

MAYORS ON LEASE

VOTE-BUYING AT LOCAL ELECTIONS
IN BULGARIA

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Antoaneta Tzoneva, Svetoslav Georgiev

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RiskMonitor Foundation

Sofia, 2010, ISBN 978-954-2914-02-0

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The publishing of this report was made possible
with the support of Open Society Institute – Sofia.

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MAYORS ON LEASE

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The last thing that the local elections demonstrated clearly is the complete erasure of the borderlines between the realm of the political and the realm of business. The market relations are on the way of overtaking and replacing the missing grand ideologies. Increasingly, winning the elections is determined by factors such as supply and demand. If there is anything left up for grabs, it is in the municipalities.“

Konstantin Penchev,
Chairman of the Supreme Administrative Court*

In the first year of Bulgaria's membership in the European Union, the Union was confronted with a new phenomenon: „vote-buying“ in the local elections, held on October 28, 2007. The unprecedented manipulation of the votes happened despite the preventive amendments to the Penal Code which criminalized such actions, despite the voters' numerous signals and complaints of political pressure during the campaign, and despite warnings by public figures that the coming elections would be discredited by mafia clans. The response of civil society to the issue had little effect, even though it occurred in an atmosphere of wide-spread protests, voiced clearly and loudly by the media, the traditional political parties, the judiciary, and even the police. The unequivocal rejection of this new form of corruption prior to the elections made it unnecessary to prove its existence afterwards. One question with many possible answers was on everyone's mind: how did this happen?

The current study aims to explicate the phenomenon of vote-buying and vote rigging during the 2007 local elections by focusing on the reasons that made it possible. The evidence gathered seeks to answer the following questions:

- Why was vote-buying the most wide-spread during the last local elections?
- Why did business circles („rings of firms“) and organized crime networks shift their target to local politics and what let them do so?
- Is the access to EU funding the only motive for this invasion into local government?
- How will these events affect the lives of local communities and the state of local political institutions?

* Focus Agency, 04 November 2007

THE CONTEXT

1. The Preceding Political Mandate

The October 2007 elections were preceded by a political mandate of warnings: it was the first to be marred by the killings of local political figures. The victims of the previous mandate were the mayor of Elin Pelin municipality and the chairman of the municipal council of the city of Nessebar. For the first time in Bulgarian history, mayors and municipal council members from across the country demonstrated in Sofia against the increasing violence. The main motives found in both murder cases were based on conflicts over economic interests and the administrative leadership of the municipalities. Fearing possible negative outbursts, the investigative bodies tried unsuccessfully to pass them off as „sharp interpersonal conflicts.“

Against this background, on June 27, 2007, the European Commission published its report on Bulgaria's progress on accompanying measures following Accession. The report noted the following: „The contract killings continue to create an atmosphere of uncertainty and fear, in particular, the murders of local politicians since last January. As of today, there is no investigation or court sentence.“¹

Media monitoring shows that the violence during the mandate before the 2007 local elections was more than just the two killings cited. In fact, there was a list of registered acts of violence – threats against local politicians, explosions and setting their property on fire. Burning and setting explosives in cars, front doors, garages and throwing Molotov cocktails were among the methods chosen to frighten public figures in Stara Zagora, Velingrad, Radomir, Beloslav, and Burgas.

In their publications, the media revealed the connections between special business interests and the acts of violence committed against the local politicians: members of the municipal council in Burgas were threatened because of the scandalous sale of the Burgas Supermarket. Municipal councilors and representatives of all political groups in the local parliament confirmed this before the press. „(... On the night of March 14th, unidentified persons set fire to my apartment building entrance. At first, I thought it was an accident, possibly a short circuit. After an investigation, however, it was determined to be premeditated...“ said [municipal councilor] Ziyad El Masri. He revealed that before the fire, he had received anonymous phone calls and threats. „This is an outrageous example of how certain people wish to create tension in the municipal council and to knock some of its members off balance so that it would be impossible for them to make objective decisions,“ stated municipal councilor Branimir Petrov.²

The succeeding explosion in Varna which blasted a garage belonging to Emil Dichev, the mayor of Beloslav, attracted the attention of national media. The victim stated, „I feel threatened, especially by what is going on in the country – mayors being murdered, tax inspectors and government employees getting beaten.“³

¹ Report on Bulgaria's progress on accompanying measures following Accession. 27.06.2007, <http://www.europe.bg/upload/docs/bulgaria_report_en.pdf>

² „Психоатаки на съветници заради сделката за Бургаския универсален магазин, (Psychological attacks on municipal councilors related to the Burgas Supermarket Deal) BurgasInfo of 17.03.2005 <http://www.burgasinfo.com/more_new1.php?id=3117>

³ „Взривиха гаража на кмета на Белослав.“ (Explosion in a garage belonging to mayor of Beloslav); Dnevnik Daily, 1 February 2007 <<http://regioni.dnevnik.bg/shownews.php?storyid=308465>>

The incident in Beloslav provoked comments and conclusions illustrating the atmosphere in the election year: „I have never heard complaints about Dichev,“ commented Hristo Kirchev, a Member of Parliament from ODS and former mayor of Varna. „The bad part is that the pressure on the mayors is constantly increasing. I don't divide them by color,“ he pointed out. According to him, the latest legislative actions, such as „Natura 2000,“ The Black Sea Coast Act, and others, have left the mayors' work in the hands of fate. (...) Different groups exercised that pressure, he claimed.⁴

On the eve of the 2007 local elections, the violence against local government representatives was already a fact; also known was its cause: infringing economic interests or broken promises for economic gains. The conclusion we can make is that the 2007 local elections happened in a context not only not excluding the aggression towards the voters, but rather presupposing it and conducive to further aggressive methods of influencing the voters. The pressure on the political figures and local politicians was simply redirected at the voters in order to secure electoral victory and seats in the new local parliaments.

2. Election Day: Lining up the Opinions

The reactions to the elections generated a jargon more fitting to countries with undeveloped democracy and unstable institutions rather than a member-state of the EU and NATO. Leading NGOs calculated the amounts spent on the new business with votes; the US State Department introduced the term „vote-buying“ to the international arena, while the leading national media no longer felt the need to quote their sources for statements such as „Drug dealers paid the elections.“ For the first time since 1990, the US State Department questioned the freedom and fairness of the elections: „Unlike the just and free 2006 presidential elections, the local elections on October 28 were marred by reports of unprecedented mass buying of votes. The Center for the Study of Democracy calculated that the money used to buy votes exceeds 149.3 million dollars (200 million leva). Public prosecutors initiated more than ten investigations following the newly accepted Penal Code which criminalizes both buying and selling of votes. (...) Observers noted that the growth of the vote-buying phenomenon is inspired by the efforts of business circles and organized crime figures to win seats in the local governments in order to gain greater access to the EU funds.“⁵

The State Department's report was preceded by detailed reports about the elections by Bulgarian media. Standart Newspaper: „The drug dealers put the drugs aside and went shopping for votes. The most active were dealers in Pernik, who were trading with ballots since Friday. In the districts of „Teva,“ „Iztok,“ and „Moshino,“ 1 promised vote goes for 50 leva.“⁶

Capital Weekly:

„The confession came from the Ministry of Interior; deputy-minister Kamen Petkov revealed that two economic groups have paid 4 million leva for 15 thousand votes in Pernik.“⁷

⁴ „Във Варна: Взривиха гаража на кмета на Белослав.“ (Explosives Blast the Garage of Beloslav Mayor) Netinfo.bg, 1 February 2007; Source: <<http://www.nessebarnews.com/news/index.php?action=show&type=news&id=6020>>

⁵ U.S. Department of State. 2007 Country Reports on Human Rights Practices. Released by the Bureau of Democracy, Human Rights, and Labor, March 11, 2008. <<http://www.state.gov/g/drl/rls/hrrpt/2007/100552.htm>>

