

**CURBING CORRUPTION AND IMPROVING
TRANSPARENCY IN MUNICIPAL COUNCIL WORK IN
BULGARIA**

A POLICY PAPER
By Antony Galabov

and

A HANDBOOK
For Effective Advocacy

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**CURBING CORRUPTION AND IMPROVING TRANSPARENCY
IN MUNICIPAL COUNCIL WORK IN BULGARIA:
A policy outlook form seven Bulgarian Municipalities**

Table of Content

GENERAL BACKGROUND	5
THEORETICAL MODEL AND PROJECT SCOPE	5
UNDERSTANDING CORRUPTION: THE LOCAL PERPOECTIVE	7
THE PUBLIC IMAGE OF THE MUNICIPAL COUNCIL	8
PRINICIPLES OF FUNCTIONALITY AND EFFECTIVE INTERACTION.....	10
SESSIONS OF THE MUNICIPAL COUNCILS: RESULTS AND CHALLANGES.....	11
PREREQUISITES AND OPPORTUNITIES FOR INTERACTION.....	12
CONCLUSION	14

*" ...The access to power...
The two most important aspects of the access are the relevant information
and the form of participation - the right to know and the right to say".
John Gardner, Common Cause*

**CURBING CORRUPTION AND IMPROVING TRANSPARENCY IN
MUNICIPAL COUNCIL WORK IN BULGARIA**
/Varna, Turgovishte, Razgrad, Sevlievo, Montana, Kyustendil and Rakitovo/

General Background

The active involvement of Bulgarian non-government organisations in 1998, and in 1999 in particular, led to a change in public integrity awareness. Corruption has become an issue which the public is ready to discuss. This has changed both the nature of prevailing evaluations of the political situation and social development in the country, on the one hand, and public readiness to counteract the corruption process, on the other.

Realising the need to promote a culture of transparency and accountability at the local level – at the level where the everyday life of the community is organised and a large portion of citizens' significant interaction with administration takes place, **Transparency International, Bulgaria**, focused its efforts on researching the degree of transparency and accountability in the operation of a local government authority, the municipal council. The results of social studies indicating a low level of social competence and a lack of understanding the mechanics of local governance determined the topic area and methodology of the project - *Curbing Corruption and Improving Transparency in Municipal Council Affairs in Bulgaria*.

The study included all significant components of municipal council activities in a set of municipalities selected as typical and meeting a number of criteria. Attention focused on the public image of the municipal council (mostly as seen in the local press), the principles of council functioning and their internal rules of operation, opportunities for direct contact with citizens, and the degree of willingness for active co-operation between constituency and its municipal council members in the process of local policy making and its implementation.

Theoretical Model and Project Scope

Although slowly, the figure of local government has emerged in the public mind, and is acquiring increasingly clearer parameters. At the same time, there is still no sufficient evidence to allow the assumption that a similar process is under way as regards the figure of the municipal council and the council member as the proponent of local interests at the municipal level.

The 1999 local government elections again followed the familiar routine: formation of excessive expectations as regards the figure of the mayor, and a relative underestimation of the significance of the municipal council and the need for citizen scrutiny over the functioning of municipal administrations by means of a full-blooded representation in the municipal council.

The potential for a positive change in well-established attitudes as regards access to government stems from the presence of several basic prerequisites for efficient community dialogue between citizens and institutions.

First and foremost, these involve **transparency** of institutional action. In and of itself, knowing who, how, why and for what reasons performs (or does not perform) a certain institutional action does not presuppose trust in the institution; however, it provides the foundation of sufficient grounds to form one's own attitude.

The second component of trust is directly related to the **socialisation capacity** of institutions. In this particular case, we refer to a specific outcome from the degree of sustainability and length of institutional functioning.

Personification in the attitude toward institutions is a factor working in the same direction. Prevailing social judgements as to the features and shortcomings of an individual

who, in the public mind, is identified with the respective institution (most frequently, with the person running the institution at the highest management level) are automatically ascribed to the institution itself.

Another important, though indirect indicator of attitudes toward institutions is the **willingness** to use “the public highway”, to seek for specific solutions for important problems using the official institutional tools. In addition to being symptomatic of a “basic mistrust”, exploring alternative means that fall beyond the scope of legitimate institutional vehicles could be interpreted as a lack of efficient access to information about the functioning of institutions.

In our view, attitudes to institutions acquire a real dimension in the framework of everyday life and the specific problems that a group of people is faced with. The real degree of trust or mistrust, the readiness to co-operate or confront, are determined, on the one hand, by the assessment of one’s own needs, resources and meaningfulness of the public presence of people and, on the other hand, by their expectations for a proper, fair (in their own perception) and sustained support on the part of public institutions.

At the same time, the absence of experience in access to information about the operations of local government authorities defines the low level of people’s willingness to seek, comment on, and use information as a tool for control. All of this determines the parameters of a clearly set problem situation that local government authorities face today:

- Citizens are **inadequately informed** as to the functions of local government administrators, procedures and possibilities to oversee local government authorities in terms of the efficiency of decisions made by them;
- There is a relatively **high willingness** to use parallel networks to access resources that are in short supply, and a practical replication of a pro-corruptive environment at the local level;
- There is a **lack of mechanisms** to ensure the adequate presentation and effective action of local interests at the national level;
- **Financial resources are limited** and there is insufficient control on the work of public administration ;
- The non-government sector **does not have a well-developed network** in smaller towns and villages.

In this environment, municipal administrations define their position as a mismatch between increasing responsibilities and the slow pace of extending their possibilities to make discretionary decisions. Given the problems of assuming a larger scope of authority while financial resources committed by the national budget remain relatively unchanged, priority goes to the tasks related to securing funds, while administrative capacity to exercise direct control for their efficient use still remains low.

In this context, the municipal council as a local government institution acquires a significance of great import. This requires a focus of public attention on the figure of the municipal council member as the direct proponent of the volition of citizens in shaping local policy.

Results from previous polls have shown that the prevailing portion of people still lack a clear understanding of the following:

- The authorities, commitments and forms of control exercisable by the various stakeholders in local government;
- The process of decision-making as regards specific problems affecting special groups or the local community as a whole (proposals for such decisions, the motives of those sponsoring the decisions, evaluations of the efficiency of planned

interventions, and assessments of the risk involved in a failure to implement them within the time frames and in the forms proposed, etc.);

- Possibilities to exercise oversight open to the public and the groups affected, directly or indirectly, by the decisions adopted and the actions undertaken to implement them;
- Forms of citizen involvement in the process of local government decision-making as regulated in the law.

