

THE ROLE OF THE CIVIL SOCIETY IN PREVENTING AND COUNTERING CORRUPTION IN BULGARIA

The civil society in Bulgaria plays a significant role in formulating the public anti-corruption agenda. Bulgarian non-governmental organizations were the first to assess the scope of corruption in the country, thus showing that the rise of corruption practices after 1990 was leading to deepening mistrust in the political elite. The established public standing of the civic sector in Bulgaria has allowed it to become the initiator of the debate on corruption.

The preconditions for the successful establishment of the non-governmental sector in the country's anti-corruption efforts were the considerable analytical potential mobilized by a number of non-governmental organizations, the developed network of broad-profile and more specialized organizations throughout the country, the good communications with the mass media, the dynamic cooperation with international institutions, and the support from international donor organizations.

1. CSD and Coalition 2000

A convincing evidence of the role of civil society in the fight against corruption in Bulgaria is the *Coalition 2000* process: a pioneering initiative of Bulgarian non-governmental organizations, which brought together for the first time representatives of state institutions, civil society organizations, and individual experts in the fight against corruption in the country. *Coalition 2000* (www.anticorruption.bg) was launched in the spring of 1997 by a number of non-governmental organizations led by the Center for the Study of Democracy (CSD), which from the very beginning serves as the initiative's secretariat.

- *Initial Steps: the Background of the Coalition 2000 process*

Coalition 2000 is an initiative of a number of Bulgarian non-governmental organizations aimed at combating corruption through a process of cooperation among governmental institutions, NGOs and individuals drafting an Anti-Corruption Action Plan for Bulgaria, and implementing an awareness campaign and a monitoring system. The *Coalition 2000* process was officially launched on April 7, 1998 with the support of the United States Agency for International Development (USAID) and the World Bank.

The initiative, which resulted in this process, was launched by CSD (www.csd.bg) in March 1997 through a series of consultations with Bulgarian institutions and, later, international partners. At the time, CSD solicited the input of a number of Bulgarian NGOs as to the possible format, scope and priorities of the development of a national anti-corruption Action Plan. The Center for Social Practices, the Access Association and the Center for Economic Development had the most substantial contributions to shaping the coalition and ensuring the representative nature of the *Coalition 2000* process.

Particular attention was also paid to the involvement of the judiciary in the development phase and the design team was able to benefit from the input of the Association of Judges in Bulgaria.

Particularly important for elaborating the format and scope of the process were the discussions with the USAID. At the end of July 1997, CSD hosted a meeting of the USAID mission of anti-corruption experts to Bulgaria. Consultations were continued with the local

office of the Agency. Building on the experience of two policy projects of a similar format carried out with the support of USAID – on SME development in November 1996 and capital markets in July 1997 – CSD was in a position to provide an enhanced institutional capacity for an anti-corruption coalition-building process focused on a public awareness effort.

A number of meetings and consultations with representatives of the World Bank (WB) and its Economic Development Institute (EDI) were held in order to benefit from the advanced experience of the Bank in this area. In 1997, the EDI and WB provided documents and materials for the design phase and advised CSD on various sources of expertise which could be utilized during the implementation. A mission of the WB/EDI in September 1998 evaluated *Coalition 2000* as a model strategy and suggested some additional activities, including a public service delivery survey.

The United Nations Development Program (UNDP) has long emphasized improved governance as a condition for sustainable development. As a result of the consultations with Mr. Antonio Vigilante, Resident Coordinator of the UN in Bulgaria, who has been very supportive of the initiative, it was agreed that UNDP's local office will invite a number of internationally renowned experts for short missions to Bulgaria to advise the initiative. The experts have been involved in a number of similar efforts in Latin America and other regions where the UNDP has programs.

Since the early stages of the formation of *Coalition 2000*, CSD and the other NGOs were active in seeking cooperation with the International Development Law Institute (IDLI) in Rome. IDLI (now International Development Law Organization – IDLO) is an intergovernmental organization with a leading record of providing legal assistance to countries in transition. IDLI's long experience in working with Bulgarian public and private institutions in the field of legal reform benefited the design of the concept and the actual establishment of partnership relations within *Coalition 2000*. In the activities of the Coalition, IDLI's input appeared crucial in the implementation of pilot projects at the local government level, in the reform of the judiciary, in law drafting, etc.

