

# THE NATIONAL ASSEMBLY AS A POLICY MAKER IN THE FIGHT AGAINST ORGANIZED CRIME AND POLITICAL CORRUPTION

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## Abstract

Current research, commissioned by RiskMonitor Foundation shows that the Bulgarian National Assembly has still unutilized potential to play a significant role in overcoming serious problems concerning organized crime and political corruption. Based on the empirical findings, the current paper seeks solution of the fundamental problem with the passive role of the legislature in formulating and implementing policies aimed at organized crime and corruption. The paper tries to explain the magnitude of the problem and the impossibility of radical and permanent change without having thorough institutional reform. The paper offers a number of short-term, still applicable solutions that could restrict the negative effects of the National Assembly's work deficits. However, a completely new stage in the fight against organized crime and political corruption can be expected only as a result of grand institutional reform that prescribes the parliament a key role in this policy sector by making the Prosecutor general and the Minister of Interior subjects of parliamentary control.

## 1. Empirical evidence for the role of the National Assembly in the fight against corruption and organized crime

In 2011 as part of the project „New Policy Responses to Organized Crime: The Bulgarian National Assembly as a Proactive Policymaker”, funded by Think Tank Fund – Budapest, a research team of the RiskMonitor Foundation conducted an empirical study comprising of 20 in-depth interviews with experts in the subject of policy making against organized crime and political corruption (Dimitrov *et al* 2011). These experts are mainly top politicians, members of parliament and ex-ministers, directly engaged in the parliamentary work on these issues. A smaller part of the respondents are law experts and journalists with long-standing observation on the work of the National Assembly in this field. Object of study is the whole cycle of the political life and its inherent system of institutions that have direct relation to the parliamentary potential of participating in the policymaking on crime and corruption.

The research indicates certain qualitative change in the measures for preventing organized crime and political corruption. Although pretty problematically, formal party program intentions are turning into real political actions that include not only strategies and action plans but concrete legislative and institutional decisions. There are instances of direct engagement of the National Assembly in the implementation of such measures under parliamentary control, as well.

Nevertheless, permanent results can be expected not as a result of swarming new institutions of internal security. They require systematic interaction of existing agencies in a single institutional mechanism. In that respect, the parliament could play not only a significant role in goal setting and in providing necessary legislation, but in exerting thorough public control on the efficiency of the system, as well.

Based on the empirical findings, this paper demonstrates several problematic fields in the functioning of the National Assembly and offers short-term policy solutions. It is clear that ultimate solution of the problem with systematic corruption and serious crime requires much stronger effort, social transformation and overall reconsideration of the institutional system of the state. Although real, the available opportunities for increased efficiency of the parliament in

implementation of policies in this sector are still significantly limited by the macro-conditions, set by the mode of operation of the executive, the deep crisis in the judiciary and by the whole constitutional model. Only large-scale improvements in this institutional frame would radically increase the capacity of the National Assembly for more efficient participation in making and implementing policies for internal security. This aim is hardly achievable in short-term perspective. However, the parliamentary institution could generate an impulse for change that could be turned into a policy through the competences of the parliament to model institutions at least to a certain extent.

## **2. The inefficiency of the fight against corruption and organized crime: institutional reasons**

### **2.1 State of the problem situation**

During the last years the fight against corruption and organized crime succeeded in becoming a dogma in the social agenda in Bulgaria. Governmental and non-governmental structures, international organizations and foreign countries, the last collectively called “Euro-Atlantic partners” of Bulgaria are fighting with these vicious phenomena. Obviously NATO and EU members are deeply worried by the fact that a country unambiguously defined as a symbiosis of political corruption and organized crime, even as a mafia state (Naim 2012), by internal and foreign analysts, participates in these organizations and has access to decision the making processes.

Although policies for fight against organized crime and corruption are of primary importance in Bulgarian political and governmental discourse, assessment shows that satisfactory results are missing, if we use the politically correct formulation of the European Commission. The essence of the problem is the lack of real and meaningful results in this fight, despite the systematic pressure of the EC, USA and of several Western European countries. This shows that the attitude of the national, as well as of the supranational institutions represents a wrong set of measures and the system of policymaking in the fields of fight against crime and corruption could be unambiguously defined as defective.

