

**International Conference on Fighting Corruption and
Safeguarding Integrity Among Justice and Security Officials**

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**REPUBLIC
OF BULGARIA:**

THE QUALITY OF GOVERNANCE -

THE CHALLENGE OF THE NEW MILLENNIUM

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Corruption turned into a serious problem of the transition for the countries of Central and Eastern Europe, one creating favorable conditions for destabilization of the state governance and the process of reform. Unfortunately, Bulgaria was not spared this negative phenomenon.

The notion of “**corruption**” comprises every misuse of public resources – economic, political and administrative power, leading to personal or collective benefit at the expense of the lawful interests and rights of the individual and society as a whole. This broad definition is the result of the fact that the combat against one of the most dangerous phenomena not only on the national, but on global scale as well requires coordinated efforts that will call for the commitment of both the states and the structures of civil society.

The efforts of the Bulgarian government are focused on three main directions:

1. Policy on the confinement of the opportunities for the flourishing of corruption

The government policy, as defined in the Bulgaria 2001 program, sets the establishment of a modern administrative system in the Republic of Bulgaria, the structural reform in the economy, a reform in the system of justice and more transparency and accountability of the process of governance as essential factors of the confinement of the opportunities for corruption.

At the same time the government of the Republic of Bulgaria directs its information policy towards the creation of atmosphere of intolerance to corruption in Bulgarian society. The focus of this policy is the public price of corruption.

The long-term objective that the government had set is to confine corruption and its consequences for the public to the highest possible degree. In a medium term the goal is to get control over corruption and change the public attitude towards it.

2. Diagnosis and periodical assessment

The diagnosis of corruption includes continuous monitoring over the performance of the administration and the compliance with the legislation in order to establish the level of pervasiveness of the different forms of corruption among the spheres of public life.

Alongside with it the development of the public images of and the attitudes to corruption and those of the private entrepreneurs, the public administration and the politicians are being periodically surveyed.

3. International cooperation

The cooperation and experience of the international organizations and the rest of the countries are of crucial importance for the Bulgarian government in defining the parameters of the initiatives for corruption combat and the integration of the Republic of Bulgaria in the global multilateral efforts to confine corruption.

ESSENCE OF THE POLICY OF THE BULGARIAN GOVERNMENT FOR COMBAT AGAINST CORRUPTION

I. ESTABLISHMENT OF A MODERN ADMINISTRATIVE SYSTEM OF THE REPUBLIC OF BULGARIA

The state of the Bulgarian administration corresponds to the transitional character of the public relations in Bulgaria and the lack of an adequate legal and institutional culture in combination with a bad organization, unclear criteria and vague competencies between the institutions and the different positions in the administration. The spheres, most pervaded by corruption, are licensing, collection of budget income (taxes and duties), execution of supervision, including sanctions, granting of public procurement etc.

The government of the Republic of Bulgaria adopted a Strategy for the establishment of a modern administrative system, whereby the main objective is to build a neat organization system of the administrative structures and define the status of the public employees. On the basis of the government strategy a new legal frame was developed, including a pack of laws for the structure, the activities and the status of the employees in the administration; the administrative services for the public; the public procurement; the access to public information. The new legislation contains legal mechanisms, institutional and administrative measures for the effective confinement of corruption and creates conditions for the consolidation of governance and organizational stability. The new administrative organization provides mechanisms for effective control on the conformity with the laws, both on behalf of the public institutions and the public itself. The end of 1999 will complete the process of adapting the administration with the new legislation. Within the process the functions of all the administrative structures in the system of the executive power will be defined, paying special attention to the supervisory units inside the administration (The Tax Administration, The State Financial Control, The Customs Offices, the ministerial control units). In compliance with the rules of organization it is intended to improve radically the performance of the law-security bodies in the Republic of Bulgaria by focusing on prevention.

The Civil Servant Act outlines the rules, obligations and responsibilities of the public employees, as well as a number of restrictions, connected with the participation of public officials in commercial companies, political and other organizations and also concerning the direct relations of hierarchy between persons with family relations. These restrictions will

guarantee loyalty, independence and objectivity in the performance of the public offices.

The government of the Republic of Bulgaria takes concrete steps to raise the ethic and the professionalism of the public officials, which is still another factor in the process of confining the corruption in the administration. A system of assessing the public employees has been introduced as a base for raising their salaries in combination with reliable mechanisms for control and evaluation. The primary body that will control the ethic and status aspects of the work of the public employees according to the Civil Servant Act will be the State Administration Commission at the Council of Ministers.

