

COUNTRY STUDIES

Julian Boev

Bulgaria:
Decentralization and Modernization
of the Public Administration

MASTERING DECENTRALIZATION
AND PUBLIC ADMINISTRATION REFORMS
IN CENTRAL AND EASTERN EUROPE

Bulgaria: Decentralization and Modernization of the Public Administration

Julian Boev

*‘Citizen participation is simultaneously a goal and an instrument of human development. It is a goal because it is a part of the fabric, which provides legitimacy to governance. Citizen participation guarantees that governance objectives and results are indeed the objectives and results of people. At the same time, citizen participation is a part of the *good governance* process because it makes governance more efficient, fair, transparent and legal. Last but not least, citizen participation is a basic human right. It enables people to command their own destiny and to contribute to the development of their *community* and *society*.’*

Human Development Report —Bulgaria 2001,
UN Development Program

INTRODUCTION

The purpose of this survey is to present the current Bulgarian experience in organizing the system of state governance in several basic aspects:

- The new role of the state—a conception for modernization of the country;
- A model of state governance and distribution of power between central and local authorities;
- The new model for organization of the administrative system;
- A system for managing the process of introduction of the new model of organization in the administrative system;
- Results from the process of transformation of the administrative system.

The survey of the process of modernization of the Bulgarian state and its governance is considered in the context of the global challenges before the governance, as well as in view of the specifics in the process of transition, carried out in Bulgaria during the last 12 years, from strongly authoritarian type of government and centralized economy to a democratic political system and market economy.

The analytical process reflects the influence of another matter of crucial importance for Bulgaria, namely the preparation of the country for joining the European Union and the related challenges to the government.

The time scope of this survey encompasses the last 5 years, since in this particular period the process of reconsidering the role of the state acquired a more systematic character and strategic purpose.

The ambition of the present analysis is to point out the strategic challenges, which the modernization of governance and the model of organizing of the administrative system have to meet, the impact of these processes on the decentralization and effective distribution of powers at the regional and local level, as well as the necessity for enlarging and activating the civil participation.

NEW VISION OF THE STATE

Historical Review

Bulgaria is the only country from the former socialist block, which adopted a new democratic Constitution as early as 1991.

With the adoption of the new Constitution in 1991 began the process of building the new state. Officially—in legislative and juridical terms—Bulgaria adopted the model of pluralistic democracy and market economy. At the same time the country had to face the true challenge of the implementing in practice the new model of state constitution

and the transformation of the public relationships. The first democratic government¹ of the Republic of Bulgaria set off a process of radical transformations in the structure of governance, in the economy and social relations, but this process was interrupted before it could produce the planned results.

The cabinets that governed the country between 1993 and 1996 did not perceive this challenge. Their activities largely multiplied governance practices, characteristic of the previous political system from the period before 1989.

The period of instability and attempts at restoring the previous public model that followed practically drove the development of the country to a close. What is more, the values and principles implied in the new Constitution were largely depreciated and the public confidence in the change was exhausted.

The attempts at reformation of the government and the administrative system were fragmentary, sporadic and lacking a general national vision for the new role of the state, which led to a full crash in the economic, financial, and social spheres, a total pillage of the national wealth and dissipation of the human resource. The inability and the reluctance of the former government to take whatever measures to create a working system of the state bodies and introduce the market principles strained the social tension to the edge and eventually caused the fall of the socialist government.²

‘The inherited institutional and administrative structures were preserved unchanged. This caused havoc in the competencies and the responsibilities of the different structures and officials. The citizens still perceive the state as a patronizing institution, in contradiction with their new role of users of administrative services. The paradox is that, by virtue of its new nature, the new administration should be based on the role of the individual as a responsible taxpayer, willing to bear certain burdens, which is still not the reality yet. ... The obligations of the state are still perceived as something constant, taken for granted—an element inherited from the communist period.’³ That was precisely the reason why the transition in Bulgaria was left behind compared with the rest of the Central European countries.

In 1997, after the decisive victory of the United Democratic Forces (52,5%) in the early parliamentary elections a new reformist government of Bulgaria was established.⁴ The government of the Union of Democratic Forces faced the

huge challenge of recovering the stability in the country and giving an impetus to the process of structural economic reform and the building of an adequate institutional system in the country.

The new cabinet presented to the National Assembly an ambitious government program titled ‘Bulgaria 2001.’ This program responded to the social expectations with its all-embracing definition of the mission of the new democratic state, its role in regulating the public relationships and setting a model for efficient distribution of government powers between the central and the local authorities.

The main objective of this program was to build the Republic of Bulgaria in accordance with the European standards as a modern European state of sustained development, clear national identity and a modern state governance; supremacy of the law and the fundamental rights and freedoms of the citizens; efficient market economy, capable of meeting the challenges of the 21st century and a principally new social policy. The strategic objective of the internal and foreign policy of the Republic of Bulgaria was full membership in the European Union, and accession in the Euro-Atlantic structures.

At the same time the review of the condition of the administrative system concluded that the development of the administrative structures had stopped at the end of the 60s, i.e. at the level of the pre-industrial production relations. The processes of industrialization had no essential influence on the government structures, although there were numerous attempts at reforming the governmental structures even before 1989. However, they had scarcely produced any results; on the contrary, those frequent re-organizations have only increased the instability of the system of governance and reduced its ability to fulfil its purposes.

In this connection, in order to implement the government program, the task of paramount importance was formulated as overall transformation of the governance model of the country according to the principles of the new Bulgarian Constitution, the needs of the Bulgarian society, the modern democratic principles of state constitution and organization of the administrative system. The new role of the administration was defined as an active factor in carrying out the reform in the economy, the improvement of the state government and the harmonization of the Bulgarian legislation with that of the European Union. A clear expression of the priority character of the policy of modernizing the governance and the administration was the introduction of a separate minister directly responsible for this field of

government policy in the Council of Ministers: a minister of public administration.

The fulfillment of this government program started with the adoption of a Strategy for establishment of a modern administrative system of the Republic of Bulgaria.⁵ The Strategy defines all the practical measures for transformation of the governance model and the overall scope of the process—all the spheres of state governance, at the central level—within the system of the legislative, the executive, and the juridical power, as well as at the local level—within the system of local self-government.

The Strategy enabled the *overall, strategically oriented, and sustained process of changes*. This process secured the implementation of the generally acknowledged democratic principles in forming and organizing the performance of the administration; overcoming any hierarchic discrepancies and the imperfections in the structures; the removal of duplicating units and the clear definition of functions; implementation of an effective system for recruitment of administration staff; elaboration of a system for evaluation and control over the activity of the administration, thus limiting the possibilities for corruption; introduction and use of modern information technologies in the management activities and the work of the administration. An important element of The Strategy for establishment of a modern administrative system was the realization of an administrative-territorial reform and the strengthening of the role and the authority of the regional governors as the basic governing institution at the regional level.

The Strategy enabled the establishment of an adequate institutional framework, harmonized with the European requirements that should stimulate the business climate for the local and foreign entrepreneurs and investors. The new administrative-territorial arrangement of the country and the strengthening of the role of the regional governors secured the possibility of accomplishing another key priority of the government policy by laying the foundation for the application of an effective regional policy through the national plans for regional and economical development, adopted by the government.⁶

The realization of the strategy has provided a basis for development of the policy in the field of the regional development. This policy aims to achieve a stable and balanced regional development as a basis for effective decentralization and the creation of a modern local self-government system with clear distribution of functions and responsibilities between the central and local authorities.

The legislative basis for the launching of a differentiated and complex regional approach to the economic, social, environmental and public works policies has also been created. The adoption of the Regional Development Act⁷ provided the foundation for efficient regional policy. During the period of enacting the law the Regional Development Council⁸ was established at the Council of Ministers, accompanied by District councils for regional development in the 28 districts.⁹ One of the principal objectives of the law was to create the necessary prerequisites and conditions for active participation of the districts and municipalities in the regional development policies thus ensuring the basis for effective decentralization of more and more governance rights. And it is exactly in this direction that the mechanism for achieving unity of action between the state, the districts and municipalities was developed. This in turn outlined the essential requirements to the district authorities in their capacity of *direct intermediaries between the state and the municipalities*.

The regional development policy was worked out on the basis of the created legislative frame and as a result of a sound expertise and evaluation of the challenges. An expression of this policy is the National Plan for Regional Development (NPRD) for the period 2000–2006.¹⁰ The process of elaboration of the plan went from bottom to top. The district plans formed the basis for development of the National plan, which step on the municipal plans. It covers a period of seven years and is annually updated so that it reflects all changes in the existing circumstances and the availability of resources.

As a result of the successful fulfillment of The Strategy, the process of consolidating the democratic institutions in Bulgaria was completed. The basic institutions and structures of the modern democracy and market economy were set up. The strengthening of the state governance and the effective system for collaboration between the different levels of authority to apply a modern economic and regional policy was achieved.