- *Concept and Design*

The concept for structuring the activities of *Coalition 2000* rests upon several ideas which identify the focus of the process and the main target groups of the activities. The factors and circumstances which generate corrupt practices in Bulgaria make it necessary that anti-corruption efforts address several aspects of the problem: the legislative framework, the administrative set-up, the existing perceptions and attitudes (public awareness), and the existing behavior patterns. In this respect the anti-corruption effort of *Coalition 2000* is parallel to the social marketing model used in anti-corruption campaigns developed by WB experts. The desired impact (curbing corruption) could be produced following a three-stage process, including: cognitive change (this involves problem diagnostics and formulation of a research-based impact strategy); inducing affect (this is the process of converting messages into emotional/moral commitments); behavioral change (this involves inducing people to change some aspects of their actual behavior and transforming moral disapproval into a public action agenda).

In terms of content the main elements/activities of the *Coalition 2000* initiative are as follows:

- *Creating a trustworthy anti-corruption agency through consensus and coalition building.* In addition to being the result of a partnership effort, it will enable a

favorable environment for the establishment of future coalitions. The main component of consensus building is the Policy Forum: a policy design tool which starts at expert level with the identification of problems, and culminates in a public forum which involves representatives of all relevant institutions and organizations and which endorses a consensus policy document – Anti-Corruption Action Plan.

- *Obtaining relevant knowledge through a series of corruption assessment panels and tracking progress through process monitoring (Corruption Monitoring System).* The principal objective of the assessment and the monitoring is to analyze the scope, intensity, types, and sources of corrupt behavior in the public sector. The methodology includes both quantitative and qualitative surveys. Indicators used for corruption assessment were at later stages used to monitor institutional progress and to produce a Corruption Indexes. The monitoring served also as a "watchdog" tool of the public policy process and as a way to encourage public discussions.
 - *Defining the impact objectives: development of an Action Plan (AP).* The AP incorporates different mechanisms enhancing trust and transparency in different sectors of public life. Involving policy-makers and representatives of the business community and trade unions in the drafting process maximizes impact in this respect. Of particular importance is the fact that the AP is a consensus document approved by the principal actors in Bulgarian society. Furthermore, based on the consensus reached, the implementation of the AP was largely a result of the joint effort of all parties involved in the drafting process.
 - *Bringing about affective and behavioral change through dissemination and advocacy.* The effective implementation of the AP was supported through different mechanisms: a) building awareness of corruption and its various forms in Bulgarian society by using different forms of public education, public discussions and dissemination of the research findings and policy recommendations; b) transforming public awareness into an advocacy role, keeping the issue of corruption at the forefront; c) pressing government to implement anti-corruption strategy and reforms.
- *Implementation: CSD and the Coalition 2000 process*

In November 1998, the first Anti-Corruption Policy Forum adopted the basic strategic document of *Coalition 2000* – the Anti-Corruption Action Plan for Bulgaria¹. Subsequently, the main priorities and objectives, laid down in the Action Plan were incorporated in a number of governmental policy documents.

Following the adoption of the Action Plan and aimed at achieving its objectives the Coalition has implemented a variety of activities aimed at preventing and counteracting corruption in the country.

- A major component of the activities of *Coalition 2000* is the Corruption Monitoring System (CMS)². The CMS includes a system of empirical studies and analytical reports and its main objective is to periodically present information, which would enable conclusions about the scope of corruption in the country, as well about the