Subsequent to those deficiencies, local administration cannot rely on community support in its attempts to curb the negative financial implications of its activities and to tap new funding sources in order to implement local policies. On its part, the municipal council as the local legislature does not avail of, and does not utilise the resources of public support to create a sustainable and transparent framework for local development.

The overexposure of the problem in public space has led to a kind of paradox, whereby from a problem, corruption is beginning to be perceived as an explanation for what is happening.

Understanding Corruption: The Local Perspective

In early 2000, mass media publications reported the results of an opinion poll conducted by the MBMD Institute for Marketing and Opinion Polls which singled out corruption as Bulgaria's No. 1 problem. In February, another research of public opinion, by Alpha Research Agency, reported corruption to be one of the topics that are a matter of principal difference between supporters of one of the ruling political parties and the prevailing public attitudes. In February 2000, the National Centre for Public Opinion Research, in association with *Transparency International, Bulgaria*, conducted an empirical social study, representative for the Sofia population of legal age, on attitudes to the main players in corrupt dealings.

In general terms, conditions for the establishment of support for two types of anti-corruption strategies are taking shape in the public mind: through an increasing restrictiveness of the existing regulations, and through a further dialogue between citizens and institutions toward – reinforcement of the principles of public institutions transparency and accountability. The overall evaluation indicates a larger share of willingness to support the increase in the punishment nature of interventions against corrupt actions.

Against this background, it is completely logical that the public mind sees the main motor of the corruption process to be exactly the political elite, and - at that - solely the party which is in office at the particular time. The reasons for this phenomenon can be found as deep as in the fundamental failure to understand the segregation of power as a prerequisite to ensure checks and balances in the government of a democratic society, and in the slowing down of administrative reform which has contributed in public perceptions of the administration and its principles of operation remain relatively unchanged over the past ten years. This problem becomes evident exactly in attitudes toward corruption. In the public mind, there is a gradual change only in the specific images of the figures that determine the profile of the "bureaucrat" who is susceptible to corruption.

All of this determines the social context of the overall attitude to corruption which is then projected onto the attitude toward local government. The results from the opinion poll conducted by the National Centre for Public Opinion Research with the national Assembly of the Republic of Bulgaria, in association with *Transparency International, Bulgaria*, in February 2000 on the territory of Sofia, outline a lasting and widely spread notion of the corruptive act. The main parameters of this notion can be discerned in the polling results through the three most frequently stated modes of possible corruption: most people defy corruption, yet they give bribes to get their job done (90.3% of respondents); politicians benefit from corruption (87.4%); people take bribes because they feel unpunishable (84.6%).

The story could read like this: corruption is socially efficient, immune and politically favoritised.

The Public Image of the Municipal Council

The level of being informed about the operations of the Municipal Council or the municipal administration is a function of the overall attitude to local government.

On the one hand, municipal council decisions in the municipalities included in the project are announced through regional and local media. In this act of “informing the public”, it is a standard practice to provide local journalists with an excerpt from the transcript of proceedings from municipal council meetings within 15 to 20 lines. As a result of the choice of this type of public communication, municipal council decisions are presented out of the context of their development; anonymously - insofar as no information about the decision sponsors is made available; and as a finished fact - something that additionally reinforces the alienation of the public from decision-making mechanisms.

On the other hand, the practice of holding press conferences or briefings after the session of the municipal council is over, despite being more open as a form of a dialogue with the public and the media, has a high degree of inherent risk for the information to be presented in accordance with the bias and the form of questions asked by the media.

The lack of an effort on the part of the municipal council to popularise not only the decisions it takes but also to build public support for the overall process of developing local policies and its implantation through the involvement of a wide range of representatives of local interests determines the current situation in all municipalities.

This situation pushes back into time the moment when the figure of the council member will transform into an agent and a real guarantor of public interest in the course of local policy making and implementation oversight.

Most frequently, the sponsor of most draft decisions tabled before the municipal council is the local administration and, more specifically, the mayor. All of this adds to the shared perception that local policies are set and applied exactly by the mayor. By the way, this attitude has always been enhanced prior to holding local elections and today, according to opinion polls, persists as a lasting factor in determining attitudes toward local government.

A third factor determining the problem situation is transparency in municipal council affairs and, hence, the potential for effective counteraction to pro-corruptive influences on the municipal administration and municipal council members, is the *degree of consistency* in the information policy adopted by both the municipality and the municipal council. Results indicate that often, in an effort to build a positive public image, each of the agents in local politics tries to present its activity outside of, and independent from, that of the other, when successful, and sets out only a portion of existing relationships and dependencies, doing so only when it comes to assuming responsibility. In some places (in Varna, and partially in Turgovishte), the absence of a single information policy is the result of an aggressive election campaign and the growing difficulties in the relationship between central and local executive authorities.

The fourth component in the general picture of the lack of effectiveness, transparency and good co-ordination between the various players in local government could be defined as a *high degree of social apathy*. It is characteristic of the behaviour of citizens in municipalities and poses a serious barrier to implementing specific initiatives toward extending the scope and reinforcing a policy of dialogue with local government.

Too little attention is paid to citizen initiatives in tabling draft decisions before municipal council committees. This situation replicates and entrenches the model that prevails in the relationships between the National Assembly and the Council of Ministers. The immediate influence of local government defines the crucial importance of the public image of the Municipal Council precisely in the local and regional media. If national media form a

certain general perception of what is going on and have a clearly pronounced informative function, local and regional media, on the other hand, more often than not, continue to gain a leadership influence as regards *the interpretation of what is going on*.

The tools for conducting the first part of research within this project include a survey to register publications in the local press. The main objective of this part of research procedures was to establish the typical vehicles in building the public image of municipal council operations in local media.

Firstly, it is noteworthy that, in comparison to pilot surveys on similar topics conducted over the past three years, the work of municipal councils is present in local and regional press to a significantly larger extent. The present change is in terms of extended report coverage of municipal council sessions, which take much more space in local newspapers.