The new Bulgarian government¹¹ of prime minister¹² Simeon Sax-Cobourg-Gotha has declared continuity as regards the further modernization of the governance and the administrative system of the Republic of Bulgaria, and has taken the commitment to update the strategy. The post of the minister of the public administration was preserved in the new cabinet, as an indication of the importance, attributed to the modernization of state government and the administration. At the same time at the very beginning of its mandate the new Bulgarian cabinet offered

some changes in the legislation, oriented at altering the model and scope of the civil service.¹³

Policy for the Establishment of a Modern Administrative System in the Republic of Bulgaria

Conditions and Necessity

Until 1997 Bulgaria lacked one of the main factors for stable democracy: broad public debate that analyses the various ideas, projects, concepts and programs for public prosperity. The various forms of mythologies of the public realities were coming to life and fading away, while most of them ignored, as a rule, the issues related to the means of exercising the state power and its public character.

The government placed in the focus of public concern the idea of “good governance” and gave a new dimension of the terms of “democracy” and “the widening of the public involvement in the policy-making process.” This perception has essentially outlined the core meaning of the public transformation and enlarged its scope by including in it not only the formal institutional mechanisms, but also the life in the public space. In this changed context the “good governance” received a rational, non-ideological meaning. At the same time the governance acquired a new legitimacy, reflecting the fundamental character of the political and public transition.

The government defined the process of transformation of the model of governance and of the administrative system as a process of *establishment and not a reform*, since it recognized that the reformation of the old system implies the danger of multiplying its defects. This new definition of the process, known in most of the countries as an administrative reform, outlines the depth and the content of the new vision of the role of the state and its institutions, and reflects the specific approach to achieve the desired results.

The European dimension of the process of introduction of modern governance and establishment of the new administrative system of the Republic of Bulgaria is based on the adoption of modern models for organization and functioning of the administration in accordance with the best practices in the countries of the European Union, and “the requirements for comparable results” from the activity of the administration in the fields that are subject

to the Maastricht Treaty establishing the European Union. The basic criterion is the fulfillment of the requirements for real and comparable results from the activity of the administrative structures in their joint activities with the respective structures of the European Union member-states.

Within the context of these new political realities, the government made the public commitment to initiate purposeful and complex reforms for the purpose of creating the new legitimacy of the state institutions. The adopted Strategy for establishment of a modern administrative system is a complex document, outlining the modern vision of the role of the state, the distribution of government powers and the organization of the administrative system. The Strategy takes into consideration the modern tendencies for *development* and *modernization* of the administrative system through application of the latest achievements of the science of governance, combined with a large-scale application of modern information technologies in the government process and in the work of the administration.

Concept for the Distribution of Governmental Powers

The Strategy for establishment of a modern administrative system defined as a key element in the vision for distribution of government power the outsourcing of certain every day activities of the cabinet, thus creating the possibility to concentrate on strategic matters of state policy. The mechanisms of achieving this goal were determined to be an optimization of the administrative-territorial structuring of the country, de-concentration and decentralization of government powers.

The optimization of the administrative-territorial structuring of the country was connected, on the one hand, with the necessity to overcome the discrepancies in the administrative-territorial structure, inherited by the totalitarian state and, on the other, with the creation of real conditions for exercising an effective regional policy based on the public needs—a new way of government and public management, a “good state,” providing the necessary services and means of meeting the people’s needs—and full-value participation of the civil society in the democratic process.

The de-concentration was defined as a system of purposeful organizational activities for transferring certain decision-making powers to the lower levels of hierarchy within the framework of a single administrative structure. The ac-

accomplishment of the process of de-concentration, i.e. the real empowerment of the local branches of the different ministries while avoiding possible breach of the operative information flows requires the implementation of a common model of organization for the administrative structures. A good example of effective de-concentration is the new organization of the regional administrations, as well as the territorial services of some of the ministries—the Ministry of Health, the Ministry of Education and Science, etc.

The concept for *decentralization* is based not only on the traditional understanding of the process as a transfer of power and resources from the national to the local level—*territorial decentralization*, but also on the understanding of the necessity to decentralize certain state functions—*functional decentralization*—the establishment of specialized central autonomous administrative structures to perform supervisory, regulative or other similar functions, with juridical, functional, and financial autonomy, independent from the central state authorities.

The establishment of the regulatory framework of the territorial decentralization began with the adoption of the new Constitution, and the Local self-government and Local Administration Act (LSLAA).¹⁴ The development of the legal frame of the local self-government and the enlargement of its functions, including the regulation of the financial independence of the municipalities, were accepted as a good perspective for further development of the local self-government.

An example of territorial decentralization is the municipal administration, which has juridical autonomy, its own budget, administered independently, governance bodies elected by the people, no hierarchic dependence on the national government.

Examples of functional decentralization are the National Health Insurance Fund, the National Insurance Institute, and the National Radio and TV council, the State Commission for Energy Regulation, the State Commission on Stock exchange and marketplaces, etc. An essential element in the formulation of the concept for the functional decentralization was the definition of the non-political status of their chairs and the mandate character of this type of positions.

The government policy treats the effective distribution of power and the decentralization as a means of enlarging the basis for elaboration of an adequate public policy, of

strengthening the administrative capacity to implement this policy and to build a common national mechanism for coordination of the common public policy implementation, while taking a maximum account of the public interests.

Last but not least it was envisaged to differentiate organizationally the activities on the formulation and elaboration of the policy from the activities on the implementation and the feedback from the impact of the policy implementation as a mandatory condition for de-politization of the civil servants. Within the main administrative structures in the system of the executive power, as defined in the Constitution—the ministries—the establishment of political cabinets was envisioned. The political cabinet was defined as an organizational unit, assisting the respective minister in carrying out the government policy in the sphere of his powers.

A Model for Organization of the Administrative System

A second important element of the Strategy for establishment of a modern administrative system was the formulation of a common model for the organization of the administrative system. In its essence the structure of this model determines *the types of administrative structures* depending on their functions and the general principles of organization of each administrative structure.

The analysis of the condition of the administrative system of the Republic of Bulgaria concluded that the organization of the administrative system does not respond to the requirements of the modern state governance and could not effectively assist the government in its efforts to establish financial stability, sustained economic growth and an irreversibility of the democratic process. A necessity to elaborate a unified regulatory arrangement for the organization and performance of the administrative structures in all the systems of the state power was established, as well as the implementation of general rules for their internal organization. The purpose of this process was to provide the overall improvement of the functioning of the administrative structures and the operative coordination between them, and to put an end to the practice of creating different administrative structures (below the rank of the ministries), with vague names and functions. The determined structure of the administrative system is based on a functional classification of the various administrative structures within the system of the executive power.

The Strategy defined the basic administrative structures, forming the administrative system, depending on their functions. Within the system of the executive power the administrative structures are as follows: The administration of the Council of Ministers—strategic center for formation and general coordination of the national policy; ministries—strategic units for elaboration, planning, methodological assistance and monitoring of the implementation of the sector policies; state agencies—auxiliary administrative structures for implementation of policies outside the competencies of the ministries; state commissions—specialized administrative structures for control over the implementation of certain sector policies; executive agencies—specialized administrative structures for the performance of administrative service.

In view of the internal organization of the administrative structures the functional approach was applied as well. Depending on the distribution of the functions in the administration, performed in assisting the execution of the competencies of the respective body of the state power, the internal administrative units were defined as general and specialized administration. Within the specialized administration units were defined those departments that assist and ensure the fulfillment of the specific competencies of the respective body of state power. The general administration includes the units, securing technically the activity of the respective body of state power, the activity of the specialized administration, as well as activities on the administrative service of the citizens and the juridical persons. Practically the organization of the general administration is typified and unified for all administrative structures and subject to identical rules. The adopted model provided organizational identity of the internal organization and the overcoming of hierarchic discrepancies, while at the same time it secured conditions for improving the communications between the separate administrative structures. The introduction of common rules for the internal organization of the administrative structures is a beneficiary prerequisite of a further implementation of measures for decentralization and de-concentration of the power, by preserving the operative links and by guaranteeing equal quality of the administrative services for the public.

The establishment of an effective administrative system was defined as a means of executing the government policy for the country's accession into the European Union and of fulfilling the National strategy for accession of the Republic of Bulgaria into the European Union, and of the National Program for adoption of the achievements of the *acquis communautaire*.¹⁵ The fulfillment of the

European Union membership criteria by the Republic of Bulgaria is an integrate part of the necessity for an effective administrative system, which not only carries out the national policy, but also provides constant cooperation with the European administration in the elaboration and application of the common policies of the Union as a full member of *the European administrative space*.

Internally the new organization of the administrative system aims to improve the work on the identification and analyzing of the strategic information, necessary for policy formulation; to ensure methodologically, and to increase the potential for policy-making; to improve the organization in taking political decisions; to improve the system of policy implementation, as well as the system of monitoring the effect of the policy implementation while guaranteeing the political neutrality of the civil servants.

Unified Civil Service

The third basic characteristics of the policy for modernization of the administrative system, was the introduction of a unified state service, through regulation of the status of the civil servants.

The process of establishment of a modern administrative system in the Republic of Bulgaria, as a natural element of the transition, following the example of the West-European countries, derived the necessity to adopt a legal framework for the civil service as a preliminary condition for the establishment of a professional civil service, based on personal merit and capable of serving the interests of society in a competent and effective way.