II. REFORM IN THE SYSTEM OF JUSTICE

In the recent years the system of justice in Bulgaria has invariably stood among the institutions, attracting public criticism and lacking the necessary trust of both the citizens and the rest of the public institutions. It is a widespread belief that it remains clumsy, ineffective and corrupt. The need to reform it is shared by the majority of the magistrates, too.

In answer to these public expectations and in compliance with the Bulgarian Constitution the Parliament, by proposal from the government, adopted new legislation for the organization and the activity of the system of justice. A three-instance system of justice has been introduced. The transparency of the process of justice and its acceleration has been secured. Internal mechanisms of control against the abuse of office have been created.

The changes in the Penal Code are adapted to the changes in the public relations, introducing a modern system of punishment that provides a new definition of the "fine" form of punishment and the introduction of alternative ones. This will create conditions for effective opposition to corruption.

Apart from the general rules of structure and procedure the Parliament adopted specific measures against the dirty money laundry and for the incrimination of the "new" crimes, especially in the field of the economy. /For instance the use of legal persons for criminal actions, the establishment of illegal monopoly, enrichment at the expense of the consumers etc./

III. ECONOMIC MEASURES FOR FIGHT AGAINST CORRUPTION

The economic measures for fight against corruption that the Bulgarian government is carrying out are directed at the building of an effective market economy. The accent in the government policy is the privatization process and the withdrawal of the state from direct interference into the economic life. In itself the privatization process is another opportunity for corruption and therefore the government of the Republic of Bulgaria developed and is successfully applying new privatizing schemes that will guarantee its transparency and publicity. At the same time the government attempts to accelerate privatization as much as possible and practically complete it by the end of this year.

The second element of the economic measures set by the government program is the transfer of certain activities and services from the administration to the private sector by means of the legally established system of public procurement. It provides the legal possibility of freeing the administration from certain activities and aims at the application of market mechanisms in the use of the public funds.

The third element is the new attitude towards the regime of permits and licenses. They will be limited to the spheres where only the state can effectively guard the public interests, provided that does not destroy the competitiveness of the market subjects. In the spheres where the permit regulation will keep functioning, greater guarantees for transparency will be secured. Besides, the permits and licenses regulations will only be introduced by force of legal regulations.

These measures are designed to improve the mechanisms of performance, the methods and the technology, used in the administration and, consequently, to secure the improvement of the administrative services for the public.

IV. INTERNATIONAL COOPERATION

Corruption is a world phenomenon, directly influencing the international relations and the world economy and policy. This focuses the attention of the international community on the necessity for transparency and accountability as underlying conditions for successful economic development.

The active cooperation of the Republic of Bulgaria with the international organizations, working on the problem and the exchange of experience in the solving of particular cases is extremely important for the Bulgarian government.

The joint activities in confining corruption make a serious contribution to the success of the integration efforts as part of the process of integration of the Republic of Bulgaria in the European Union and to the building of stable and foreseeable relations with the international financial institutions.

The participation of the Republic of Bulgaria in the multilateral cooperation of the Council of Europe for the creation of a common penal policy for fighting against corruption induced integrity measures for the application of the programs and recommendations of the Council of Europe on combat against corruption.

In December 1998 the Parliament of the Republic of Bulgaria rectified the Convention for the fighting of the bribery of foreign officials in the international trading relations, signed by 33 countries in Paris on December 17. The rectification of the convention allows the adoption of national legislation, incriminating the active bribery of a foreign official in a coordinated way. The Convention contains a broad definition of bribery, imposing the incrimination of not only the actual giving, but of the offering or promising of bribery to a foreign official. The Convention demands responsibility of the legal persons for bribing a foreign official.

The optimization of the cooperation inside the United Nations Organization on the problems, concerning the fighting against corruption and the Commission for crime prevention and penal justice plays a particularly important part in the consolidation and development of the international cooperation in this respect.

The World Bank and its research unit – the Institute of International Economics – have a serious contribution to the development of a global strategy and specific measures for combat against corruption, whose practices and experience are used, by the Bulgarian State.

The communication with the representatives of the World Bank and the International Monetary Fund for the attaining of the mutual goals for confining corruption has been executed within the frames of the reforms in the Republic of Bulgaria and especially as regards the privatization process.

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