At the input of the system is exerted external pressure for quantitative results, mostly number of convictions, including proposals for institutional and legal decisions. The next stage consists of hectic initiatives of the executive for implementation of the recommendations that formulate the institutional and the legislative solutions proposed from abroad inline to the administrative and legal procedures of the country. The resulting product is a number of bills introduced by the Council of Ministers and adopted by the National Assembly. The adoption happens without meaningful parliamentary reaction because a) the measures are proposed by the highly reputable Euro-Atlantic partners; and b) it is considered that they are responsibility of the executive. Next follows the phase of implementation of the measures where the incompatibility of the imported institutional and legislative solutions with the typical Bulgarian administrative practice becomes apparent. The procedure ends with complete fiasco in the judiciary phase where it is usually realized that despite the hectic activity, its product is unable to achieve the desired quantitative results.

The malfunctions of that system are figuratively rooted in its flawed transmission. The executive is prone to produce legislative proposals guaranteeing itself maximum power and minimum responsibility. This tendency is natural and expected but in well-functioning states it is successfully limited by the legislature. The lack of such limitations in Bulgaria allows the adoption of institutional and legislative decisions without clear vision for their implementation, their costs and any conception whether they will work at all. There is also a lack of indicators measuring the substantively important elements of each policy. In this broken transmission, the political accountability for failure of policies is blurred. On the one hand the executive is not

responsible because it had provided the measures, recommended by partners. The legislature is also not responsible, because it had adopted the measures without interfering and respectively without taking any responsibility. The administration is also not responsible because it obeys the law. The prosecution and the court are also not responsible because they implement the law. Therefore the problem lies in the unsuccessful transformation of policies into laws and in the subsequent control of their implementation, for which the parliament is liable itself.

## **2.2 Potential of the National Assembly for solving the problem**

Given the extent of the external pressure, Bulgarian public remains surprisingly passive. Roads are blocked, real protest dramas break out on issues with agriculture, nature and parks, shale gas and nuclear energy, but we still have not witnessed any mass protest regarding the vast corruption scandals or the lack of results in the fight against organized crime. The reasons could be threefold:

2.2.1 First, the society could be tolerant to such social phenomena because of inherent cultural and civilizational specifics. Thinking in that direction however, we face the impossibility to offer solution to the problem and the only conclusion would be that Bulgarians are doomed to corruption forever.

2.2.2 Second is the societal incapability for recognizing political institutions as authentic enemy to organized crime and corruption because of the popular assumption of their coalescence with the state.

2.2.3 Thirdly, the society could perceive institutional measures satisfactory as they rapidly grow in number recently.

The last two options deserve special attention as they allow us to formulate applicable solutions to this social problem. In these two cases the solutions are connected with the National Assembly and its transformation into an efficient generator of policies addressing political corruption and organized crime.

At first sight, if we share the view that the state has been captured by organized crime and has turned its institutions into instruments for its own survival and benefit, the statement that the parliament could solve the problem sounds paradoxical. The reason is the fact that the parliamentary institution is embodied by the political parties, traditionally defined as strongly corrupt and associated with semi-criminal structures.

A sign of this social perception is the traditionally low trust and the high suspiciousness that the society express towards institutions. But that is the point where the potential of the National Assembly to influence the process is hidden. The parliament represents an arena for conflict between different, sometimes even oligarchic and criminal, interests shaped as policy options. The pluralistic character of the institution allows these interests to limit each other in parallel to top-down structures like the judiciary for example. Simply, the parliament is the only institution where opposition exists and that is horizontally organized in a way that via suitable institutional regulations would become a hardly achievable aim for criminal interests. In hierarchical systems, when the summit is corrupted, the corruption penetrates in all lower levels and becomes an expected norm of operation. The lack of hierarchy, combined with relatively important power resources and high level of publicity of the actions probably makes the parliament the most suitable institution for generating institutional reform.

Another possible reason for the lack of civil pressure is the society's perception that the measures taken by the government are adequate. This sounds paradoxical as well, given the permanent pressure for "satisfactory results" in the fight against crime, which dominates Bulgarian relations with western countries. In practice the government is actively taking measures but their variety is limited to the creation of new specialized institutions and regulations. Such are the Committee for confiscation of property, acquired by criminal activities, the State Agency for National Security, the Center for Prevention and Countering Corruption and

Organized Crime, the specialized court and prosecution, the law for civil confiscation, etc. However, such energetic measure-taking did not lead and still does not lead to the desired results and solutions. The lack of satisfactory results in the fight against corruption was recently acknowledged at the highest level in the Prime Minister's assessment of the work of the governmental center for anti-corruption policies BORKOR<sup>1</sup>.

The dynamic but unsuccessful swarming of specialized institutions in the recent years shows that the measures taken so far are not fruitless. Apparently, the approach of the European Commission, the Western embassies and the Bulgarian government itself needs a revision. The essence of the problem is rooted in the way in which the measures are developed. Usually this process is not transparent, excludes public debate and consideration and is in line with models that are inapplicable in the specific Bulgarian institutional context. An eloquent example in this regard is the project BORKOR. Thought to be governmental center for policies, but constructed to work in a completely different administrative setting, the German one, the project underwent serious failure and the recognition of its failure seems to be a matter of time.