Historically, the development of irreplaceable administration, composed of officials, appointed in accordance with their qualification established general rules instead of political appointments or hereditary right, is a comparatively new phenomenon in Europe. The irreplaceable administration corresponds to the greatest extent to the requirement for establishing a highly qualified, professional and neutral civil service.

The model of a civil service, based on *professional and carrier development* has been adopted. This is the dominant system in the European Union member-states and combines several compulsory elements:

- Early long-term appointment, with the intention for professional and carrier development within the administrative system;

- Professional development under clear conditions, regulated by law;
- Step-by-step carrier or hierarchic promotion based on clearly stated and well-defined rules.

The choice of this model is functionally justified by the fact that such a system corresponds to the greatest extent to the specific nature of the civil service in its capacity of service *for* the society implying continuity and neutrality in its performance and, at the same time, providing a high level of professionalism and efficiency of the administrative work.

The Strategy pays special attention to the system of development of the human resources in the administration by stipulating the formulation and implementation of an overall, integrated policy for management and development of the human resources in the administration, a policy to provide both the development of the potential and the professionalism of the administrative staff, the improvement of the internal communications and building a new administrative culture and the fulfillment of the national priorities and the preparation of the Bulgarian administration for working in the enlarged European Union.

Other Elements of the Strategy

As a complex policy document the Strategy comprises of a number of other issues, connected with the improvement of the administrative work, such as a new system of servicing the natural and juridical persons, implementation of the European norms and rules for public procurement, regulation of the access of citizens to public information, personal data protection, as well as the large-scale introduction of information technologies in the government and in the performance of the administration.

The Strategy has also anti-corruption purposes, since the impact of taking the envisaged measures for strengthening the government and providing organizational stability of the administration are, in their essence, an effective confinement of corruption.

The Strategy for establishment of a modern administrative system of the Republic of Bulgaria laid down the basis for a systematic approach to the establishment of the new effective organization of the administrative system at the start of the 21st century and provided the conditions for the institutional building of the administrative system in accordance with the European principles and the require-

ments to build administrative capacity for effective state policy.

The process of establishment of the new administrative system has a complex character—on the one hand is the establishment of the necessary structures, rules and procedures for the implementation of the internal policy of the government and on the other, the achievement of the necessary conformity of the administration's performance with the European Union membership criteria. The Strategy provides the necessary conditions for institutional capacity for effective planning, implementation and control over the regional policy, as well as a natural mechanism for operative coordination of the activity of the central and the decentralized administrative structures.

Several practical steps were envisioned for the fulfillment of this Strategy, including the complex application of legislative, organizational, and logistic measures, aiming to increase the potential and the efficiency of the government, as well as to make the process of integration of the Republic of Bulgaria in the European Union more dynamic through harmonization of the regulatory basis and building effectively operating administrative structures. The application of an overall approach for the realization of the Strategy for establishment of a modern administrative system of the Republic of Bulgaria guarantees the achievement of tangible results for the improvement of the state government, creation of favorable environment for the development of market relations, the acceleration of the democratic processes in the society and achieving conformity of the activity of the Bulgarian administration with those of the countries in the European Union.

REALIZATION OF THE POLICY FOR MODERNIZATION OF THE STATE MANAGEMENT AND THE ADMINISTRATION

General Framework of the Process

The Constitution of the Republic of Bulgaria defines the general model of state government and the distribution of the power between central and local authority.

According to the Constitution, the Republic of Bulgaria is a unitary state with local self-governance. Autonomous territorial formations are not allowed in it. The state power stems from the people and is carried out by the people

directly and through the bodies envisioned in the Constitution. The state power is divided into legislative, executive, and judicial.

The executive power in the Republic of Bulgaria is carried out by the Council of Ministers. The Council of Ministers is a central collective body with general competence that manages and carries out the domestic and the foreign policy, ensures the social order and the national security, and maintains the general management of the public administration and the armed forces of the country in accordance with the Constitution and the laws.

The territory of the Republic of Bulgaria is divided into municipalities and regions. Law can establish other administrative-territorial units and the related self-government bodies. The current legal regulation—the Administrative-territorial System of the Republic of Bulgaria Act¹⁶ (ASRBA)—defines the districts and the municipalities as constituent administrative-territorial formations.

The region is an administrative-territorial unit that carries out the regional policy, executes the state government locally, and ensures conformity between the national and local interests.

The government in the region is carried out by a regional governor, assisted by the regional administration. The regional governors are appointed by the Council of Ministers. The regional governors are representatives of the government, whose basic functions are to implement the state policy, to protect the national interests, the compliance with law and the social order, and to exert administrative control over the territory of the region.

The municipality is the basic administrative-territorial unit, where the local self-government is carried out. The realization of local governance is an element and a form of organization of the state power. The local self-government is a decentralized form of state authority and has independent competencies.

The municipalities have their territory, borders, population, name, and an administrative center, and include one or more neighboring settlements.¹⁷ The borders of the municipalities are determined with a plebiscite of the population.¹⁸

Constituent administrative-territorial units in the municipalities are the mayoralties¹⁹ and the districts,²⁰ established to fulfil the functions and competencies entrusted to them by law or with a decision of the Municipal Council.²¹

The citizens participate in the governing of the municipalities through the local self-government bodies elected by them, as well as directly through plebiscite and the general assembly of the population. The borders of the municipalities are determined with a plebiscite. The municipalities are juridical bodies separate from the state.

A local self-government body in the municipality is the municipal council, elected by the population of the respective municipality for a four-year mandate, as defined by law.

An executive body in the municipality is the mayor, elected by the population, or by the municipal council, for a four-year mandate.²²

The municipalities have the right of property, which is used in the interest of the community. The municipalities have an independent budget.

The Constitution affirms the model of the modern democratic state and outlines the principle of decentralization, admitting the right of self-government to the basic administrative-territorial units and preserves its supremacy and its control over the defending of the common national interests.

The central executive power, the districts and municipalities are specifically organized government systems but the fact that they formulate, organize and develop the government processes at the national, district and municipal level makes their binding and cooperation indisputable and needed. *The development of the processes of decentralization and democratization of society* is impossible unless partnership and unity of action and taking a full account of the national, district and municipal interests support it. Both the government and the municipal authorities have expressed their commitment to follow this line of action.

It was this that determined the scope and the Strategy of the new regulatory framework both on a central level, with regard to the central administrative structures, and on a local level, in the sphere of regional and municipal administrations.

The realization of the policy for modernization of the governance and of the administrative system started with the adoption of several acts—the Public Administration Act,²³ the Civil Servant Act,²⁴ the Administrative Services for Natural and Legal Persons Act,²⁵ the Access to Public Information Act,²⁶ etc.

Establishment of the New Model for Organization of the Administrative System

General Review of the Process

In accordance with the principles of the law-governed state the government adopted the approach of legislative arrangement of the new model for organization of the administrative system. The Public Administration Act was the first of a series of legal acts, aiming to implement the new the organization of the administrative system and the internal organization of the administrative structures. The Public Administration Act is a unified regulatory base that sets the administrative system of the Republic of Bulgaria. For the first time the Bulgarian legal system defined the general system of the administration and its organization principles: lawfulness, transparency, accessibility, responsibility and coordination. The law regulates the organizational forms of the administrative structures (types of administrative structures in the system of the executive power), as well as the general principles of the internal organization of the administrative structures and the way they function. This ensures identity and organizational transparency of the administrative structures and forms a prerequisite for better horizontal and vertical communications between the authorities. The principle of regulating the internal arrangement of the administrative structures with the help of statutes to be approved by the Council of Ministers was introduced. These organization statutes determine the organization, the order of activities, the functions and staffing of the administrative units.

Alongside the organization of the administrative system the Act elaborates the constitutional regulation of the executive bodies, defining their basic competencies as provided in the Constitution—the Council of Ministers, the prime minister, deputy prime ministers, ministers, regional governors and municipal mayors—and defines their respective administrative structures—the Administration of the Council of Ministers, ministries, regional and municipal administrations. In application of the concept for distribution of power the Act established the order and conditions for creating additional administrative structures—state and executive agencies and administrations of state commissions. It also affirmed the status of their directors as organs of the executive power, respectively the chairs of state agencies, CEO of executive agencies and state commissions, as collective bodies.

An important aspect is the legal regulation of these additional administrative structures and the status of their directors. Organizationally they are subject to the general provisions for organizing the administrative structures. At the same time the status of their directors is dual—as directors of autonomous administrative structures they obtain the status of executive bodies—and, in order to ensure the independence and professional competence of the directors of these administrative structures, the mandate principle for taking the office was introduced, as well as the requirement for the candidates to be part of the permanent professional public service.

The adoption of this legal regulation, establishing a high level of political neutrality of the state and executive agency directors and members of state commissions, was evaluated as a serious step towards the decentralization in spheres of high social importance.

The Public Administration Act introduced a normative distinction between political and administrative functions through the organizational form of the “political cabinet.” The political cabinets are attached to the members of the Council of Ministers.²⁷ The status of the officials in the political cabinet is clearly defined—they are not civil servants and they are subject to the regulations of the Labor Code,²⁸ being in practice personally linked to the respective minister, deputy minister or the prime minister. The adopted model of differentiating between the political and the administrative function limits the scope of the political level and largely frees the administration from political influences.