⁶ „Наркодилъри платиха вота,“ водещо заглавие на вестник „Стандарт,“ 5.11.2007. (Drug dealers paid the elections) Headline of Standart Newspaper <<http://www.standartnews.com/bg/article.php?d=2007-11-05&article=210057>>

⁷ Bossev, Krasteva. „Пълна подмяна,“ (Complete Change). В-к Канумал (Capital

Dnevnik Daily:

„A mayoral candidate in the city of Byala received a death threat two days before the elections. The police have traced the anonymous call to a municipal council candidate from an opposing party. The suspect received a warning and his personal firearm was seized. The current mayor of Hadjidimitrovo, Blagoevgrad region, Georgi Shopov, received threats against his family, '[in case] he showed up on election day.' Shopov is not even running in the elections. (...) In Gabra village, four men armed with bats beat a young man for refusing to disclose his vote“ (information of Darik Radio).⁴⁸

Sega Daily:

„[The city of] Sozopol turned out to be the most neuralgic point on election day in the Burgas region, contrary to the expectations that the traditional center of conflicts would again be Nessebar. Thug teams, body guards buying votes, mutual accusations between the groups, attempts of physical assault, slashed car tires – this is the outcome of the battle between the two candidates on the ballot: the independent Veska Karamanova, endorsed by the left, and Panayot Rayzi. The latter is endorsed by the hotchpotch coalition, including the „Our Town Movement,“ better known as TIM's party.“⁴⁹

Chernomorski Far Daily:

„The voters from the Sozopol municipality saw the fiercest battle for local office in 17 years yesterday. (...) Yesterday, police declared that 30 people, a large part of whom criminal offenders, were hanging around the villages of Izvor, Rossen, Zidarovo, Ravna Gora, and Krushevets, just days before the mayoral elections for Sozopol municipality. (...) According to the police, the thugs gravitate around gangs related to emblematic criminal bosses – Rizhite brothers and Troyanetsa, which surfaced in the Burgas area after the elimination of the group of Mityo Ochite.“¹⁰

The State Department's assessment, supported by the numerous media publications confirm the citizens' perception that the last local elections held in October, 2007, were the „most traded“ elections in the modern political history of the country. The report reflects yet another widespread opinion in Bulgarian society: namely, that the main reason for the invasion of local governments

by the business is the control over the allocation of EU funding. The media monitoring of publications in the pre-campaign and campaign phases of the local elections in 2007 shows that the public opinion is shaped by the media. In their publications on local government issues, the media focus on one main topic – those to come in power in the municipalities will deal primarily with the allocation and spending of the available EU funds, which means new public procurement bids, construction projects for public infrastructure, waste management and clean water systems, etc.

Weekly, issue 44/2.11.2007 <<http://www.capital.bg/show.php?storyid=394118>>

⁸ „Бухалки, курки и заплахи влязоха в употреба,“ (Baseball bats, shovels and threats took the stage). Dnevnik Daily, 4.11.2007; www.dnevnik.bg/show/?storyid=394447

⁹ Божков, Божугар (Bozhkov, Bozhidar). „В Созопол спорят кой праму купувачи на гласове по селата,“ (Sozopol asks who sent the election salesmen), Sega Daily, 4.11.2007, <<http://www.segabg.com/online/article.asp?issueid=2804&ectionid=2&id=0000402>>

¹⁰ Staff editorial of Chernomorski Far Daily, Burgas. „Жесточка бумка за Созопол, Бургас и Несебър – привидно спокойни,“ (Life and death battle for Sozopol, Burgas and Nessebar – calm before the storm) 5.11.2007. <http://far.bourgas.org/more_news.php?id=7607>

THE REASONS

1. Resources Available in the Municipalities

One of the main reasons for the aggressive attacks of the business and organized crime on political positions in local government in 2007 has to do with the available public resources and municipal assets that have not yet been privatized.

Information from the Privatization Agency shows that as of December 31, 2007, the privatization on central and sector level has been completed, with only minor shares and individual companies still owned by the state. The Agency itself anticipates staff cuts and restructuring, as its activity will shift from conducting privatization deals to exercising post-privatization control on the existing contracts. This is not the case however with the privatization of municipal property, considered generally as the transfer of municipal public resources into private hands – in line both with the Privatization and Post-Privatization Control Act, and the Municipal Property Act and related legislation, as well as statutes and regulations approved by the municipal councils.

1.1. Legislative Obstacles Cause Delay in Municipal Privatization Deals

Despite the fact that no centralized database on national level is available to provide information on the progress and current state of municipal privatization, the estimates are that significant public resources are still up for grabs in the municipalities. There are legitimate reasons for this delay. To begin with, it was necessary for municipal property to be constituted and identified, which required that this property be separated from the indivisible state property as defined during the communist regime. This process began with the adoption of the new Bulgarian Constitution in 1991 and the Law on Local Self-Government and Local Administration (1991); in reality, however, the actual work started with the adoption of the Municipal Property Act and the State Property Act in 1996.

1.2. The Role of Regional Governors and Regional Administrations for the Delay in the Constitution of Municipal Property

The analysis of the relevant legislation shows that regional governors have played a major role in the process of constituting municipal property. The legislator has entrusted them with the verification of the available documentation and with the preparation of municipal property deeds. An order from the regional governor for the transformation of state property into municipal is a mandatory requirement for preparing the title deeds for municipal property by the respective municipal administrations. A survey of the work of the regional administrations for the period 1996-2007 shows that the process of transformation of state property into municipal was very slow and time-consuming. The process was stalled by heavy administrative procedures, the reluctance of regional governors to give up resources they could control, and the lack of sufficient organizational and administrative capacity to deliver the service efficiently.

What is more, the task for constituting municipal property was not considered a priority on the agenda of the regional governors, regardless of the demands

and calls for speeding up the process by numerous municipalities and the intervention of the National Association of Municipalities in the Republic of Bulgaria. Instead, the efforts were concentrated on the restitution of property, selling the state property for which the state had the building rights, preparing state property deeds and, last but not least, preparing the documentation for the state owned businesses to be privatized. These circumstances caused additional delay in the process of constituting municipal property.

Despite the lack of reliable statistical data, there are certain indications that as late as 2002-2003, but mainly in 2005-2006, the municipalities were in position to establish their property. By that time the municipalities were prepared to implement the first steps of the expected privatization of municipal assets.

2. Strong Investment Pressure

The next major reason for the increased interest in public office positions in local government lies in the number of investment projects targeting the municipalities which increased greatly with Bulgaria's accession to the EU. In just six-seven years, for example, the city of Bansko rose from a quiet small-town resort to a state-of-the-art ski attraction on the Balkans, with more than 170 hotels and apartment buildings, and above 150 million euro of investments, from Bulgarian, English and Russian companies. The land prices in the city reached 150 euro per square meter. The situation is similar in other winter resorts and in most of the towns on the Black Sea coast. One indicator for the increased investment activity are the public procurement procedures for developing new urban development plans.

2.1. Expansion of Speculative Markets and the Role of Local Government

The analysis of the legislation regulating real estate deals shows the considerable power invested into local government. Many of the powers delegated to the municipal administration and municipal councils are critical for deciding the outcome of speculative deals on the market, such as:

- Changing the purpose of agriculture land;
- Design and approval of master and detailed urban development plans and relevant modifications;
- Design and approval of investment projects;
- Issuance of construction permits;
- Control over illegal construction;
- Allocation of the investments in municipal infrastructure;
- Creating conditions beneficial to economic activity;
- Monitoring the quality of public services;
- Control over investment information.

The responsibility for the activities as written in the law rests with the mayors, the chief architects and the municipal councils. The degree to which the speculative markets need the assistance of local government is best exemplified in the following case: the administrative maze an entrepreneur must conquer

in order to obtain permission for the change of use of private agriculture land for non-agriculture purposes and building a residential complex. To obtain the permit, the entrepreneur must go through 15 major administrative procedures, obtaining at least 3 certificates from the mayor's office, 4 certificates from the chief architect's office and at least one decision of the municipal council. Any investor or speculative dealer who has connections with or control and influence over local government representatives (in the municipal council) or the mayor's office and administrative staff, will enjoy a certain privilege in this process.