On the other hand, the increase, in absolute terms, in the number of publications referring to municipal council operations in the seven municipalities observed under the *Transparency International* project still does not lead to a change in predominant models of presenting information. The survey of the media image of municipal councils in Varna, Razgrad, Turgovishte, Sevlievo, Kyustendil, Montana and Rakitovo exhibited the following major characteristics:

- Like previously, the focus of journalistic comments is, most frequently, on council decisions already adopted - in the majority of cases (over 65 % of all publications registered);
- Cases where the focus of journalistic interest is on the activity of a municipal council commission are an exception – 1.7 % of registered information pieces have this kind of focus;
- Draft decisions tabled on the agenda of regular and extraordinary meetings of the municipal council also remain marginal to media attention - registered occurrences stand at 3.5 % of all materials related to municipal council affairs that appeared in the selected local and regional papers;
- In over 73 % of the cases, there is a persistence of the “monologue” mode as perceived by journalists: draft decisions tabled for consideration before the municipal council do not serve as opportunities for an equal presentation of various perspectives;
- In the few cases where the work of the individual council members is covered, the determinant factor in comments and their own presentations is their party affiliation. It is again through the partisan strategy of the various fractions within the municipal council that most commented debates on the adoption of certain decisions are viewed - in the rare occurrences where the commentary focuses on the procedure of adopting a municipal council decision.

The general characteristic of the public image of municipal councils registered in the local press would not be complete if we fail to highlight the material omissions in constructing this image:

- Over the period of the survey, none of the materials dwelling on municipal council sessions sets out the arguments of sponsors or, potentially, of those opposing the respective draft decision, as its focal point of media attention;
- Registered information units do not include even a single case of presenting the initiative of a citizen group or non-government organisations having sponsored a proposal for a municipal council decision on a particular issue;
- Local newspapers also lack in pieces presenting possible forms of citizen oversight over the operations of municipal council commissions, individual council members, or the activity and the decisions of the Council as a whole;

- During the period of conducting this part of the project research program, there were no occurrences where the focus of media interest was placed on the procedures for tabling, consideration and attacking municipal council decisions;
- Analysed materials do not include any information about the activity of municipal council members or on how regularly they attend the proceedings of specialised commissions of the municipal council or the Council's open sessions.

This public image of the municipal council becomes part of the pro-corruptive environment in which municipal council members operate. The prevailing attitude demonstrated by council members in their scanty media appearances is that of loyalty exclusively to the political party that supported them as its candidates during the last local government elections. The mindset of a lack of oversight and impunity beyond the structures of partisan discipline has an extremely destructive effect on the behaviour of council members.

Under these conditions, the lack of a clear-cut procedure for holding a meeting with a council member, the absence of open reception rooms and reception times for council members (which is a common practice in the activities of municipal councils) only serve as final touches to the picture of a clear deficit in the dialogue with the public and the citizenry, which has always been conducive to the realisation of corruptive pressures.

Principles of Functionality and Effective Interaction

In determining the spheres where council members and the operations of the municipal council are exposed to pro-corruptive pressures, it was found that this involves mostly special commissions that draft proposals for decisions on the sale and lease of municipal assets to be adopted by the municipal council.

In the relatively rare cases when corruption allegations are discussed in local newspapers, it is those commissions that are most often perceived as liable for the possibility to corrupt tenders and competitive biddings.

The second, relatively separate object of the project research was to study the Rules of Operation of the council as a whole, and of its individual commissions dealing with the issues typically defined as a high-risk area in terms of existing pro-corruptive pressures.

The overall analysis of council Rules of Operation has shown that they largely reiterate the descriptions of the scope of authority of municipal councils as set by the Local Self-Government and Local Administration Act.

- In the general texts of their respective Rules of Operation, municipal councils do not emphasise on the procedures for citizen involvement in local policy making;
- Where citizen participation is regulated by provisions of the Local Self-Government and Local Administration Act, no specific mechanisms for its implementation are added;
- There is no evidence of any focused effort to establish effective practices for citizen dialogue on local policy issues.

Two of the components of the Rules of Operation of municipal councils are key to the problem area under examination. One of those is the regulatory treatment of the implementation of the compulsory, under the law, requirement to announce municipal council decisions, and the second one has to do with the procedure for realising the open public nature of municipal council sessions.

The overall conclusion that can be drawn from the analysis of these sections of the Rules of Operation of municipal councils in the surveyed municipalities is that the guarantees for those rights is dealt with in purely technical terms, without any consideration of practical

implications and rather as a formal observance of the spirit of the Local Self-Government and Local Administration Act.

Sessions of the municipal councils – results and challenges

An analysis of the minutes of meetings of municipal councils revealed two types of problems. On the one hand, the discussion of draft resolutions presented to them is based solely and purely on the motives of the submitting party. In the majority of cases, there is no information concerning the preliminary work of any of the groups of municipal councillors or individual councillors involved in the draft resolutions that was noted on the agenda for the discussion of an alternative proposal related to the topic of the session.

The low level of activity on the part of the municipal councillors is further exacerbated by the low level of discipline in terms of attendance. Evidence from recent years has shown that no councillor has practically been dismissed due to lack of attendance at municipal council meetings or the relevant commissions. This practice has formed a dangerous attitude of being untouchable and above any control in the behaviour of municipal councillors which indirectly increases the risk of involvement in corruption.

We should also note another aspect of the non-fulfilment of obligations on the part of the municipal councillors. According to the Local Self-Government and Local Administration Act, councillors are obliged to inform their electors of their activities in the municipal council. During our observations of the process of the constituency and the activities of the municipal council in the selected municipalities we did not record a single instance of initiative on the part of the municipal councillors to undertake this legal obligation. The efforts of the councillors are still not stimulated by the public opinion or supported as part of a pro-active information policy of the local party organisations.

According to the results of the research the major problems are both the *access* to the minutes of the sessions of the municipal councils and their content. More often than not this requires the personal permission of the Chairman of the municipal council, and in some cases the minutes are in his personal safekeeping. This creates difficulty in attempting to gain free access to them and this should be changed with an addition to the rules and regulations concerning the activities of the municipal council clearly specifying the procedure for access by citizens. Access is guaranteed and fixed within a period of one week after each session of the municipal council only for municipal councillors, and the text of the LSLAA as well as all the other rules and regulations studied by us imply that it is being accessed only to remove mistakes and inaccuracies.

The next serious problem to the practical use of the minutes from the sessions of commissions and municipal councils is their *completeness*. According to some of the accepted regulations, the minutes should only reflect the main characteristics of such a document. The lack of information on the discussion related to one or another draft resolution makes impossible any attempt on the part of the electorate to supervise the behaviour of the municipal councillor especially at the most important stage of the implementation of municipal policy. In this way and without being officially adopted, this practice “*protects*” the municipal councillor from any attempt on the part of the electorate to supervise his activities.

