

## **Policy Action Brief CIVIL SOCIETY INDEX FOR BULGARIA**

### **Action Plan for Civil Society Development in Bulgaria: In search of legitimacy, civic engagement, and national agenda for reforms**

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#### **Introduction**

The Civil Society Index (CSI) is a participatory needs assessment and action planning tool, which has the overall goal of creating a knowledge base for strengthening civil society around the world. Open Society Institute – Sofia (OSI-Sofia) was the national partner for Bulgaria in implementing the 2008 to 2011 CSI phase in partnership with CIVICUS: World Alliance for Citizen Participation and the UNDP Bulgaria.

The OSI-Sofia has broad experience in building civil society infrastructure and enhancing civic participation as a stronger voice in policy-making, and this undertaking has been a step further in this direction. The partnership with CIVICUS, given their role in strengthening citizen action and civil society, has proven productive.

The CSI 2008-2011 has also been able to build on the findings of the first phase of CSI for Bulgaria, 2003-2005, implemented by Balkan Assist Association, *Civil Society without the Citizens*. This most recent CSI covers five dimensions of civil society development in Bulgaria: civic engagement, level of organisation, practice of values, perception of impact and the external environment, with its findings generated through quantitative research (surveys of the population, Civil Society Organisations (CSO) representatives and external stakeholders in the sector) and qualitative research (case studies, regional discussion groups, desk research). This has enabled a comprehensive analysis of the state of affairs of civil society in Bulgaria, outlining main persistent traits, challenges and trends.

The 2011 CSI report on Bulgaria: *Citizen Actions without Engagement* represents a good point for initiating a broad debate on the role of civil society in Bulgaria more than 20 years following the fall of communism and four years after accession to the EU.

#### **Acknowledgement**

This Policy Action Brief builds upon the Bulgaria CSI Analytical Country Report and on the discussions and working groups of the National Workshop and the Civic Participation Forum.<sup>1</sup> Special thanks go to all participating organisations and experts.

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<sup>1</sup> Civic Participation Forum is an independent and informal platform of 90 NGOs in Bulgaria that are working to enhance civic participation in decision-making on local, regional and national level and to improve the interaction between civil society and the public institutions.

## Summary

The Civil Society Index (CSI) is an international action-research project assessing the main strengths and weaknesses in civil society development worldwide.

The current study is the second for Bulgaria and the first following the accession of Bulgaria to the EU in 2007, implemented between late 2008 and 2011. The process of EU integration considerably changed the contextual environment, adding three new dimensions: a new level of decision-making; new mechanisms and character of EU leverage over domestic reforms; and a new partner in decision- and policy-making, in the shape of the EU institutions. This offers a new impetus for CSOs, in shaping their agenda and role in society and policy-making.

There is a significant shift in allocating public funds to CSOs following the accession. Traditional donors reduced their financial contribution to CSOs, which further emphasised the main challenges in the sector. CSOs have been marginalised from the reform agenda and face issues of financial instability. There is a significant gap between CSOs and citizens and CSOs are dependent on the state due to the altered forms of financing. This financial dependence on the state for funding raises concerns of malpractices and corruption.

Low trust in CSOs, weak links between CSOs and citizens, and limited abilities to influence decisions and policy-making are the persistent traits of civil society development in Bulgaria. It appears that the citizens see the authentic voice of civil society expressed through informal activist groups rather than through NGOs.

### CSI for Bulgaria: main findings

The CSI for Bulgaria reaffirmed that civic engagement is a problematic area of civil society development, while civil society demonstrates moderate levels of the practice of values and still limited ability to create an impact, with higher levels of organisation of CSOs and the conditions of the external environment for CSO operations.

The low score for civic engagement is mainly due to the low levels of participation in the organisational structures of civil society and low levels of interpersonal trust, which affects the functioning of civil society as a whole. CSOs are primarily seen to act *for* rather than *with* citizens and not to operate under a citizens' mandate. Thus citizens prefer new forms of participation and representation of their personal interests. Various civic activist groups inhabit the arena of civil society in Bulgaria and are visible, active and able to create an

- 81.5% of citizens do not take part in any action or initiative
- 52% of citizens do not have trust in civil society
- 35% believe there is no civil society at all
- The new faces of civil society are seen primarily through activist groups such as students, pensioners and environmentalists
- 57.8% see sending texts for charity campaigns as a main means of involvement
- 31.5% of citizens state that they are likely to take part in an initiative when they have personal interest in the goal of the action
- 35.1% of citizens will take action against an institution when they are personally affected
- 70% of citizens claim they do not trust other people
- Most people spend their spare time primarily with their family
- Main social concerns in Bulgaria are corruption and poverty

impact. This requires a specific commitment on behalf of CSOs to channel this civic energy and enhance commitment through higher visibility, credibility of actions and forms of mutual interaction between CSOs and citizens in the form of civil panels, volunteers' weeks and civic education projects. This will also serve as a turning point in enhancing CSOs' level of impact. Through reconnecting with citizens and gaining higher legitimacy and a clear-cut mandate from citizens, CSOs will be better able to influence decision- and policy-making and to target their activities with a supply-demand approach, empowered by the respective constituencies and in response to citizens' needs.

