

**DEMOCRATIC AUDIT - PERFORMANCE, LEVELS,
QUALITY AND PROBLEMS OF A POLITY.
THE EXPERIENCE OF BULGARIA**

■ *Vladimir Shopov*

INTRODUCTION

Democratic audit has, over the last decade or so, become an important analytical tool for gauging and examining levels and quality of democratic processes. It would be reasonable to conclude that approaches such as democratic audit have gained prominence in the context of the third wave of democratization, which began in the late 1980s. The process of democratization meant an expanding set of polities embarking on democratic liberal reforms, a set including polities from diverse cultural and historical settings and traditions. These states have come from various political traditions and democratization has often meant “institutional stress” by innovation. While there is sufficient clarity on the institutional parameters of a democratic polity, the ways and means of analyzing and gauging the actual levels and quality of democracy has been a notoriously difficult task. Policy-makers and analysts have long tried to grapple with this problem arriving at numerous classificatory schema to describe these phenomena. The “thick-thin” / “formal-substantive” descriptions of democracies are among the most widely known ones. Another major effort has been to classify these polities by way of looking at the intensity of social and political conflict: consensus vs. conflict. Many of these academic efforts are very informative and do shed much light on the actual func-

tioning of democracies. Yet, they often over-classify and ignore political detail to ensure the integrity of their expansive analytical definitions. Democratic audit is a welcome counterpoint to these shortcomings of the efforts to understand and improve democracies. The approach has a number of strengths, most of which we will attempt to bring out in the present analysis. Firstly, it does not prejudge the overall features of the democratic polity in its immediate context and history, thereby preserving an opportunity for unbiased analysis. Secondly, the approach is context-specific, allowing the drawing out of particular paths to democracy. Thirdly, democratic audit allows “thick institutional analysis” by looking at the actual, every-day practices of the polity; the specific ways and means of interest aggregation, representation and institutional functioning. Fourthly, as a result of this “thick institutional analysis”, democratic audit is of particular use to policy-makers as it renders political reality in terms, which allow institutional intervention and improvement. These four elements give democratic audit not only analytical edge but also provide an opportunity for informed intervention aimed at the improvement of democratic polities.

METHODOLOGICAL NOTES

The main task of this analysis is to conduct democratic audit of two institutions of the Bulgarian polity: Parliament and a local government body (municipality). The choice of institutions is determined by a number of considerations. Firstly, it is not possible to imagine a post-transitional democratic polity without an established, reasonably well-functioning legislature, capable of representing interests, aggregating social, economic and political demands and able to adopt legislation which is perceived as legitimate by the citizenry. Secondly, it is difficult to envisage a democratic polity, in which Parliament has not adopted and does not

function by the requirements of democratic audit. Hence, it is necessary to examine in detail the modes of functioning of the various elements of the legislature. Thirdly, while studying Parliament does provide important insights on the core of the democratic polity, it will be unwise to ignore the local dimension of politics. Increasingly, citizens expect to be consulted in the political process and to participate in decision-making. Hence, in order to assess the quality of democracy and levels of legitimacy of the political system, it will be necessary to examine the modes of participation and politics at the local level.

LEVELS OF ANALYSIS

The essence of democratic audit entails at least two central dimensions while not being entirely defined by them. The first one will by necessity focus on the “life of the institution” as it were. It relates to rules, secondary legislation setting out in detail the modes of functioning of the institutions of the political system. This is a central element of democracy in spite of many claims that rules and procedures at best allow the emergence of “formal democracy” with little substance, durability and quality. No democracy can be defined outside its institutional context and configuration. Yet, there is a second dimension, which needs to be taken into consideration. It relates to actual practice, to application of the rules and procedures. This dimension is linked to the “tissue” of democracy, the extent to which rules and procedures become effective, sustainable, transparent and approved political reality. A specific section will briefly highlight some of the difficulties encountered here.

UNITS OF ANALYSIS

It will be useful to specify further the actual units of analysis. There are a number of possibilities for research at the level of Parliament. We have decided to focus on the work of Parliamentary Committees as they provide a natural focus for the parameters of analysis, which will be used in the context of the current report. Local government presents fewer options research-wise and the

focus here will be on the work of municipalities. Municipalities offer the most immediate point of contact between citizens and local government and should provide fertile ground for reaching conclusions on the parameters under scrutiny.

PARAMETERS AND INDICATORS OF ANALYSIS

There are a number of parameters, which should be examined in detail in order to gauge the quality of democracy. These will be relevant for both units of analysis with some differences and additions in the case of local government relating to its powers and prerogatives.

Representation / quality of democracy

This parameter will be analyzed through the following indicators: type of institutional set-up of committee work / constitution of committee; agenda-setting: access of the opposition and appointment; access to agenda of Parliament; access to the executive: summoning of Ministers, civil servants; voting mechanisms; number and type of Opposition days in committee and Parliament; administrative and policy continuity between Parliaments; continuity and modes of appointment of staff at committee level; openness of recruitment of support staff (open competition vs. party political appointments); existence and types of informal working arrangements; decision - making on budgetary issues (availability of funds to opposition parties); social structure of employees/staff, degree of representation.

Responsiveness and inclusiveness

The following indicators will be employed here: degree and type of consultation: executive, civil society, professional organizations, foreign institutions; joint work with other Parliamentary Committees; consultation during elaboration of legal acts; work and consultation with executive agencies; existence of best and worst practices; recourse to various expert communities; conducting of impact assessments prior to adoption of binding decisions; post-adoption monitoring of policies and decisions; "open days" in Parliament; consultation with "target communities" of policies; level of

awareness of citizens' expectations and regular interaction with business organizations.

Accountability and transparency

This will be examined by means of the following indicators: public access to meetings and minutes; existence of Question time; interaction with non-governmental organizations; Question time in plenary; record-keeping, filing and archive; responses to individual requests for information; drafting and publication of regular/annual reports; confidentiality and access to official documents; meetings with constituents; open town hall meetings; publications of decisions, drafts, etc.; work and dialogue with the media; lines of accountability to political parties (involvement of party structures).

Performance

This is a notoriously difficult parameter to measure. An attempt to do that would look at the following: evaluation of relationship between expenditure and produce (opinion of decision-makers); public evaluation of this relationship at an aggregate and specific level; public expenditure levels; ratios of employment (weighing of various levels in executive and legislature); perception of delivery of public goods; overall evaluation of functioning of Parliament / Parliamentary Committee.

Organizational development and policy-making capacity

This is other parameters, which poses numerous problems of measurement. Yet, any analysis would examine the following: type and elements of human resource policy; existence of a human resources unit; modes of recruitment; existence and type of training policy; continuity of staff; division of tasks and its application in practice; effects of political cycle on staff; level of available expertise; capacities to conduct policy-drafting processes.

METHODS OF RESEARCH

The paper will rely on a number of methods. These will include an analysis of primary and secondary documents, especially where the actual functioning of the institutions will be assessed. We shall

be examining a number of documents regulating the every – day work of institutions. Much use will also be made on public opinion surveys, attempting to capture the evaluations of citizens. The project will also involve the collection of own public opinion data, which will be more detailed and tailored in accordance with the requirements of the analysis. We shall be also using expert evaluations on macro-political and social context. Tailored interviews are planned as well. These will be of two types: interviews with politicians and civil servants as well as expert interviews with political scientists and sociologists.

INTERESTS, REPRESENTATION AND INSTITUTIONS

This section of the report will attempt to provide some general remarks on the interaction between interests and representation as well as their expression in the institutions of the public domain. It will be clear that we assume analytical compatibility of markedly different societies and polities covering the entire continent of Europe and beyond it. Hence, we propose that categories such as group interests, acceptance of democratic principles and pluralism, representation in public domain and efforts to establish and sustain democratic institutions do apply to these varying social and political contexts. Indeed, this is an important asset of the audit approach, which needs to be fully utilized. The section also makes a few comments on the relevance of other approaches to democracy analysis and how these might impact the current endeavor.

POLICY-MAKING AND LEGITIMACY

The Classical Symmetry of Representation

Much of the 19th and 20th centuries saw the preeminence of an analytical assertion, whose durability must be recognized as quite

impressive by social science standards. The linkage between group interest and its representation in the public sphere has been at the core of normative and descriptive theories of democratic order for the past couple of centuries. Indeed, this is at the very core of democratic theory and practice, much sought and valued.

It has to be admitted that this linkage has always had a normative element. It presumes a symmetry between an articulated, durable, common and group-based interest, which employs the tools and the mechanisms of democracy to “travel” through the institutions of the political system and mature into binding policies of the state. It is a symmetry as it aims to reflect perfectly this common interest. Any detailed and thorough analysis of concrete political circumstances will reveal the ideal-typical elements of this perception. Yet, it does have solid grounding in social and political practice. There can be little doubt that, empirically, Western European and North American political experience has shown, especially since the Second World War, sufficient evidence of an overall fit between group interests and the readiness and capacity of the political system.

It has already been emphasized that the capacity of the polity to realize such a symmetry, to ensure such responsiveness is central. Yet, the point should not be overplayed due to the fact that it is predominantly in large-scale, modern industrial societies where this matrix is best seen and analyzed. The emergence of the triad: organized labor, industrial, consolidated interests and state in late 19th century best captures this snapshot of such a polity. This is an interaction based on some key structural phenomena. First, without necessarily stating in order of importance, is the appearance of an industrial core of economic activity characterized by a few big companies. By their assertion, these seek to represent “national capital”, thereby attaining a degree of legitimacy, which allows them to appear on the public domain with an exclusive claim to represent. Such processes have peculiar, national histories but they do constitute a unique feature of industrial society and polity. Second is the emergence and strengthening of organized industrial labor. Again, an organizing principle here is commonality of interest reinforced by a national dimension relevant for the strength of the polity in a hostile, conflictual international set-

ting. In this sense, labor is also “national”, ensuring an exclusive identity. Third is the full assertion of a consolidated, all – powerful state, which is partially constituted by the need to retain strong standing in an international system, based on exclusive nationalist claims. This state recognizes the importance of “national industrial capital” for the reproduction of its strengths. Legitimacy and stability cannot be secured without a stable network of absorption and transmission of societal interests.