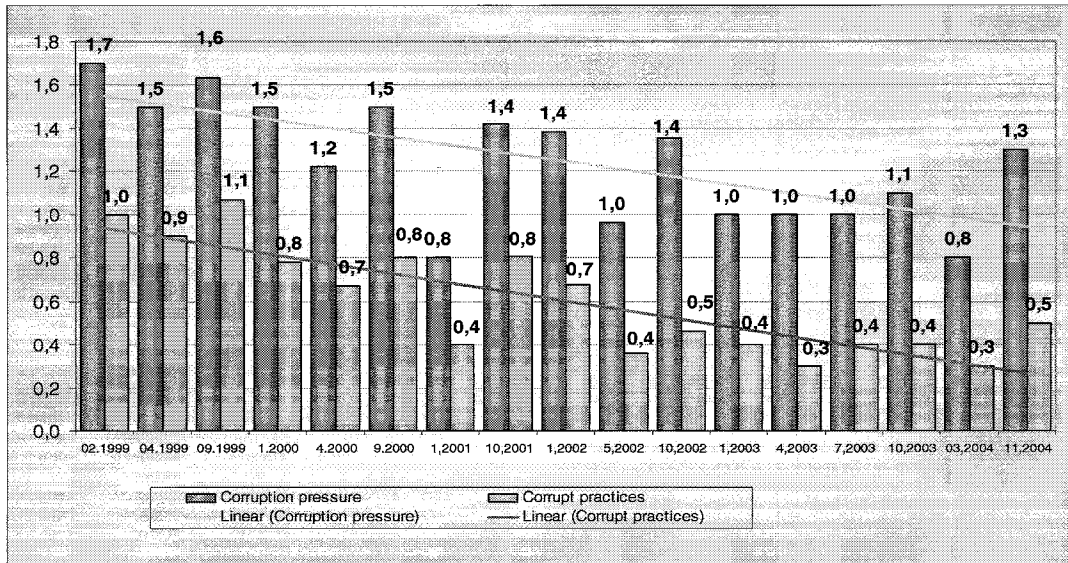
¹ The Anti-Corruption Action Plan of *Coalition 2000* is available on the Bulgarian Anti-Corruption Portal at http://www.anticorruption.bg/eng/coalition/main_doc.htm.

² More detailed information about the Corruption Monitoring System (CMS) of *Coalition 2000* is available at <http://www.anticorruption.bg/eng/corindex/about.htm>.

related public attitudes, assessments and expectations. The other functions of the CMS are to provide reliable feedback about the effectiveness of the anti-corruption initiatives of the Bulgarian society, as well as to assess the impact of the anti-corruption activities of *Coalition 2000*. The most important outputs of the CMS are the corruption indexes, constructed on the basis of survey data. Their values are updated on a regular basis and reflect the scope and dynamics of the spread of corruption practices in different sectors of public life.

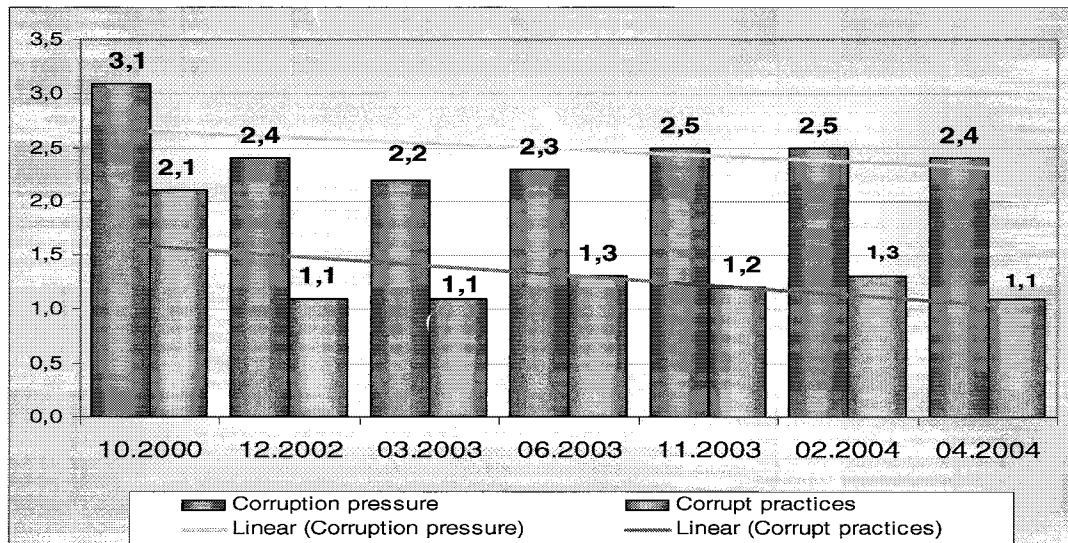
Dynamics of the indexes of the level of corruption for the population (June 1998 – November 2004)