The problems connected with the capture of the institutions by corruption and organized crime and with the inefficiency of the measures taken against it are rooted to a significant extent in the present incapability of the National Assembly to play the role of an authentic generator of policies in general and of policies against corruption and crime in particular. The results of the profound empirical research conducted by RiskMonitor in 2011 among a large number of experts on this topic show that the institution might play a substantial role on the stage of goal setting, which is apparently pretty problematic and on the stage of providing legal provisions and public control for the efficiency of the measures for overcoming corruption and the spread of organized crime.

Given that the specific of this policy field requires long-term actions, it is very important that the work is done in a sustainable way, beyond the regular changes in the executive. Since succession in the parliamentary institutions is higher than those in cabinets, it is more suitable to address these long-term issues. Apart from this, there is active opposition in the parliament, whose main priority is to put forward and reason alternative policies. Therefore the parliament is the key arena for interparty competition, which not only contributes to the creation of better ideas for political decisions, but presupposes more transparent political process, as well. Transparency in turn is a counterpoint to the coalescence between organized crime and the state. Last but not least, the parliament possesses mechanisms for oversight and control over the implementation of public policies and their results, which if used effectively, contributes to the rationalization and the better protection of public interests in the process of political decision making.

In addition, the assumption that the problem with organized crime and corruption could be solved only by qualitative change in the existing institutional environment, without the creation of ineffective specialized institutions with overlapping functions is becoming more and more popular. The most radical visions include constitutional changes that relocate the prosecution office from the judiciary to the executive (Popov 2011). The qualitative change in the institutional and, moreover, in the constitutional settings of the state are hardly achievable given a passive parliament, which role is limited to formal coverage of the constitutionally imposed powers. Such a reform could be held only by a parliament that acts as a real political authority, understood in the context of modern representative democracy.

### **3.Reasons for the passiveness of the parliament**

The answer to the fundamental question of why the parliament is not an active policymaker, as supposed by its authentic role, has three layers.

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<sup>1</sup> <http://www.vesti.bg/index.phtml?tid=40&oid=4748371>.

### 3.1 Unauthentic political representation

First, there is a problem with political representation. The policies in a general sense are strategies for achieving specific political goals, corresponding to particular public interests, which are expressed by the parliamentary institution. So, adequate representation of interests is a prerequisite for efficient policymaking. Such representation requires on the first place existence of public interests and, on the second, effective channels for their articulation into political decisions. This is where the first flaw of the political representation in Bulgaria becomes apparent. Although having adopted the formal procedures for democratic representation, the Bulgarian society is pretty incapable of formulating specific civil interests. The lack of active civil society presupposes different role of the parliament. It is institutionalized as a body that performs governance serving not the addressee of the policies, but its subjects, the political parties.

The second flow of the political representation in Bulgaria derives from the parties. Nowadays the crisis in the political representation is a fashionable topic, however not very accurate. If such representation does not exist in its true sense, it could not fall into crisis. Bulgarian party system is typological example for the appearance of new parties hectically trying to convince the public that they are not parties *per se*. During the last ten years there is a growing tendency of strongly centralized parties to appear, disguised as civil movements. It could not be expected that in a country that suffers from serious economic and other social dependences, the civic consciousness will take over oligarchic interests and will reflect in a well-functioning systems of political representation. This makes corruption a due norm of behavior, which inevitably leads to flourishing organized crime.

### 3.2 Ineffective lawmaking

The second factor hindering the transformation of the parliament into a proactive policymaker is the quality of the legislative product. Although some experts claim that the bad quality of the legislature is a result of the low quality of the bills introduced by the Council of Ministers<sup>2</sup>, the domination of the cabinet regarding legislative initiative is not undisputed. Data show that during the last 6 years the bills introduced by the National Assembly comprise about 47% (Table 1). Only in 2010 this share exceeds significantly 50%. This means that the parliament is just as active as the government in respect to the legislative initiative.

At the same time the data show that the share of the adopted bills is almost equal to the share of the cabinet's bills from the total. This indirectly shows that despite the internal dynamics of the process, the product of the legislative activity is dominated by the government, especially in the field of security<sup>3</sup>. This should not be considered a clearly negative phenomenon because the government, constituted by the cabinet and the parliamentary majority that supports it, takes the technical and the political responsibility for the implemented policies. However, the quality of that government is questionable and is often reduced to concerns about the quality of legislation. Part of the negative citizens' attitude towards the National Assembly reflects the general dissatisfaction with the legislative product. In this respect the current regulations of the organization of the National Assembly introduce premises for more effective lawmaking. Such are the requirements for a motivation of the bills and for approving the bills *an block* during the first reading, and the requirement for presenting of the introduced proposals by their depositors.