When it assumed its duties, the present government revised the status of the directors of state and executive agencies and of the members of state commissions on the basis of the concept for the political character of these positions. As a result the National Assembly adopted amendments to the public Administration Act,²⁹ which removed the mandate principle and the recruitment requirements and underlying their political character. These amendments regulated the possibility of dismissing the persons, occupying the aforesaid positions upon subjective assessment and without whatever professional grounds, connected with the fulfillment of their official obligations. During the first six months of its governance the new cabinet changed 81 organizational statutes—of all the ministries and central administrative structures—introducing new recruitment requirements for certain management positions.

Administrative-territorial Reform

An important element of the strategy was the planned optimization of the administrative and territorial division of the country providing conditions for enlarging the rights and obligations of the regional governors and improving the relations between the municipalities. The aim of the administrative territorial reform, carried out in 1998–1999, was to create a new district division of the country. The new 28 districts were created after the amendment to the administrative territorial System of the Republic of Bulgaria Act (ASRBA), and their boundaries and administrative centers were determined by the President in Decree No. 1 of 1999. With this document the administrative territorial reform was practically more or less concluded. It managed to provide better coordination of the government of the territory at the regional level. The newly created districts in their territorial range, competence and scope are able to practically solve the issues, raised by the Constitution and the legislation in the country and facilitate the faster transition of the country to a market economy and to overcoming the negative consequences of the transition period; and also equal treatment of all kinds of ownership, opening of the economy of the country towards Europe, and the synchronization of our regional policy with that of the EU.

The major characteristics and advantages of the executed reform are as follows:

- Shortening of the distance between the central executive power and the municipalities and their problems, and their better interaction;
- More efficient coordination between the state, its de-concentrated units on the territory of the country and the districts in the process of implementing the district and sector development policies;
- Strengthening the capacity, both vertically and horizontally, of partnership opportunities for determining the priorities and the common interests.

The steps undertaken after the implementation of the administratively territorial reform managed to strengthen the contacts between the government, the National Association of municipalities in the Republic of Bulgaria and the municipalities for resolution of certain problems, directly connected to the functioning and development of the local governance (primarily connected with the legislative provision, financial independence and the ownership). These initiatives, despite the fact that they were limited in their scope, actually constitute the right steps, which guarantee a possibility for integration of the efforts, directed at the joint response to the public needs.

At the same time, the need for implementing new forms and mechanisms for widening the interaction between the central and local authorities is becoming much clearer. They should be based on the principles of *mutual trust, equal treatment, and partnership*. The vision for *predetermination of the unity of action between the state, the districts and municipalities* is also taking grounds.

Despite the fact that a number of positive steps were taken in the process of implementing the administrative territorial reform and despite the positive attitude on the part of the local authorities and the citizens, the interaction and contacts between the two levels of power are not efficient enough.

Organizational, Functional and Staffing Strengthening of the Local Self-government

The implementation of the Modern Administrative System Strategy provided the legislative and organizational link of the decentralization process in the overall transformation of the governance.

The organizational, functional and personnel strengthening of the local government was directly linked to the application of the new legislation concerning the organization of the administrative structures and the status of the civil servants.

The coherence of the processes opened the opportunity to coordinate the efforts for its execution, regardless of the existence of certain problems or the lack of understanding of their inter-relatedness. Special attention deserves the process of adoption of the common model for organization of the administrative system and its implementation at the municipal level—there were opinions of its inapplicability in the municipal administration, as well as a thesis about the specific nature and “independence” of the municipal administration. The Constitutional Court finally solved this issue³⁰ by declaring: “The fact that the local self-government and the local administration are regulated by the separate chapter seven of the Constitution does not mean that they are excluded from the executive power in the meaning of Art. 8 of the Constitution.”

The development of the legislative framework of the local self-government is based on the implementation of the principles of the European Charter on Local Self-government.³¹ Through the adoption of the Public Administration Act and the Civil Servant Act, a new legislative framework

for the organizational and functional restructuring and strengthening of the local administration was created. The practical implementation of the increased requirements to the competent knowledge and professional qualifications and the new structuring of the administration still face certain constraints. Much more essential is the constraints connected with the staffing strengthening of the municipal administrations and the attraction of young and highly professional employees. The implementation of the new status of the civil servant creates the necessary conditions for overcoming those constraints.

The system of shared competence between the state and the municipalities with a view to a number of significant sectors such as health care, social activities, infrastructure, finances, etc. was imperfect due to the lack of rules and regulations and the strong fiscal and functional centralization, which limited the municipalities' independence. The period 1997–1998 marks the point when two basic laws were adopted—the Local Fees and Taxes Act³² and the Municipal Budgets Act,³³ which had the purpose of creating optimal conditions for the functioning of the municipalities and for the assurance of their financial independence. Those legal acts regulated the sources for revenues, the property management and the expenditure opportunities. There were furthermore significant improvements in the relations with the Republican Budget and the system of targeted subsidizing of the municipalities.

Thus in practice real conditions were created for effective participation of the municipalities in the process of realizing the regional policy. The municipalities have independence in outlining their objectives for development, their initiatives for achieving those objectives. The district development plan includes the priorities and projects from the municipal plans and formulates the common objectives for regional development.

At the same time the financial independence of the local self-government bodies is confined by the economic situation in the country.

Introduction of Uniform Civil Service

In the Bulgarian law the legislative arrangement of the statute of the civil servants is a traditional way to set the rules, obligations and responsibilities of the civil servants. Since 1951, when the previous Labor Code was adopted, in 1998 the civil servants were subject to the general arrangement of the labor legislation.

Article 116 of the Constitution of the Republic of Bulgaria from 1991 introduced the requirement to legally regulate the status of the civil servants, the conditions for their appointment and dismissal, their membership in political parties and their right of strike. In order to fulfil this constitutional requirement, the Civil Servant Act separated the civil servants from the Labor Code regulations and set their legal status in accordance with the traditional principles, underlying the modern civil service in Bulgaria. The Civil Servant Act was harmonized with the legislative trends in the countries of the European Union. The act defines the term *civil servant* and outlines the scope of the civil service.

The Civil Servant Act regulates a stable and professional system of civil service, based on the principles of legitimacy, loyalty, responsibility, stability, political neutrality and hierarchical subordination. The act introduced a new type of legal relations between the state and the civil servants—the official legal relations. This status is the ultimate legal basis and guarantees the carrier development.

The established rights of the civil servants aim to compensate the increased requirements to their performance and the limitations imposed on them.

The continuity of the state service is ensured by certain limitations for the civil servants concerning the right of strike they possessed until recently and some other civil rights. The civil servants have the right for membership in political parties with certain confinement of their participation in the political activities, in view of the requirements for loyalty to the nation and to the institution, in which the person works.

The stimuli and the sanctions as defined in the act clarify the honors and prizes that would encourage the good performance of the civil service, as well as the responsibility of the civil servants in cases of violation of their official obligations. The act also sets out the specific (besides the general regulations) disciplinary and material responsibility of the civil servants.

The act also regulates the control over the observation of the statute of the civil servant by envisioning the establishment of respective structures for its application—the *State Administrative Commission*.³⁴

The independence of the civil service is based on the principle of payment by merits. The principle of payment by merits depends on the acknowledgement, directly and indirectly, of qualification and skills.

The independence of the civil servants is perceived as neutrality with regard not only to the ruling politicians, but also to private group interests. The political neutrality—in the absolute or relative sense—does not avoid the subordination of the administration during the performance of its duties to the governmental bodies, neither the possibility of the politically appointed persons to surround themselves with assistants whom they trust. On the other hand, it presumes separation of the political from the administrative levels and avoids political influence during the career management.

The general structure of the civil service comprises all officials, employed by the public authorities. The Civil Servant Act defines as *civil servants* those officials, whose duties are directly connected with the fulfillment of the competencies of the respective body of the state power, i.e. the act introduces dependency of the status of the civil servants on the occupied position. According to the provisions of the Civil Servant Act, *'The civil servant performs the civil service upon appointment by a competent body of the state power.'*³⁵

The Public Administration Act defines three categories of administrative posts:

- management posts;
- expert posts; and
- technical posts.

The posts of the civil servants and their distribution in groups and ranks are defined by the government in the Unified Classifier of posts in the administration.³⁶ The Classifier is a general model for distribution of the posts in the administration. The basic principle of the Classifier is to distinguish between a post and profession—the post in the administration is a legally defined position, connected with the fulfillment of specific activity and independent from the profession. In this connection as far as the administration is concerned posts, and not professions have been defined. The possibility is provided for, whenever needed, to add the name of the profession, necessary for its fulfillment, to the respective post.

In order to acquire a post in the administration, certain professional qualification is required, including the minimum level of education, general and specific length of service. The requirement that management posts could only be taken by civil servants was introduced,

The government adopted an approach for gradual implementation of the status of the civil servant, as initially the

Unified Classifier of the posts in the administration only defines those posts that require higher education to be occupied employees with a civil servants status.³⁷ The adoption of this approach is justified by the general economic situation in the country and the increase in the respective budget expenses for the overall introduction of the new status of the civil servant.

