

## The National Assembly as a Factor in the Fight Against Organized Crime

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In the last ten years, the need for effective results in the fight against organized crime and political corruption has become the most acute social and political problem in the country. Despite some isolated success, the overall assessment of the achievements so far by the Bulgarian citizens and foreign partners alike has been univocally negative. The systematic failure of the political efforts against organized crime and corruption has given rise to claims of an existing intertwining and interpenetration of the state and criminal systems; the root of the evil also has a name, namely, the political shield of high-level institutional corruption.

### The Main Issue

Against that background, the most important question is this: in a society ridden by systemic political corruption, which has affected the very foundations of the political system, is there still a chance for the Parliament to assume a leading role in the implementation of anti-corruption and anti-organized crime policies? We must admit there is no single answer to this question, be it negative or positive; at present, we can identify both opportunities for the development and implementation of such policies as well as insurmountable obstacles to ending this major social and political problem in Bulgaria.

### Looking Back

Regardless of the unsatisfactory results, Bulgaria has gone a long way in improving the fight against organized crime and political corruption. There is visible progress from just declarations of intention by various political parties to concrete measures, which have included not only strategic documents and action plans, but specific legislative amendments as well as establishment of new institutions dedicated to the fight against these threats. It should be noted here the increasing engagement of the National Assembly in supporting such measures, by introducing new legislation, as well as in terms of improving the parliamentary oversight as one of the possibilities to

ensure the non-partisan character of policies in the security sector.

### Public Support for Political Decisions

The promises to fight political corruption and organized crime continue to be exploited by political parties all over the spectrum as means to gain electoral support, while public declarations to this effect always translate into boosting the confidence and support for the government in power. Much has been said on the issue of the lack of political will to fight organized crime and high-level institutional corruption, yet it is also true that since 1998 there has been an increase in the electoral votes in support of initiatives and policies aimed at reducing and containing corruption and organized crime. Yet, any institutional success in reducing organized crime and corruption cannot be credited to only one political party, nor can it be the result of the adoption of one or several laws.

### The Role of the National Assembly

If we are to expect better and different results in the policies against organized crime and political corruption, we should not look toward the creation of new security institutions but rather toward the systematic coordination of the activities of the already existing institutions, i.e. by establishing an efficient coordinating mechanism. In the framework of this mechanism, the National Assembly could play a key role in terms of setting the long-term goals, developing the required regulation, as well as in securing the overall public monitoring and control over the effectiveness of the system. At the same time, the prospective of the Parliament to increase the results in the fight against corruption and organized crime are restricted by the micro-conditions related to the specific patterns of work of the executive, on the one hand, and of the judicial system, on the other, which is itself shattered by a deep institutional crisis, as well as by the overall constitutional framework. Only a change in the overall institutional framework can warrant in increased

capacity of the National Assembly to assume more active role in the implementation of internal security policies.

### **The Root of the Evil**

The major barrier to increasing the effectiveness in the fight against organized crime and political corruption is the lack of a conceptual and practical distinction between the politically protected corruption and related economic crimes from other forms of corrupt behavior and organized crime. This circumstance has informed the political efforts so far; they have been directed at persecuting individual perpetrators and drawing the attention at isolated scandalous cases, instead of focusing on the institutional factors enabling the political protection of corruption and criminal conduct, specifically in the area of public services. This is the reason for the systematic weakness of the political actions so far, namely, their sporadic and isolated character, coupled with the lack of systematic policy efforts aimed at counteracting the politically shielded organized crime. This holds true to the greatest extent for the economic manifestations of organized crime – namely, conflict of interest, customs and excise duty crimes, abuse of national and European funds, etc.; such economic crimes have a direct impact on the social and political life in the country.

### **Recommendations for Future Actions**

The best course of action in the situation as described would be developing an encompassing policy, based on a systematic analysis of the current state of affairs, of the ongoing processes and the outcomes of the measures taken so far. This policy should integrate the efforts of all stakeholders and not only of those in the security sector. The proposed policy should include measures applicable to the current institutional environment, in order to improve the effectiveness of the National Assembly as a main actor in the implementation of anti-organized crime and anti-corruption initiatives. The future actions should focus on:

1. Increasing the professionalism of the responsible public institutions through 1) improving their professional expertise (e.g., regular meetings of members of parliament, ministers and deputy-ministers, and the institutions engaged in developing the strategy for the combat of organized crime and political corruption, discussions of regular analytic reports on the sectoral policies and progress); (2) developing an integrated code of internal security, designed to regulate the institutional functions and powers of

the bodies engaged in the fight of organized crime and political corruption; (3) creating a specialized analytical department in the administration of the National Assembly, responsible for providing expert analytical information to the members of Parliament; (3) there is a pressing need to provide guarantees for a transparent, accountable and balanced representation of group interests, through the adoption of two legislative acts – the Act on Lobbying and a Code of Ethics for the members of Parliament.

2. Provide guarantees for consensus-based decision making, by upholding anti-majoritarian practices: for example, introducing a parity principle in the composition of all Parliamentary committees, and not only in the oversight committees
3. Developing a strategy of the National Assembly on the fight against organized crime and political corruption, supported by all parliamentary represented political parties. Conducting regular parliamentary forums and creating public intolerance to political parties prone to ignore the issues or providing political protection to persons investigated for corruption and conflict of interests (be it in the media or by urging fellow members of parliament to abstain from action).
4. Establishing a specialized standing subcommittee to the Committee on Internal Security and Public Order that should be in charge of overseeing the public bodies engaged in the fight against organized crime and corruption. In order to guarantee effectiveness of the oversight mechanisms, it is necessary to amend the Act on the Ministry of Interior, detailing the powers and mandate of the subcommittee.
5. The National Assembly should be more active in setting the priorities and the agenda of the policies related to national security as well as the specific tasks of the institutions engaged in these efforts. In particular, the National Assembly should employ to the fullest extent its powers to control the effectiveness of the respective institutions through specific budget restrictions and allocations.