Source: Corruption Monitoring System of Coalition 2000



Dynamics of the indexes of the level of corruption for the business sector (October 2000 – April 2004)

Source: Corruption Monitoring System of Coalition 2000



- Since 1999 *Coalition 2000* publishes annual Corruption Assessment Reports³ to present the general evaluation of the state and dynamics of corruption in Bulgarian

³ All Corruption Assessment Reports of *Coalition 2000* since 1999 are available on the Bulgarian Anti-Corruption Portal at http://www.anticorruption.bg/eng/coalition/main_doc.htm.

society and the efforts to counteract and prevent corruption during the respective year. Each report provides policy options and action strategies for each of the analyzed segments: institutional and legal environment for curbing corruption, reform of the judicial system, fighting corruption in the economy, civil society and transparency, dynamics of corruption behavior and public attitudes towards corruption, and international anti-corruption cooperation.

- Once a year, *Coalition 2000* convenes a high profile Policy Forum⁴ to review the results of the preceding period, to discuss the annual Corruption Assessment Report, and to provide guidelines for the work over the next year. Members of the Policy Forum are prominent public personalities with established integrity and reputation as well as representatives of public and private institutions.
- As a separate component of the activities of *Coalition 2000* an anti-corruption public awareness campaign was launched. The campaign, combining a variety of tools such as public events, publications, etc., is aimed at shaping proper public attitudes to help prevent corruption and reinforce the values of transparency and accountability.
- The expert and consultative capacity of *Coalition 2000* also grew in importance. *Coalition 2000* experts drafted important pieces of legislation such as the Law on the Ombudsman and the Law on Electronic Document and Electronic Signature, and actively participated in the launch and implementation of reforms in key areas such as business registration, financing of political parties, countering trafficking and organized crime, etc.

2. Judicial Reform Initiative

Based on the model of public-private partnership successfully promoted by *Coalition 2000*, in early 1999 CSD the *Judicial Reform Initiative* (JRI)⁵: a coalition of leading non-governmental organizations, representatives of the legislature, the executive and the judiciary, and experts. Within the framework of JRI and with the support of the European Commission a Program for Judicial Reform⁶ was developed and endorsed at a highly representative policy forum in May 2000. The main priorities of the program were subsequently incorporated in the governmental Judicial Reform Strategy.

Building upon the Program for Judicial Reform and aiming to contribute to the prevention and counteraction of corruption in the judiciary CSD with the support of UNDP initiated the development of a Judicial Anti-Corruption Program⁷. The program, developed by eminent Bulgarian lawyers, including magistrates, was published in late 2003 and offered a comprehensive set of proposals for reforms in the judiciary, many of which were laid down in the Strategy for the Fight against Corruption in the Judiciary adopted by the Supreme Judicial Council.

3. Regional Dimensions: Southeast European Legal Development Initiative

⁴ Detailed information about the *Coalition 2000* Policy Forum and its editions since 1998 is available at <http://www.anticorruption.bg/eng/coalition/pf.htm>.

⁵ More information on the institutional structure and activities of JRI is available on the website of JRI at <http://www.csd.bg/en/jri/>.

⁶ The Program for Judicial Reform is available at <http://www.csd.bg/en/jri/artShow.php?id=1041>.

⁷ The Judicial Anti-Corruption Program is available at <http://www.csd.bg/en/jri/artShow.php?id=137>.

Southeast European Legal Initiative (SELDI) was conceived in late 1998 by CSD and the International Development Law Organization (IDLO), and was established by Memorandum of Understanding between CSD and IDLO on April 20, 1999. The Memorandum of Understanding did not create a separate legal entity, but rather provided a structured focal point for sustained action in support of the defined objectives.

SELDI (www.seldi.net) builds upon the success of the *Coalition 2000* process, the *Judicial Reform Initiative (JRI)* for Bulgaria, and other previous efforts in Bulgaria by these two organizations aimed to promote the rule of law and a legal environment beneficial to the transition process and development. The *Coalition 2000* process and *JRI* have established a model in encouraging cooperation among public and private institutions in the transition context as the most effective way to mobilize all societal resources.

