



**TRANSPARENCY
INTERNATIONAL
BULGARIA**

IMPROVING CAPACITY FOR INTER- INSTITUTIONAL COOPERATION IN THE FIGHT AGAINST CORRUPTION

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Methodological Framework

The main objective of the present analysis is to provide a framework for systematization and analysis of the existing data on the following subjects:

- forms of coordination;**
 - levels of cooperation;**
 - capacities for effective partnership**
- between the Prosecutor's Office of the Republic of Bulgaria and the institutions of the legislative and executive branches in the fight against corruption.**

Surveyed institutions

The object of the study are all specialized agencies and units, engaged in implementation of policies and measures for restriction of the number and scope of corruption crimes.

Executive authorities

- Commission on Prevention and Counteracting Corruption (Council of Ministers)
- Ministry of Interior
- Ministry of Finance: Financial Intelligence Agency, Public Internal Financial Control Agency, State Receivables Collection Agency
- Ministry of Regional Development and Public Works
- Ministry of Environment and Waters
- Ministry of Agriculture and Forestry

Judicial authorities

- Supreme Prosecution Office of Cassation (“Inspectorate” Department and “Counteracting Organized Crime and Corruption” Department), Supreme Administrative Prosecution Office
- Anti-corruption Commission at the Supreme Judicial Council
- National Investigation Service

Legislative authorities

- Corruption Combating Committee at the National Assembly
- Legal Affairs Committee at the National Assembly

Other authorities

- National Audit Office

Research Tasks

The tasks under the survey include:

- Detailed description of the institutional framework, information networks and communication intensity of the anti-corruption environment in which the Prosecutor's Office activities are being carried out;
- Assessment of the administrative capacity of the existing institutional environment, the practices for cooperation and coordination prevailing hitherto, as well as willingness for development and implementation of models for effective partnership;
- Definition of the scope and evaluation of the risks regarding the membership of Bulgaria in the European Union and more specifically, the levels of willingness for establishing capacities for counteraction to corruption crimes concerning the use of European Union Structure and Cohesion Funds;
- Presenting recommendations and suggestions for optimization of the existing practices for inter-agency cooperation.

The methodology of the survey includes:

- network analysis;
- assessment study.

Analysis of the practice of establishing cooperation agreements

A. Character of the documentation:

- agreements and instructions;
- as regards the object;
- as regards the mechanism for cooperation.

B. Forms of interaction

Each of these forms of interaction corresponds to a particular level of intensity and quality of the interaction:

- providing information;
- exchanging information between institutions / units;
- exchange of expert positions;
- joint drafting of policies;
- implementation of joint monitoring over the implementation of those policies;
- evaluation of results and joint definition of strategic priorities for the implementation of anticorruption measures and policies for countering of corruption.

Results of the analysis of agreements and instructions

Interaction Assessment

C. Interaction Assessment

- Agreements and instructions for joint activities are being set up between the Prosecution Office and all institutions, engaged in monitoring and counteraction of corruption crimes
- The instructions for cooperation are substantially and formally better structured than the cooperation agreements
- In the majority of cases, their object is not substantially different from the scope of the legally defined responsibilities and functions of the various institution
- The most substantial part of the agreements covers the operational activities on monitoring and sanctioning of breaches
- Mutual commitment to prevention of corruption crimes has not been established yet
- Relative underdevelopment of the part of the agreements which covers the evaluation of results of joint activities and planning of joint initiatives

Survey Results

Which are the basic problems in your practice in counteracting corruption crimes?