The general application of the legislation should also comprise officials with lower education, fulfilling expert functions, since their work has an influence on the general efficiency of the administration.

The basic rules, regulating these different groups of officials are identical, although there are certain differences in the conditions, connected with the recruitment, the career development, the remunerations and the respective rights and obligations. Certain categories of civil servants are subject to special legislation (the police, frontier guard and prison administration).

In May 2000 an Institute of Public Administration and European Integration (IPAIE)³⁸ was established, and thus the practical implementation of an effective policy for professional and career development of the officials in the administration started.

A Code of Conduct for the civil servant was approved.³⁹ It outlines the basic principles and rules for ethic conduct of the civil servants and their relationships with the citizens in fulfillment of their professional duties and also in their public and private life.

During the last few months the approach, adopted by the new government to limit the scope of the officials having the status of civil servants, lead to the dismissal of officials, appointed by the previous cabinet. Regardless of the five-year mandate, set out in the Public Administration Act, almost all-chief secretaries of the ministries were dismissed. Although in several cases it could find justification, such an approach does not ensure the stability of the civil service envisioned by the law.

Publicity of the Administration and its Activities

The purpose of the Public information access act is to regulate the conditions and order of exercising the constitutional right of nationals to seek and obtain information about public life in the Republic of Bulgaria. The efficient

exercising of this right allows nationals to form their own opinion about the work of both Government authorities and other subjects whose activity is of public character.

Information access regulation is an element of the general organization of the information rights of nationals and provides the normative base for regulation of a number of relevant public relations—personal information protection, determination of the contents, scope, conditions and order for creation and work with protected information.

The Public information access act is a basic implementation mechanism, which ensures greater transparency in the governance and provides conditions for increase of civic participation in Government policy formation.

The main purpose of the act is to provide more information to citizens since only informed citizens can take an effective part in the public life of the country and this is a basic condition for strengthening the civic society.

The Public information access act will enable the realization of the basic principle of openness in administration activity regulated in the Public Administration act.

The legal grounds for the scope and the content of the act is contained in a number of regulatory documents⁴⁰ which are basic for the Bulgarian legislation—on the one hand these are international documents, in which the Republic of Bulgaria is a party, and on the other hand this is the Constitution of the Republic of Bulgaria.

The problems of nationals' information rights regulation are the subject of many documents⁴¹ of the Council of Europe—one of the oldest European structures, and the Committee of ministers of CoE member-countries, which at different times have taken up an attitude towards the realization of the communication rights of citizens.

The Committee of ministers of CoE member-countries recommends implementation in national legislation of the following basic principle:

“CoE member-countries must consider the possible legal measures for providing the public with access to pluralistic and diverse information about the mass media, containing different political and cultural views, while taking into account the importance of ensuring editorial independence of the mass media as well as the importance of the said measures when adopted voluntarily by the mass media themselves.”

The process of harmonization of Bulgarian legislation to EU legislation and practice is directly dependent on the implementation of the principles laid down in CoE recommendations, as CoE is the only institution where the Republic of Bulgaria is a full member.

In local aspect the basic principles of realization of nationals' communication rights are regulated in the Constitution of the Republic of Bulgaria.

The act is based on the regulation in article 41 in the constitutional right of nationals to seek obtain and disseminate information. Paragraph 1 of the above article contains the legal grounds for development of the act, as it is precisely that text which gives universal regulation of the information rights of nationals. The implemented approach corresponds to the mentioned Recommendation No. R (81) 19 of the Committee of ministers of CoE member-countries for access to information held by public authorities. According to the said recommendation “no access to information may be denied on the grounds that the person requesting information does not have specific interest in the subject.”

The normative regulation of the order and conditions for realization of the rights under article 41, paragraph 1 of the Constitution evolves also from Ruling No. 7/1996 of the Constitution court under constitution case No. 1/1996 where the court rules that the rights under article 41 belong both to physical and juridical persons. The legislator must regulate the scope and forms of realization of this right, especially with regard to paragraph 1 of article 41 of the Constitution. The Constitution court introduces the notion “information of public significance.” The name and the basic notion of the act—public information, as well as the rights and obligations of the subjects covered by the act, are determined on the basis of this interpretation.

In the context of the above stated, the ever-increasing information exchange characterizing the globalization of modern society becomes especially topical. This, on its part, reformulates the stratification of modern society and the movement of information streams. The role of the state as a source of information is decreasing, and the role of other information sources is respectively increasing. These calls for regulation of certain access of nationals to the basic sources of publicly significant information in view of balancing interests and providing adequate conditions for formation of public opinion based on the actual dimensions of information. This has its philosophic sense with regard to the future and the development of democracy as a whole.

Basically, the texts of the act regulate the procedure for access to information of government authorities. The implementation of this procedure with regard to other subjects whose activity is of public character is further provided. This means particularly that there is regulation of the access to information about the activity of public legal subjects, which is deemed public by a law. The act applies also to access to public information about public services carried on by physical or juridical persons and financed through budget or off-budget funds, which is an essential element and provides transparency of public funds utilization. The act covers also the information providing transparency to the mass media, with determination of the scope of generally accessible information about the latter.

Prior to adoption, the Public information access act was submitted for wide public discussion, which continued for about two months. The views of other government authorities and non-government organizations were received during that period. As a result of the discussion, the principles of the act and the procedures provided for therein were approved. The final draft of the act includes most of the proposals made.

GOVERNANCE OF THE PROCESS OF MODERNIZATION OF THE ADMINISTRATION

General Governance of the Process

The Minister of public administration is responsible for the general governance of the implementation of the strategy for establishing a modern administrative system is a responsibility of In planning towards its realization the minister of public administration was aided by its political cabinet and by external consultants, including foreign experts working under the PHARE program. The main governance principles of this realization were provided for in the regulatory acts. At the same time mechanisms were provided for operative coordination and methodological support of the team in the separate administrative structures directly responsible for the application of the new regulatory documents.

The minister of public administration is the main body in the system of executive power in charge of the elaboration, implementation and horizontal coordination of the policy for modernization of the administration. In exercising his duties the minister of public administration presents a

revised annual report on the state of the administration to the Council of Ministers.

The process of implementation of the Public Administration Act was planned in the act itself and it lasted for a year after its acceptance in 1998. In order to coordinate its implementation and to ensure an overall application of the principles implied in the Act, the government established a joint council for restructuring of the administrative units within the executive power system.⁴²

The minister of public administration was appointed as head of the council for reformation of the administrative structures in the executive power. He was also in charge of the overall implementation of the Public Administration Act. Deputy ministers from all the ministries received chairs in the council. The council drafted a general methodology of restructuring the existing administrative structures to be used for the purposes of the practical restructuring: definition of the main functions of the ministries according to the new organizational model at the background of clear distinction of their functions and establishment of effective mechanism for coordination between the ministries.

Thanks to the work of the Council for restructuring of the administrative structures within the system of executive power the model of all administrative structures within the system was finally clearly established. Organization statutes for all the ministries were written and approved. Proposals were made to close administrative structures with duplicating or inadequate functions.

The Council for restructuring of the administrative system functioned until November 2000.⁴³ After that the 'Public Administration' directorate at the Council of Ministers administration took its functions of operative monitoring on the implementation of the principles of the Public Administration Act.

The 'Public Administration' directorate ensures the coordination of the *horizontal system for management and development of the administrative system and the human resource* as a central coordinating unit with the following key functions:

- to analyze the organizational state of the administrations in the system of the executive power, the human resource and their qualification;
- to analyze the working methods and procedures in the administrations and elaborate projects for optimization and improvement programs;

- methodological provision of the policy for human resource management in the system of the executive power.

An important element of the system for monitoring and managing of the process of modernization is the Internet-based Registry of the administrative structures, which provides continuous, up-to-date and technologically effective information. The Registry of the administrative structures is public and offers the constant possibility for the citizens to get acquainted with their respective issues of interest, connected with the structure and the functions of the administrative structures and their units.

The act sets out a system for periodical account on the activity of the executive administration, through reports of the respective directors of the administrative structures to the Council of Ministers.

According to the quoted amendments to the Public Administration Act, offered by the current cabinet, the role of the minister of public administration has been seriously diminished. His powers regarding the horizontal coordination on the implementation of the measures for modernization of the administrative activity were cancelled.

The overall management of the process of introducing a unified civil service is carried out separately by the respective managers of administrative structures. The main role of the methodological provision of the process of introducing the status of the civil servant is attributed to the State Administration Directorate at the Council of ministers administration as a central coordination unit. The State Administrative Commission is in charge of the supervision over the compliance with the civil servant status. The Commission has important powers related to the competitions for the posts in the civil service, which it exercises through its representatives in the evaluating committees, examination of objections from the rejected candidates and methodological instructions for the competitions. The State Administrative Commission maintains a Register of the Civil Servants, containing information on the professional and carrier development of everyone among them.

Methods and Techniques for Implementation Planning and Monitoring

The scope and the specificity of the process for modernization of the governance and the organizational building of the administrative system called for the use of a large number of techniques and methods for analysis, planning

and monitoring, which were later introduced as current practices in the work of the administration.