This triad is not only at the centre of the nation-state of the 19th century but also at the core of the democratic process. The rules and conditions under which it has been conducted have changed but the capacity of the state to address group-based interests has since become a crucial benchmark of democracy. It has also come to define representation as a political category. Problems arise when industrial society is supplanted by a more complex, multi-layered, truly plural, fragmented society of late modernity or post-modernity. In these circumstances, national assertion is not a defining *raison-d'être*.

Moreover, what was once a relatively integrated community of “national capital” slowly turns into a myriad of smaller groups and business coalitions, which do not have a single, evident common interest. A true plurality of business and economic group interests comes into existence. Hence, representation becomes more difficult and problematic. There are few occasions of “economic unity”. Similar processes are at work in the area of labor and social structure in general. Employees in the various sectors of the economy begin to lose the sense of common destiny and identity, which might have been present in late 19th and early 20th centuries. Sectoral bargaining and representation becomes a much more appropriate strategy. Trade unions begin to lose their hold on labor and their structure and claim to exclusive representation crumble as well. It is then easy to perceive how representation acquires new elements and dimensions as a consequence.

The state itself is far from unscathed as a result of these processes. It can no longer afford to be just a “transmission box”, which accepts a limited number of legitimate claims and turns them into policy decisions. Its agencies and layers begin to be exposed and actively expected to respond to a myriad of claims vis-a-vis poli-

cies and decisions. The state has to begin to construct a new capacity to absorb, evaluate and sort these claims on its exclusive right to legislate. This is a novelty and, again, it makes representation function in a new environment.

Current Social Structure and Representation

Some remarks on the linkages between social structure and representation have already been made. In a rather schematic manner, it might be stated that the last couple of decades have seen an important shift. This transformation involves the dissolution of an industrial, national economy, in which a limited number of business and economic groups constitute a core of “national capital” and seek to be represented at the level of policy and polity. It also involves the moving away from a social structure based on a small number of large social groups with durable, thick identities, which seek participation and involvement in politics. These are, of course, observations of general nature but they have relevance for the transitional polities of Central and Eastern Europe.

The present report will not meet its task without devoting more attention to the peculiarities of the Bulgarian situation relating to the above-mentioned phenomena. Let us then specify a few elements of the current situation: transformation of “communist” social structure; contours of the emerging social stratification and the patterns and difficulties of representation in this context.

The question of social structure under communism is a complex one and cannot be tackled here at length and with due attention. Yet, there is little doubt that there were very few economic and status-based grounds for social stratification. Status in society was largely defined vis-a-vis access to various networks of limited privilege and ability to engage in short-term, attainment-of-scarce goods interactions. There was a clear perception of the existence of economic - political elite. Positioning around this elite was quite unstable and had little durable symbols or economic realities to provide much grounding. Hence, there was a dominant perception of an undifferentiated entity, full of minute, colorful local distinctions but uniform in its exclusion vis-a-vis the ruling nomenklatura. Where there was difference, it was largely linked to place/region

of birth and language accent. The dismantling of communism came with little, if any, awareness of the coming differentiation, of the shock of economic restructuring and the consequent personal and group disruption. As a consequence, we have seen two rather dramatic and inter-linked processes: decline of social status for the “socialist middle classes” and the emergence of a fragmented, diffuse post-transition social structure. The organizational lack of capacity to represent the various, fragmented layers of society adequately has fostered a feeling of frustration and distance from social and political mechanisms. Polity, economy and society are perceived as functioning at a distance, without any reference to the particular interests of the newly emerged social groups. Representation has become problematic.

Expertise, Group Interests and Legislation

The transition to democracy and market economy has thrust the country into a new era. Economic restructuring and opening up to international and supranational organizations has sent shock waves through the structures of the polity. The country was suddenly exposed to an array of new challenges linked to the needs of adjusting to new economic and political realities.

Economy and polity now find themselves participating in a global environment facing numerous exposures to competition. This is an environment characterized by complexity, which poses sets of new challenges. The capacity of a transitional polity to deal with these is rather problematic, thereby further complicating the tasks of consolidation of democracy. One feature of this novel environment is the increasing number of players and factors, which national government needs to take into consideration when making decisions. A clear example in the case of Bulgaria is the need to meet the series of membership requirements allowing the country to accede to NATO and the EU. But there are other less visible instances of equal importance. These would include dealing with the International Monetary Fund, joining the World Trade Organization, continuously meeting the criteria of the Council of Europe, raising the credit rating of the country - the list can be continued further still. Eastern and Central European states are also

having to come to terms with a particular phenomenon - the international non-governmental organizations. These have been a very important factor and facilitator of reform and change but polity and society have had to learn to engage in dialogue with them. It has not always been an easy relationship.

Transitional and post – transitional polities also find themselves in a world of higher general insecurity and risk. Long insulated from global and international influences and impact, they now have to learn to deal with risk through institutional means. This is a major challenge given the enormous task of society – wide need to transform and consolidate the entire institutional environment. Progress here has been very patchy and has not been thoroughly analyzed. Democratic audit will be of continued importance and relevance in this regard. The greater exposure to risk and insecurity has coincided with the process of emergence and maturing of the free media in the country. This has meant greater sensitivity to international and global risks coupled with strong pressure vis-a-vis the institutions to articulate policy responses.

Another consequence of greater complexity of environment and policy-making is the increased requirement of sectoral expertise. Until a few years ago, this was perceived as a phenomenon relevant solely to Western Europe and North America. Yet, it would be clear any observer of events in East and Central Europe that policy-making is no longer possible without recourse to particular sets of expertise of relevance for decision-making. This new phenomenon has enormous bearing on the issue of representation. It is no longer enough to ensure the transmission of articulated interests through the political system. This, in itself, will not ensure full legitimacy of policy decisions. Citizens and policy – makers alike expect the feeding in of expertise into the policy process. Institutions and decisions must not only represent, they must ensure quality policies and outcomes.

Diffusion of Policy Effects

There is a further point, which deserves brief attention in this context. Policy decisions have their effects and outcomes, which can be discerned by citizens and analysts alike. For a few centu-

ries, these effects have been clearly identifiable in a national context. That is, decisions were national, taken within the nation-state and with national impact. Hence, effects were concentrated, they could be clearly seen, identified and object of comment and analysis. The emergence of a complex social structure, coupled with a globalized environment has introduced some novelties. In EU member and accession states, many important decisions are now taken in a context of pooled sovereignty. Previously, there was a clear link between concentrated policy effects and national economy. Currency support, national subsidy policy, monetary and fiscal policy produced clear effects within the national polity. This is much less the case at present, thereby producing a multi – layered effect structure. There is no place here to pursue this further, yet the implications for legitimacy are obvious. If citizens are not able to perceive a correspondence/symmetry between national policy decisions and their effects, the legitimacy of the political system will be increasingly questioned. This phenomenon will have more severe impact in a recently re/established democracies, in which citizens expect a very immediate and effective correspondence between decision and effect/outcome.

INSTITUTIONS AND THEIR IMPACT

The present analysis focuses predominantly on political and social institutions as it seeks to conduct an audit of democracy and how the key parameters of the democratic polity function in practice. The overall emphasis on institutions does allow the audit approach to “travel” permitting cross – country comparison in areas of recent democratization. This is an important benefit with implications for policy-makers and analysts alike. Yet, it will be useful to point out some necessary limitations of this approach.

One is related to the marginality of cultural variables of the audit approach. It will clearly be very difficult to incorporate systematically political culture variables in a democratic audit. This will involve a detailed account of dispositions to political behavior, structure of citizen expectations, attitudes to political authority and power, etc. The inclusion of such variables will inflate the audit analysis and while examining relevant phenomena, it will

erode the integrity of the approach. In any case, such cultural analysis is important, context-setting information, which may provide some clues relating the pace and paths of democratic reform.

Another limitation is linked to the analysis of political behavior in its entirety vis-a-vis actual polity-oriented acts at the level of political and policy involvement, patterns of involvement and action, non-party activities, individual and collective histories of political activity, etc. It will be very difficult to incorporate such analysis in a democratic audit. Of course, this is not to say that an institution-oriented analysis must not seek to address and take cue from insights provided by behavior variables. Moreover, an audit, which does not take on board the practice element of politics will not serve its task. But one must recognize that such a dialogue will, ultimately, remain in the field of institutions and their functioning.

A further limitation is linked to the temporal dimension of any one audit of a democratic polity. The historical trajectories of democratization and reform remain of secondary interest even though they hold much useful evidence, explaining paths of development and patterns of democratic institutions and practices. Elements here would include timing and pace of liberalization and democratization, structure of political activity, number and strengths of central political and social players, etc. This does not take away the need to attempt to include some relevant facts of such nature in the actual democratic audit. Indeed, this is an important challenge in context of this analysis given its cross-national relevance.

GRAPPLING WITH COMPLEXITY - THE CASE OF BULGARIA

The Bulgarian Constitution was adopted by a Grand National Assembly in 1991 and has provided a stable and democratic framework for the functioning of the various branches of government.

While the actual adoption of the document was marred by severe political conflict on some of its provisions, it has proven to be a bedrock of consensus in the country, providing a durable basis for political development. This is not to say that there have not been criticisms and debates over key provisions. One critique has been focused on the role of the President and calls for a re – distribution of powers and the creation of a more Presidential Republic. Another point of criticism has been the “over – independent” judiciary, where reform has proved difficult due to its unresponsiveness. 2003 was the year of the first amendments to the Constitution but these were solely linked to the future accession of the country to the EU. Moreover, an ad hoc Parliamentary Committee is presently examining whether the basic document should not also be amended in view of the pending accession of Bulgaria to NATO this year. It will be important to register in the context of this survey the renewed interest in stronger local government but there is little discussion of constitutional change to bring this about at the present time. The democratic audit is performed against this background.

INSTITUTIONS

This section will examine in detail the workings of the units of analysis in this survey. They will be examined through the already defined indicators.

Parliament. Parliamentary Committee

Constitution, Composition and Functioning

This part of the report will be based on the following documents: Rules of organization and procedure of the National Assembly (State Gazette N 69/07.08.2001 and amended SG N 86/2001 and 90 and 96/2002).