The overall goal of SELDI is to contribute to the building of the rule of law and democratic institutions in the countries of Southeast Europe. The major methodological pillar of SELDI's implementation activities is the **institutionalization of regional public-private cooperation** in anti-corruption and judicial reform. It is realized through an **open process** ensuring the input of all stakeholders in the region.

SELDI is intended to multiply the effect of public-private coalition building for development throughout the region. It provides a forum for cooperation among the most active civil society institutions, public figures and government and international agencies in Albania, Bosnia & Herzegovina, Bulgaria, Croatia, Greece, FYROM, Romania, Slovenia, Turkey. Greece and Turkey are considered under the Initiative as resource countries. Particular attention is devoted to involving Yugoslav organizations and cooperation with the democratization efforts in Kosovo. SELDI actively cooperated with other international initiatives such as the Central European Initiative (CEI), the initiatives of the Council of Europe and the Organization for Economic Development and Cooperation (OECD), the South Eastern European Co-operation Initiative (SECI), etc.

The **International Secretariat** of SELDI, responsible for the overall coordination with international organizations and donors, is located at the IDLO in Rome. An **Executive Secretariat** for the purpose of operational support of SELDI projects is set up at the CSD in Sofia.

An International Steering Board, consisting of prominent public figures and NGO and business leaders from the SELDI countries and EU member states and the US and representatives of international organizations, is responsible for establishing SELDI's strategy and activities.

- *Summary of Program*

In consultation with the partner organizations in the region IDLO and the CSD have designed four specific projects, which support the overall SELDI objectives. They deal with corruption, judicial reform and trade, and the establishment of a distance learning center. Each addresses a specific set of problems, but are logically and substantively linked. The **anti-corruption project** seeks, through a number of related approaches to raise awareness of the potential for dealing with corruption and then to encourage specific actions including the establishment of new legal and policy norms. The **judicial reform project** seeks to build regional links between the judges, other court personnel and relevant ministries aimed at contributing to the building of the rule of law in the whole region. The significant contacts established under the

project also provided a forum for greater intra-regional cooperation in the control of corruption. The **trade initiative** seeks to help build greater opportunities for intra-and inter-regional trade, which will contribute to re-establishing economic stability and security. The trade project will help build transparency in trade and will diminish the opportunities for corruption. The **distance learning center** will create a “first node” cost-effective training facility for target groups in the SELDI countries for World Bank, IDLO and CSD training programs.

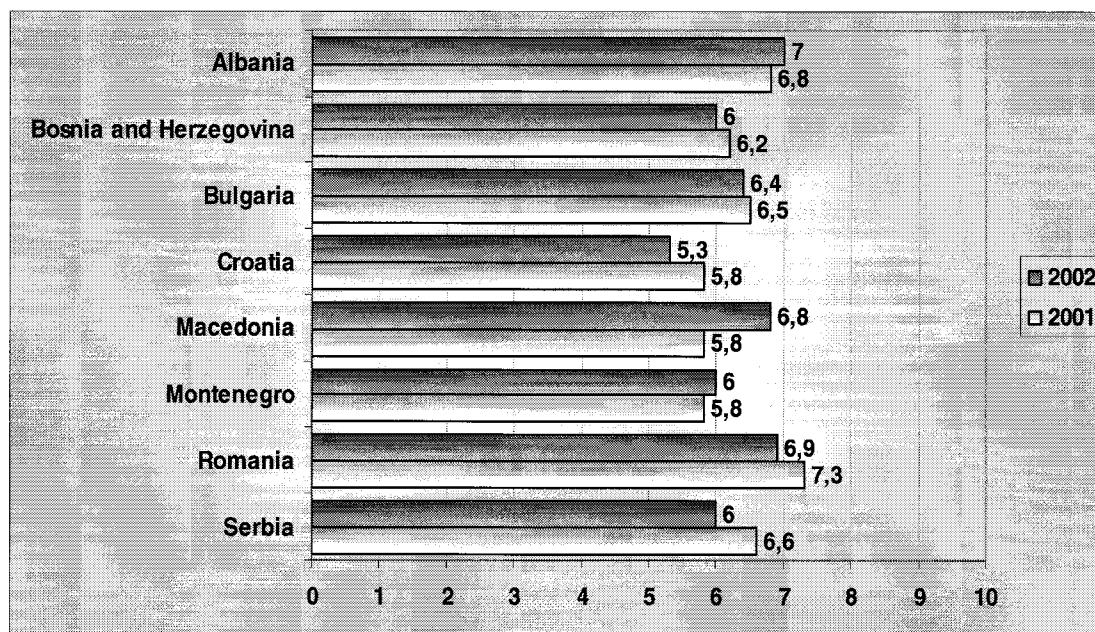
- *Coalition Building and Monitoring for Anti-Corruption in Southeast Europe*