The tape recording of sessions of the municipal councils, which is routine practice in some of the surveyed municipal councils to a certain extent makes up for the above-mentioned weaknesses in the quality of the information recorded. However, this leads to new problems. Each attempt to gain access to this information has to be extremely specific. Otherwise, if a person wants to understand the arguments in the discussion or to follow the behaviour of the group of municipal councillors and does not know the exact date of the session, there is practically no possibility for access to this well-preserved but practically useless information.

Any comment on this part of the results from the research requires a simple, but effective form of preservation of the information regarding the development of the

discussions on individual draft resolutions of the municipal council and at the same time allow public access to it. The new forms of information technology are very effective in this respect. However, the serious financial state of the majority of municipalities in Bulgaria makes it necessary to look for some solution in the direction of effective access procedures.

A major factor in the research tools of the project undertaken by *Transparency International, Bulgaria*, was to record a specific case, in which a group of citizens wanted to submit a draft resolution to their municipal council. On recording this information the local project co-ordinators were to study the procedures adopted in the municipal council in question for implementing such an initiative.

The second factor which is directly linked with the effectiveness of the activities of the municipal council and also determines the sustainability of its results is the *transparency* of the activities of the municipal councillors. A summary of the information received shows that in the majority of the municipalities under observation, there are formally accepted regulations concerning the submission of such proposals. It should, however, be immediately noted that there is no established practice with regard to this. The results of this experiment outline the following situation:

- In the majority of municipalities, the municipal council has no functioning reception office, not to mention the permanent or temporary commissions;
- Information regarding reception days and the working hours of the individual commissions or the council chairman is most frequently given by the municipal administration;
- There are difficulties in getting access to the Rules and Regulations of the Organisation and the Activities of the Municipal Council due to the lack of such practice or in other places due to technical reasons;
- There is a well regulated procedure in which the submitting party of a respective draft resolution can participate in the work of the relevant commission and subsequently in the respective session of the municipal council at which their proposal will be heard, but there is little clarity with regard to the possibilities for additional argumentation of the proposal submitted.
- The chairman of the municipal council is directly involved in the admitting of all draft resolutions, their allocation to the relevant commissions and their forwarding to the sessions of the council.
- There are clearly defined deadlines within which the municipal council has to form an opinion and make a decision regarding the draft proposals, but there is no established procedure, or practice, for the expression of any attitude towards the efficiency of the process or the decision made.

Prerequisites and opportunities for counteraction

The joint study carried out by the National Centre for Public Opinion Research and Transparency International, Bulgaria examined the issue of the possibility for the separate individual in the public space to curb corruption. Above all, in the opinion of the respondents, the justice system is capable of curbing corruption (82.8% of all respondents indicated this reply). This concept corresponds directly to the increased attention towards the legal authorities which in the absence of a real legal culture is being transformed into a state of chronic dissatisfaction.

Increased civil control takes third place in the opinions shared on the way in which corruption could be curbed. Active civil control should be institutionalised in such a way that practically everyone should be capable of establishing the level to which the activities of the administration are objective and are not subject to the pressure of corruption.

Part of the attitude towards corruption can be examined on the basis of an assessment of the type of institutions which can restrict corruption in relation to the expectations of how this might take place (jurisdiction – 82.8%; government – 75.3%; National Assembly – 73.7%; police – 70.2%; mass media – 42.1%; non government organisations – 34.0%).

Even a fleeting comparison of the values shows that mass expectations are connected with the simultaneous actions of a number of public institutions. This is one of the major problems in counteracting corruption – *the lack of sufficiently effective co-ordination in the activities of the different institutions*, which results in a specific rise of “costs” of the measures needed to curb corruption..

Mass awareness is oriented towards the power concentrated in these institutions as a natural understanding of the significance of the problem and a continuation of the mass understanding of the interests and opposition to the corruption environment itself. The expectations connected with increased civil control and active media policies act as a counterpoint to the intervention of the government authorities which is expected and felt necessary by the majority of the people.

An analysis of the results indicates the link between the problems connected with the need for an effective and transparently functioning administration – *the increase of social competence and the formation of an informed public opinion* – as a prerequisite to counteract corruption.

The optimal solutions aimed at curbing corruption should develop prerequisites for permanent and publicly controlled functioning of the administration, and the institutions of local government – the municipal council, in particular.

The increase of internal institutional control and the creation of permanently functioning units for the prevention of corruption have to be accompanied with the increase in the *political will* for transparency in the functioning of the organs of self-government in order for their final goal to be fully achieved.

The parallel and co-ordinated implementation of measures to counteract corruption requires equality and clear procedures for access to information. This is the only way to curb the daily pro-corruption practices requiring additional payment for any “*acceleration*” of administrative procedures.

Conclusion

The Transparency International Bulgaria's Project was a pilot project. The results of the research define a number of directions in which civic efforts for transparency and responsibility have to be focused in the activities of the institutions of local self-government:

- the development of conditions for an effective dialogue between municipal councillors, permanent and temporary commissions of the municipal council and citizens – the leading factor here has to be the practice of introducing reception offices for municipal councillors; creation of clear access procedures to the permanent and temporary commissions;
- procedures and regulations for the storing and accessing minutes and public information about the activities of the permanent and temporary commissions of the municipal council, as well as about the sessions of the municipal council;
- redefining and re-focusing of the volume of functions of the permanent commissions of the municipal council in order to reduce the pro-corruption pressure on the municipal councillors ;
- active contact with the municipal offices of “Public Relations and Media” – there are a number of opportunities in this respect which have remained unused to its full so far, especially when it comes to overcoming the negative media image of the municipal council;
- change in the information policies of the municipal council – from passive and difficult communication with the public and the media to a pro-active communication strategy which will allow the formation of an objective opinion about the processes of local policy development;
- the formation of partnership for the effective public presentation of the entitlements, principles of functioning and mechanisms of civil control on the activities of the municipal council – of extreme importance in this respect are the opportunities for long term and effective partnership with organisations in the third sector;
- starting an active dialogue between the municipal councils within the same region, wherein co-operation between the different municipal councils and their permanent commissions has to be focused on mutual assistance in the process of developing regional policies;

The lack of effective dialogue between citizens and administration; the lack of guarantees for maintaining a distance between party and state structures and interests; the ambiguous and inadequate attitude towards public and private property – these are the factors defining corruption as a form of parallel, illegitimate, but socially effective way towards achieving limited resources.

The establishment of a culture of transparency and responsibility in the activities of the municipal council is a key element in the process of counteracting corruption. The growing volume of responsibilities and authority which the local authorities have undertaken in the conditions of decentralisation and the growing significance which people attach to the direct living conditions in the municipalities will define the common context and possibilities for civil participation and supervision over the development of local policy.