The Bulgarian Parliament has two types of Parliamentary Committees: standing and select. The rules of procedure specify the number and areas of responsibility for the various committees, they are 21 at the present time and some are required to submit annual

reports to plenary. It is the competence of the National Assembly to determine these issues. Beyond establishment, it is very important to examine the issue of composition. Members are elected in proportion to the representation of their parties in Parliament, they then elect a Chair and deputies. The standing committees may adopt their own further rules of procedure. The standing committees perform a number of key tasks: consideration of bills, draft resolutions, declarations and addresses; drafting of reports, making of recommendation to plenary and adoption of official opinions on various matters. These committees also issue opinions on expected consequences and impact of budgetary decisions. They also have the power to summon government officials and civil servants from central and local administration as well as members of the public. It is also their power to request information and documents from these individuals. Such requests may be adopted by one third of the members of the committee and the summoned official or citizen must appear within 10 days.

The rules of procedure envisage that the meetings of the standing committees are open to the public and solely subject to the admission arrangements of Parliament. Any member of the leadership of the committee has also the right to invite individuals or representatives of legal persons to participate in the proceedings and deliberations related to the issues at hand. Some meetings may be closed while the meetings of two main committees are also closed (Foreign policy, defense and security committee and Internal security and public order committee). There is an option for some of these meetings to be open depending on the handling of classified information. Members may also participate in the work of all other committees in a non-voting capacity. The procedures also stipulate that any person or institution submitting a bill is entitled to a committee hearing. Meetings may be held outside of the capital city of Sofia. The mode of decision-making is of central importance for the functioning of Parliament. Decisions are made by a simple majority of the members present. There is one exception. The committee on European integration operates by anonymity. Instances of dissent may be referred to the Chair of Parliament for further examination and consideration. Joint work on cross-cutting issues is very important for the effective process of legislating. Hence, the rules of organiza-

tion and procedure envisage the possibility of joint meetings to discuss such cross-cutting matters. At such meetings, each committee makes a separate determination. If the committees are of dissenting views, they draft separate reports to the Chair of Parliament.

The various standing committees report regularly to plenary. Each report contains the opinions, recommendations and views of the members, these reports are open to the public and are made available on the web site of Parliament. Minutes are done after meetings and full verbatim records are also available.

In the years following the fall of communism, Parliament has already developed the practice of establishing ad hoc/select committees. These are set up by decision of plenary on a motion of no less than 1/10th of all MPs. The actual terms of reference, number, composition and budget vary with each select committee. From the point of view of procedure, it is important to note that the rules of the standing committees apply in full for the select/ad hoc committees.

The team working on this present survey has not been able to find any systematic analysis of the human resources and management policies of Parliamentary committees. Interviewees paint a mixed picture. Committees suffer from shortage of staff. For instance, the Committee on European Integration has a permanent staff base of under 10, which, given the volume and complexity of legislative acts, is woefully inadequate. Moreover, new MPs tend to wish to replace experts with their own teams of consultants. Parliamentary budgets do provide a budget line, which supports MPs in their work. Each Parliamentary group is allocated a certain amount intended for expert support. Yet, this often goes into party headquarters' budget without being ever spent on expertise. There is hardly any evidence of a sustained, systematic training policy. Experts are being sent to training sessions as such arise and the low retention rate of staff often means that well-trained experts leave as soon as Parliament' term expires as they seek more attractive employment opportunities. We have found some evidence of an interesting practice worth mentioning in the context of the current survey. Parliamentary Committees are increasingly willing to turn to NGOs with particular expertise as various legislative documents come for examination. Yet, this is often sporadic

and, more often than not, NGOs are willing to provide expertise simply in order to boost their organization's profile.

Consideration and Passage of Bills

Once Bills are presented to the Chair of Parliament, they are entered in a special public register. Three days after submission, the bills are allocated to the various standing committees. The committees then have the responsibility of considering the bills but not earlier than 48 hours after submission and receipt. They draft opinions and submit these in line with the requirements of the Assembly's legislative program. Opinions and reports on bills submitted by the Council of Ministers must be submitted no later than 2 months following their submission. All background notes, opinions and reports examined at committee level are to be made available to MPs prior to the discussion of the bill in plenary.

The Chairs of committees may, at their discretion, request the opinion of the Council of Ministers and the respective Minister/s; these must be provided within two weeks of the request. Should opinions not be submitted, the consideration of the bill may still proceed. The committees engage in deliberations before the first reading of the bill in plenary and would normally be expected to consult as many organizations as possible. Indeed, their report prior to first reading should contain a summary of the proposals put forward by non-governmental organizations as well as a summary opinion of the committee. There is a requirement that bills relating to the same subject matter should be considered simultaneously but each shall be put to the vote separately. If a bill has been passed at first reading, members have seven days to submit amendments to both the Chair of Parliament and the Chair of the relevant committee. Second reading is proceeded by a report of the standing committee detailing the submitted proposals. Amendments, which are inconsistent with the bill as adopted at first reading will be submitted and examined. The standing committees perform similar functions when examining draft resolutions, declarations and addresses. It is interesting to note that the rules of procedure and organization do not envisage a role for the committee network when the President has vetoed legislation and when an international treaty is being ratified.

Consultation and Responsiveness

We have already pointed out the legal provisions stipulating the requirement for consultation in the work of the Parliamentary committees. It will be little surprise that the extent and quality of consultation varies greatly across committees. To highlight the actual practices of Parliament, some specific examples will be necessary.

The Fall Parliamentary session of Parliament saw a number of lively debates on the funding of political parties. This happened on the background of much public criticism on the ways and mechanisms of funding of political parties. This criticism had been further bred by numerous scandals of anonymous donations of parties, which came to light in the closing months of 2003. There has been a public sense, in the last couple of years, of a growing disapproval at the funding of political parties. By the end of 2003, this had materialized in three Bills amending various legal provisions dealing with political funding. These Bills were drafted by different organizations: two by NGOs and one by the majority party. The Bills were referred to the Civil Society Parliamentary committee for further examination. The committee held discussions, in two sittings, on the merits and shortcomings of the submitted Bills. A number of NGOs were able to present their views. This was also accompanied by a series of public debates on the need for reform in legislation. Following these debates and discussions, the governing party decided to incorporate some elements from the Bills submitted by the NGOs. A vote was held in committee allowing the passage of the governing party - sponsored Bill to plenary. This Bill has now passed first reading and adoption is expected in a few months' time. The above example suggests that consultation is increasingly becoming the norm. Yet, there was little transparency, discussion and debate on the pros and cons of various measures and policies. Moreover, consultation seems to have been limited to the stage of pre - first reading deliberations. There are no indication at the present time that there will be further discussion and revision of the already adopted Bill.

The activities of the European Integration Committee in Parliament are of particular interest in the context of the current report. Indeed, this is probably the most influential committee in

successive Parliaments. The beginning of negotiations for EU membership at the end of the 90s marked an important turn in the inter-committee balance in Parliament. The need to participate fully in the negotiation process has meant more funding and staffing for the members of the committee. Parties have been particularly careful in choosing competent and active politicians to participate in its work and deliberations. This is a unique body of Parliament from the point of view of procedure and regulation. It is the only organ in which the adoption of decisions is by unanimity. Every single decision of the committee needs to be approved by each political faction and member. It is, of course, true that EU integration is part of the overall political consensus in the country, thus, building in a positive disposition into the activities of the body. Scrutiny is approached with a view of facilitation of the negotiation process. Yet, the committee faces an enormous workload as a great deal of the EU law needs to be transposed in Bulgarian legislation through a great mass of primary legislation. It is the case that some EU legal provisions may be integrated through secondary legislation, hence, bypassing the legislature. Yet, the overwhelming body of EU law needs to go through the normal legislative procedure. This then translates into a mass of legislation characterized by enormous technical detail, entailing detailed knowledge of the so-called *EU acquis*.

The work of the committee illustrates some positive and a number of negative practices. The committee has been quite open in its operation. Consultation with NGOs and interest groups occur on a regular basis, even though the impact of such dialogue does not necessarily translate into amended legislation. The members have been particularly forthright in engaging with important national NGOs such as the European Institute, the Centre for European Integration and Information, the Centre for Liberal Strategies and the Institute for Regional and International Studies. Such dialogue is not always formal in the form of consultations, hearings, etc. Rather it has been through numerous conferences, seminars, talks, etc. The committee has also been in rather close contact with important employer organizations such as the Bulgarian Employers' Association, the Bulgarian Chamber of Commerce and others. Importantly, the committee has been willing to engage with civil so-

ciety on the issues of EU integration. It has held open, public meetings in cities and towns around the country. All of these meetings, as a rule, have long Q & A sessions during which citizens can pose questions and queries directly to the MPs. The members of the EU integration committee are among the most active parliamentary deputies and all have numerous appearances on talk shows, public and media debates and academic discussions on European politics.

At the same time, the work of the committee does have important shortcomings, which deserve to be examined in the context of this survey. The volume of EU integration has often overwhelmed the capacity of the committee. The hectic pace of legislative reform very often entails short deadlines, which stand in the way of detailed scrutiny. Sheer volume has meant little and, at times, hardly any meaningful examination of Bills coming to the committee. The very pace of the accession negotiations has, on many occasions, led to pieces of legislation being rushed through in order to report adoption of EU directives and regulations to the European Commission in Brussels. This leaves little room for effective and meaningful consultation. Despite a reasonably good budget, the committee is still woefully understaffed to carry out the necessary preparatory work before adoption of Bills. Little impact analysis is being performed before laws of major significance are adopted. This not only creates potential problems for the targets of the various legislative measures but also undercuts the capacity of Parliament to pass legislation, which commands sufficient legitimacy in wider society. Moreover, there has emerged a clear tendency for Parliament to leave the crucial work of scrutiny and impact assessment to the executive. This is part of a general trend in Bulgarian democracy, namely, a shift of capacity towards the executive leaving the legislature with less than the required capability to be at the centre of the political and legislative process. Parliament has been quite willing to leave the dialogue with organized interests in the context of EU integration to the executive. To give an example, the Ministry of Agriculture and Forestry is presently the main state institution dealing with the implication of EU membership for dairy producers. This is somewhat understandable given the crucial of the executive in the actual negotiation process. Yet, it is

very important politically for the legislature to engage much more actively with the various constituencies of organized interests in the context of Bulgaria's accession to the EU.