(only the positive answers are presented)

lack of coordination between the institutions	76,7 %
inadequate legislation	54,7 %
lack of well prepared professionals	53,5 %
lack of financial resources	52,3 %
insufficient information	45,3 %
insufficient public support	39,5 %

Survey Results

Most frequently given additional answers to the question of what are the basic problems in your practice in counteracting

corruption crimes

- **Lack of specialized professional training; improvement of training; exchange of information with settled European legal practices; exchange of experience with similar institutions of EU**
- **Lack of assigned powers for gathering evidences; limited capabilities for gathering and checking evidences**
- **Lack of will; lack of support from the higher level authorities; “umbrella” – political, partisan and institutional over “trusted people”**
- **Insufficient promotion of the principles of transparency and integrity**

Survey Results

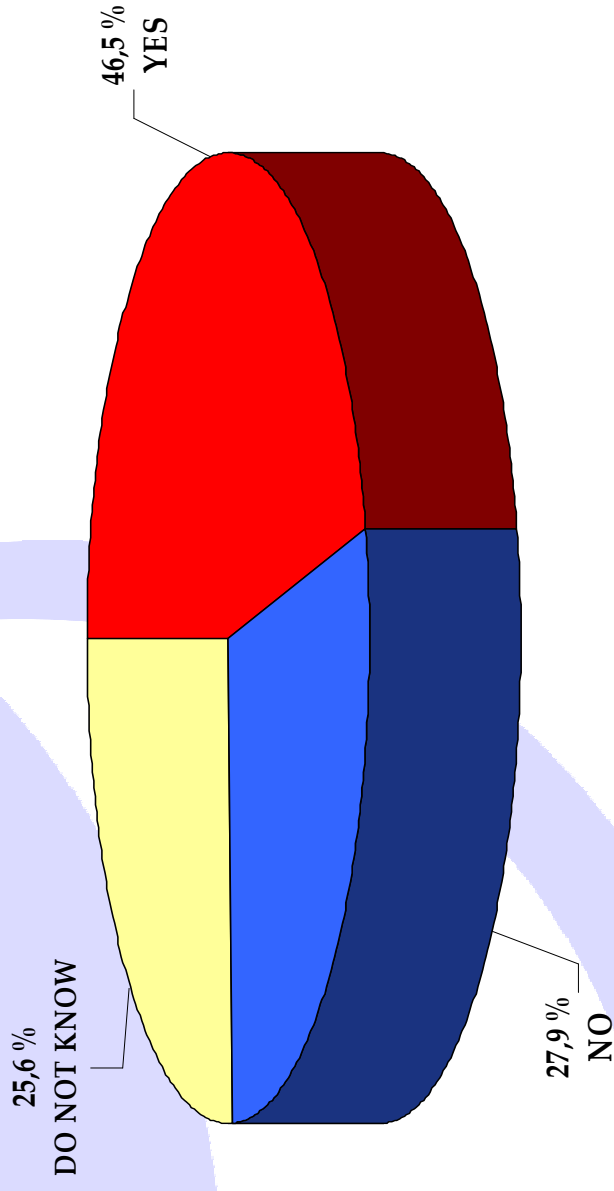
In which stage of your work to investigate facts and circumstances for corruption, do difficulties appear most often?

(only the positive answers are presented)

in determining the authenticity of information	64,0 %
in interaction with other institutions involved	61,6 %
in sustaining the indictment in court	41,9 %
in providing the necessary expertise	37,2 %

Survey Results

Do you find it necessary, new specialized units dealing exclusively with counteraction of corruption to be established?



Survey Results

What, in your opinion, determines the low level of public trust in the efficacy of the fight against corruption?

(only the positive answers are presented)

mistrust in the judiciary as a whole	76,7 %
low number of sentences against corruption	62,8 %
politically biasing the fight against crime and corruption	48,8 %
lack of effective coordination between the institutions	37,2 %
lack of unbiased information for the operation of the institutions	32,6 %

Survey Results

What, in your opinion, determines the low level of public trust in the efficacy of the fight against corruption?