2.2. The Pressure on Local Government

The powers delegated to the councils and municipal administrations are the reason for the pressure applied on local politicians and councilors: private entrepreneurs and investors seek personal benefits from the services and decisions passed by the municipal councils. The media usually report only the extreme cases of such „pressure“: anonymous threats, explosions, and fires set on the property of targeted officials. However, the usual and most frequent form of pressure goes uncovered and there is little to no evidence to confirm it. Interviews with representatives of municipal administrations show that such actions range from the classical bribery, described in article 301 of the Penal Code, to local politicians being given ownership or control over future assets, either during or after their mandate is over.

Typically, in the latter case, a local party leader or high-office administrator would intervene to guarantee the smooth closing of the deal for a given company, and, in exchange (usually through a middle person), obtain the ownership or shared ownership of the respective investment company or other associated ventures. As a result, after serving her term, a mayor can end up being the owner of considerable assets or a controlling partner in a company delivering public services, only because of her prior position in office, through which she was able to influence and support the realization of specific business projects. It is hard to keep under wraps such transactions because most of the municipalities in Bulgaria are small or medium size; despite taking place behind the scene, this type of corruption quickly becomes public knowledge for the respective community.

2.3. Enabling Factors for Corruption in Local Government

Contributing factors to the expansion of corruption mechanisms and corruption practices are the existing organizational and legislative environment. In this study we consider two of these factors. The first is the inadequate monthly compensation (salaries) of the municipal councilors and local administration: they are low not compared to the average salaries in the budget or private sectors, but vis-à-vis the responsibilities bestowed upon the public officers regarding the management and control of public assets. Current information from Sofia municipality shows that there are over 1500 construction sites on the territory of the municipality. The gross monthly salary of a district mayor of one of the central districts in the municipality, which attracts considerable investments, is 820 leva. The monthly salary of the chief architect, who is responsible for approving projects totaling millions in leva and euro, is around 560 leva a month. Juxtaposed with the responsibilities these officers must assume in managing large public assets, the amount of their compensation illustrates above all the inadequate attitude of the state toward the people in power positions in local government. Municipal officers are state employees and the scale of their compensation is determined by the state. After the last amendments to the Law

on Local Self-Government and Local Administration, effective since January 1, 2008, the compensation of the municipal councilors was cut down to the level of or slightly above the minimum income in the country. Thus, the low level of compensation for positions requiring high qualifications and responsibilities is the main factor enabling corruption.

The second major factor is the circulation of large amounts of dirty money in the construction business, which is one of the preferred sectors for money laundering. The most effective way of utilizing dirty money is by bribing a person in office. Naturally, a transaction like this would not be recorded in the accounting books, but it is a high-yield investment. The logic is very simple: the „grease money“ makes the implementation of public and private projects a lot easier and in the process more of the dirty money is laundered. Once in force, the business projects and enterprises serve as a laundry for more and more dirty money (cases in point: Marbella in Spain, the Sunny Beach Resort and Pamporovo Resort in Bulgaria). They all follow the „bribe – win projects“ pattern. This model has received enough attention in the Bulgarian media, in particular a case about the cooperation between local politicians and a criminal boss, who had an effective prison sentence, known as Mityo Ochite (Mityo „The Eyes“). Here is an excerpt from a newspaper publication on the case: „Deputy county prosecutor of Burgas, Svetlozar Kostov, confirmed the information about intercepted phone conversations between the Eyes and prominent politicians, but refused to provide further details. ...The former chair of the municipal council in Nessebar, Dimiter Yankov, who was executed mafia style on May 9 in the center of the city of Burgas, is one of the politicians closely involved in the criminal activity of Dimiter Zhelyazkov „the Eyes.“ ...Sources close to the investigation reported that tens of conversations between the Eyes and the municipal boss have turned up in the wiretaps. Apparently, Yankov was involved in laundering money for the criminal boss. On the recommendation of the late municipal councilor, the main part of the criminal assets was invested in construction and tourism. Records of the intercepted phone conversations show the Eyes would regularly deliver briefcases with money – in euro or leva – to his political shield. The laundered money would then appear as legitimate income and profit from businesses operating in the name of the Eyes or of his relatives.“¹¹

There is enough information in the media concerning money laundering in Bulgaria which cites construction as the preferred venue. The online magazine stroitelbg.com quotes the director of the Financial Intelligence Agency, Vassil Kirov, publicly announcing that „Suspicious capital is invested above all in the construction business.“¹²

Another site, News.dir.bg, quotes the [former] Minister of Interior, Roumen Petkov, commenting on the phenomenon at an official national meeting of the Ministry, the Prosecutor’s Office and the Ministry of Finance, dedicated to the fight against money laundering and illegal smuggling of goods with excise duty: „More and more capitals with uncertain origin are circulating in Sofia, Burgas,

¹¹ Ivanova, Raliza, „Убит общинар перял парите на Очуме.“ (Slain Municipal Councilor Was Laundering the Money of the „Eyes.“ Standart Newspaper. 22.11.2007. <<http://new.standartnews.com/bg/article.php?d=2007-11-22&article=212084>>

¹² Publication in Duma Newspaper of 14.11.2007; quoting information from the online source stroitelbg.com; <http://www.stroitelbg.com/imoti/content/view/772/lang,bgo>

Varna, Kjustendil and Blagoevgrad.”¹³ The online news portal mediapool.bg quotes the Member of Parliament from the opposition, Atanas Atanasov, stating that „the money from drug trafficking is invested in the construction business“ and accusing the Ministry of Interior of not investigating the business for money laundering. Atanasov claims that the construction business is a money laundering haven and „a large number of the luxury buildings in the suburbs of Sofia are built by people engaged in [drug dealing and drug production].“ Atanasov is quoted as saying: „I asked the Minister of Interior whether he had knowledge that one of the persons believed to be a leader in the production and trade of synthetic drugs in the country is also the owner of a number of companies who have won public procurement bids.“¹⁴

The available publications are evidence that the classic scheme for money laundering has been successfully implemented in Bulgaria in the construction business. The media were especially active in 2003-2005, when the investment pressure increased for building luxury stores in central areas in most of the large cities in the country. This was also a time of frantic reconstruction, in most cases illegal, of the ground floor apartments in many buildings which were regulated by the Condominium Property Regime. Through administrative changes in the urban development plans many of the green areas and parks in the cities were destroyed for the sake of new construction. On the Black Sea coast, the most vulnerable was the beach line.

3. New Level of Awareness of Corruption Mechanisms in Local Government

The third main reason that led to the „largest vote-buying“ during the 2007 local elections in Bulgaria is the new level of awareness and access to information regarding the existing mechanisms and legislative practices facilitating the easy, cheap and ‘lawful’ acquisition of municipal property. The results of media monitoring conducted by the Center for the Study of Democracy in the period 2002 - May 2005, show a radical change in the coverage of the topic of local government corruption.

3.1. Evolution of the Media Interest in Local Government Corruption

Until the summer of 2003 the topic of corruption in local government had seldom made the headlines. In 2002, it was not even included in the agenda of Coalition 2000,¹⁵ for anticorruption media monitoring, perhaps due to the insignificant number of publications dedicated to the topic. Beginning in the summer of 2003, the publications describing corruption in local government became an everyday item and rose several times in number (see Appendix 1). They peaked at the time of the scandals with Sofia Properties, Sofia City Company and the change of hands of Municipal Bank in Sofia. These topics as well as the court cases against the mayor of Sofia, Stefan Sofiyanski, marked a turning point in the media coverage of corruption in local government. After that, the publications became extensive in detail and scope. A high percentage of the materials were analytical, examples of good investigative

¹³ „Petkov: More and more dirty money circulates around the country,, <http://dnes.dir.bg/2007/03/05/news1430203.html>, 5.03.2007.