Since 1989, the Bulgarian Parliament has accumulated quite a bit of experience in the establishment and functioning of ad hoc committees. These are often of enormous political importance as they, most usually, seek to address hotly contested political issues. Hence, such ad hoc committees conduct a crucial democratic function: that of responding to questions of public interest and articulating policy and administrative responses. Admittedly, the establishment of such committees sometimes serves the immediate interests of governing parties as they hold the key to their adequate functioning. Nevertheless, ad hoc committees in the Bulgarian Parliament are increasingly established on a non-proportional basis, which increases their utility and legitimacy. Recent political history provides a good illustrating point. In January 2004, an Iraqi newspaper published a list of legal and physical entities supposed to have benefited from close oil trade links with the regime of Saddam Hussein. A Bulgarian political party was included in this list, causing much public interest and debate in Bulgarian society. The two governing parties proposed the setting-up of an ad hoc committee, which would examine the available evidence and determine whether these allegations are based on facts. A vote in plenary was taken and the proposal was approved with an overwhelming majority. More importantly, a decision was made that the committee be constituted on a non-proportional basis (as the standing committees would). Each Parliamentary group would have an equal number of representatives with the major governing party chairing the work of the committee. Decisions and conclusions were made on a majority basis. Nevertheless, the equality of representation ensured cross-party support for the functioning and conclusions of the committee, ensuring greater legitimacy on an important political issue of the day.

Public Opinion

The current analysis also involves public opinion research and the National Centre for the Study of Public Opinion (NCSPO) car-

ried out a special survey approaching a representative sample of respondents with the issues under scrutiny here. The survey was carried out in the month of May 2004 across Bulgaria.

I will initially present some of the more interesting findings and then present some conclusions of relevance in the context of this analysis. On the issue of representation of societal interests in Parliament, some 29 % of Bulgarians agree or wholly agree that the legislature does in fact allow the adequate representation of the interests of the various groups and individuals in society. On the other hand, 61, 5 % are of the opposite opinion expressing a skeptical view of representation. Only 19,5 % share the view that decisions are taken only after careful consideration of citizens' interests and societal needs. Almost 60 % of respondents are of the opposite opinion, expressing disappointment at the quality of decision – making. Moreover, only 18,9 % of citizens hold the view that decisions in Parliament are adopted after careful analysis of the issues at hand. A full 59,9 % think that decisions are not the product of thorough analysis and consideration. More skepticism surfaces when people are asked about openness and transparency of Parliament. Only 26,4 % of respondents consider the work of Parliament as transparent and accessible. 58,7 % of Bulgarians consider the whole system rather closed and isolated from wider society. Furthermore, 59,1 % of Bulgarian citizens hold the view that wider society is unable to influence the decision-making process in Parliament, while only 25,9 % are of the opposite opinion.

A number of further questions were asked on accessibility and responsiveness. A mere 23,9 % of the people think that the views of the opposition are taken into consideration when legislative acts are being adopted. 43,6 % of respondents hold the opposite view. On the question of access to legislative proposals, the numbers are also rather interesting: 17 % think that bills are accessible to the public while 57 % are on the other side of the spectrum. A mere 9.6 % of Bulgarians think that society participates actively in the elaboration of legislation, while 74.5 % are of the opposite view. We are not able to see a majority even on the issue of protection of citizens' rights: 26.4 % think that Parliament is able to defend these rights effectively with 55.4 % on the other side of the range. Public opinion is also very critical on the question of the ability of Parlia-

ment to resolve the problems of wider society. Only 29.9 % consider the legislature capable of effectively handling societal problems, while 55.1 % hold the opposite view.

The survey probes deeper into some hypotheses aiming to examine in detail public attitudes vis-a-vis the political / Parliamentary process. Only 16.7 % of Bulgarians are partially or fully satisfied that MPs act honestly and fairly when deliberating legislative acts. A full 66.8 % hold the opposite, very negative, view. Moreover, 14.2 % of citizens are of the view that wider society is a participant in major decision – making. Almost 67 % of respondents do not see society as a major influence in this process. 16.3 % of interviewees are of the opinion that their points of views are taken into consideration when Parliament makes its decisions. 67.2 % hold the opposite view. 19.9 % are satisfied with the degree of overall control of society over the work of Parliament, while 56.1 % express no or little satisfaction in this regard. 26.7 % of Bulgarians are also pleased with the quality of Parliamentary control over the executive with 51.7 % share the opposite opinion. In terms of transparency, 28.2 % of citizens consider the access to legislative bills satisfactory. 42.7 % think that there are too many obstacles standing in the way. The figures are not very encouraging when it comes to the evaluation of responsiveness and responsibility of MPs. Only 15.1 % of Bulgarians are satisfied with the degree of responsibility of Parliament, while 69.8 % perceive the issue in negative terms. 19.6 % of respondents consider the degree of consultation on major constitutional and other questions satisfactory, while 56.2 % are not pleased with this process. Even more worryingly, only 11.3 % of citizens think that MPs defend societal interests while a full 73.7 % think that MPs solely protect the interests of small groups of people.

The presented results do not fully exhaust the collected data but point to a number of important dimensions in the context of the study. They present ample evidence for a growing sense of divergence between citizens and MPs. Public perceptions consider the whole legislative process as non - transparent, distant, complex and detached from everyday concerns of citizens. Parliament is not perceived as a site of elaboration of public interests but mostly as a legislator of particular interests most often in contradiction

to societal interests. Moreover, other surveys show that the public is increasingly disinterested in Parliamentary and public affairs, especially when it comes to macro and structural problems. Concern seems to be focused on practical, “day-to-day” issues: unemployment, health care, education, etc. The public seems at a loss quite how Parliament addresses these issues.

It is difficult to explain away all these findings. There is a clear trend of public disillusionment with Parliamentary politics and citizens are increasingly struggling to relate their expectations and interests to the activities of the state. This trend deserves further research and institutional responses. At the same time, a few caveats are in order. This attitude is building on already existing, deep-seated historical dispositions to treat the state with suspicion and a degree of distrust. It might be that we are measuring with other tools one and the same phenomenon. Moreover, Parliament since 1989 has emerged as a favorite public scapegoat for explaining away the impact and effects of transition and reform. The slow, deliberative, “talking-shop” - like manner of work in Parliament has been in sharp contrast to the public expectations of quick response to a series of urgent problems resulting from the painful reforms of transformation. This has fed into a perception of distance from the political process. In addition, it must be recognized that the legislative process itself has become more complex over the course of the past decades. Legislation requires a lot of consultation, expertise and concerted administrative effort. This often exacerbates an already existing perception of ineptitude.

Despite these caveats, it must be highlighted that distrust of Parliament represent a central challenge to a post-transitional democracy such as Bulgaria's. There is no evidence suggesting that this criticism is perceived in anti-system terms and as such it does not pose a systemic threat to democracy. Yet, it does point to a structural weakness, which needs to be addressed by political parties and the executive in the country.

Local Government. Municipality

Analysis of legal provisions. Some political dimensions

The present democratic audit dealing with the local level of government in Bulgaria will not be complete without some mention of the constitutional provisions, which determine its position in the overall framework of the Bulgarian political system. Most importantly, the Constitution stipulates the municipality as the main administrative and territorial unit of local self – government. Local authorities are staffed by means of a general election. The municipal council is the body of local self-government with the mayor performing the executive function on behalf of the municipality. The mayor is also elected directly by the citizens registered in the municipality. Municipalities have rights of ownership and own budgets. The permanent sources of income are defined by means of primary legislation, while the state also ensures budgetary transfers permitting the smooth carrying out of the functions of local government. The Constitution also creates a further level of government, which will not be at the centre of analysis here. These are the regions, which implement the regional policies of the state and ensure compatibility of local and national priorities and interests. The regions are headed by governors directly appointed by central government and are supported by staff. The regional authorities may review the acts of local government solely as an obligation created by law, they may not do so at will. All municipalities have rights of recourse through the judicial system in all instances of interference and disrespect for their rights. It is important to note that all other features relating to the activities of local government are left to the legislature to specify through primary legislation. It is, therefore, necessary to examine briefly the Law on Local Self – Government and Local Government Administration (LLSGLGA).

The overall notion behind the law is clearly in the paradigm of service provision rather than enabling capacity. Article 11 of the law stipulates the areas of function for local authorities. These include: management of municipal property; collection of local taxes and fees; management of the local administration; management and funding of pre-school, primary and secondary schooling; pro-

vision of health services as well as implementation of cultural policies, including maintenance of local cultural centers; management of utilities and implementation of social welfare policies. The LLSGLGA also stipulates that local government is responsible for implementation of environmental policies; maintenance of cultural sites of national importance and sports and leisure policies. It will require a separate survey to look at the ways local government is funded. Yet, in the context of this analysis, it is important to mention that the local authorities collect revenue, part of which remain with them, solely through collection of property taxes, profit tax, collection of fees (waste collection and management, trading licenses and permits) and income from concessions. Although local authorities collect a number of taxes on behalf of the state, they are obliged to direct these to the state budgets. Central government then decides the size of the so – called “back transfers” at its own discretion for each particular municipality. Central government is free to decide on the size and timing of these transfers. There are no legal provisions, which commit central government to symmetry between tax collection and cash transfers to each municipality. This is decided through complex, often vigorous, negotiations. Local authorities face legal prohibitions, which prevent them from running their own independent fiscal policies. Almost all important services at the local level (healthcare and education) are carried out by means of cash transfers; local authorities are simply payment agencies acting on behalf of central government. Clearly, these conditions provide very few possibilities for local government to engage in many meaningful public functions beyond these of service delivery / transmission.

Central / Local Government Interface

Before some case studies are examined, it will be useful to mention briefly an initiative of Bulgarian central government, which is of relevance for the performance of local authorities. The question of the interface between the two layers of government is of central importance but cannot be examined in much detail here. Suffice it to say that there is increasing awareness among policy – makers and politicians of the importance of central government

support for initiatives and programs, which enhance the ability of local authorities to deliver good services to citizens and allow them to hold elected officials accountable for their acts for the duration of public office.