The results of this pilot project of Transparency International, Bulgaria show that it is possible to develop effective social practices, increasing transparency and responsibility in the activities of the municipal council. Citizens are beginning more and more frequently to see the institutions of local self-government as their real authority representatives and in the process of an effective partnership they will gradually begin to develop the powers of resistance which will really be able to curb corruption practices.

**CURBING CORRUPTION AND IMPROVING TRANSPARENCY IN
MUNICIPAL COUNCIL WORK IN BULGARIA:
A handbook for Effective Advocacy**

Table of Contents

INTRODUCTION	17
SELECTING A PROBLEM.....	18
IN SEARCH FOR A SUITABLE SCALE FOR COMMUNITY ACTION	19
THE BEGINNINGS OF A SOLUTION: ORGANIZING AN ADVOCACY CAMPAIGN	20
CREATING A “PUBLIC STAKE”: ARGUMENTATION FOR THE SELECTED STRATEGY	22
LIASION WITH INSTITUTIONS.....	23
BUILDING A PUBLIC IMAGE.....	24
CITIZEN OVERSIGHT OF DECISION IMPLEMENTATION.....	25
UNDERSTANDING THE PROCESS.....	26

*“... When the city is in decline, the affluent American moves to the suburbs. When the judicial system fails, he hires a high-feed attorney. When public education is not good, he sends his children to expensive private schools. With his money, he is able to find a way out from any inconvenience or problem. **But when the common man seeks to attain what he has set his mind on, he has to resort to the means of self-government.**”*

John Gardner, Common Cause

“... Considering that the right of citizens to be involved in the governance of public affairs is one of the democratic principles shared by all Council of Europe Member-States;

Believing that this right can be exercised most immediately at the local level...”

European Charter of Local Self-Government, Preamble

Introduction

The purpose of this text is two-fold:

1. **On the one hand**, to map out workable “routes” to obtain up-to-date information about municipal council operations;
2. **On the other hand**, it is targeted at council members themselves, and points to the existence of a shared interest in reinforcing a culture of transparency and accountability in municipal council affairs.

The very structure of this material aims at indicating the realm of shared interest among citizens, administration and representatives of the business community in the process of local policy development and implementation.

□ In this, we shall outline some possible strategies for implementing the principles of citizen participation in policy making at the local level. Each of the steps of the participation process will be discussed from the perspective of existing institutional mechanisms and the resources for community action to overcome insularity and secrecy, which are the natural environment for corruption in local government.

□ We shall trace the steps of a strategy to promote the principles of transparency in the operations of the municipal council from the viewpoint of present conditions and with regard to a hypothetical problem we would like to resolve.

□ At the end of this discussion, we shall have a list of possible actions that can be pursued by anyone, should they wish to avail of the tools to protect their right to know and participate in the process of local policy development and implementation in a Bulgarian municipality.

Selecting a Problem

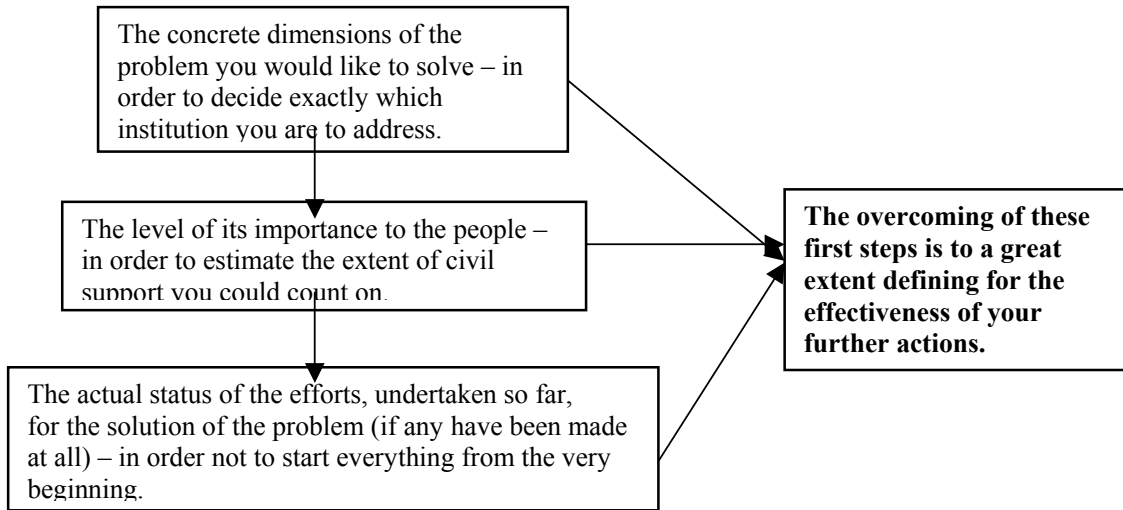
Public opinion polls indicate that:

✓ **People often find it difficult to state or prioritise problems they encounter in their everyday lives.** In general, when no specific problem can be pinpointed, the tendency is to make sweeping generalisations. To overcome this difficulty, it is necessary to identify a concrete and adequate scale, in which people could formulate one or several problems.

✓ **The clear definition of a problem and the specific interests that have to do with its solution depends, in the Bulgarian environment, on the “ability to visualise” social space.** In larger cities (with a population of more than 30 000), mobilising public support for certain common ideas turns out to be more difficult.

✓ **With very small towns or villages, the search for opportunities to effect citizen participation often proves to depend largely on existing kinship relationships, economic relations and dependencies.**

It is for those reasons that, at the very onset of efforts to implement an advocacy campaign like the one to be described here, it is crucial to determine:



Pinpointing a specific problem would be hard to achieve simultaneously by a large number of citizens. That is why the selected problem should be subjected to the evaluation of many – from the group of those who are directly interested in resolving it, representatives of the institutions that should commit to its solution and, at a later stage, the media.

Problems we should target should be:

- Problems of interest to the community;
- Problems, the solution of which does not exceed the scale of community action of the stakeholders themselves;
- Problems, in the resolution of which it would be possible to rely on community support;
- Problems, the solution of which could not be secured financially and institutionally without the pooling of considerable external resources;
- Problems which, once overcome, could create a sustainable attitude to keep being involved.

In Search for a Suitable Scale for Community Action

Let us start with our daily contacts with local administration. Quite frequently, we feel frustrated and even helpless when faced with the incomprehensible matrix in which administrative divisions and departments function; with the piles of documents we need to fill out, or with the impossibility to find an appropriate solution to our specific problem. In such cases, more often than not, we look for someone who could help us out.