The *Coalition Building and Monitoring for Anti-Corruption in Southeast Europe* project was successfully launched in September 2000, **supported with a grant from the USAID**. The overall objective of the SELDI anti-corruption project/component was to introduce a *region-wide institutional framework for public-private cooperation in countering corruption in the countries of Southeast Europe*. The main premise of the project approach is that the institutionalization of corruption in the SEE countries cannot be explained by the national circumstances alone. A number of region-wide causes need to be taken into account to comprehend the depth of the problem.

The anti-corruption component of SELDI was an effort of leading non-governmental organizations aimed at assessing and analyzing corruption on a regional level. Based on the implementation of the *Coalition 2000* monitoring methodology a regional corruption assessment report *Anti-Corruption in Southeast Europe: First Steps and Policies*⁸ was developed. The report, published in 2002, covered seven Southeast European countries: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Romania and Serbia.

Spread of corruption in eight Southeast European countries (2001-2002)

Source: SELDI



The gravity of the problem calls for bold and radical measures if corruption is to be stemmed. For this to happen, broad public coalitions need to be formed both within countries, and

⁸ The Regional Corruption Assessment Report is available on SELDI's website at <http://www.seldi.net/rcar.htm>.

region-wide. Traditional bureaucracies – be they national or international – cannot muster the type of public support needed if these reforms are to be successful.

Thus a partnership between public and private institutions is the most appropriate anti-corruption model for the region. This approach has three main pillars – encouraging coalition building on a regional basis, enhancing public awareness and regular monitoring of corruption dynamics. In all three areas, the process is intended to be NGO-driven.

The importance of the latter is premised on the fact that support coming from a cross section of society, involving major public and private actors could only be enlisted in this process if society has a clear view of the severity of the problem. This warrants the introduction of a new kind of corruption assessment which goes beyond traditional law enforcement methods. This new kind could only be successful if it is based on cooperation between the public institutions, involved in designing and implementing anti-corruption policies, and civil society institutions which are expected to generate civic support for these policies. For this to happen, the assessment on which these policies are based, needs to be carried out in a public-private partnership.

4. New Challenges

Since the year 2000 CSD focused its efforts on studying the relations between corruption and other forms of criminal activity, in particular organized crime. As a result a series of policy reports and analyses were published dealing with issues such as corruption and illegal trafficking, smuggling in Southeast Europe, the drug market and drug trafficking in Bulgaria, the risk of symbiosis between the security sector and organized crime in Southeast Europe, small arms and light weapons control, transportation, smuggling and organized crime, etc.

* * *

The achievement of better results in the fight against corruption depends to a great extent on the pro-active role of the civil society in the country, the continuous pressure from the international community and the political support for the reforms on the part of the governmental authorities.

In the last few years public-private partnership in counteracting corruption has been particularly effective when implemented upon the initiative of the civic sector. Many state institutions demonstrated readiness to work with non-governmental organizations, including on countering corruption. However, in order to fully utilize the potential of public-private partnerships, state institutions need to overcome their reluctance or inability to engage civil society and should more actively seek broader public support for their policy.

As far as the role of the international community is concerned further optimization of the external influence is needed in order to contribute to the progress of anti-corruption reforms in Bulgaria. So far, the international assistance has revealed certain unfavorable trends such as insufficient synchronization and coordination of the efforts, sporadic setting of priorities, unrealistic expectations for quick results, etc.

Maria Yordanova
Director of Law Program
Center for the Study of Democracy
Sofia, Bulgaria