One such initiative is the E – government strategy, which is currently being implemented by the Bulgarian government. The strategy has a number of elements but we shall focus on just a few of relevance in the current context. It is envisaged that so – called “tele-centers” would be established in small municipalities and villages around the country. These will be staffed by local administrators, who are currently being trained by central government trainees. All 265 municipalities across the country will receive computers, which will ensure access to all web facilities of e – government. The computer terminals will allow citizens to use all current and future administrative services, which are available through the electronic gateway of the Bulgarian government (Council of Ministers and all Ministries, executive and administrative agencies). The menu of offered service over the web is ever expanding. At the present time, these include: change of current address; checks in database of the National Insurance Office; checks in the national companies’ register and submission of electronic forms, requesting ID cards and passports over secure web link. All computers should be installed by the end of 2004. Clearly, this is an initiative, which requires a lot of investment in hardware and training. Moreover, it will have limited impact unless complemented by other measures to ensure transparency and access to local government.

Another initiative worth mentioning in the context of this survey is the Bill on limitation of administrative intervention in business activities. The Bill is presently at the second reading stage of the legislative process and should be law by the end of March 2004. It will attempt to remove excessive administrative requirements hindering economic activity. One measure of relevance for local government is the introduction of “one – stop shops”. These will be introduced in every municipality (and central government agencies as well). This will allow an entrepreneur to acquire all necessary permits, documents, etc. in a single visit to the local authority. He / she will simply need to file a request and all necessary

administrative steps will be the responsibility of the administration of the municipality. 100 out of the 265 municipalities already have the institutional infrastructure to offer this service. It is expected that by June 2004, all 265 local offices should have this service.

Case Studies

It has already been mentioned that local government in Bulgaria is presently best analyzed through its administrative functions. From such a point of view, the legitimacy, at the local level, of the political system is mostly a function of the adequate performance of administrative tasks rather than through the capacities of the system to aggregate and articulate organized, societal interests. The current constitution provides very few, if any, opportunities for political participation at the local level, thereby increasing the role of institutional performance as an indicator in the current survey. Case studies, in this context, provide a good opportunity to examine the day – to – day functioning of municipalities. It is important to point out that collecting information about municipalities has proven quite difficult, possibly due to lesser exposure to recent public administration reforms undergone by central public administration.

Sofia Municipality

Accountability and Transparency

Analysis of levels of transparency is always a challenge as there are very few, if any, universally accepted standards of transparency. Analysis of levels of transparency is always a challenge as there are very few, if any, universally accepted standards of transparency. Yet, there are ways of arriving at conclusions. Transparency provisions may be found in a number of primary and secondary documents regulating the work of Sofia Municipality. For instance, the LLSGLGA provides for regular reports on the activities of the municipality, which should be made available for interested individuals and organizations. There are also provisions,

which stipulate that elected local councilors ought to hold regular meetings with their constituents. Work with the media is another essential element of any attempt at transparent public work. The national and local media have unrestricted access to the sessions of the Municipal Council of Sofia municipality. The daily with the highest circulation has a weekly centre-fold, which informs residents of Sofia about various issues of the management of the city. The current leadership of the municipality has a policy of open access for the media; interviews with the mayor and deputy – mayors are a permanent features of many national and local newspapers. Sofia municipality has been operating its own web page, which was awarded best institutional web page by the Bulgarian Internet Society. The web page carries standard possibilities for dialogue with the municipal authorities and the mayor: e-mails, requests for information, information about the services offered by the municipality, latest news, etc. Decisions and draft documents of the municipality are, as a rule, published on the web site. Yet, it must be noted that the language used is rather bureaucratic and tracking of the sequencing of documentation is a problem.

Sofia Municipality is also operating a policy of full and unrestricted access to its meetings for citizens. Residents of Sofia may attend meetings of the Municipal Council but also of the Municipal Commissions meetings. Yet, in practice, this right remains hugely underutilized. Citizens have hardly any knowledge of agendas and timetables, histories of issues, available expertise, etc. It also remains difficult to track how issues and decisions are decided and made within the multiple layers and mechanisms in the municipality. The physical location of the various offices of Sofia Municipality (over 40 in number) is very dispersed throughout the city. This further complicates the ability of citizens to get things done.

While there are some positive trends to report, a number of activities of the municipality have long been beyond effective public scrutiny. This has mainly concerned the economic and privatization activities of the municipality. It will be accurate to say that these have largely taken place outside the formal mechanisms of transparency and accountability. The work of the Municipal Privatization Agency has received little public attention and citi-

zens' access to its functioning has been very difficult. Irregularities have come to light largely through court cases of interested parties, which had lost out in their privatization bids. There has, until very recently, been little scrutiny of the management of the municipal companies, municipal tender procedures, the system of public errands, outsourcing procedures and contracts, rent policy, etc. It is important to note that there has been a clear collusion of interest between the mayor, deputy – mayors and municipal council on these issues. Thus, lack of scrutiny has become possible through a peculiar coalition of business interests. More worryingly, this coalition was left intact for a number of years by the national political parties. It is only after the October 2003 local elections that there has appeared a political will to address this clear case of purposeful mismanagement and potential corruption. A further point in case is the lack of public debate on the planning and development priorities of the municipality over the course of the last decade. It is rather easy to perceive the potential link between planning and development decisions and business group interests. The newly adopted Strategy for Development of Sofia was only submitted for public debate following the adoption of a legal provision requiring local authorities to consult prior to adoption.

Organizational Development

Management of the municipality is rather outdated despite much reform at the central administrative level. On paper, each municipal department has its own monitoring and evaluation procedures. In practice, these remain rather basic in design and are not rigorously enforced. Their operation is patchy and not integrated into an overall system of management of the municipality. However, civil servants note that, at the very least, such processes are gaining ground within the administrative structures. Interviewees also state that the municipality has very rudimentary rules for organizational procedures and staff recruitment. Administrative tradition seems to be the source for decision – making on these matters. Clearly, this leaves little room for transparency, accountability and application of proper management techniques. Respondents admit that the municipality does not, in

practice, have a human resources policy, which prevents the emergence of all other elements such as sustained training, career paths, continuity, etc. Moreover, there is hardly any recruitment policy. On paper, staff ought to be recruited through publicly announced open competition procedures. In practice, this system is rarely used, preferred to recruitment by personal contacts of already employed individuals. Local authorities take advantage of the lack of clear policies of central government on matters relating to training and recruitment. This is not helped by the fact that separate primary pieces of legislation regulate these issues at central and local level. A further problem is created by the fact that only heads of departments and units in the local administration are legally employed as civil servants, while the other employees lack the benefits enjoyed by civil servants. In addition, Sofia Municipality does not have a clear training policy beyond the occasional opportunity. It is worthwhile to note that respondents admit to being reasonably well – paid in comparison with other local authorities. In terms of providing motivation, a good degree of independence in their day-to-day work and access to modern technologies go some way in ensuring commitment at the workplace.

Job security and continuity is, perhaps rather surprisingly, a feature of the municipal structure. Respondents declare that the political cycle at local and national level does not affect them in significant ways. They report no cases of discharge as a result of change of personnel at the higher political and administrative levels of the municipality. Moreover, the staff is highly regarded even by central departments such as ministries and the Council of Ministers, which often seek to employ Sofia municipality employees. Parliament also regularly attracts individuals from the ranks of the municipality. Further proof of the apparent quality of the staff is provided by the fact that most primary and secondary pieces of legislation, which deal with local government are consulted and drafted by employees of Sofia municipality. Many members of Parliament and senior officials at Ministries are former directors of departments or municipal councilors from the local authority of the capital.

Best Practice: The institution of the Ombudsman (Civic Advocate) at Sofia Municipality

This institution is rather new in the Bulgarian context in its emphasis on the interaction between local government and administration and civil society. It is a Swedish invention, established as a one – individual mechanisms for redress at the central level in the case of Sweden. The Ombudsman has quickly become an important institution, particularly in post – communist societies; it was also established at the EU level, quickly becoming one of the most dynamic and open institutions of the European Union.

The Office of the Civic Advocate has been operating at Sofia municipality since 2001. It was essentially the outcome of a joint project between two NGOs (Centre for Social Practices and Open Society Foundation) and Sofia municipality. Its two central tasks are to defend citizens' rights and monitor the work and performance of the local authority. The ultimate goal of the project was to attempt to get a law through Parliament establishing such offices across the country at local and central level. Regulations stipulating the day – to – day functioning of the office were adopted and an open competition was held for the first occupant of the office. Such a law was eventually adopted by Parliament on May 2, 2003. It defined the institution of the Ombudsman as an independent institution working in accordance with the Constitution and laws of Bulgaria. Its primary task is to protect the rights of citizens. Yet, there are some notable restrictions contained in the law. Its powers of review do not extend to legal entities in contrast to the provisions regulating the work of the European Ombudsman. The office of the civic advocate may only deal with requests of physical persons and is unable to assist civil society organizations, business organizations, citizens' groups and other kinds of associations. Moreover, the Ombudsman is only able to make recommendations but is unable to provoke investigation, issue binding statements, etc.

Still, the Ombudsman does have a number of useful features and contributions. It offers a relatively quick channel for redress of citizens' complaints, while being at the same time free of charge, thereby ensuring free access. Complaints may be filed via mail, telephone, fax and e-mail. These may not be anonymous. The office

of the civic advocate is then obliged to check every single complaint, issuing recommendations and suggesting further ways for redress (including reports to the police authorities). The Ombudsman is also at liberty to start his/her own investigation when a violation is suspected or identified. It is important to note that the law creates an obligation for state institutions to respond within 14 days when the office has sent them a request, question or recommendation. Financial penalties are also envisaged in the law for those institutions, which hinder the work of the Ombudsman. The office is also under an obligation vis-a-vis the citizen: he / she must receive a response within one month of filing a complaint. This period may be extended to three months. An annual report of the activities of the Ombudsman is sent to Parliament and a regular bulletin is issued for the benefit of the citizens.