In cases where the local administration has not done what it needs to do in order to provide advice to its citizens, most frequently, the effective way is to use connections and acquaintances we manage to get hold of, after a series of compromise.

“A municipality shall be the basic administrative territorial unit at the level of which self-government shall be practised. Citizens shall participate in the government of the municipality both through their elected bodies of local self-government and directly, through a referendum or a general meeting of the populace.”

Constitution of the Republic of Bulgaria, art. 136 /1/

The community scale of local politics involvement is becoming more and more natural in the process of normalisation of the relationships between institutions and citizens. The development of processes to reassess the effectiveness of centralised governance energises the process of decentralisation. An increasing number of issues related to the everyday life of people will be decided locally.

The natural mechanism of local interest representation is through the authorities of local self-government. It is there, with the very act of electing them, that citizen interests should have their effective representative.

“The body of local self-government within a municipality shall be a municipal council elected directly by the populace for a term of four years by a procedure established by law.”

Constitution of the Republic of Bulgaria, art. 138

Having determined the specific addressee of our efforts, we need to address the problem of building community support because individual action can very quickly prove to be inefficient, both for the private and for the group or professional interest.

The Beginnings of a Solution: Organising an Advocacy Campaign

If the problem you are facing affects the interests of others as well, it would be best to start with an effort to **consolidate community support** for your initiative.

Creating the prerequisites for community support requires to extend, step by step, the circle of people who are informed or committed to the solution of the problem you wish to achieve; who support the need to look for solutions together and are willing to co-operate in their implementation.

The most immediate partners at this step in the process are:

- Local and regional media;
- Non-governmental organisations;
- Citizens from the same city or village, or living in the same municipality, who are directly affected by the absence of a solution to the problem.

As early as at the first presentation of the problem, impose a certain standard and demand that it be observed by the representatives of your local government. Abandoning this principle might jeopardise the overall effect of the outcome you attain.

Implementing such a campaign – in essence, an advocacy campaign – supposes the preparation of something like a **“road map” of institutions**, interest groups, resources and people to be involved in the process of attaining a certain solution for the problem you have selected.

The first and most accessible data bank to prepare such a “road map” is the *organisational chart of the municipal administration*. An increasing number of municipal administrations already operate a separate unit which presents the structure of municipal administration in terms of departments, divisions, their respective competencies as regards certain problems, and the respective experts on their staff.

Upon its constitution, following the elections for local government authorities, the municipal council adopts Rules of Operation. This document describes the procedures in preparing and tabling draft decisions, the responsibilities of the various municipal council committees, in accordance with the Constitution of the Republic of Bulgaria and the Local Self-Government and Local Administration Act.

The Rules of Operation of the municipal council are public and should be accessible to anyone wishing to learn about the activity of the Council or participate in the process of preparing its draft decisions!

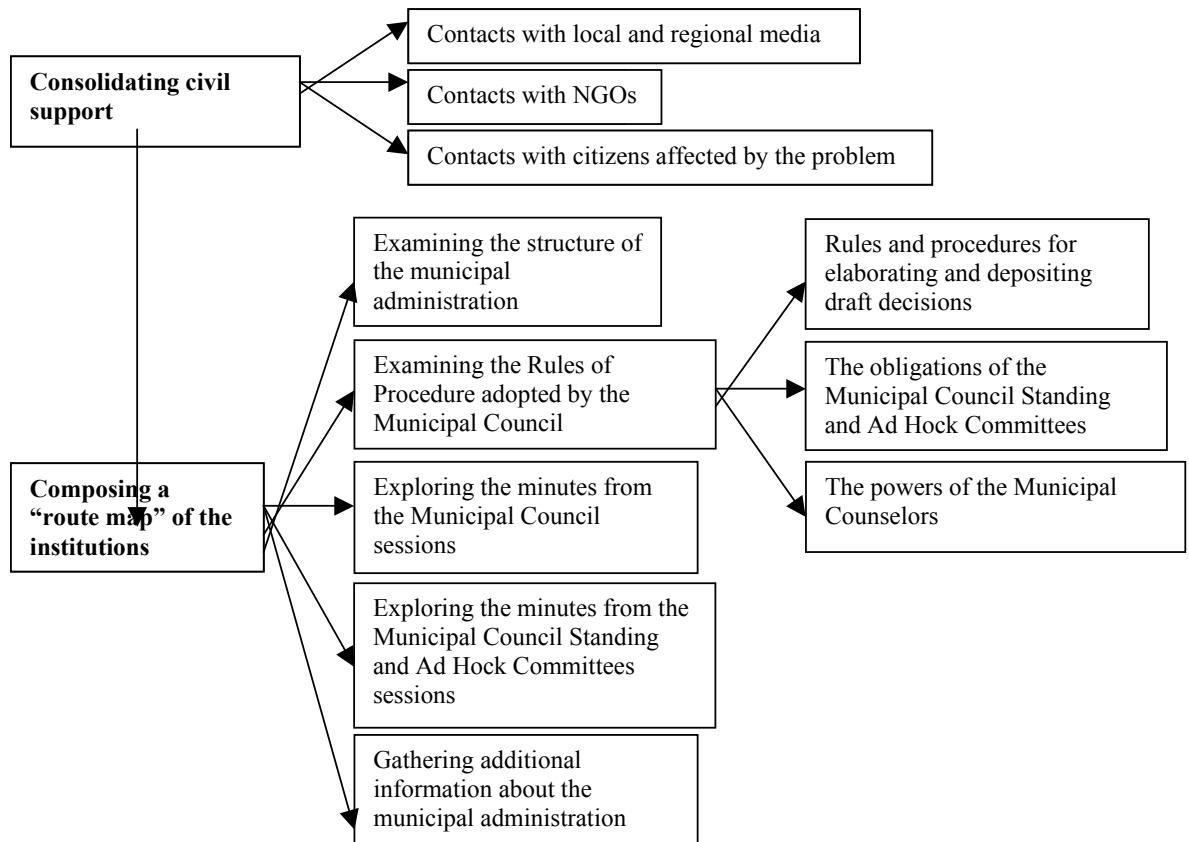
“The municipal council shall adopt Rules of Procedure, in which the issues of organization and functioning of the municipal council and the municipal council committees shall be regularized as well as the issues of the regional councils, the municipal administration, the municipality’s associating and all other issues specified in this act.”