¹⁴ Hindlian, Stepan. „Doncheva: Drug trafficking is not only 2-3 prominent names,, <http://www.mediapool.bg/show/?storyid=137153>

¹⁵ Available at <<http://www.anticorruption.bg/bg/media.htm>>

journalism, exposing and analyzing the corruption mechanisms in place. Among the corruption practices and scams uncovered in Sofia municipality, for instance, were land exchange (swap) deals involving municipal property, non-cash contribution deals of municipal property in commercial companies, registration of joint stock companies. For the first time the media published information about embezzlement and fraud practices in the municipality that did not formally break the law and would therefore escape legal persecution.

The media now had to shoulder a great responsibility: on the one hand, they exposed high-risk social conflicts, as their professional job requires, on the other hand, they unwittingly popularized the mechanisms and „good“ practices for fraud and corruption of public assets. The best example is again Sofia municipality. In the capital city, the culprits are exposed, corruption is visible and it is recognized as part of the operations of every municipality in the country. A common place in the public discourse became the topic of a vicious repetition in the (corrupt) management of the city, now with its own name – the „Sofiyanski“ model.

3.2. Public Confessions of Institutional Weakness

Media publications, reporting on the behavior of political figures and the institutional inactivity, create the impression that corruption can go scot-free. In the examples above, all of the corrupt practices remain within the limits of the law; they are made possible thanks to loopholes in the legislation and incoherencies in the legal statutes. Needless to say, the active players in the corruption deals have the necessary resources to obtain specialized legal assistance to take care of their business and help them escape legal persecution. Given that and the context of weak legislation, the controlling, law enforcement and judiciary bodies lack the capacity to prevent and punish any of the violations and abuses of power.

A report of the Bulgarian National Audit Office¹⁶ on the findings of an audit of the management and disposal of real estate property – private municipal property of Sofia municipality for the period 01.01.1998 through 31.12.2005, recognizes officially the municipality's incapacity to prevent and put a stop to corruption practices: „In view of the types of decisions made by the municipal council regarding disposal of municipal property and non-cash contributions of real estate property, the only form of effective control is pressure from civil society, through publicity and transparency of the decision-making process in the municipality.“

4. Discrediting the Traditional Political Elites on Local Level

The development of the political process on local level since 1989 exhibits one major tendency: evolution from the monolithic political representation of the three main political powers (the Bulgarian Socialist Party-BSP, the Union of Democratic Forces - SDS, and the Movement for Rights and Freedoms - DPS), toward political fractionalization and the positioning of non-parliamentary political powers and independent candidates, supported by political action

¹⁶ Available at <http://www.bulnao.government.bg/files/_bg/stolichnaimustestvo210907.doc>

committees, in local government. For the first time the phenomenon of political fractionalization became visible during the 1999 local elections. It became even more pronounced after the 2003 local elections and peaked during the 2007 elections. The current distribution of political parties in many of the municipal councils is the result of this process (Appendix 2).

4.1. Credibility of the Political Representation in Local Government

Following the 2007 local elections, a new political view entered the public discourse, namely, that the project of political representation of the national parties on local level has floundered. However, this view is plausible only if we agree that until 1999 the major political parties in Bulgaria have provided authentic political representation of the interests of the community in local government. The question is further complicated by the fact that according to the election law the political representation by non-parliamentary political powers and / or political action committees is considered legitimate just like representation through the traditional or parliamentary political powers. The Local Self-Government and

Local Administration Act guarantees the right and the possibility of citizens and the bodies they elect to make all decisions concerning the local community. In this respect, the organization and participation in political action committees which endorse and support independent candidates for local office is the most viable form of citizens' involvement. It is beyond the scope of this study to go into further detail to defend or reject the above view; it should be the subject of an independent research study.

It is true, however, that the „major,“ „traditional,“ „old,“ „classical,“ political powers with the exception of DPS (Movement for Rights and Freedoms), are steadily losing their influence and positions in local elections (see Appendix 3). The Union of Democratic Forces, the Bulgarian Socialist Party, and very quickly, the National Movement for Stability and Prosperity are giving way to non-parliamentary powers and candidates endorsed by political action committees. A considerable gap is emerging between the political maps drawn out by local elections and the political maps drawn out by the parliamentary or presidential elections. The political heavy-weights in the parliament hardly match the political heavy-weights in the municipal councils. The tendency in local elections is towards more pronounced majoritarian votes, and in many cases the official support of political parties is neither sought after nor desired by the candidates for local office.

Interviews with representatives of local government who won the last elections as independent candidates (or claiming to be independent) show that they had made a conscious decision not to seek political support from the parties in the local community. Where the candidates had not been endorsed by political action committees, they had obtained the support of political parties just for the purpose of registering for the elections, and in most cases, the candidates had made contact with political parties which did not have structures at the local level and were fairly unknown in the community. The main reason for their decision is the refusal to be associated with the political elites that have established themselves during the transition: they are perceived as losing in prestige, incapable of offering anything new, and corrupt. The standard political „career path“ of the 1990s, „local political activist – member of the local party leadership – municipal councilor or mayor“ is no longer applicable.

4.2. The Winning Combination: a Candidate Without Political Biography, a Political Party Without Orientation

According to a survey conducted by Alpha Research prior to the elections (July-August 2007), a third kind of player has emerged, promising to become a key challenger in some of the municipalities – candidate lists which include local power players (primarily representing the business) and regional parties. Around 18 per cent of the voters declare willingness to support such alternative tickets for the local elections. This percentage increases to 30 in smaller communities. The local tickets drain vital energy from all of the nationally represented parties, but they would do the most damage to the leading BSP and GERB parties, which face the risk of losing between 3 and 5 percent of their total potential supporters.

With each local election, the national leaderships of the parties lose one of their main levers of power – awarding their local activists with an office in local government. As the traditional political elites lose credibility in the local community, the motivation of independent candidates to register election coalitions consisting of many small or unknown political players increases. The more, the better; this is an opportunity to break through the calcified party lines and give a boost to politically independent figures. Often, this is also the only way for representatives of the traditional local political elites to land an office in local government. In many of the small and medium size municipalities in Bulgaria it is hard to find candidates who have not already been involved in some kind of political life.

For the purposes of a political „undercover“ game, the broad coalitions of small and unpopular political parties register under names that make their ideological identification difficult and emphasize their political independence and commitment to local issues. Here is a sample of such coalitions: Coalition „Mestno obedinenie for razsvet i edinstvo“ – MORE (Local Association for Prosperity and Unity „MORE“) – Green Party, National Movement Simeon II, Bulgarian Democratic Union „Radicali“; Coalition „Pobeda“ – Union of Free Democrats and Political Club „Thrace“ – local elections 2007, Nessebar municipality; Coalition „Far“ – Union of Free Democrats, Bulgarian Democratic Union „Radicali“, „My Town Movement“; Coalition „Seloto“ – Liberal Alliance and „Dostoina Bulgaria“ Alliance; Coalition „Vaklin Stoynovsky for Burgas“ – Burgas Party and Bulgarian Social-Democrats; Coalition „Vazrazhdane na Koprivshtitza“ („Revival for Koprivshtitza“) – Movement for National Revival „Oborishte“, Democrats for Strong Bulgaria, Bulgarian Women’s Party, Union of Democratic Forces, Union of Free Democrats, Bulgarian Agriculture Union, National Movement Simeon II; Coalition „Change for Dobrinishte“ – Bulgarian Democratic Union „Radicali“, Bulgarian Social-Democratic Party.