The Sofia Ombudsman, Ms. Antoaneta Tsoneva, has been in office since February 2002. In her estimation, the citizens of Sofia are reasonable aware of the activities of the institution. Apart from dealing with citizens' complaints, she has been involved in formulating recommendations for improvement of the functioning of the Municipal council and the Mayor's administration. The most recent example in this respect is the Ombudsman's initiative called *Public-Private Partnership for Good Local Self-Governance* launched in the autumn of 2003. The core of the initiative is the development and implementation of a set of rules, procedures and standards, which will ensure better performance and accountability of Sofia Municipal council. Some of the measures include steps to improve the flow of information from the municipality to the citizens such as announcing council meetings' agendas with at least seven days' notice in the electronic media and the municipality's web site and publication of information bulletins, which contain secondary legislation such as rules, regulations and instructions. The initiative also envisages public announcements of quarterly work plans of the municipal council.

Vitosha Municipality

"Vitosha Municipality" in the capital city of Sofia has recently attracted quite a lot of public attention through a program of re-

form. The program has encompassed the various constituent parts of the municipality. All documents and forms, which are handled by the local authority have been made available on its web page. These range from various licenses for small, pavement trade stalls to income tax forms submitted by all registered citizens living on the territory of the municipality. This has reduced waiting time and has considerably eased the access of citizens to relevant documents. The municipality has also introduced two novel mechanisms for feedback. The office of the mayor is operating a complaint post box. Each complaint is seen by the mayor and then investigated by the civil servants to identify and deal with real grievances. There is also a hotline operated by the municipality; alleged instances of corruption and mismanagement may be reported. Clearly, there are limits to the utility of these last two mechanisms but they provide important channels for dealing with grievance and better provision of services.

It is important to mention two other steps, which will significantly improve the performance of the local authority. The first one is the so – called “all-in-one-day service”. This is a novelty in the country and attempts to structure local services in a way, which would allow citizens and firms to complete various procedures within one day. It is still unclear whether all local services will eventually fall under this policy as some services entail communication with other central and local government institutions. Yet, the shift in policy towards quicker and streamlined service provision is an important contribution, particularly to companies having to deal with numerous licensing and registration regimes. The second innovation is the so – called “one-stop shop”. This policy has been subject of much debate over the course of the last few years and has been recommended by many public administration reform consultants. As a result, there is at present consensus on the importance and utility of this mechanism, particularly in the context of economic reform and restructuring. As this report is being prepared, the Bulgarian government has introduced a Bill dealing with public administration, which will introduce the “one-stop shop” as a norm across public services. The service itself constitutes a single point of contact / entry for companies and citizens at any one local authority. This will facilitate the attainment of

licenses, registrations, tax forms, etc. It will reduce drastically the time required for citizens to obtain services and deal with the frustration of having to visit the local authority offices a number of times in order to receive these services.

“Vitosha” Municipality has also introduced a number of other novel mechanisms for dialogue and work with the local citizenry. One such innovation is the so – called citizens’ debates on the finances of the municipality. These are regular, quarterly, open discussion forums during which local citizens discuss and debate the financial priorities of the municipality and express views on how the public funds ought to be spent. These open debates have proven quite popular over the course of the last year or so. Another mechanism with a much longer tradition is the regular “open day” for citizens. During these open days, citizens visit the premises of the local authority and meet the elected and administrative staff. These meetings provide an informal channel for feedback and often provide a source for suggestions for the improvement of the work of the local administration. A more recent innovation has been the introduction of “E-mail the Mayor” opportunity. This allows citizens to express directly to the mayor their views and suggestions concerning the performance of the authority. The current mayor is committed to strengthening this channel of communication by a policy of same – day responses to most inquiries.

Public Opinion

The current analysis also involves public opinion research and the National Centre for the Study of Public Opinion (NCSPPO) carried out a special survey approaching a representative sample of respondents with the issues under scrutiny here. The survey was carried out in the month of May 2004 across Bulgaria.

The information provided by the survey begins with a curious piece of information. A surprisingly high number of people have a reasonably good perception of what a municipality does. 20.2 % of people think that improving the quality of life is the main task of local government with 9.2 % placing the emphasis on attracting investment. Next in order are a series of local level issues like tackling unemployment (8.6 %), dealing with ecological issues (4.6 %), implementing social programs (3.6 %) and improvement of trans-

port (2.6 %). Again, rather interestingly, a full 62.2 % are of the opinion that their municipality is able to fulfill this goal, while only 25.4 % disagree on this question. Local government enjoys a high degree of democratic legitimacy with 66.7 % of the people agreeing that it is elected in a democratic manner and only 15.6 % sharing the opposite opinion. 32.8 % of respondents think that local government takes into consideration the demands and needs of citizens with 44 % expressing a negative view on this issue. But it must be noted that the figures here are much more balanced than the ones on Parliament and its capacity to represent citizens' interests. On the issue of transparency and access, 28.1% of citizens think that the council meetings are open to everyone and there is no obstacle to attending. 34 % of the people are of the opposite view. At a more general level, 24.7 % of Bulgarians consider local government as open and transparent, while 44.7 % hold a negative opinion on this question. 52.8 % of the asked members of the public think that private interests play a significant role in the decision – making process with only 16.8 % sharing a more benign view on the matter. 19.9 % of respondents also share the view that the opinion of the opposition is taken into consideration when acts are being adopted with 26.7 % holding the opposite view. Again on the issue of accessibility, 25.9 % think that local government acts are easily accessible with 28 % disagreeing. Moreover, 36.8 % of people are confident that local government is able to protect their human rights with 30 % taking the opposite stance.

The survey also asked a series of questions relating to the ability and capacity of citizens to participate in the activities of local government. 31 % of people think that citizens participate in decision – making through opinion polls while 43 % disagree. 28.8 % of Bulgarians view civic initiatives as a means of participation, which exists in reality. Yet, 43.7 % remain skeptical on this issue. A full 40.8 % are convinced that citizens are not really a part of the decision – making process, while 34.4 % are of the opposite view. As far as coverage of activities is concerned, 39.7 % are satisfied that the media cover fully the activities of local government with 28.7 % holding the opposite view. Rather importantly, 40.3 % of respondents are convinced that local government has the capacity to solve their problems, while 34.2 % think the opposite. 25.4 % have gen-

eral trust in local government, while 41.1 % are not inclined to share this opinion. Again, interestingly, a full 38.2 % are convinced of the capacity of the municipal council to monitor the local government budget with 18 % of the opposite view.

The survey also looks at the opinion of citizens on the issues of general, managerial competence and administration, etc. There is overwhelming support for the proposition that the mayor is elected in a democratic manner: a full 76.1 % support it, while only 12.6 % disagree. On the question of responsiveness, 47.6 % of respondents think that local government takes into account the interests of local citizens when making decisions. 32.3 % of respondents are of the opposite view. On openness and transparency, 32.7 % of citizens think that the local administration's activities are open and transparent with 40.9 % taking the opposite stance. 28.9 % of Bulgarians think that the programs and activities of their local administration are easily accessible, while 30.6 % share the contrary opinion. Moreover, 39.6 % of respondents are convinced that local government is fully able to protect their human rights with 29.3 % disagreeing. There is also support for the mayors as 38.4 % think that they are able to solve the problems of the municipalities with 37 % disagreeing. As a counterpoint, 35.7 % of Bulgarians are convinced that mayors' political and economic interests influence the activities of local administration.

As with the previous section on public opinion, the above – mentioned numbers are only a sample of the collected evidence and data. These will be reproduced elsewhere for further reference. Yet, a number of observations are possible at this stage.

The data throws up some surprising results. More generally, the survey shows lower levels of political distrust and cynicism than at the national level. Citizens appear to be much more trustful of local government and show greater confidence in its capacity to provide services to the public. There is less support at the local level for the propositions that political elites are “in it for themselves”. Fewer respondents share the overwhelming feeling of distance from politics evident in the perceptions of national politics. Rather interestingly, people seem to be convinced that local government is better at protecting their human rights than central government. Moreover, they feel reasonably confident that lo-

cal government is more transparent and open. These findings are of importance as they suggest greater legitimacy at the local level. If this is the case, any reform intended to devolve prerogatives is likely to enjoy support at the local level.

Yet, one should not over - interpret these numbers. Greater levels of system support might be a consequence of immediacy vis-a-vis the institutions of local government. It might be the case that having actually interacted with these institutions translates into greater awareness, knowledge and, ultimately, support. Citizens are much more familiar with local government services and functions. They file their tax income forms at the local government office and visit them on numerous occasions to obtain various documents, certificates, etc. Local government is perceived as providing immediate, tangible benefits and services. There is less distance, more understanding and more interaction. It would seem that this translates into higher levels of legitimacy and support. Research might usefully be conducted to control for the access / use variable to try and gauge to what extent the lower levels of legitimacy at the national level are influenced by immediacy and institutional proximity. Whatever the ultimate explanation, public opinion at the local level is more optimistic, values more the services provided by local government, supports more its politicians and is more confident in the democratic system.

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

The sections presented thus far provide ample grounds for conclusions. Yet, it must be noted that systematic, detailed information about the functioning of the state institutions remains difficult to obtain. There is little academic research on these issues and we have mainly had to rely on analyses conducted by NGOs and responses of interviewees.

Parliament

Parliament has in place a well –developed and elaborate system of permanent and ad hoc sub – committees. They operate in a good overall framework, which already has sufficient durability. It may be stated that there is gradual, if slow, improvement of community capacity. This is mainly observed in the level of awareness of the importance of sub – committee work for the overall functioning of Parliament. The mechanisms of examination of Bills function reasonably well and there is no questioning of the need and legitimacy of the whole process. Moreover, there is increasing awareness of the importance of not pushing through decisions but this has varied with Parliamentary majorities. But it must be recognized that there still exists a predominant disposition of political behavior, which is linked with the temptation to abuse proportionality. Majorities are still somewhat impatient with the full requirements of scrutiny and tend to wish to deal with matters more expeditiously than good Parliamentary practices would often suggest.