The Local Self-Government and Local Administration Act, art. 21/3/

That is why, you should look for *the Rules of Procedure of the Municipal Council* in your municipality. These Rules is extremely useful in guiding you through the structure of standing and ad-hoc committees of the municipal council and in helping you target much more precisely your questions to council members sitting on such committees. Look for contact information for municipal council committees that could solve your problem.

In preparing a well-argued proposal, it would be very useful to have information about the days when standing and ad-hoc committees of the municipal council sit, and the transcripts of proceedings from those sessions, the names of their members, and also information about the professional background and party affiliation of council members.

This information is public and no one has the right to deny you access to it!



Creating a “Public Stake”: Argumentation for the Selected Strategy

The success of your advocacy campaign is largely determined by the intensity, scope and scale you employ in argumenting your selected strategy.

Best argumentation practices include several components presented in a sequence:

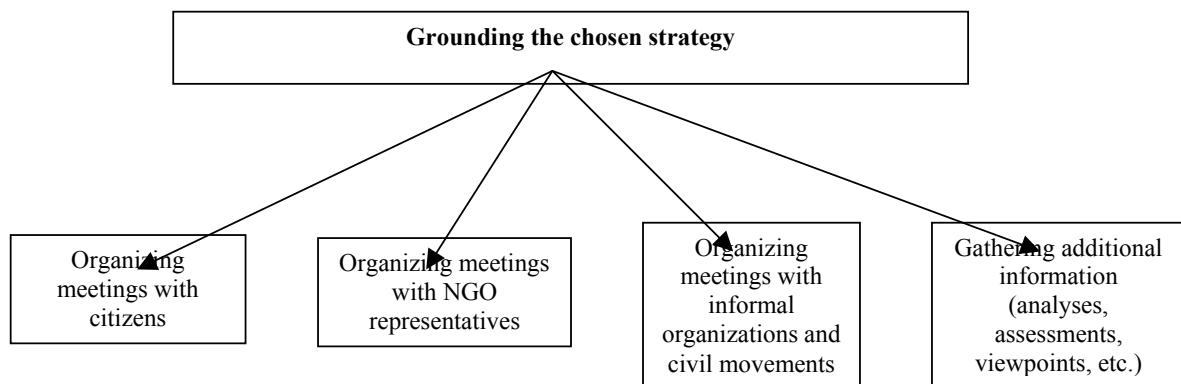
- The current status of the problem;
- The scope of its significance;
- Measures proposed so far in attempting to resolve it;
- Outcomes of previous efforts to achieve a solution;
- Interests and motivations of those who have already lent you their support;
- Motivation and interests of potential opponents to the solution sought.

An effective tool in providing argumentation for your action would be to create the so-called “public stake”. Each **meeting with citizens** who have encountered a problem similar to yours will enlarge the argumentation basis of your advocacy campaign.

Over the past several years, and increasingly these days, when there is a certain regulatory framework for organisations from the so-called “third sector”, a natural focus for this kind of civil initiative is a **non-government organisation** or a coalition of several such organisations.

On the other hand, the authentic traditions of civil society, including in Bulgaria, and as early as the late 1800’s and the early 1900’s have to do with making the difference between a civil movement and an organisation. Quite often, the motors behind such movements are **neighbourhood or community associations**, which do not even have an official legal entity status. This broad and dynamic basis of civil society allows for a much more effective promotion of specific interests while resulting changes can be perceived and reflected more adequately.

Look for **additional information** to extend the scope of your arguments! Most frequently, this includes statistics and sociological information, economic analyses, expert assessments, official statements of opinion and positions of institutions, etc.



Liaison with Institutions

Do not start addressing the problem you selected by compromising the principles of citizen participation. Do not look for acquaintances and relatives working for the local administration, in order to obtain the information you need!

“Citizens shall participate in local self-governance by resolving directly, through township meetings, referenda, or other methods, on issues of a local nature, or through the authorities elected by them which shall formulate and implement local policies in accordance with the community interests.”

The Local Self-Government and Local Administration Act, Section 17/1/

Direct involvement of local government in sustaining the results achieved and in promoting citizen dialogue depends on the degree to which the community interest can find an appropriate form of active partnership with the representatives of public stakeholders at the local and regional level.

The scope of municipal council activity as the legislative body at the local level with regard to local policy-making is defined in Section 11 /1-10/ of The Local Self-Government and Local Administration Act. It is described in ten areas that include an extremely broad range of issues. Almost each of the problems people encounter in their everyday life is captured in one of those areas.

“The municipal council shall elect, from among its members, standing and ad-hoc committees that can also include other experts.”

The Local Self-Government and Local Administration Act, Section 48

It is those commissions that are the natural partner to any civil initiative aiming at amending a local policy.

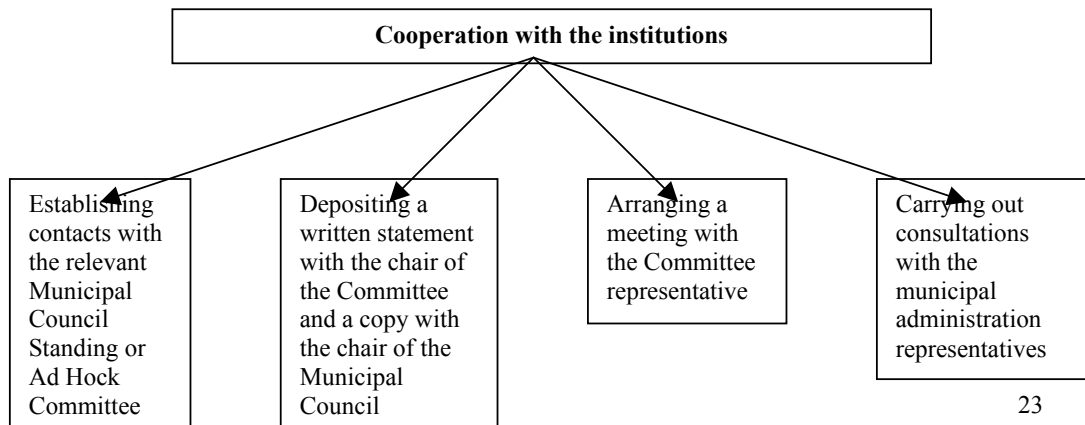
If necessary, state in writing the problem you have committed to resolve and address it to the chairperson of the respective municipal council committee, copying the chairperson of the municipal council.

“The municipal council shall not have its own salaried staff. Its operations shall be assisted and supported by the municipal administration”

The Local Self-Government and Local Administration Act, Section 29a

Set up a meeting with a representative of the committee that should be engaged in resolving the problem identified by you.