Additional comments to the question

- Corrupted administration in the institutions which provide public services and/or manage public resources or municipal property
- Existing fear amongst the witnesses of corruption to signalize the institutions
- Lack of political will for effective counteraction of corruption; related persons
- Low anticorruption awareness and culture; large part of the “public” (the individuals) solve their problems with “bribes”

Survey Results

What is necessary for the improvement of the administrative capacity in the present circumstances
(only the positive answers are presented)

rising the servant's salaries	84,9 %
improving the interaction between institutions	80,2 %
improvement of the education and qualifications of the civil servants	69,8 %
strengthening the public trust	69,8 %
improvement of the existing legislation	67,4 %
providing better technical conditions for work	64,0 %

Survey Results

The successful counteraction of corruption crimes depends on:

the joint efforts of all the branches of power and the whole society	54,7 %
the political will of the legislature	23,2 %
the professionalism of the prosecutions office	19,8 %
the levels of public intolerance towards corruption	15,1 %
the effective coordination in the work of the executive	11,6 %
the good management of the courts' work	8,1 %
the work of the police and the preliminary investigation	5,8 %

Survey Results

In what direction would be most efficient, the efforts of counteracting corruption to be focused?

improvement of the legislation	54,7 %
increasing the possibilities for civil control	54,7 %
improving the financial and resource base	53,5 %
improving the coordination between institutions	52,3 %
improvement of the education and qualifications of the civil servants	44,2 %
building up-to-date information systems	44,2 %
improving the interaction with the media	9,3 %

Expectations for improvements in the legislation /1

- **Improvement of the Penal Procedure Code (PPC) through simplification of the mechanism of proofs and more precisely – the methods for proofs**
- **Changes to the law for the Covert Means of Investigation (CMI). Article 307 of the Penal Code. Effective sentences for receiving a bribe by officials, instead of administrative sanctions corresponding to Article 78a**
- **Improvement of the Administrative Procedural Code. Changes in the PPC and the law for CMI; widening the possibilities for use of the CMI, the access to personal data, access to private correspondence and other ways of communication by the controlling institutions**
- **Specifying the regulation under Article 304 – 304b, with the purpose of encouraging the bribe payers to cooperate for the revealing of the crime**

Expectations for improvements in the legislation /2

- **To be legislatively specified which deals are connected with the law for the measures against money laundering**
- **Differentiating the responsibility of the head of ministry, agency or other institution from the responsibility of the corresponding low level officials**
- **Widening the prescription terms in seeking disciplinary and property responsibility**
- **Defence of officials, who have reported misuses or corruption**
- **Improvement of the legislation towards widening the capabilities for civil control in the stage of prevention of corruption crimes through access to objective and up-to-date information for the work of the institutions**

Interview Results /1

- **The expectations for improvement of the legal base are concentrated towards widening the capabilities for gathering and verifications of evidences**
- **Expectations for new improvements in PPC are present, only a year after its enforcement**
- **The common assessment of the level and the quality of the cooperation with other institutions is good, but incentives for its improvement are lacking**
- **The level of coordination in the work of the legislature, the executive and the judiciary is assessed as insufficient**
- **The present attempts for coordination in the work of the anticorruption commissions in the legislature, the executive and the judiciary are assessed as positive but insufficient**

Interview Results / 2

- **There is constant high pressure in the security of the work of the investigating and controlling agencies**
- **The prevalence of the concept, that the public mood does not further the effective counteraction of corruption**
- **The coordination and the preventative control are defined as the most effective means for counteraction of corruption connected with the realization of projects with the European structural and cohesion funds**
- **A mutual understanding that an improvement of the capacity for risk assessment is necessary, especially when it is up to the European projects**

Results and Conclusions /1

- **The practice of constructing models of effective interaction and partnership in the work of the Prosecution Office shows real results**
- **The most substantial hardships are in the effective interaction with the institutions of the executive**
- **It is necessary the administrative capacity to be improved in order effective partnership in the prevention and counteraction of corruption crimes to occur**

Results and Conclusions /2

- **A real support for establishing models and practices aimed at improvement of the coordination in the work of the Prosecution Office and the others institutions of the executive and legislature does exist**
- **The necessary public support is still lacking as well as the trust in the efficacy of the counteraction against corruption, especially when it is perceived as politically protected**

Possible further steps

- **Elaboration of a Model for assessment of the quality of the inter-institutional partnership**
- **Widening of the expertise potential of the Prosecution Office for risk assessment and prevention of the corruption crimes**
- **Substantiation and more effective management of the resources for planning and assessment of the results in the signed and the actualized agreements and instructions**
- **Improvement of the administrative capacity for effective institutional and public communication**