CSOs in Bulgaria have a well-defined profile, while being effectively a by-product of the financial, institutional and administrative assistance of foreign donors and international organisations since the beginning of the 1990s. CSOs are well equipped technically, but still experience financial problems. Financial unsustainability leads to employment instability, where most of those employed in the sector are on temporary or part-time contracts. The positive development of building civil society infrastructure of coalitions, networks, forums and platforms on the national level is still unsustainable, which prevents consolidation of CSOs to successfully exert impact on national level. CSOs also have limited representation on the EU level, which hinders their potential to actively participate in decision-making at this level.

- Limited impact of CSOs – 49% of the organisations claim their impact is limited
- 57.1% of external actors see civil society impact as limited
- 2/3 of citizens think that CSOs have no impact on public policy-making
- Around 70% of the CSOs consider that civil society is not included in the process of decision and policy-making on national and EU level
- 39.7% of citizens see representation of the interest of a certain group as a source of legitimacy of CSOs and 34.1% see dialogue with citizens as most important
- 36.4% of CSOs see corruption as frequent in the sector
- Main cases of malpractices are considered to be dependence on state structures (40.2%), financial misappropriation (39.3%) and mismanagement of EU funds (37.6%)

These challenges influence the CSI Perception of Impact dimension as CSOs are not fully able to respond to societal concerns and to advocate successfully for solving societal and public policy issues. More than 20 years after their resurgence, CSOs in Bulgaria are still not fully able to consolidate efforts and network sufficiently. There are no comprehensive umbrella organisations in Bulgaria and CSOs are still not fully able to coordinate. This requires further efforts to enhance CSO consolidation to improve their societal responsiveness. Furthermore, the internal organisation of CSOs calls for review of the financial viability of the sector through diversification of funding sources, enhancing fundraising accountability and better management of public funding. Policies on employment within CSOs also prove a challenge. Instability of personnel bases, lack of job security and hiring on a temporary, project basis characterise the sector. However, in

individual sectors – such as education, environment and support to vulnerable groups – CSO activities are perceived as more effective.

In relation to impact, CSO-government relations are still subject to arbitrariness. Though some legislation is in place and standards for consultations are adopted, further measures to

frame these relations are necessary in order to secure clear-cut, uniform, legally-binding rules in communication with the government and its consultative bodies.

In the sphere of values, CSOs need to adopt further measures in enhancing their internal labour and environmental standards, developing codes of conduct and transparency standards, and ensuring that these are enforced in practice. In addition they need to streamline their abilities to overcome a negative public image and rectify corruption in the civic sector. CSOs themselves need to advocate for better transparency and accountability of the sector in order to sustain their mission of being a public monitor and watchdog, thus enhancing their legitimacy and impact.

The external environmental background provides a comparatively favourable framework, but issues of corruption, poverty and unreformed areas of human development (healthcare, educational and social systems policy reforms) hinder civil society development. With EU accession, these challenges appear even more acutely on the agenda as there is no active leverage to push for reforms. This is where CSOs can contribute as agenda setters on a national level to advocate for an action plan for reforms and prove themselves as legitimate actors in society.

### **In search of legitimacy, civic engagement, and national agenda for reforms**

The most challenging issues for civil society development in Bulgaria are cross-cutting for the five dimensions of the CSI. These issues are multifaceted and inter-related, and persist as traits of civil society development in Bulgaria

#### *Civic engagement and involvement of citizens*

Civil society in Bulgaria is still challenged by low citizen participation, weak societal links and problematic social capital building. The citizens tend to not recognise NGOs as the main bearer of authentic civil society actions while the link between CSOs and citizens is weak. The data from the CSI largely overlap with the findings of the European Values Study (EVS). Citizens tend to get ‘encapsulated’ within their family circle and their closest family members, which serve as a sort of safety net, but limit any social contact outside that circle. This is coupled with low trust in representative institutions and fellow citizens. Low levels of engagement and trust in social processes indicate a sustained trend. The predominant part of the citizenry is seemingly indifferent and tends to get provoked when their personal interest is at stake and they are personally affected. As a main form of civic activism, citizens see sending texts for a campaign, which is still controversial as a fund-raising activity in Bulgaria and is not considered as civic engagement per se. People primarily claim to trust organisations that represent the interests of a given social group, have a dialogue with citizens, advocate for certain rights and policies and have a large membership. Under certain conditions people’s passivity about participating in civic initiatives could be overcome if the cause is effective and visible.