The dynamics of the process at its outset called for a parallel development of methodological principles and their practical testing. A main tool for planning the process for modernization of the administration was the implementation of the general and specific functional reviews whose aim was to determine the state and identify the options for change.

Thus the second half of 1997 saw the planning and implementation of the first general functional review which included practically all administrative structures in the executive power at central and regional levels, the administrative bodies of the legal and legislative powers, and of the presidential establishment. The scope of the functional review was based on the set goals and with a view to the necessity of the planning of a universal purposeful and strategically directed process of transformation of the administrative system. The planning of the process required a detailed knowledge of all structural units in the system, the organizational and functional characteristics and the legal principles in the establishment, organization and functioning of the administrative bodies.

Aims of the review:

- Assessment of the existing condition and potential of the administrative system of the Republic of Bulgaria for implementation of the mission of the new democratic state and its role in the regulation of public relations.
- Determining the major strategic directions and scope of the process of institutional establishment of the Bulgarian administration.
- Development of a universal plan for implementation of the governmental policy with respect to administration, schedule of action, criteria for assessment of the efficacy of the process and assessment of the necessary resources.

The idea for the implementation of a review of all structures of the state powers was also founded on the necessity of the identification of the system as a whole and the communication among its elements. The formulation of a strategy for the implementation of the ambitious governmental policy of the establishment of a modern administrative system required numerous factors to be taken into account—the hierarchical place, functions and implications of each element in the existing system. This was necessary for the identification of the opportunities and dangers in the planning and carrying out of the concrete actions.

The general functional review of the administrative system of Bulgaria was carried out from July till October 1997 on the basis of specially developed methods of study of the organizational condition of the administrative bodies and the organization of their activity.

On the basis of the methods of the functional review, a detailed questionnaire was developed which was sent to and filled in by the specified administrative bodies. Major elements of the functional review:

- Assessment of the missions, functions and tasks of each administrative body and its units;
- Assessment of the correspondence between the mission and functions and the actual activities;
- Formulation of suggestions for reconstruction and planning of the activities.

As a result of the functional review a *Strategy for establishing a modern administrative system of the Republic of Bulgaria* was prepared. The Strategy defines in detail the major aims and actions for implementation of the governmental policy with respect to the administrative system of the country in three major directions:⁴⁴

- conditions, related to the overall system of the state organization;
- inner conditions in the system of the executive power;
- influence on the processes of expansion of the European Union, and NATO, and the new tendencies in the development of the international relations around the globe.

The accounting of these factors, in their mutual interrelation, in the implementation of the governmental strategy guarantees the achievement of a sole national vision regarding the directions of development and possibilities for achievement of actual success. The generalized result from the General functional analysis was presented with the help of a matrix⁴⁵ of the status and possibilities for development of the administrative system.

As a result of the established good methodological and expert base for carrying out functional reviews in the period up to the middle of the 2001, several functional reviews were carried out:

- Review of the licensing, permit and registration regimes—November 1999–April 2000
- Functional review of the systems for collecting, processing, and storing of personal information—November 1999–December 2000
- Functional review of the administrative service to physical and juridical persons—June–December 2000

Along with the implementation of the functional reviews, the team of the minister of the public administration had also a long-term goal—to develop mechanisms and techniques for continuous monitoring of the process and to identify the indicators for its efficiency.

As it was mentioned above, the Register for the administrative structures was developed as a major practical tool for follow-up planning, for self-governance and for monitoring the results of the process for modernizing the administration. It contains detailed information for the structure, functions and the distribution of positions in each and every administrative structure. The creation of the Register for administrative structures was preceded by the development of an Internet-based software product—*Configuration for organizational modeling of the administrative structures*. The main aim of this application program product was to aid the executive power bodies in modeling the administrative structures so as to make them fulfil the requirements of the Administration act and the Single classificatory of the positions in the administration. At the same time, the Configuration for organizational modeling of the administrative structures was used to test the readiness of the separate administrative structures to work together in the new for them Internet environment. The assessment and the recommendations made in the process of using this product proved the need for a further use of similar tools. Subsequently, three public registers were developed—for the administrative structures; for the civil servants; and for public procurement.

Under the present conditions in Bulgaria the major factors for the relatively successful application of the method of functional review is to a large extent due to the active position of the government and the its actual willingness to fulfil the reforms. At the same time the effective accomplishment of functional reviews is directly dependent on the methodical and practical readiness of the project teams, pressed by the time and insufficient resources to manage to organize their work so that they can extract the optimally necessary and objective information about the process or the object under survey.

The Bulgarian experience in the planning of a system for functional reviews especially in the described approach to produce an Internet based information registers are a felicitous and up-to-date model of creating a permanent, actual and technologically effective informational medium for effective planning and monitoring of the implementation of the government policy. Naturally the type and organization of such kind of register should completely

comply with the specificity of the administrative practice and organizational culture.

EVALUATION OF THE REALIZATION

The new legislation practically resulted, towards the end of the term of Ivan Kostov's cabinet, in the restructuring of the entire administrative system in the country.

All the regional administrations were restructured in compliance with the requirements of the Public Administration Act—Organizational Statute of the regional administrations.⁴⁶ The municipal councils adopted new organizational statutes for their respective local administrations.

With the restructuring of the administrations the basic objective of the Public Administration Act was achieved: to establish a general organizational model for the structures of the executive power. The functions, tasks and responsibilities of the administrative units were clearly defined in their organization statutes. The capacity of the administration to cope with the issues, concerning the European Union, has increased. The uniform structure of the ministries, the agencies, the regional and the municipal administrations improved the coordination between them. The regulations of coordination of legislative projects, set by the Organizational Statute of the Council of Ministers and its administration, were systematically adopted. Each bill, decree and order, presented to the government, was obligatory accompanied by a financial argumentation. The new practice of releasing bills and other legislative projects in the Internet was introduced in order to involve the public in the discussion of their consideration. The possibility, provided for in the Public Administration Act, to carry out coordination and fulfillment of the joint policies by means of special structures—councils, which are a successful formula for better internal coordination and dialogue with the economic and social partners, receives a large-scale application.

The established model of the Bulgarian civil service should be considered as a complex result of the application of two basic legal acts—the Public Administration Act and the Civil Servant Act. The Public Administration Act introduced the new rules of organization for the execution of administrative activities, while the Civil Servant Act regulates the specific official status and the employment rules for the civil servants. In fact the two acts regulate the implementation of the civil service concept in the Republic of Bulgaria. Generally speaking, it can be charac-

terized as '*the civil service, based on professional and carrier development.*'

The general structure of the civil service can be depicted in the form of concentric circles. All categories are led by common principles, based on the law but at the same time they possess specific characteristics, defined by their functions and status. Moving from the center to the periphery, the legal status of the civil servants is increasingly subject to the common labor legislation. Nevertheless, the boundaries between the various categories of administrative personnel remain vague and are often the result of subjective assessment or budget deficiencies, which do not facilitate the clear formulation of the tasks or, in a more general perspective, do not secure the effective performance of the regulating and planning role of the administration.

At the end of the term of office of Prime Minister Kostov's cabinet the civil servant status was introduced in 77% of all structures in the central, regional and municipal administrations.

For the period April–December 2000 13 156 positions in 81 administrative structures of the central government administration were defined as civil service positions. The civil servant status in the Ministry of the interior was introduced following the respective amendments to the Ministry of the Interior Act in October 2000. At the end of 2001 the civil servant status was given to approximately 22 000-state employees.

The introduction of the civil servant status in the regional administrations began after the adoption of the Statutory Regulation of the regional administrations. The application of the Civil Servant Act in the municipal administrations is related to the adoption of statutory regulations of the respective municipal administrations, although slowly, is making progress. The civil servant status was introduced in all municipalities—some 3 to 500 positions have been allocated to the civil servants.

In general perspective, the modernization in the field of the regional and municipal administrations and the enhancement of their capacity to realize the policy for regional development is priority-set towards:

- increasing the absorbing capacity;
- providing the human resource equipped with the necessary skills for the respective public services;
- establishing good institutional organization for work with the EU funds;

- establishing effective mechanism for coordination between all stakeholders, and;
- exerting the necessary supervision.

The lack of trained and experienced human resource, the limited knowledge and skills are problems, inherent in administrative structures outside the central administration. This impedes the full realization of the government powers, which the central authority delegates and transfers to the decentralized bodies and their administrations.

As a whole, the process of organizational building of the administrative system, regardless of some digressions from the principles of this act, connected mostly with the practice of creating administrative structures with no ministerial rank and the insufficient understanding of the functional principles of organizing the internal units of the administrative structures, could be described as successful, especially in view of the exclusively short time of its continuation.

The last report on the administration for the year 2000 concludes that the new legislation, related to the constitution, organization and functioning of the administration is being applied ever more efficiently and the practices in the administrative performance and the succession of the actions are in the course of improvement. The regular report of the European Commission for the year 2001 makes similar conclusions.⁴⁷

Regardless of certain withdrawal from the establishment of the civil service in the last few months, the commitment to a further strengthening and modernization, declared by the present government, as well as the challenges before the implementation of the ambitious government program do not envisage radical reorganization of the administrative system and changes in the status of the public employees in the mid-term perspective. An argument in support of this statement is the Strategy for training of the administrative personnel, adopted early in February, with which the government has engaged with actual measures for the establishment of the civil servants status and the provision of their professional and carrier development.