The above coalitions demonstrate a remarkable similarity in the choice of message they convey with their names: these are local associations, not involved in high politics, and dedicated to the cause of local prosperity. The least desired here is political ideology. As the chairman of the Coalition „Vaklin Stoynovski for Burgas“ - and its only candidate, says, „When I am asked whether our party is left, right or center, I respond „Our party is in Burgas.“¹⁷

¹⁷ Bozhkov, Bozhidar „Полумикобизнесмени на килограм“, (Political Businessmen by the Dozen), Sega Daily, 3.06.2007 <<http://www.segabg.com/online/article.asp?issueid=2664§ionid=5&id=0001401>>

4.3. The Expansion of Business into Local Government

The new situation as described is extremely conducive for representatives of the local business to seek public office. In some cases the business owners openly found local political parties and stand by their political projects (for example, Political Party „Sredna evropeiska klasa“ (Middle European Class in Burgas and Sozopol); Political Party „Liberalna iniativa za demokraticno evropeisko razvitie LIDER (Liberal Initiative for Democratic European Development) (Sofia, Galabovo, Septemvri, Bansko); Political Party „Dela, (Nessebar); „My Town Movement“ (Varna); Grazhdansko Dvizhenie „Glas, (Civil Movement „Glas“ [Voice], Varna); Dvizhenie Eksperti za Regionite („Experts for the Regions Movement“, Varna).

In other cases, the infiltration of politics by the business is indirect – they pressure the weak local party structures to guarantee them winning positions on the party tickets. The steps of the political career ladder have also changed: now it runs „local political activist – participant or associate in a business project – municipal councilor or mayor.“ The mechanisms for joint business enterprises with representatives of local government are also changing. The initiator and leading partner is the business, not the local party leadership. In 2007, the party activists seek the business in order to move forward their political career; it is no longer the businesses who seek local politicians to implement their business projects.

All evidence shows that the new patterns of cooperation between the business and the political and executive power are strongest in the municipalities with the highest investment activity – these are as a rule the richest Bulgarian municipalities. Monitoring of the regional press and interviews with citizens of the city of Nessebar – the richest municipality in Bulgaria,¹⁸ unequivocally reveal the public opinion (a public secret): namely, the municipality is run by local businessmen (such as, Dinevi Brothers, Chavdar Alexandrov, and Atanas Terziev), who have registered for the elections on the ticket of the parties and coalitions they have created („Dela“ Party and Coalition „MORE,“). The balance between the business lobbies in the municipality is in reality the basis for the political balance in the municipal council and the municipal administration.

The city of Nessebar has seven deputy-mayors and a population of 21 150 residents. The annual budget for 2008 in the amount of 70 million leva was approved unanimously, with no votes against. The results of media monitoring of publications about municipalities on the Black Sea coast show that the business lobbies and groups have considerable influence in the local parliaments. In Varna, behind the „Our Town Movement,“ is TIM.¹⁹ „Glas,“ represents the interests of Krassimir Uzunov (manager of Interservice Uzunov), Plamen Andreev (owner of the construction company „Planex“) and Georgi Papurov (owner of the Piccadilly supermarket chain). Behind „Middle European Class,“ stands Georgi Manev – a land developer. The „Experts for the Regions Movement“ represents the interests of the chairman of „Architecture“ Directorate Villi Zhechev, as well as of Hristo Dossev, owner of a ceramic tiles business. Examples like these are numerous all around the country.

It appears that local governments are basically run by strong business players who pull the strings of their puppets in the municipal councils; achieving a

¹⁸ Calculated per capita, Nessebar municipality has the highest budget in the country.

¹⁹ TIM is a business group with strong economic positions in the region, also believed to have connections with criminal networks.

„balanced“ distribution of municipal resources and levels of influence between the economic lobbies in the municipality is the key to political consensus in the municipal council.

5. A Systematic Problem in the Structure of Local Government

In order to work effectively, local government depends on achieving and maintaining a balance between the mayor and the municipal council. The municipal council is the body of local self-government, i.e. it holds the resources and key powers, while the mayor represents the executive power – and abides by the decisions of the council.

There is a systematic error in the structure of local government, though. On the one hand, the mayor is elected by the people in order to implement his/her election program. Presumably, it is because of the program's virtues that he or she was elected by the citizens. On the other hand, the municipal council, with its decisions, determines what part of that program will be realized or not.

5.1. Mayors as Clients: the Case of Minimal Majorities in the Municipal Councils

The fractionalized make-up of municipal councils – the insufficient number of councilors from the political party that endorses and supports the mayor – turns mayors into the main clients of various „minimal“ majorities: we can also call them „floating,“ „flexible,“ „business,“ „thematic,“ etc. The various designations reflect the major attribute of these majorities: they are unstable, they disintegrate, configure and reconfigure on the go.

A case book example is the municipal council of Sofia municipality from the preceding mandate. Four years ago, five political parties were represented in the municipal council. After factions split off from the Union of Democratic Forces and the Union of Free Democrats, respectively, they became seven and several other councilors declared themselves independent. However, this model is too dynamic to be considered universal. There are other models for obtaining majority, and the mayor is the main agent of the process. He could negotiate the support of various business and political lobbies in the council in exchange for appointing deputy-mayors and transferring the management of entire sectors to former opponents in the elections. This is the path for establishing „pro mayor“ majorities based not on principles and political platforms but on thin balances and satisfaction of economic aspirations. The mayor is forced to create a majority group in order to set his own priorities on the agenda of the municipal council. He needs the majority to vote the budget, to get approval of the master urban development plans; the majority manages and disposes of the municipal property and municipal enterprises. The majority in the council also approves the regulations and statutes regarding the powers of the mayor and his office.

Regardless of whether he likes it or not, the mayor needs a majority in the council in order to pull off his term successfully. But there is a price to pay for this, and in most cases the price is bad management of the municipal resources and reckless embezzlement. The bottom-line is that the actions of the diverse business players constituting the majority determine both the amount of revenue and the expenditures in the municipal budget.

5.2. Business Majorities Undercover

Even majorities based formally on political principles can in reality be economic. This was the case with the municipal council in Sofia in the period 2001–2005, which covered two years of the second and two years of the third

term of mayor Sofiyanski. The only thing that kept the majority intact at that time was the distribution of political influence among the business lobbies, whose interests and demands were thus satisfied. The chairman of the council, the mayor and their associates were the main players, representing specific economic and business groups. Their job was to keep the balance for as long as possible, making sure they did not infringe into foreign territory. This is how circles of economic interests were built around Municipal Bank on the one hand, and Sofia Real Estate Company, on the other. Any shift in balance would produce a political crisis in the council, which would be appeased in a timely fashion by a new redistribution of power. By definition, the „business majorities“ aim to guarantee the interests of their patrons and the networks that have endorsed them in the first place. Inevitably, this happens at the expense of the financial interests of the local community:

- A corrupt management of the municipality's property and assets leads to low revenue in the budget from dividends, rentals, sale of property, swap deals, etc.
- Awarding of public procurement bids and concession contracts to clientelist networks of the business majorities leads to low quality of the public services and the public infrastructure.

5.3. Behind the Scenes No Rules Apply

A major characteristic of the business majorities is the lack of interest in establishing transparent and publicly known rules for managing the municipal resources (real estate property, municipal enterprises, municipal finances). The lack of rules or the existence of only vague formulations makes easier the negotiations with external entities as well as achieving parity between the opposing economic interests of the players constituting the majority. Negotiations take place behind the scenes and follow rules unknown to the public. That leaves room for pressure and extortion (as in the case with Sofia City Company). The pressure to satisfy the interests of economic groups has led to violent clashes and even the murder of representatives of local government in the previous term.

The existence of a few, vague and non-transparent rules for distributing the public resources is one of the main reasons for the vote-buying and vote-rigging in the 2007 elections. That lack of rules caught the attention of the so-called „rings of firms“,²⁰ which quickly figured out that the „investment“ in municipal councilors is a high-yield business. Buying votes, and where necessary, using force to secure them (with thug teams „guarding“ the elections), the organized criminal economic networks understood that they no longer need the mediation of political parties to position themselves in the circles of political power.