Organisations show a tendency to become more professional, for example through carrying out consultancy services and providing expertise. However, this has the challenging effect of leaving citizens out and making CSOs more distant. CSOs need to involve citizens in their activities, to strengthen their abilities to engage citizens in policy-making and to improve the way they translate the main issues of concern from the policy process to citizens.

CSOs need to become visible not through project-hunting and funding, but through their stories of making a difference and changing lives. This has to do with the PR and

communication strategies of CSOs in Bulgaria and with building legitimacy and generating trust in their activities.

### *Legitimacy*

CSOs are not considered as fulfilling citizens' interests and their legitimacy is at stake. There is still a significant gap between CSOs' mission statements and the citizens' mandate. CSOs have limited impact on policy-making and controversial experience in advocacy and public consultations. This issue is multi-dimensional: on one hand, there is faltering trust in civil society as a whole and the problematic image of the sector; on the other, this is a consequence of the lack of a coherent and uniform approach to CSOs' inclusion in decision and policy-making.

#### 1. Lack of quality statistics of the civil society sector in Bulgaria

The number of CSOs in Bulgaria in late 2010 was estimated to be more than 33,000 registered under the Non-profit Legal Entities Act alone, whereas 8,000 have public benefit status. According to the Bulgarian Center for Non-Profit Law (BCNL) only 4,000 altogether submit reports to the National Statistical Institute, and around 4,000-5,000 are considered somewhat active, with 1,000 estimated to be permanently engaged in activity. There is no actual and statistically coherent and correct information about the civil society sector in Bulgaria. There is no universal classification of activities or official database. As stated in a recent report of the BCNL, the Register of CSOs in public benefit is not regularly updated and the information in the National Statistical Institute is not correct. This hinders the visibility and accountability of the sector. Thus the sector, which is supposed to act as a watchdog and public monitor and to prevent irregularities and safeguard the process of democratic consolidation and public policy making, exists in an information vacuum.

#### 2. Trust in civil society in Bulgaria

CSOs still struggle with issues of legitimacy, a problematic image, relatively low public trust and weak links to their constituencies. Further measures are needed in order to address public image deficiencies that relate to CSOs' public mandate and legitimacy and to secure transparency and accountability of the sector. More than 50% of people do not trust the sector, while 28.8% do not trust CSOs at all and 29.5% trust to a very small extent (OSI-Sofia 2011). 68% consider CSOs as not effective in what they are doing (Alpha Research 2010). These trends result in apathy among citizens concerning CSO activities.

#### 3. Consolidation, representation and inaccessibility of the legislative process

The CSI has demonstrated a positive trend in networking among CSOs, but most initiatives to consolidate the sector have proven short-term and ad hoc. This is further complicated by the inaccessibility of the legislative process and the limits to consultations with public institutions. The lack of a clear-cut framework and the absence of legally-binding standards for consultation or an obligation of the public administration to involve and consult CSOs create a level of arbitrariness and incoherence in the legislative process. Furthermore, public institutions tend to favour the so-called nationally-representative institutions<sup>2</sup> in decision- and policy-making processes, thus limiting the access of CSOs.

#### 4. Financial sustainability

Another layer that is cross-cutting in terms of legitimacy is the lack of financial resources for CSOs. With EU accession, this challenge is even more acute. Rather than having the means to

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<sup>2</sup> Trade unions, professional associations, employer and business associations, and national unions of people with disabilities that have preferential legislative status and position with the state.

sustain themselves financially, CSOs are in survival mode. Most of the EU funds go to service provision. The budget subsidies are not allocated through competition: only 1.5% (around 75,000 Euro) of the total amount for 2010 was open to competition. Fundraising is still not developed as a sustainable mechanism, and further efforts to diversify funds and ensure independent funding are necessary.

### *National agenda for reforms*

EU accession was expected to provide all answers to Bulgaria's problems and needs for reform. It was taken for granted that preparations for EU membership promoted the democratisation of the candidate countries. The tools of conditionality combined with the perspective of being a new member were believed to have played major role in democratisation processes. What occurred, however, is that most of the accession criteria followed the EU-driven agenda rather than serving the needs of domestic transformation and reform.