At the same time, as the Strategy points out, *'the modernization of the governance and the administrative system is not a single act but a continuous process, demanding expressed political will, maintenance of constant dynamics of its development and active civil participation.'* In this connection some of the activities of the new government, regardless of the declared continuity, instead of broadening and improving the process

of modernization of the administration compromised the results that have already been achieved without offering alternative decisions and restore models, known from the past. Still, the promised updating of the strategy for modernization of the governance and the administration⁴⁸ should give a clear idea of the overall vision of the government about the essence and ways of executing this process.

CONCLUSION

*"... The main resource for strengthening the civil competence through motivated, competent and practical participation in the solution of immediate problems of the day."*⁴⁹

The Bulgarian experience in modernizing the governance and the administrative system is indicative, regardless of the relatively short period of implementation of this large-scale targeted process, of how between 1999 and 2001 practically the whole administrative system was transformed, the status of the civil servant was introduced and the foundations of the new democratic state were laid. At the same time the impact of applying the new legislation cannot be categorically assessed yet, since the results of in-depth reforms of this type become evident in not less than 3 or 4 years, irrespective of their dynamism.

The development and the expansion of the local self-government are a priority for the new government. The implementation of this policy has at least two interrelated directions—strengthening the administrative capacity of the municipal administrations and the introduction of a second level of local self-government.

The first issue stems from the lack of sufficient coordination between the municipal and the state authorities in the area of shared competencies, the lack of a system for preparation, qualification and methodological support of the local administration activities, the insufficient quality of the administrative service, which in its own turn leads to negative public attitude towards the local authorities, as well as the lack of tradition in the partnership on the part of the local authorities with the citizens, the private sector and non-government organizations for the implementation of efficient policy for development of the administrative territorial and territorial units.

The expected intensification of the public discussion on the introduction of a second level of local self-government should lead to the formation of consensus vision for the

development of the administrative territorial system in the country and of the introduction of a second level of local self-government. At the same time it should answer the question on the place that this second level should occupy given the fact that the current legislative framework, regulating the administration of the territorial management to a large extent shows a tendency for grouping the settlements in the creation of the basic administrative territorial units—the municipalities. The Republic of Bulgaria has 262 municipalities with an average of 20 settlements and an average number of residents 30 000. Such indicators are considerably higher compared with the majority of the other European countries.

Here is the point where the major difference between the concept of ‘municipality’ in a Bulgarian context and the ‘municipality’⁵⁰ understood as an autonomous territorial formation consisting of a community of people who have their particular interests, a populated center ‘which has an organized engineering, public facilities and its own administration’ should be outlined. The Bulgarian municipalities represent an aggregation of settlements, which possess some of the characteristics of administrative territorial regions within the meaning of the territory. In this connection the Bulgarian local self-government, executed by the municipalities, has to a large extent the character of regional self-government or the so-called second level of local self-government. At the same time the separate settlements, i.e. the places that appear to be the natural center for the development of a community and public life,⁵¹ lack forms of local self-government.

A possible approach to the optimization of the self-government system is the perception of the existing system of local self-government as a *second level*, and thus the efforts will be directed towards the creation of a basic level of local self-government in the *settlements (towns and villages)*, i.e. closest to the people.

Such an approach will ensure the possibility for efficient participation of the citizens in tackling issues of local significance, and at the same time the process will not result in the violation of the natural processes in the administrative activities, since the present municipal councils will gradually transfer their functions to the newly-created ones and they will take the functions of a second level of local self-government. This will lead to the actual creation of conditions for the fostering of the local democracy. It is however natural that the planning of this process will envisage a sufficiently long period for the efficient

implementation of the two-level local self-government system; 5 years for example, i.e. the cycle of a mandate.

The only way to achieve effectiveness of the process of decentralization and increasing the local democracy is to make the process an integrate part of the efforts for modernization of the governance, perfecting the administrative system and improving the administrative performance. This process should not be considered “the necessary reorganization” but rather be based on specific political, economic and social values for the public.

The good governance has occupied central position in the public sphere. At the same time the lack of clear and well-defined mechanisms of introducing it into all spheres of governance (economy, public order, social security, education, environment etc.) produced certain fragmentation and did not ensure the appropriate decisions in every case in the government practices. Together with the lack of a structured public debate on “the government that the public wants,” one that would rationalize the strategic ideas for the state government, this has pushed those matters to a secondary position and eventually the achievements of Kostov’s cabinet were diminished, at the end of his four-year term of government, to mere success in the foreign policy.

Thus, although the foundation was laid for understanding of the new role of the state, the ‘*good governance*’ idea failed to establish as a main criteria of the public evaluation of the political forces in their activities.

‘... The results of the latest parliamentary elections speak eloquently about the consequences of citizen passivity between elections. What differentiates the votes cast for NMS II are not authoritarian values, but the lack of citizen practices, attitudes and knowledge ... The outcome of the parliamentary elections reflects the isolation of many people from governance in Bulgaria.

The enormous challenge in front of any new government is to mobilize the participation of all citizens and to transform them into co-authors and partners of the new governance.’⁵²

ANNEX 1

Matrix of Status

Table 1
Type of the Organization

Characteristics	“Reacting”	“Responsive”	“Active”	“Highly effective”
Time orientation	in the past	at the present	in the future	in progressive motion
Degree of orientation	distraction	in productivity	in the result	in perfection
Planning	of excuses	of activities	of strategies	of development
Model of changed	trough punishments	trough adaptation	trough planning	trough programs development
Governance	finding out of the guilty	co-ordination	maintaining of order	“navigation”
Structure	fragmentary	hierarchical	matrix	network
Perspective	personal	group	of the organization	“corporate culture”
Motivation	parrying of blows	reward	co-operation	actuality
Development	scratching a living	unity	harmony	transformation
Communication	forced relations	establishment of feed-back relations	direct relations	constant exchange of information
Management	compulsory	training	determining the objectives	confiding

ANNEX 2

Main Challenges with which the Process of Establishing of a Modern Administrative System of the Republic of Bulgaria Faces

Factors for Success

When elaborating the strategy for establishing of a modern administrative system of the Republic of Bulgaria an analysis of the key factors for achieving the strategic objectives has been done. The main factor for success of the activities for the realization of the Government strategy is the planning and carrying out of an *overall, strategic oriented, sustained process of changes*. The management of this process should be directed towards achieving the desired results through ensuring favorable, prognosticated conditions for its flow. These conditions could be synthesized in three main groups:

Conditions, Referred to the Whole System of the State Administration

1. Stability of the political system—development and stabilizing of the consensus achieved on the overall development of the state and its concretization with regard to the state administration and civil servant's status;
2. Codification of the legislation—elaboration of common rules for organizing the activity, in particular, those of the administrative structures aimed at improving their functioning;
3. Effective co-ordination and interaction among the bodies of the state power *in elaborating and carrying out of the state policy*.

Internal Conditions within the System of the Executive Power

1. Commitment of the governmental for the sustainability of the process while delimiting the activities on formulation and elaboration of the policy of activities on the realization of the feedback for the effect of the implementation of the policy as an obligatory condition for the de-politization of the civil servants;

2. Adequate usage of the available human resources in the planning and the realization of the activities while at the same time the necessary efforts are made for enhancing the professional qualification of the employees within the administration and stabilizing the internal relations within the system;
3. Stabilizing the coordination among the ministries in elaborating the governmental policy *through stimulating the horizontal links within the administration*;
4. Establishing a mechanism for administrative control and periodical assessment of the effectiveness of the work of the administration on the implementation of the legislation;
5. Attractiveness of the civil service by stabilizing the civil servant status and decreasing the conditions for corruption, by introducing the principles of competition in recruiting the civil servants, creating conditions for professional and career promotion and an adequate remuneration;
6. Active involvement in the process of the territorial bodies of the executive power and the bodies of the local self-government—*increase the role and importance of the regional governors as a transmission of the state policy at a local level; filling with content the functions of the mayors of the municipalities for executing their juridical powers in carrying out the state policy*;
7. Increasing the information provision of the process of elaborating of the policy; introducing up-to-date information technologies in the activity of the administration and in the administrative service of the citizens and legal persons;
8. Effectively using the external assistance, provided to the country by different donors and increasing the responsibility of the institutions, which receive the external assistance, for its effective and appropriate use;

9. Increasing the participation of citizens in the elaboration and co-ordination of the government policy;
10. Publicity and reporting, in the course of the process, before the society, as well as a purposeful information policy referred to the activity of the administration.

Impact of the Processes for Extension of the European Union, NATO and the new Tendencies in the Worldwide Development of the Interstate Relations

1. The Luxembourg decisions about an equal start in the process of accession of the countries of East and Central Europe to the European Union—the integration of the Republic of Bulgaria into this process responds to the strategic goals of the country.

This possibility is a serious challenge for the Bulgarian country. The preparation and the carrying out of the negotiations for the accession of the Republic of Bulgaria into the European Union require an entire mobilization of the state structures and fortification of their potential for the elaboration and the implementation of the state policy. At the same time the accession of the Republic of Bulgaria into the European Union must be carried out in a close co-operation with the Member States of the European

Union and as well as with the candidate Member States.