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<sup>2</sup> Interview with former expert of the Parliamentary committee of legal affairs.

<sup>3</sup> Unfortunately, here is no publicly available information for the number of adopted and rejected bills of the executive.

**Table 1. Legislative activity in Bulgaria (2002-2012)**

	Total number of bills	Bills of cabinet	Share (%)	Adopted*	Share (%)
2002	265	-		-	
2003	297	-		-	
2004	315	-		165	52
2005	168	9**		175	-
2006	102	53	52	210	-
2007	103	35	34	160	-
2008	324	148	46	165	51
2009	336	152	45	163	49
2010	282	167	59	174	62
2011	246	123	50	156	63
2012	115	46	40	38	33

*Source: National Assembly of Republic of Bulgaria, State Gazette. Data compiled in May 2012.*

\*Data for adopted laws during the period are taken from the State Gazette, because of incompleteness of the database of the National Assembly. For the period 2005-2008 the adopted bills are more than the introduced bills, which might be a result of errors in the database of the National Assembly.

\*\*For the part of 2005 that is coinciding with the mandate of the 39<sup>th</sup> National Assembly there is no data about the share of the bills, submitted by the Council of Ministers. During the mandate of the 40<sup>th</sup> National Assembly 9 of 22 bills were introduced by the Council of Ministers.

Despite these achievements, the lack of adequate professional administration presupposes bad quality of the legislation, most frequently measured by the necessity of amendments, immediately after adoption. The strong parliamentary institutions worldwide have very stable and highly trained administrations, which assess the possible effects of the proposed legislation, propose necessary adjustments, which after all allow the members of parliament to take the most informed decisions.

This is even more apt regarding the security sector, where specialized expertise and rich experience are needed. It would not be serious to expect the members of parliament to develop high-quality legislation on fight against the corruption and organized crime given only their own experience. This is the reason why Bulgarian parliamentarians rely mainly on the expertise of the administration and the Ministry of the Interior, which creates premises for adoption of legislation that serves specific unauthorized interests or that limits the rights of the citizens at the expense of the procedural freedom of the security departments.

It is logical that the administration that proposes changes in the regulation of its functioning will do it in way that maximally extends its powers and guarantees itself minimal responsibility. In order to be able to counteract, the parliament should have its own sources of expertise in order to take autonomous decisions. The lack of such sources could be explained with the widespread antagonism in Bulgaria against the expansion of the administration.

However, there is a more substantial reason for the lack of specialized parliamentary administration on security affairs. This deficit empowers a peculiar kind of lobbying, where the parliament is addressed by a single lobbyist, namely the security agencies. Deriving from the classic definition of lobbying, which is providing the decision maker with information on behalf of interested groups, we could say that intensive lobbying process occurs in fight against organized crime, although unregulated. There would not be anything bad in such a practice if all interested groups had the opportunity to take part in it. However, the specific characteristics of the sector do not allow this to happen. Citizens could not participate in this process because there is no regulation allowing it. Therefore it is still unclear who protects privacy and personal freedoms for example. There is no legal way for organized crime to get involved in the process

as an interest group. This means that the parliament should emancipate from the security agencies with regards to this kind of legislation by the creation of its own source of specialized information.

### **3.3 Inadequate parliamentary control**

The third obstacle before transformation of the parliament into proactive policymaker is the lack of adequate parliamentary control on policy implementation. In Bulgaria, parliamentary control in most cases is understood as raising questions to ministers during a dedicated plenary meeting each Friday. This practice is sporadic and inefficient. In order to be meaningful, the parliamentary control should be institutionalized and systematic. This requires the formation of specialized parliamentary committees with exclusively control functions. They would provide opportunities for the opposition to influence the decision making.

In Bulgaria the practice for forming parliamentary committees on a parity basis with rotating leadership started only in the last parliamentary mandate. These are the committees that carry specialized control in the security sector under specific law. More efficient parliamentary control and achieving more accountable executive require further development of this mechanism and its distribution into other sectors as budget planning and economic policy.