5.4. The Law Guarantees the Irreplaceability of the Municipal Council Within its Term

The „investment“ in municipal councilors comes with a warranty for an exact time frame – the mandate of the municipal council. In contrast to the national parliament, the council cannot be disbanded due to lack of political majority and lead to pre-term elections. The ruling majority in the council is not politically responsible for the management of the municipality. The failures of the mayor and his administration are not seen as failures of the council even when they are the direct outcome of the council's decisions. On the contrary, the more discredited, i.e. the weaker the mayor, the stronger the councilors'

²⁰ The phrase „rings“ or „circles of firms“ was coined by one of the leading Bulgarian politicians, describing the fact that circles of friendly business groups and firms flock around each political party.

chance to influence and control the administration. In effect, a unique power market or power brokerage emerges based on the demand and supply of political influence. Key players on the market are the councilors or groups of councilors – power brokers. Usually they are chairmen of the political groups or influential members of key municipal committees. The main task of the brokers is to follow closely the distribution of opposing interests in the council and play speculatively on the market, gaining power by offering mutually beneficial deals. The power brokers can negotiate with the mayor, as the major client of the majorities, as well as with other councilors, who could boycott the mayor, thus upping the ante for future support on important decisions.

The main role of the brokers is to secure support for decisions in behalf of the economic groups, at the expense of public interest – land swap deals, appointments in the boards of municipal companies, extension or termination of contracts, etc. The brokers are in high demand and very well compensated because they have the resources to influence the mayor and to create ad hoc majorities needed to pass certain decisions, using an endless chain of exchange of favors and influence among the councilors themselves, and between the council and the administration. On the power market, the broker has inside information and knows which stocks (interests) are rising or dropping, i.e., what is the stock price at the moment and which clients are buying or selling (influence).

The basic principle of operation of the business majorities is to be in step with the changes in the environment – be they economic or political. This is why municipal councilors operate on a short-term basis, especially in municipalities run by such majorities. The development and approval of strategic decisions (programs and plans) for the future of the community is not a priority for the business majorities. They are not looking for predictability (Sofia is the only municipality in Bulgaria which is still lacking a municipal development plan). Each new crisis in management is an opportunity to cash in on their influence and secure resources for their own networks, for instance, through hurried awarding of public procurement contracts (as was the case with the garbage collection deal for Sofia). The business majorities do not manage; they only incite and put out fires. They win by breaking the rules and fixing the consequences of breaking them.

CONCLUSIONS

In summary, the conditions for vote-buying can be described as follows:

- The delay in constituting municipal property, followed by the privatization of enormous resources, which attracted the investors' interests to local government;
- The pressure of the business on the municipalities, driven by the expansion of the real estate markets and coupled with legislation which attributes to local government representatives the power to make decisions determining the success on the speculative markets;
- The interest of the media in the mishandling of municipal assets and their expenditure, which had the adverse effect of media compiling handbooks for corrupt practices and scams instead of triggering the reaction of the legislative and law enforcement institutions;
- Discredited party elites on local level are just one element completing a more complex picture on the eve of the local 2007 elections; the central piece in this picture is the underestimated system error in the structure of local government;
- The existing legislation guarantees a certain and almost anonymous mandate for the municipal councils, along with the prerequisites needed to exercise full control over the position and decisions of the mayor.

The interdependence of economic, political and legislative conditions as described leads to the following conclusions:

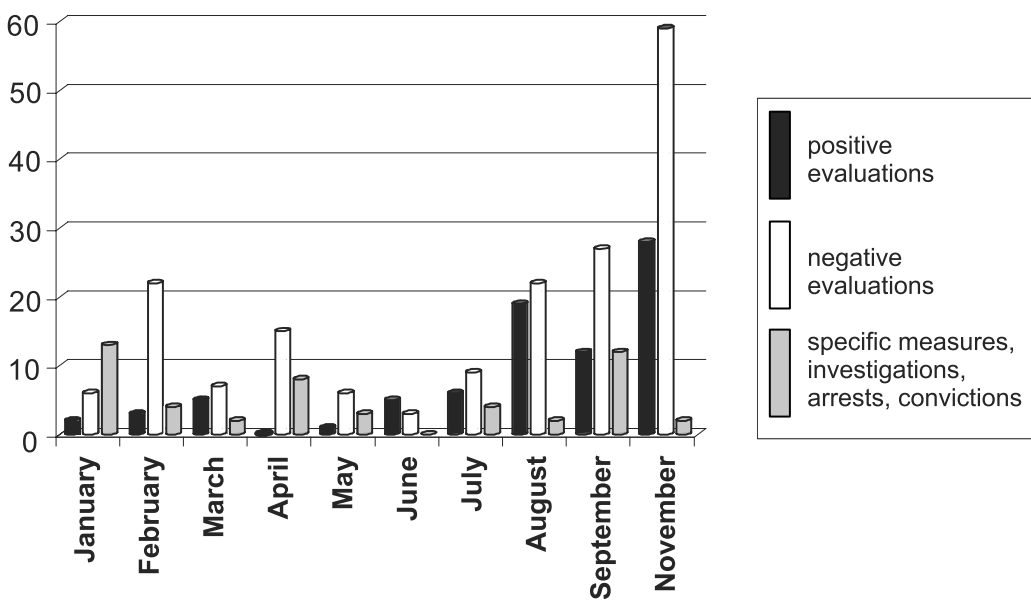
- The phenomenon of „vote-buying,, in 2007 is nothing contingent but the necessary outcome of concurrent processes; it should not be considered as a criminal outbreak on the part of Bulgarian business;
- The local elections in 2007 will not be the last marked with vote-buying, with suspicious economic groups taking the power;
- Local government exhibits a tendency to transform from an institution of representative democracy to a network of criminal nature.

In these circumstances it would be rather naïve to spell out a number of recommendations to one or more institutions, hoping that their implementation would solve the problems. The regaining of power by the municipalities is a process that will take just as long as it took to lose it. A future recovery of local government will have to include initiatives on local level to introduce transparency into the work of municipal councils, debates to resolve the systematic flaws in the structure of local government through legislative amendments, recruiting the media to report on the violations of local administrations and much more. It is however unrealistic to believe that recommendations of this kind could be packed up in an one-off political program and carried out immediately or within a certain period, by an institution, public body or a public agent. The analysis as presented indicates that we need to start thinking about long-term fundamental changes in the structure and functions of local government. A priority topic for future discussions should be the practices, mechanisms and possibilities referred to in the third conclusion above: the process of internal transformation of the institutions of local government into social networks part of which are criminal elements. In the traditional programs for democratization and strengthening of local government in the 1990s similar processes are either underestimated or completely ignored. In reality, these elements are the most subversive and present the highest public risk in today's context. „Vote-buying“ is only one of most visible elements of this transformation.