Argument your position and explore the opinion of representatives of the municipal administration that would have to implement the potential changes you want to propose to the municipal council.



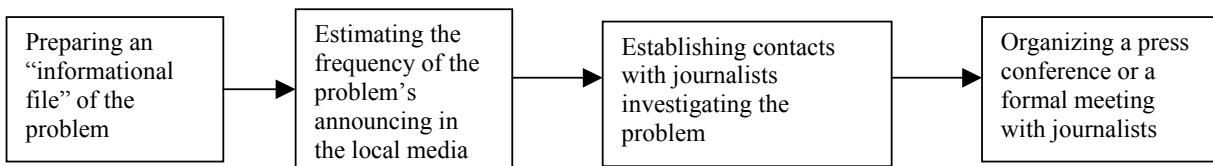
Building a Public Image

Involve the media in your advocacy campaign. Before seeking their active co-operation, prepare something like an information record of the problem you are interested in. The easiest way would be to approach the local press in the months preceding your initiative.

Determine the frequency with which the topic of your interest has been covered in the local, regional and national press.

Contact journalists who have stated their opinion in a professional and responsible manner and who have demonstrated commitment to the topic. Describe the problem of interest to you and argument your expectations as to the need to change the existing regulatory basis.

Hold an official meeting with journalists or a press conference only after you have received the first official positions and replies from municipal council members, chairpersons of standing or ad-hoc committees, or from the chairperson of the municipal council herself.



Citizen Oversight of Decision Implementation

The sponsors of the respective drafts for a decision of the municipal council are entitled to attend, in person or through an authorised representative, the session of the respective standing or ad-hoc committee where it is to consider the tabled proposal. The same holds good for sessions of the municipal council.

Municipal council sessions are open. Every citizen has the right to attend council meetings.

“The meetings of municipal and ward councils shall be public. The council may decide to hold some of its sessions in camera.”
The Local Self-Government and Local Administration Act, Section 28

Experience has shown that a relatively small number of citizens avail of this right. The reasons for this may vary; however, low activity in this respect enables an environment conducive to the formation and spreading of the perceived lack of possibilities to affect the workings of local government, and a lack of transparency.

“The municipal council shall convene for a meeting at least six times a year...”

Decisions shall be announced to the community.

The Local Self-Government and Local Administration Act, Section 27 /1/ and /5/

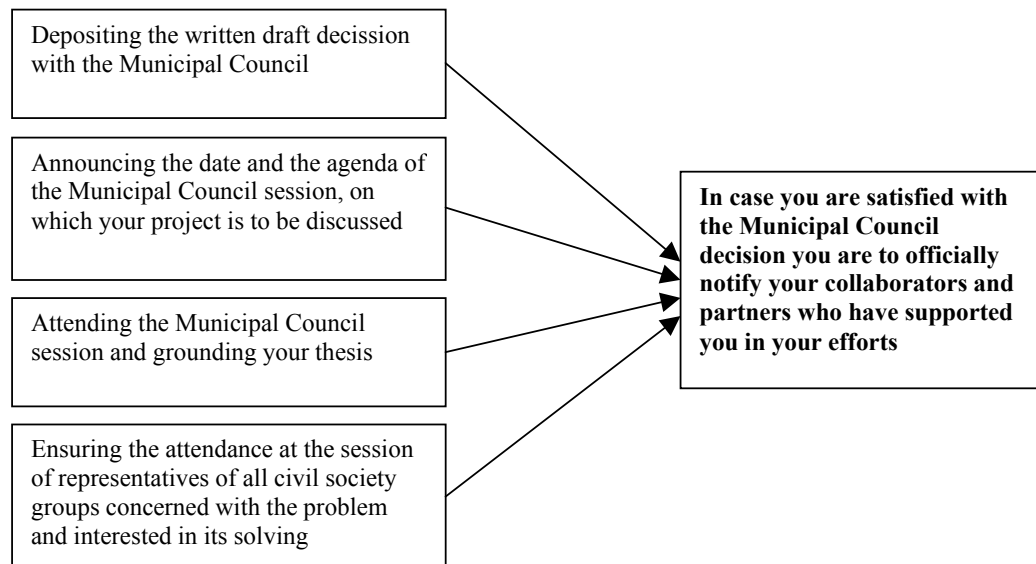
Your immediate partner in resolving each of the problems you have selected is the municipal council member.

“The municipal council member must

1. Attend meetings of the municipal council and its standing committees to which s/he has been elected, and participate in resolving the issues discussed;
2. Keep in contact with voters and inform them of the activity and decisions of the municipal council.”

The Local Self-Government and Local Administration Act, Section 36

After you have prepared a draft decision and consulted with your partners on it, after you have provided sound arguments for your proposal and ensured media coverage of the problem you have chosen to address, you need to proceed with the concrete implementation of the goal of your entire campaigning effort. The steps in this implementation could be described as follows:



The road of publicising the result achieved is symmetrical to the road covered in achieving it!

This is also a part of the responsibilities of your council members!

If you are happy with the decision, this means it is time to repeat all steps, strengthening argumentation efforts and extending the circle of your partners!

Understanding the Process

The achievement of a specific management decision as a result of a persistent and consistently carried out citizen initiative is but a stage in implementing the principles of transparency and accountability in the functioning of local government authorities.

Maintaining public interest in active interaction with local government frequently encounters problems of a technical nature. Many people often share that they are willing to present their problems and be involved in resolving them, yet do not know how this could be done. The success story of your advocacy campaign could demonstrate to them effective ways to dealing with the problems they face.

The better prepared and the more effectively implemented a decision, the easier it is to re-launch the process. It is here, in the transition from a specific citizen initiative to a sustainable process of community dialogue with the representatives of local government, that the ability to place the specific problem in the context of the understanding for the need to share responsibilities in implementing local policies stands out as the key factor.

Contributors:

Antony Galabov - sociologist, Seignior Project Consultant

Katia Hristova-Valtcheva - political scientist, Project Director

Tsvetelina Tellalyan - Project Coordinator

Stanimira Georgieva - Former Legal Expert at TI-Bulgaria

Flora Tchavdarova - Office Manager

Our thanks for the generous support go also to:

Ventseslav Karadjov - National Program Director, TI-Bulgaria

Diana Nuneva - Project Local liaison,

Georgi Gerasimov - Project Local liaison,

Katia Tabachka - Project Local liaison,

Dean Dimitrov - Project Local liaison,

Valia Pavlova - Project Local liaison,

Donka Doneva - Project Local liaison,

Tsonka Girginova - Project Local liaison