When examining the quality of democracy, continuity and consensus become important parameters. This is further strengthened by the fact that many of the unpopular decisions of the transition to democracy require a higher degree of agreement and consensus. Adopting a “winner takes all” approach does not suffice in this context. It must be noted that there has been significant continuity on some key issues (membership in the EU, NATO and WTO), which has had a positive impact on the overall functioning of the polity. Yet, continuity is not a value in itself and should not overextend. Governments have their own agendas and must be able to implement them. Voting will predominantly occur along majority lines and intense and heavy legislative programs will continue to provide justification for rushing through Bills on majority lines. But an important political dimension should be mentioned. Parliaments will function differently often depending on the internal structure and cohesion of the governing majority. To provide an example, the current government is a very loose grouping of disparate individuals held together by the figure of the former king ousted at the end of the Second World War. In this setting, the legislative process is marked by constant bargaining between the

shifting internal fractions, making committee work very difficult. Hence, emphasis is increasingly on the passage of Bills through the various stages of the legislative process. Scrutiny is then demoted. Loose governing coalition make consensus rather problematic as internal factions position themselves in an endless game of bargaining. The Bulgarian political system since 1989 has not seen minority governments, which would allow more in – depth analysis of how committees function. Most prior governments have enjoyed considerable majorities, thereby further making use of the political benefits of quick passage and majority rule. Committees have been established through the principle of proportionality, ensuring symmetry between plenary constellation and committee make – up.

To turn to more specific issues relating to the work of Parliamentary committees. One issue of importance is the lack of involvement of committees when international treaties are scrutinized. These normally would only be examined in plenary, thereby often precluding more detailed and patient analysis of international commitments. This gives rise to some concern as the body of non – national legal norms is expanding and the Bulgarian Constitution does provide for direct effect of these norms. Hence, scrutiny becomes even more important as we face the increasing risk of a legislative “backdoor”, which circumvents the committee level of the legislature. In more political terms, this would further enhance reliance on the executive, mostly the Council of Ministers and the Ministry of Foreign Affairs.

A positive and well – established practice of consultation with NGOs at committee level is already in place. Yet, there is no requirement for consultation at second reading when all crucial decisions on the legislative proposals are made. Hence, despite often excellent NGO input at first readings, much of it is lost as the Bill goes through the system. Committees also have the practice of making significant alterations and amendments between the two readings. As a result, even if consulted, NGOs would often be looking at a very different version of a Bill. In practice, this makes consultation redundant. At worst, NGO consultation is solely employed to create a semblance of plurality. Organizations are invited to present views, positions and own versions of Bills. MPs

would then select the “right” Bill and proceed to adopt it thanking “civil society” for its contribution. Yet, despite some such instances, it will fair to say that consultation is a well – established practice, which enjoys much support. Consultation is linked to responsiveness and committees have increasingly been willing to consult with business and industry organizations in order to ensure smooth implementation of legislation. This is particularly true in the context of EU accession as businesses need to adopt and implement large chunks of EU norms. Some citizens’ groups have also been successful at getting the attention of Parliamentary committees (ie various organizations of the disabled). But it must be recognized that to conceive of business as representing a single interest is increasingly difficult. Various segments of business and industry often have conflicting interests with the losing side engaging in a well – funded PR operation claiming unresponsiveness on the part of the state. Furthermore, there is a trend of increasing attention being paid to influencing and lobbying central government and the executive. Organized interests seem to have recognized that the legislature is losing its importance and are focusing their efforts of the sites of power that do really matter.

The problem of volume in the work of committees has already been mentioned at some length. Yet, this needs reinforcing as volume is quickly becoming the major challenge facing Parliament and its committees. This is further made worse by the busy legislative pace of adoption of EU norms. Committees are having to operate under constant time pressure with most legislative drafts coming from the executive with its knowledge of EU law. Chairs of committees are using adoption of European norms as an excuse for the manipulation of agendas. Yet, MPs are simply not keeping up with things, there is a clear lack of capacity to examine the detail of EU law and this trend will continue apace if no measures are taken in the immediate future. Committees are also not able to conduct proper impact assessments of the various measures they adopt. The consequences of legislative acts are only marginally mentioned as decisions are made. This is mainly due to lack of expertise at committee level, insufficient funding and inadequate management of available funds. Staff is not sufficient and it is difficult to see a systematic human resources policy being implemented in

Parliament. Incoming majorities continue the practice of replacing experts even if this trend has subsided somewhat.

Local Government

In this final part of the democratic audit, there must be an attempt to bring together some analytical / methodological points as well as a number of substantive ones. One is that evidence is very patchy, indeed. There have been very few attempts to examine in a systematic manner the various paths and ways of governing local authorities. We have only been able to look in detail at one or two municipalities in the capital city of Sofia. Thus, it must clearly be stated that it remains a challenge to arrive at general observations and conclusions, which will hold sufficient validity across the country. The offered conclusions are based on two case studies and they would seem to confirm the intuition that some municipalities function reasonable well and employ good practices allowing citizens to hold officials responsible. Yet, there is sufficient anecdotal evidence (not presented here in a structured way) that many local authorities in various parts of the country continue to be managed badly as closed and secretive establishments. It, therefore, will have to be repeated that these conclusions are of somewhat limited generality and validity. Further analysis might look more closely at practices per region, per ruling party coalitions in local authorities, etc. Other further interesting variables might include levels of economic development, foreign investment and regional and city histories of civic traditions and practices.

In terms of political analysis, it is central to conclude that Bulgaria continues to be in the conceptual and behavioral grip of centralization. Possessing and governing through an omnipotent institutional capacity pervades political and administrative thinking into the 21st century. This is in some contrast to the tradition of decentralized self – government of early and mid 19th century, even if it developed in the context of the Ottoman Empire, i.e. in the absence of an independent state. Yet, upon independence and in need of rapid modernization, the Bulgarian polity quickly reverted to a much more centralized mode of government, which allowed rapid legislative and institutional development. It will be

fair to say that the centralizing tradition, firmly established at the end of the 19th century, continues to dominate the political scene in the first years of the 21st century. This is coupled by some legacies of decentralization, which are particularly evident in certain regions of the country. But it is difficult to perceive these as adding up to an independent, self – standing tradition of politics in the country. Politics remain predominantly a play at the centre.

The above – mentioned is in direct contrast to the ever strengthening public expectation vis-a-vis local government. There has been a notable increase of public skepticism towards the political elite of the centre during the transition to democracy in the course of the last 14 years so. In a way, this has gone hand in hand with an increase of support for devolution and decentralization. It is, hence, rather difficult to imagine the next stage of democratic development without political reform transferring much power to the lower levels of the polity. In terms of political identity, this ought to translate into effective prerogatives for the municipalities rather than the regions as they are mainly perceived as administrative units, which do not command any loyalty and allegiance. Devolution is increasingly seen as the central strategy of reform, which may enhance democratic legitimacy.

Yet, the drive for reform must be tempered by a few important considerations. One relates to the pace of transfer. Any transfer of prerogatives must be through a gradual, well thought – out process. Such a process would involve prior restructuring and strengthening of the administrative set – up at local level, which would ensure effective and efficient carrying out of newly transferred core prerogatives. At a different level, such a transfer must be necessary involve the national political parties at the local level. Clearly, recruitment will be an important issue as new functions will place additional burden on the local administrative and political elites. Training will also be required before full transfer is implemented. Another crucial issue in need of addressing is linked to the avoidance of great disparities across the country. This means that transfer of prerogatives across the board may amplify an already present pattern of uneven political and administrative capacity. Devolution and decentralization must not reproduce, let alone further increase, disparities across the municipalities and

regions of the country. In any process of reform, central government must seek to prevent great disparities of development. This will involve creative institutional crafting in order to determine the right mix of policies and tools, which will allow both effective devolution and effective intervention upon need. This is no easy task, particularly in the context of post – transitional polities, in which central political elites are still all too often willing to over – intervene. But this will not be solely about checking excessive power but also about finding the appropriate measure of positive capacity to assist development. The policies of devolution and decentralization ought not to produce “regional / municipal ghettos” of low quality life breeding social and political discontent. It is particularly important to ensure that such political tools of change are not perceived as creating dramatically low levels of life chances in significant sections of society and across the country. This has crucial linkages to the question of legitimacy of the political system, which may not be explored in detail here. Yet, it must be recognized that there already exists much disparity between regions with the capital enjoying significantly higher levels of system support that many economically depressed areas of the country.

All evidence points to a general conclusion of significant asymmetry of prerogative of central versus local government. Local government continues to function predominantly as an administrative agency of central government, mainly involved in the business of disbursing payments of central government budgetary expenditure. There are very few effective powers, which could introduce important changes to public life. This is on the background of an increasingly “local” structure of public expectations, in which the lower levels of government will be increasingly expected to deliver immediate outcomes to the citizens of the locality. Hence, we can expect increasing pressure for political reform in this direction. Quite how this will materialize is a question of further investigation. It is, however, possible to identify key issues. One is linked to taxation and the need to re-balance the proportion between local and central revenue. Under the present system and as a consequence of this, municipalities have little say over how the local budget is spent. Secondly, there is currently little linkage between local taxation and local service provision. Even wealthy

municipalities, which bring in a lot of revenue are not permitted to retain a proportional chunk of the collected amounts. A further problem arises as local populations begin to perceive this practice as one creating injustice, thereby breeding discontent, which has so far been largely contained within the national association of municipalities. But it will be important, from a political and policy perspective, to establish a more immediate link between local taxation and levels of local service provision, increasing legitimacy and improving the functioning of democracy at the local level.

In the context of the current analysis, it is important to mention a major obstacle to political reform. Centralization has been, since 1989, a very useful political tool of control and government. Governments have used this dependence of local government to “pick and choose” municipalities favoring those dominated by their political party and punishing some local authorities controlled by the opposition. This mechanism has been used a number of times prior to local elections as a means of strengthening the odds of electoral success. There is little evidence that the political elites of the centre have much wish to let go of this leverage. This current system has provided many opportunities for patronage, even if regional government has been more exposed to this phenomenon than local government. Moreover, as a matter of tradition, political parties have preferred to have greater uniformity of the political map than a complex picture of shifting dynamic at local authorities across the country. This is not to ignore the fact that there still exist a number of “rainbow coalitions” in many municipal councils. Unless challenged and pushed in the direction of reform, political and party elites will find more comfort in negotiating coalitions at the national level than having to navigate a maze of diverse electoral outcomes in local councils. There is an important dimension to this process, which needs to be mentioned and it is linked to the so – called “bucket – passing”. The political centre has, over the course of the last decade or so, played an administrative blaming game often deflecting blame in the direction of municipalities. MPs have laid blame at the executive, while the senior levels of the executive have pointed in the direction of the central and local administration. Yet, it must be pointed out that the political elites of the centre might actually identify a benefit in

transferring prerogatives to the lower levels of government. This will make “blaming games” count and hold to scrutiny. Should this occur, the question of preparedness for government of the local elites will arise with some urgency, which will need to be addressed.