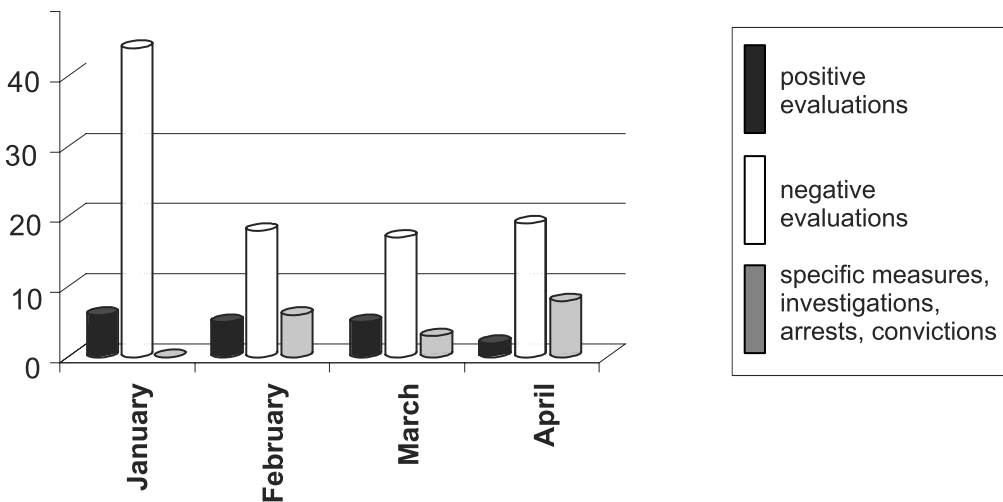
Appendix 1

Media Monitoring of Coalition 2000

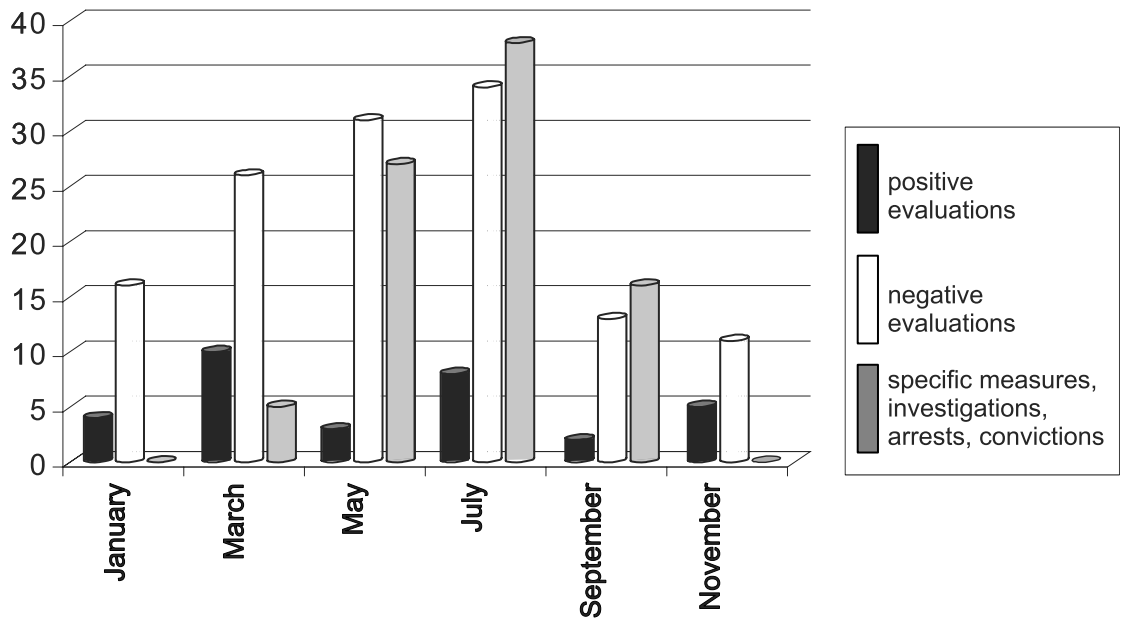
Local Self-Government (2003)



Local Self-Government (2004)

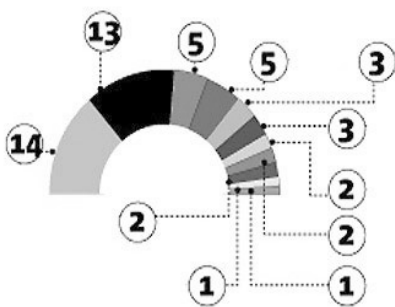


Local Self-Government (2005)



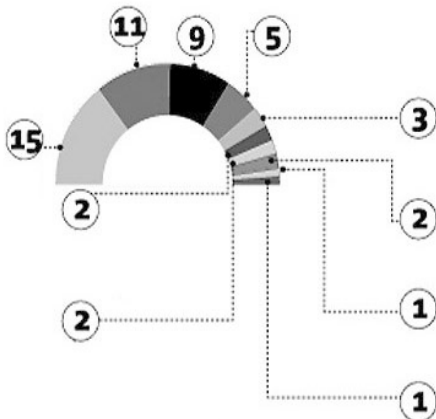
Appendix 2

Distribution of Municipal Councilors per Political Party



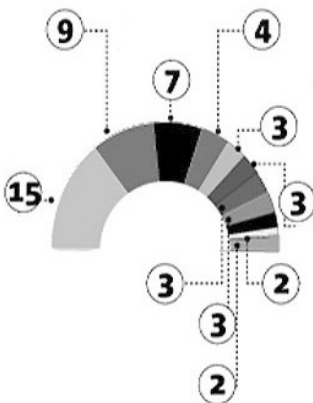
BURGAS

1 „Gergyovden“, **1** „Bulgarska Socialdemokrazia“ (Bulgarian Social Democrats), **2** Dvizhenie za prava i svobodi (Movement for Rights and Freedoms), **2** Sayuz na demokratichnite sili (Union of Democratic Forces), **3** „Sredna evropeiska klasa“ (Middle European Class), **3** BSDP, **5** BSP (Bulgarian Socialist Party), **5** Koalizia „Vaklin Stoynovski za Burgas“ (Coalition „Vaklin Stoynovski for Burgas“), **13** „Ataka“, **14** GERB



STARA ZAGORA

1 „Novoto Vreme“, **1** Dvizhenie za prava i svobodi, **2** BSDP, **2** „Dvizhenie za svoboda i spravedlivost“, **2** Obedinenie na balgarskite natsionalisti „Tzelokupna Bulgaria“, **3** LIDER, **5** Koalizia „Demokraticzna Stara Zagora – SDS, DSB a.o.“, **9** „Ataka“, **11** Koalizia „BSP, PBS and DSH“, **15** GERB



ROUSSE

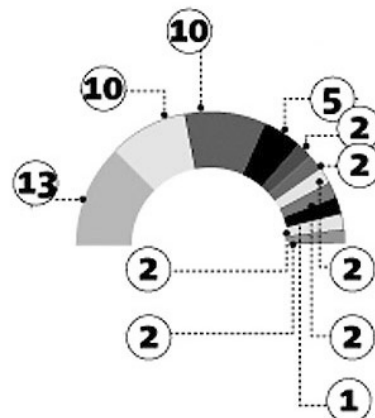
2 Independent candidate, **2** Koalizia Profesionalisti za Prosperitet na Rousse – Red Zakonnost I Spravedlivost – Dvizhenie Eksperti za Regiona, **3** DPS, **3** „Severna liga“, **3** Narodnyashka zemedelska partia „Nikola Petkov“, **3** Coalition „Rusenska evropeiska desnitza“ – SDS – DSB – DP, **4** Coalition „Iniziativa Rousse – VMRO – Gergyovden – SSD“, **7** „Ataka“, **9** BSP, **15** GERB

SOFIA

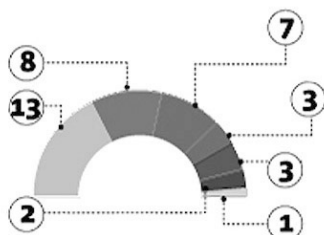
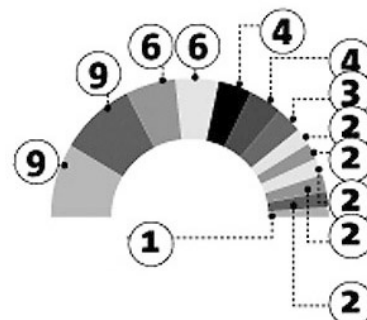
2 NDSV, **3** Ataka,
11 Alliance for Sofia,
12 BSP, **33** GERB

**PLOVDIV**

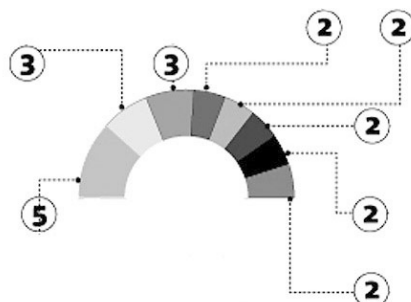
1 „Dvizhenie Eksperti za Regiona“,
2 DSB, **2** „Grazhdanski Sayuz za nova
Bulgaria“, **2** SSD, **2** Zemedelski sayuz „Al-
exander Stambolyiski“, **2** Coalition „Dessen
alliance za Plovdiv“ – SDS – DP, **2** DPS, **5**
„Ataka“, **10** Coalition za Plovdiv – BSP a.o.,
10 VMRO, **13** GERB