EU leverage was limited in terms of reforming the human development domain (healthcare, educational and social systems policy reforms), which resulted in incomplete reforms in these sectors, which is directly linked to the quality of life of the population

The process of EU integration considerably changed the external context, adding three new dimensions: a new level of decision-making where between 50-80% of the decisions and policies that have impact nationally are taken on the EU level; EU leverage over domestic reforms; and new partners in decision- and policy-making, in the shape of the EU institutions. This offers a new momentum for CSOs in shaping their agenda and role in society and policy-making. What happened however is that the accession brought further challenges to the civil society sector in Bulgaria in terms of marginalisation of CSOs, lack of knowledge of EU decision-making mechanisms and inability to strategically engage on an EU level. Furthermore the main channels of funding are mediated through the state, thus limiting the independent position of the sector towards the state.

Therefore CSOs in Bulgaria are left out of the public debate on reforms, lacking capacity to invoke and advocate for a long-term national agenda in this field.

### **Guidelines for change**

The CSI Bulgaria team has drafted specific recommendations that were discussed with the participants at the CSI National Workshop and at the Annual Meeting of the Civic Participation Forum. To improve civic engagement, further actions are necessary to facilitate communication between CSOs and citizens. In order to strengthen the level of organisation and impact, recommendations are put forward to foster internal consolidation of CSOs and better regulation of the possibilities for civic participation in decision- and policy-making. To achieve this goal, additional efforts are needed to put on the societal agenda the issue of public funding of CSOs and facilitation of better relations between CSOs and public institutions. Such actions will improve the contextual background and the working practices of CSOs, and create preconditions for better transparency and accountability of civil society. As part of the overall strategy of OSI-Sofia to improve the state of affairs of civil society in Bulgaria, the CSI team in partnership with the Civic Participation Forum has further drafted recommendations as part of the Forum Action Plan and working groups' activities.

The guidelines for action can be referred to two major groups of stakeholders: CSOs and the state.

### **Recommendations to CSOs:**

1. CSOs need to enhance their transparency and accountability and provide more information on and visibility of their activities, sources of funding, team and experts
2. CSOs have to build a platform of supporters and involve external actors in their activities through volunteer weeks, corporate social responsibility, citizen panels, public-private partnerships, and involvement in civic education curricula
3. CSOs need to adopt mechanisms for self-regulation
4. CSOs have to streamline efforts to ensure correct and quality information for the civil society sector in Bulgaria
5. CSOs have to unite advocacy efforts for developing a civil society-state strategy as a framework to guide the relations of civic participation in decision and policy-making, public consultation, citizen initiatives, referenda, etc.
6. CSOs need to further advocate for a uniform approach to inviting CSOs into public consultations and policy-making through amendments and legally-binding mechanisms
7. CSOs need to coalesce efforts for building a 'Civil Society House' as a shared resource centre to provide consultation, organise various initiatives to involve citizens and CSOs and to facilitate relations with state institutions and consultative bodies and the EU institutions
8. CSOs have to develop mechanisms towards and advocate for independent sources of funding
9. CSOs have to further invest efforts in communication with the media
10. CSOs need to get involved in managing and mediating the decision and policy-making process on local, regional, national and EU level by explaining to citizens and communities how certain policy changes will affect every-day life
11. CSOs should draft an agenda for emergency reforms in the human development domain in order to improve the environment and strengthen the impact of civil society on decision-making processes at the national, regional and European levels
12. CSOs should initiate a national debate on the vision for the civil society sector and define the role of civil society in Bulgaria in the next 10 years

### **Recommendations to the state (public institutions, government, parliament, local authorities):**

1. The state needs to provide a favourable legal framework for public consultations, civic participation and uniform access to decision and policy-making
2. The state needs to adopt a common vision for cooperation and partnership with civil society actors
3. The state needs to enforce the necessary legal framework to provide uniform entry points to all interested parties in the processes of decision and policy-making
4. The state needs to amend its selection procedures in allocating state budget subsidies for CSOs
5. The state needs to ensure independent funding through providing an NGO Fund/Charity Fund
6. The state needs to provide conditions for outsourcing to CSOs activities such as organising public discussions, polls, citizens panels on major societal issues, enhancing democratic decision-making and improving governance at municipal, district and national levels, organising referenda, national debates and deliberative polls
7. The state needs to enforce measures for quality statistical information on CSOs and to implement the respective legislative obligations through the public register
8. The state needs to provide safeguard mechanisms for operational programmes allocation procedures and to ensure independent monitoring

9. The state needs to partner with CSOs in initiating a national debate on the long-term vision for the development of Bulgaria, especially in the human development domain.
10. The state needs to provide a framework to involve CSOs in research and community building; in impact assessment; in enforcing policy measures and informing citizens on policy changes; and in facilitating public discussions and debates on certain policy alternatives that bring the wider public voice into decision and policy-making processes.