2. World-wide globalization of: the international economic exchange; the competition; the new transitional means of communication; the increasing mutual dependence between the nations and the cultures places new, every time more and more complex requirements before the processes of changes.

The adequate response of these requirements places under doubt the effectiveness of the traditional structures and ways of acting of the state apparatus in managing the complexity, variety and the mutual dependencies of the modern society.

3. Transition to the information society—increasing the volume of the informational flows and the human knowledge requires effective national systems for an exchange of information, concerning the governing, which must be open, flexible and adaptive to the changes with the respective mutual interconnections.

Taking into consideration these factors in the implementation of the government strategy, accepted in their mutual connection, guarantees the achievement of a unified national vision about the directions of development and the possibility of achieving real results.

NOTES

- ¹ November 1991—December 1992, Prime-minister Philip Dimitrov, formed by the Union of Democratic Forces, after the Parliamentary elections, October 1991.
- ² January 1995—February 1997, Prime-minister Jean Videnov, formed by the Bulgarian Socialist Party, after the Parliamentary elections October 1994.
- ³ Human Development Report, UN Development Program, 1996.
- ⁴ May 1997—July 2001, Prime Minister Ivan Kostov, leader of the victorious coalition of the Union of Democratic Forces.
- ⁵ Decree No. 36 of Council of Ministers from February 1998.
- ⁶ National Plan for Economical Development, and National Plan for Regional Development—adopted October 1999.
- ⁷ Regional Development Act, publ. SG, No. 26, 1999
- ⁸ *The Regional Development Council at the Council of Ministers* discusses and develops the NPRD and also co-ordinates the activities of regional importance, essential for its implementation. It is within its competence to evaluate the infrastructure projects and, as a whole, this is the most important authority in charge of the formulation and monitoring of the regional development policy in the Republic of Bulgaria. The Regional Development Council under the Council of Ministers consists of 11 members. The Minister of regional development and public works presides the council and the minister of finance, the minister of the economy, the minister of transport, the minister of commerce and tourism, the minister of agriculture and forestry, the minister of the environment, the minister of labour and social policy, the minister of health, the minister of education and science are its standing members. Advisory vote at the meetings of The Regional Development Council at the Council of Ministers have the district governors and a representative of the National Association of Municipalities in the Republic of Bulgaria.
- ⁹ Decree No. 104 of the Council of Ministers from 1999, publ. SG, No. 53, 1999
- ¹⁰ National plan for regional development for the period 2000—2006, adopted with Decree No. 208 of the Council of Ministers from 1999, publ. SG, No. 106, 1999, amended by SG, No. 24, 2001
- ¹¹ Elected by the National Assembly, July 2001, after the regular parliamentary elections, June 2001, won (42%) by the newly formed National Movement Simeon II, a coalition between two political formations—the Movement for National revival “Oborishte”, and the Party of the Bulgarian Women.
- ¹² Simeon Sax-Cobourg-Gota is the son of the last Bulgarian tsar Boris III (1918–1943).
- ¹³ The changes enacted are presented in the present survey further on.
- ¹⁴ Local self-government and Local Administration Act (LSLAA), publ. SG, No. 77 from September 1991, last amended—SG, No. 1, 2001.
- ¹⁵ Decision No. 125 of the Council of Ministers from March 1998.
- ¹⁶ Administrative-territorial System of the Republic of Bulgaria Act (ASRBA), publ. SG, No. 63, 1995, last amended—SG, No. 57, 2000.
- ¹⁷ The settlement is territorial unit, which is historically and functionally a differentiated territory, defined with the existence of constantly residing population, construction borders or land and construction borders and the necessary social and engineering infrastructure. The settlements have their territory, borders and name and are divided into towns and villages, where the towns should have a population of over 3 500 persons and the appropriate social and technical infrastructure.
- ¹⁸ Art. 136, par. 2 of the Constitution.
- ¹⁹ The mayoralty is a constituent administrative-territorial unit in the municipality, which has its territory, borders population, name and administrative centre and consists of one or more neighbouring settlements.

- ²⁰ The district is a constituent administrative-territorial unit in the municipality, which has its own territory, borders, population, and name. Districts are obligatory established in the capital city (Sofia) and in the cities with population of over 300 000 persons (Plovdiv, and Varna). With a decision of the respective Municipal Council districts can also be established in the cities with population of over 100 000 persons.
- ²¹ Art. 2, par. 2 of the Local self-government and Local Administration Act (LSGLAA)
- ²² The order of election of community mayors is defined by law—the Local Elections Act, publ. SG, No. 66, 1995, last amended—SG, No. 24, 2001.
- ²³ Public Administration Act, publ. SG, No. 130, 1998, last amended—SG, No. 99, 2000
- ²⁴ Civil Servant Act, publ., SG, No. 67 1999, last amended—SG, No. 110 2001.
- ²⁵ Administrative Services to Physical and Legal Entities Act, publ., SG, No. 95, 1999.
- ²⁶ Access to Public Information Act, publ., SG, No. 55, 2000, last amended SG, No. 1, 2002.
- ²⁷ Members of the Council of Ministers are the Prime minister, the vice prime ministers, and the ministers.
- ²⁸ Labour Code, publ., SG, No. 26 1986, last amendments—SG, No. 1 2002.
- ²⁹ SG, No. 99, 2001.
- ³⁰ Decision No. 2 of 1999, constitution case No. 33/98 of the Constitutional Court of the Republic of Bulgaria—SG, No. 8, 1999.
- ³¹ Ratified with a law, publ. SG, No. 28, 1995, issued by the Ministry of regional development and public works, publ. SG, No. 46, 2000.
- ³² Local fees and taxes Act, publ. SG, No. 117, 1997, last amended SG, No. 109, 2001.
- ³³ Municipal Budgets Act, publ. SG, No. 33, 1998, amended, No. 69, 1999.
- ³⁴ Decree Nos. 152 and 259 of the Council of Ministers, 2000.
- ³⁶ The bodies of executive power are defined in the Constitution of the Republic of Bulgaria, and the Public Administration Act.
- ³⁶ Decree Nos. 4 and 35 of the Council of Ministers, 2000.
- ³⁷ The lowest level of higher education, according to the High Education Act, publ., SG, No. 112, 1995, last amendments SG No. 22, 2001, is that of a “*specialist*.”
- ³⁸ Decree No. 82 of the Council of Ministers, 2000.
- ³⁹ Order Nos.-100 from December 29, 2000 of the minister of state administration.
- ⁴⁰ The Universal Human Rights Declaration adopted by the UN General Assembly on 10 December 1948, article 19 in particular and the European convention on protection of human rights and basic freedoms.
- ⁴¹ Recommendations of the Committee of ministers of CE member-countries No. R (81) 19 on the access to information held by public authorities; No. R (94) 13 on ensuring transparency of the mass media; No. R (99) 1 on mass media pluralism incentive measures.
- ⁴² Decision No. 43 of the Council of Ministers, 1999.
- ⁴³ Decision No. 826 of the Council of Ministers from 2000 to close the council.
- ⁴⁴ See Annex 1 *Main challenges, which faces the process of establishing of a modern administrative system of the Republic of Bulgaria—factors for success*.
- ⁴⁵ See Annex 2 *Matrix of Status*.
- ⁴⁶ Decree No. 121 of the Council of Ministers, 2000.

⁴⁷ “Last year (2000), progress in laying the legal framework for a modern, professional and independent public administration was reported. This has continued through the adoption of most necessary secondary legislation and progress in implementation of the legal framework, thus making further progress towards the short-term Accession Partnership priority of implementing the civil service law. The legal framework for the Bulgarian civil service is now largely satisfactory but a number of issues still requires attention. There is now a need to focus on its implementation to ensure establishment of a professional and impartial civil service.

Further steps have been taken towards the implementation of the Laws on State Administration and the Civil Service. Statutes setting out the structures for most ministries and executive bodies have been adopted by the Council of Ministers. Employees in the administration are gradually being covered by the new civil servant status. By September 2001, 17 300 people had civil servant status. This represents about 30% of those employed in state administrative structures (including national, regional and municipal administrations). These figures exclude the Interior Ministry where about 8% of staff (5119) have been demilitarised and have Civil Servant status. People with this status received significant salary increases of approximately 20%, which is intended to contribute towards recruitment and retention of high quality personnel. Civil service salary levels and pay components (e.g. allowances and bonuses) are regulated by law.”—*2001 Regular report on Bulgaria’s progress towards accession.*

⁴⁸ The program of the government envisions the adoption of a new, updated strategy for modernisation of the state management and the administration to be a fact by the end of March 2002.

⁴⁹ Human Development Report, UN Development Program, 2001.

⁵⁰ Designated as municipality, commune, municipal, Gemeinde, comune.

⁵¹ The conclusion comprises an actual practice in the country and is valid as far as the possibility, envisaged in the LSGLAA (Art. 37b), for selection of mayoral counsellors has not yet found its practical application.

⁵² Human Development Report, UN Development Program, 2001.

