

INVESTIGATING TEAMS INNOVATIVE PRACTICES AND OPPORTUNITIES FOR DEVELOPMENT

INVESTIGATING TEAMS: WHAT ARE THEY?

- ◆ An investigative team consists of two experts: a legal expert (lawyer) and an investigating journalist experienced in areas relating to public procurement and management of municipal property
- ◆ The team operates at the local level, monitoring and investigating publications in the media and signals for corruption given by citizens
- ◆ The team members work in a coordinated manner, combining their specific professional approaches in order to collect as much information as possible and formulate the legal qualification of irregularities

INVESTIGATING TEAMS: HOW DO THEY WORK?

- ◆ Exercise daily monitoring of signals in the project problem area in the local press and broadcasting media
- ◆ Receive signals and complaints of citizens and legal entities victims of corruption in their dealings with the local administration in the area of municipal property management and public procurement
- ◆ Organise, classify and store received complaints, signals, documents and other materials applying a model of investigation files designed by Transparency International – Bulgaria

WHAT ARE THE LAWYER’S RESPONSIBILITIES?

- ◆ Together with the journalist, conduct face-to-face interviews with citizens and representatives of the municipality
- ◆ Provide legal advice free of charge to citizens seeking assistance on specific cases relating to corruption or unlawful action on the part of the local administration in connection with public procurement and municipal property management
- ◆ Conduct expert assessment of signals and materials received in terms of significance of the problem, degree of compliance with the project goals, completeness of evidence gathered
- ◆ Produce a monthly report containing a legal analysis of cases, and suggest follow-up action stating legal arguments
- ◆ After consultations with Transparency International - Bulgaria, formulate complaints and seize the competent authorities when a particular case constitutes a crime and sufficient proof has been gathered to support such a claim
- ◆ Participate in subsequent monitoring of litigation on cases of corruption, establish and maintain contacts with representatives of the Public Prosecution Office and the court in accordance with the goals of the project

WHAT ARE THE JOURNALIST’S RESPONSIBILITIES?

- ◆ Exercise daily monitoring of publications in the local press and coverage in the local broadcasting media
- ◆ Conduct face-to-face interviews with citizens and representatives of the municipalities following up on signals received from citizens or publications in the local press concerning improper actions by the local administration
- ◆ Organise materials from printed and broadcasting media on a monthly basis
- ◆ Undertake campaigns in the local press covering specific cases and compare such cases with the cases of corruption commonly covered by local media

WHAT ARE THE GUIDING PRINCIPLES FOR THE INVESTIGATING TEAM?

- ◆ Verification of data obtained
- ◆ Independence and bias-free gathering and processing of information
- ◆ Effectiveness of investigation

WHAT ARE THE DIFFICULTIES FACED BY THE INVESTIGATING TEAM?

- ◆ Attempts to conceal cases of improper actions of local administration, unwillingness to cooperate, inventing new techniques to cover up corruptive practices
- ◆ Unwillingness of the municipal administration to participate in clarifying the cases under investigation, preferring the “tacit refusal” response to that of providing information
- ◆ Intentional delay in responding to requests and demands of citizens
- ◆ Indifference of the administration regarding publications on corruption
- ◆ Passive attitude on the part of local media in response to

- efforts to promote action against corruption in local government, and unwillingness to offer assistance and partnership
- ◆ Slow administrative process on cases relating to appealing against administrative action of municipal authorities, a “closed-in judicial system”
 - ◆ Strongly limited circle of citizens who signal about corruptive practices. Fear and lack of trust that the public announcement of the problem is an effective means to resolve it

PROSPECTS FOR FURTHER DEVELOPMENT OF THE WORK OF THE INVESTIGATING TEAM

- ◆ Maintain working relationships with the local media, the administration and the judiciary to improve the effectiveness of their work in the context of fighting corruption
- ◆ Exercise pressure on the administration to curb corruptive practices in its operation
- ◆ Establish cooperation with institutions from the central government administration: the National Audit Office, the Parliamentary Committee for Fighting Corruption, the Coordination Committee for Fighting Corruption with the Council of Ministers
- ◆ Raise public awareness and undertake advocacy campaigns in partnership with other non-government organisations
- ◆ Investigate cases of broader public significance

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MONITORING OF CORRUPTIVE PRACTICES IN THE AREA OF MUNICIPAL PROPERTY MANAGEMENT AND PUBLIC PROCUREMENT IN BULGARIAN MUNICIPALITIES

PROJECT

**MONITORING OF CORRUPTIVE PRACTICES IN THE AREA OF
MUNICIPAL PROPERTY MANAGEMENT AND
PUBLIC PROCUREMENT IN BULGARIAN MUNICIPALITIES**

This Transparency International - Bulgaria project was implemented during the period from January 2003 till January 2004 with the financial support of the Open Government Initiative DPK Consulting /USAID. The initiative was designed on the basis of data and research which indicated a lack of awareness as to the tools available for citizen control over the work of local authorities within their specific powers in **managing municipal property** and in **public procurement**.

