perceptions of the rate of corruption and can be influenced by a number of situational factors distorting the assessment of the actual corruption situation. These subjective opinions may be motivated by factors quite unrelated to the goal of verifying the objective parameters of corrupt practices.

Second, CPI focuses on the incidence of bribery and extortion mainly in business, leaving out a number of other notable corrupt practices (e.g. political corruption, clientelism, protection racketeering, nepotism, etc).

Third, as a rule TI does not use corruption surveys of its own but relies on independently conducted research and expert assessments. The requirement to use a minimum of three data sources prevents

a number of countries (for example in Africa, the Near and Middle East) from being included in CPI.

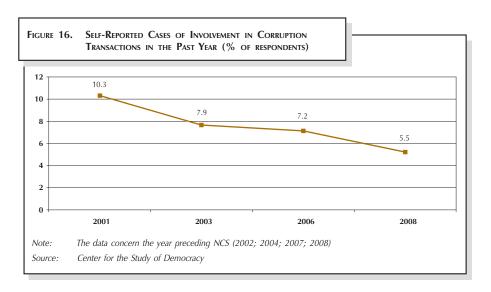
Fourth, certain basic indicators (e.g. the presence of single-party rule or the length of the government's term in office used by the International Country Risk Guide and incorporated in the CPI) are too remotely related to the rate of corruption in a given country.

Fifth, CPI has been criticized for its one-sidedness as it focuses on bribe-takers while disregarding bribe-givers. In this sense, it appears to fail to fully take into account the binary nature of corrupt practices, and is thus skewed in favor of richer countries at the expense of poorer ones.

Sixth, CPI is not in a position to assess trends in the spread of corruption although it is often interpreted in this manner. In this sense, it can hardly serve as an indicator of the success of implemented anticorruption policies and reforms.

Source: Caltung. Fr. Measuring the Immeasurable: Boundaries and Functions of (Macro) Corruption Indices (2006) in: Measuring corruption. Ed. by Sampford. Ch. A. Shacklock. C. Connors. Fr. Galtung Ashgate Publishing Ltd. England.

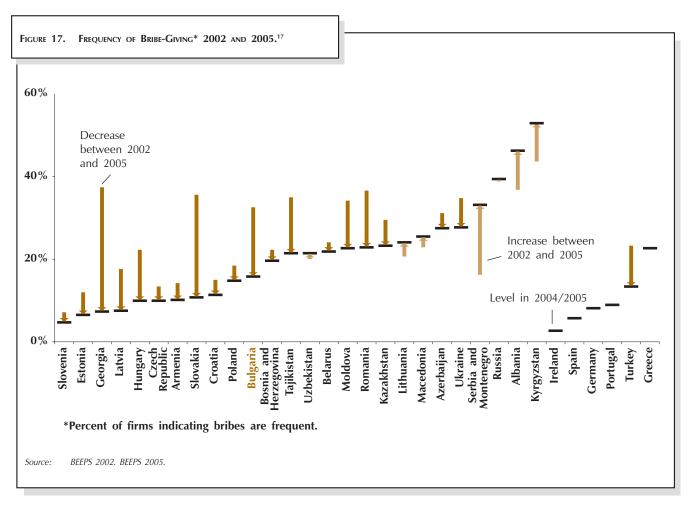
A different tendency can be identified on the basis of information from the National Crime Surveys conducted in Bulgaria (NCS 2002-2008) concerning experience with corruption.



Involvement in corruption reported by Bulgarian residents over a one-year period dropped from 10.9% in 2002 to 5.5 % in 2008.

Data from some international comparative surveys confirm the favorable tendencies towards declining levels of corruption in the business sector. The World Bank *Anticorruption in Transition 3* report (2006) presents

comparative data on the rate of corruption in the countries of Central and Eastern Europe from the Business Environment and Enterprise Performance Survey (BEEPS) conducted with the participation of nearly 10.000 companies.



Bulgaria is among the countries where the greatest drops were registered in the number of cases when businesspersons pay bribes in connection with their activity. The frequency of **bribe-giving in the business sector in Bulgaria is lower than in countries such as Greece, Lithuania, Romania,** and is comparable to that in Poland, Turkey, and Portugal.

National and international corruption surveys conducted in this country generally register similar tendencies and obtain analogous results:

- Administrative corruption in business is on the decline. At the same time, administrative corruption among the population as well as political corruption are perceived as increasing;
- The corruption level in Bulgaria is assessed as exceeding the EU average;

Anticorruption in Transition 3: Who is Succeeding ... and Why, The World Bank, Washington, 2006, p. 11.

• Public opinion about government efforts in countering corruption is still critical and the progress made is assessed as unsatisfactory.

Bulgaria's accession to the European Union has placed the assessment of the rate of corruption in a new context. The factors shaping corruption and its implications increasingly take on international dimensions and transcend the strictly national framework. National anticorruption initiatives and their impact are ever more dependent on concerted international efforts at curbing corruption. This calls for a new approach to its measurement and assessment based on uniform, all-European standards allowing for international comparisons. Diagnosing corruption and obtaining viable information about its dynamics are of key importance to the implementation of successful prevention and control policies. The next logical step would therefore be for the European Union to develop its own methodology for the measurement and assessment of corruption, as is the practice of the European Commission in other areas. The adoption of modern corruption diagnostic tools would significantly raise public trust in EU policy in this area and would help improve the EU's effectiveness in the implementation of international anticorruption standards¹⁸.

The Future of Corruption Benchmarking in the EU, Policy Brief No. 11, Center for the Study of Democracy, February 2007.