**VARNA**

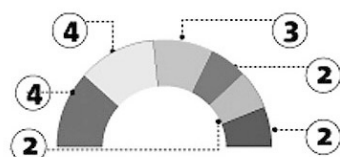
1 LIDER, **2** Narodnyashka zemedelska
partia „Nikola Petkov“, **2** Politicheska Partia
„Otechestvo“, **2** „Obedinen blok na truda“,
2 Dvizhenie „Svoboden izbor“, **2** Grazh-
dansko dvizhenie „Glass“, **3** Coalition SDS
– DSB, **4** DPS, **4** „Ataka“, **6** „Red, zakon-
nost i spravedlivost“, **6** „Dvizhenie Nashiat
Grad“, **9** BSP, **9** GERB

**VIDIN**

1 „Ataka“, **2** NDSV, **3** Coalition „DPS-Evroro-
ma“, **3** Partia na liberalnata alternative i mira,
7 Coalition „BSP-ZS „Al. Stambolyiski“-OBT“,
8 Coalition „Za Vidin“ – SDS-DSB, **13** GERB

**NESSEBAR**

2 „Red, zakonnost i spravedlivost“, **2** „Ataka“,
2 Partia „Bulgarski Socialdemocrati“, **2** Coal-
ition „Liberalno-democratichen sayuz Nesse-
bar“, **2** „Christian-sozialen sayuz“, **3** Coalition
„Pobeda – SSD-Politicheski club „Thrakia“,
3 Politicheska partia „Dela“, **5** Coalition „Mest-
no obedinenie za raztvet i edinstvo – MORE“

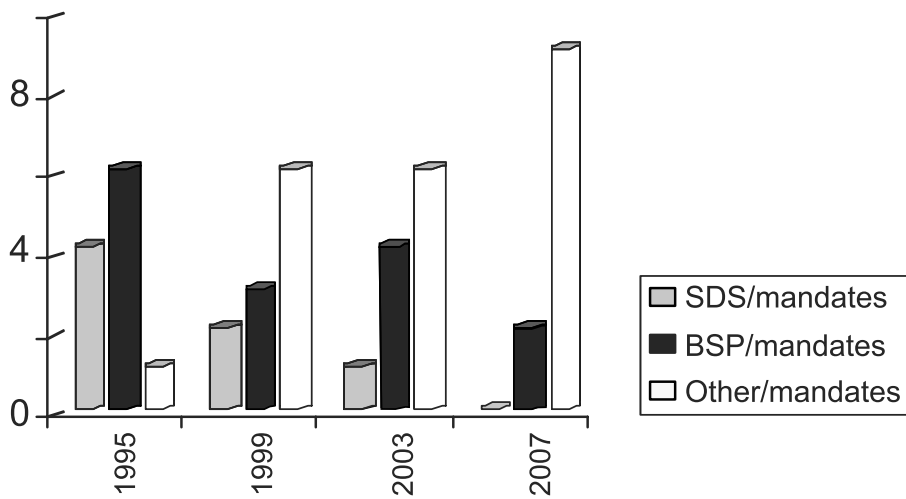
**BANSKO**

2 DPS, **2** SDS, **2** Coalition „Promyana za
Dobrinishte – Bulgarski demokratichen sayuz
„Radikali“ – BSDP, **3** GERB, **4** VMRO, **4** BSP

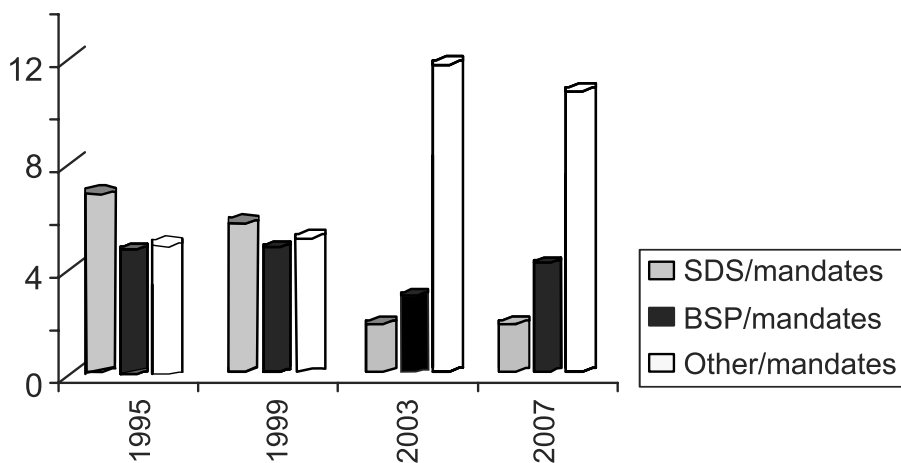
Appendix 3

Distribution of Mandates in the Municipal Council

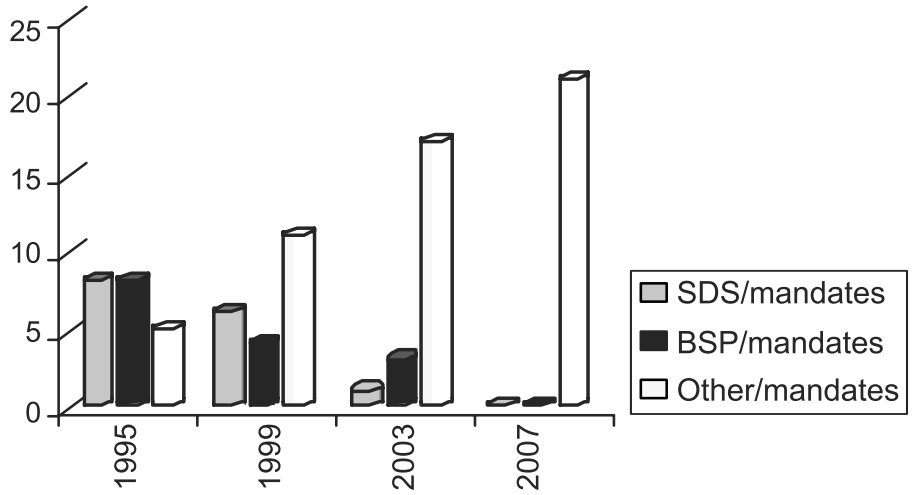
KOPRIVSHTITSA – Mandates in the Municipal Council



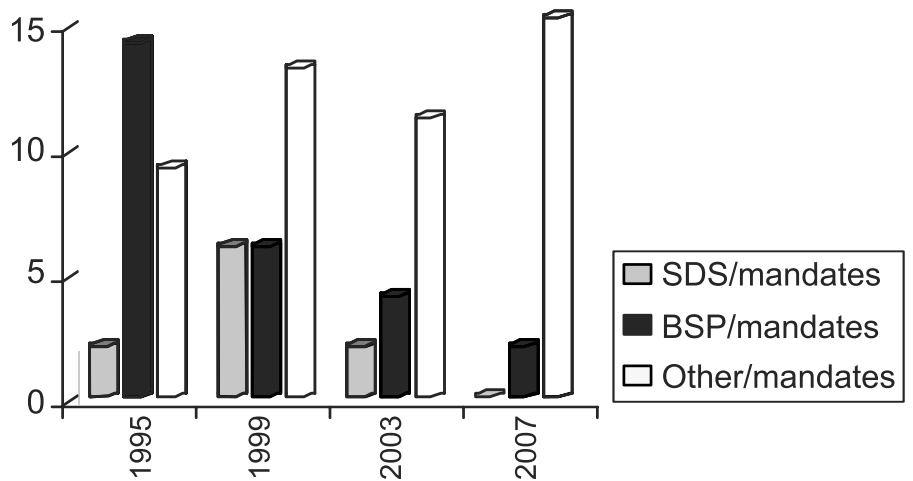
BANSKO – Mandates in the Municipal Council



**NESEBAR -
Mandates in the Municipal Council**



**SOZOPOL -
Mandates in the Municipal Council**





ISBN | 978 954 | 2914 02 | 0