The evidence of this democratic audit shows that there is increasing awareness of the need for greater accountability at the local level. We have been able to identify some established mechanisms in the municipalities of the capital, yet, even there, much will need to be improved. Citizens and opposition parties have shown little systematic interest at the activities of local government. When they face problems, they tend to go to central government. History would suggest that as the best course of action. Thus, local administrations have managed to get away with little, if any, systematic scrutiny and accountability, especially in the areas of economic and financial matters. Election turnout remains at around 40 % nationally and few individuals have organized around causes and issues immediately concerning local government. This is being perpetuated by the radical asymmetry of prerogative. It may then be fair to conclude that greater levels of participation, interest and turnout might be expected with the transfer of prerogatives, which make the functioning of municipalities of direct relevance to local citizens. Further proof is provided by the fact that the audit finds little, if any, evidence of systematic consultation with local business and non – governmental organizations. Again, it is hard to identify incentive for such dialogue as the local administration plays the “reverse blame game” of deflecting criticism and scrutiny in the direction of central government. The current audit, while not attempting to examine the issue in detail, found little evidence of many NGOs, which have sustained strategies for lobbying and work at the local level. Again, they have tended to direct attention and effort at lobbying the legislature and the senior levels of the executive rather than the municipalities.

The survey tends to support the thesis that the administrative capacities of local government and administration remains significantly below expected standards. While respondents provided some evidence for administrative competence, overall functioning is patchy with few well –regulated, properly functioning

administrative procedures and mechanisms. The administration has low policy – making capacity and remains unattractive for competent managers and experts. Patronage is widespread despite the presence of some rudimentary systems of document handling and processing. Rules are applied sporadically and seem driven more by local political configuration than by general, sustained modes of administrative operation. There is little transfer of knowledge “up the system”. We have found no evidence of the uniform administrative standards being applied across municipalities. It must be noted that the National association of municipalities has not acted as a self – regulator in this area. While the organization is well – known, it has opted to operate more as a mainly lobbying unit than a source of information, legislative suggestion and impact assessment for central and local government. As already highlighted, it will also be fair to reiterate that local administration and government has very few prerogatives, which would breed such capacities. It would then be somewhat unrealistic to expect to find such competence at this present time.

The survey has encountered some positive trends in the area of transparency, mostly relating to access to municipal meetings and reporting. Yet, there are no uniform standards at work and good practices remain the product of particular situations in given municipalities. The policies of access, transparency and accountability are very uneven. The overall levels of transparency remain rather low, particularly in the areas of access to documents and the economic activities and spending plans of municipalities. Again, we find little activity on the part of the municipalities association, which should be at the centre of the efforts to introduce such practices as a matter of policy. It must be stated that much of this is created by public lethargy in a polity often obsessed by events at the centre. There is still sporadic citizens’ interest as people realize that little depends on local government. Hence, they have few incentives to participate and scrutinize in a sustained manner the activities of local government.

RECOMMENDATIONS

This survey provides ample evidence on which we could attempt to define some recommendations, which would allow these institutions to perform better and enhance the quality of democracy in the country. It may be useful to divide these in two broad categories: political and policy recommendations.

Political Recommendations:

Parliament:

- Concerted effort of political parties to strengthen institutionally the legislature as the core of the political system;
- Introduction of much wider mechanisms of public consultation and dialogue in order to enhance responsiveness and improve the quality of law-making;
- Public debate and adoption of a set of measures to improve the quality of law-making, consultation with interested parties and wider civil society and international and regional organizations as well as general and single-issue groups;
- Concerted effort to improve the overall democratic roles of the Parliamentary committee system by introduction and enforcement of sustained management, human resources and training policies;
- Sustained efforts to ensure expert and administrative continuity of Parliament and its committees;
- Greater effort by party, political and administrative elites to explain public policy and engage local and national public opinion through constituency networks and media contact.

Local Government:

- Initiation of public debate on the re-balancing between central and local government with the view of empowering municipalities with effective prerogatives;
- Concerted attempt of the political parties to build consensus on constitutional change, which would permit effective transfer of prerogatives to the lower levels of government;
- Reinvigoration of society-wide efforts of recruitment and

training of effective and competent politicians and policy-makers at the local level;

- Targeted surveying of citizens to gauge the types of expectations vis-a-vis local government, extent of willingness to see transfer of prerogatives and readiness to contribute (ie re-balancing levels of taxation, of public service provision, etc);
- Consideration and public debate on possible shift on electoral system with the re-introduction of a stronger majority element, strengthening the link between political representation and locality;
- Strengthening of dialogue and links between central political and administrative elites and the Association of municipalities in Bulgaria allowing better flow of information, analysis and experience.

Policy Recommendations:

Parliament:

- Establishment of a system of sub-committees to deal with finer details of legislation, including greater involvement in drafting of secondary legislation;
- Approval of significant increases in budgetary allocations, which would permit the strengthening of the expert base of Parliament and its permanent and ad hoc committees;
- Introduction of a policy of adjustments of legislative time - tabling allowing longer periods for examination and formulation of amendments ;
- Introduction of a proper system of scrutiny of legislation post-adoption and also in the area of EU law by allocating sufficient budgetary provisions and introducing requirements for reporting by the executive;
- Systematic adoption of the practice of hearings before Parliamentary committees, ensuring greater accountability, responsiveness and improved law-making;
- Measures to introduce a system of regular and systematic consultation with sectoral and non-governmental organizations as well as ad hoc citizens' initiatives and groups at pre and post-

adoption stages of the legislative process;

- Implementation of a multi-faceted program for administrative reform of Parliamentary committees, including open competitions for expert positions;

Local Government:

- Introduction of a set of minimum requirements for the elaboration and implementation of local policies, while respecting local autonomy and functional independence;
- Introduction of general minimum criteria for transparency of local authorities: unrestricted access to municipal meetings; regular and unhindered access to documents of the local authorities; publication and dissemination of decisions of the municipal council; regular reporting and scrutiny of economic and business activities of municipalities; greater use of target-setting and reporting from central authorities;
- Introduction of general minimum criteria for accountability in local authorities: annual reports on activities; newsletters; information policy vis-a-vis local media; question time for local mayor in the municipal council; regular open days; strengthening of the institution of the Ombudsman; strengthening the intra – party mechanisms of control and accountability vis-a-vis local administrators and politicians; greater use of referenda for major issues relating to the municipality; greater use of the Internet for filing of documents, responding to queries, etc.; systematic consultation with business and non-governmental communities at the local level;
- Introduction of general minimum criteria for a human resources, recruitment and management policy: introduction of “one –stop” shops for all local services; improvement of policy-making capacity of local authorities; systematic introduction of standard management techniques across all local authority administrations; clarifying of internal, intra-administrative mechanisms of movement of documentation, deadlines, etc.; clearer legal definition of the status of local authority employees and the separation between political and administrative responsibility; greater investment in office infrastructure and training of staff; introduction of a systematic human resources policy, ensuring open competition for all

levels of the local administration and regular performance assessment; development and introduction of a unified civil service system at the local level, clarifying promotion paths, performance criteria. etc.; strengthening of internal and external audit of local authorities; opening of the administration to under-represented social groups in the municipalities.

References

- Constitution of the Republic of Bulgaria, 1991, Sofia;
- European Charter for Local Government;
- “Governing Europe”, Hayward, J. and Menon, A., (eds), Oxford University Press, Oxford, UK, 2003;
- “Institutional Interaction in the Process of European Integration and the Role of Parliament in Bulgaria”, (In Bulgarian), S. Dimitrova, Publication of Foundation “Parliamentary Centre of European Law”, Sofia, 2002;
- “Local Budgets in Bulgaria. Club Economy 2000”, (In Bulgarian), Publication of FRMS, Sofia, 1998;
- “Local Finances”, (In Bulgarian), S. Ivanov, Publication of the National Association of Municipalities in the Republic of Bulgaria, Sofia, 1999;
- “Local Government in Bulgaria”, (In Bulgarian), M. Stefanova, Sofia, 1997;
- “Local Policies and Practices in A Multiethnic Region”, (In Bulgarian), Petrov, D., Marinov, S. and Hristova, A., Publication of the Centre for Ethno-cultural Studies, Razgrad, Bulgaria, 2003;
- Monthly Public Opinion Surveys (Printed), Alpha Research Agency, National Centre for the Study of Public Opinion and MBMD Survey Agency, Sofia, 2004;
- Numerous articles in DNEVNIK, Trud, 24 Hours and Sega Dailies over the course of the project.
- “Politics and Political Institutions”, (In Bulgarian), G. Karasimeonov, Sofia, 1997;
- “Public Administration”, (In Bulgarian), E. Kandeva – Spiridonova, Sofia, 1998;
- “Public Administration in Local Institutions – Responsibilities and Perspectives”, (In Bulgarian), ed. By G. Karasimeonov, Publication of Open Society Foundation, National Association of Secretaries of Municipalities in Bulgaria and the Institute for Political and Legal Studies, Sofia, 2001;
- “Public Ethic at Local Level. Typology of Initiatives”, (In Bulgarian), Publication of Council of Europe, Sofia, 2003;
- “Taming Globalization. Frontiers of Governance”, Held, D. and Koenig-Archibugi, M., (eds), Polity Press, Cambridge, UK, 2003;
- “The Inflexibility Trap. A State of Democracy Survey in South East Europe”, a publication of the Centre for Liberal Strategies, Sofia, 2002;
- Unpublished transcripts of interviews with officials and members of the Bulgarian Parliament, December, 2003 and January / February, 2004, Sofia;
- Unpublished transcripts of interviews with officials of Sofia and Vitosha Municipalities, December 2003 and January / February, 2004, Sofia;