According to expert assessments and public opinion research, these are two of the areas in local government for which there are most suspicions and allegations of corruption. These findings have some solid grounds in the existence of non-transparent procedures and insufficiently detailed secondary legislation.

When viewed as a basis for the operation of local authorities, these turn into factors conducive of the proliferation of corruptive practices. The initiative of Transparency International – Bulgaria focused on monitoring the activities of municipal administration on the territory of the municipalities of Varna and Rousse

MAJOR ISSUES
<ul style="list-style-type: none">◆ Deficiencies in the existing secondary legislation which make it possible to take non-transparent, legally non-compliant and inappropriate management decisions◆ High level of unawareness of the tools for citizen control over the activity of local authorities in the areas of municipal property management and public procurement◆ Allegations of corruption in the management omunicipal property and holding tendersf
PROJECT GOALS
<ul style="list-style-type: none">◆ To achieve a higher level of transparency in the operation of municipalities in the management of municipal property and in organizing tenders by monitoring and investigation of signals about corruption◆ To exercise effective citizen control over the work of local government institutions◆ To establish cooperation between non-government organisations, media and the judiciary for effective counteraction against corruption in local government

PROJECT ACTIVITIES
<ul style="list-style-type: none">◆ Monitoring of publications in the local press andcollection of information from parties affected◆ Identification of the legal qualification of registered cases◆ Investigation, by investigating journalists, of signals about corruption in the work of municipal authorities on the territory of the cities of Varna and Rousse. Conduct face-to-face interviews as a result of specific signals raised by affected parties or of cases presented in publications and broadcasts in local radio and television programs◆ Preparation of files for specific cases of corruption in the operation of local authorities in the areas of municipal property management and public procurement◆ Expert assessment of the significance of the problem, the degree to which it is in line with the goals of the project, the completeness of collected evidence and the necessary mechanisms to further investigate the concrete cases◆ Prepare case files for each specific case and summarize the results of the investigation

PROJECT RESULTS
<p>Results achieved from the implementation of the project can be grouped into two major domains. The first one was the development and provision of specialized know-how for monitoring corruptive practices in the area of municipal property management and public procurement in Bulgarian municipalities. Investigating teams have been trained in methods of investigative journalism, techniques to register and investigate cases, design coding cards and templates to investigate and document case files.</p> <p>The second area was identification of the major types of corruptive practices and irregularities in the management of municipal property and public procurement. As a result of the monitoring a considerable volume of information was gathered as to specific cases of irregularities in municipal property management and public procurement. On this basis, Transparency International - Bulgaria summed up and classified the most common types of irregularities, which can serve as an indicator for possible occurrence of corruptive practices.</p>

IRREGULARITIES IN THE MANAGEMENT OF MUNICIPAL PROPERTY
<ul style="list-style-type: none">◆ Inequitable exchanges of municipal property against private holdings (lack of information about the market value of real properties, incomplete transcripts of municipal council decisions, lack of subsequent control over the execution of transactions). Authority which has allowed such irregularities: municipal council◆ Municipal property rented out at lower rates, failure to observe the scope of the lease agreement (a common irregularity is to let municipal properties to political parties against low rental prices, and the use of rented properties for purposes other than those specified in the lease). Authority which has allowed such irregularities: mayor and municipal administration staff◆ Sale of municipal property at prices below the tax assessment value. Authority which has allowed such irregularities: municipal council and municipal administration staff◆ Illegal use of municipal land for trading activity (violations in the procedures for putting up temporary structures). Authority which has allowed such irregularities: mayor and municipal administration staff

IRREGULARITIES IN PUBLIC PROCUREMENT
<ul style="list-style-type: none">◆ Evasion of the Public Procurement Act by entering into agreements of a value which does not require the application of the Public Procurement Act. Authority which has allowed such irregularities: mayor and municipal administration staff◆ Signing of annexes to agreements already contracted with businesses and evasion of the Public Procurement Act. Authority which has allowed such irregularities: mayor and municipal administration staff◆ Omissions and irregularities in tender documents with the aim of favouring or elimination of a particular bidder. Authority which has allowed such irregularities: mayor and municipal administration staff