Another substantial tool for parliamentary control, which remains largely unapplied, is the budgeting mechanism. It is a practice in Bulgaria that the security sector is budgeted on costs covering principle. Expenditures for maintenance of structures instead of mechanisms for achievement of goals are financed. Such a principle of budgeting demotivates the administration because it receives the means for its existence because of existence itself, regardless the work that had been done. If this practice does not change the parliament will continue to be adjunct to the executive. Strong legislative institutions like the American Congress for example, participate very actively in the policy budgeting process. This allows the legislature to set goals to the administration, to provide the necessary resources for their achievement, and to develop objective indicators for their implementation. If the administration does not succeed in achieving its goals or spend the provided resources in an unsuitable way, there might be serious threat of future funding refusal. This motivates the administration to work responsibly and to a high extent professionally.

## **4. Possible solutions through optimization of the parliamentary activities**

### **4.1 Limits of the possible solutions**

It can hardly be expected that partial and short-term solutions exist that could lead to fundamental transformation of the National Assembly, resulting in substantial improvement of governmental procedures and long-term results in the fight against corruption and organized crime. These can be achieved through general institutional reform, generated by the accumulation of critical mass of civil pressure. Situated in the overall corruption setting, the parliament could hardly be reformed. However, it is logical that it should be the source of impulse for such a reform, given its powers to change the institutional design of the governmental system. The achievement of this long-term goal can be facilitated by some rapidly administered measures that can limit the described deficits of the parliamentary work.

### **4.2 Engagement of interest groups**

A breakthrough in the fight against corruption and organized crime could be achieved only as a result of social transformation in which the National Assembly plays a key role by the creation of a new type of indirect regulations that could simplify the institutional system and decrease their corruptive potential. Another useful option to the parliament would be the proactive work with interest groups in the process of lawmaking. Even now opportunities exist

for these groups to participate in the discussion of bills and to influence lawmaking directly in the parliamentary commissions by their own representatives. Yet the lack of authentic citizenship makes this instrument a rarely used alternative. The Bulgarian society acts more reactively than proactively to legislative initiatives. This is why the parliament should not be just open for partnership with the interest groups. It should identify them in advance and involve them in the legislative process. The introduction of such a model of lawmaking represents a kind of civilizational effort of the parliament in a period of social deadlock.

#### **4.3 Improving the quality of the legislation**

In the short-term, some changes in the regulations of the National Assembly increase the quality of the legislation.

##### **4.3.1 Instructive motivation of the bills**

On the first place, improvements in the requirement for motivation of the bills are necessary, that will lead to assessment of the effects, including financial, of the bills. The specifics of the fight against crime and corruption require very exact planning of the regulations, which means that the assessment of the effect of any bill must be much more detailed and profound than those currently prepared. It is exceptionally important that the administration provides clear plan of the costs of the proposed measures, how they would be financed and, if it is at the expense of other sectors, how the contraction of their financing would be compensated.

It is also important that the motives contain very detailed plan for the administration of the proposed regulation. The questions who, how and with what resources would implement the policies should be answered very clearly and transparently. It is therefore necessary that a control mechanism for the quality of these justifications is introduced. The leading committees should be able to return the bills to their depositor for additional motivation if the presented is considered insufficient, as well.

##### **4.3.2. Assessment of the financial consequences of the proposed policies**

It would be a good idea if the National Assembly introduces a practice that all bills are evaluated by the Budget and Finance Committee. Currently only 30% of the draft legislation is being considered by this committee. The share of the bills, distributed for consideration by the Economic Policy, Energy and Tourism Committee and by the Labor and Social Policy Committee is even lower. At the same time, the number of bills distributed for consideration by the Legal Affairs Committee is increasing steadily during the last three parliamentary terms. The reason for doubling their share during the mandate of the 41<sup>st</sup> National Assembly is probably the discontinuation of the work of the consultative council on legislation. Undoubtedly, the draft legislation needs thorough legal review before being enacted, but the committee composed of MPs intensively engaged in other responsibilities is hardly the most suitable option. Such legal review could be better carried out by a specialized administrative structure recruiting well-prepared and motivated law experts. Such structure could be placed in a larger department for parliamentary research providing legal and policy expertise for the MPs as proposed by the research findings of RiskMonitor (Dimitrov *et al* 2011).

**Table 2. Distribution of the bills in three of the major committees of the National Assembly**

Term	Permanent committee								Total Nr of bills
	Budget and Finance		Economic Policy, Energy and Tourism		Labor and Social Policy		Legal Affairs		
	number	share (%)	number	share (%)	number	share (%)	number	share (%)	
39	237	20	123	10	75	6	214	18	1197
40	178	24	98	13	89	12	202	27	742
41	238	30	153	19	95	12	404	51	789

*Source: National Assembly of the Republic of Bulgaria. Data are current as of May 2012.*

#### **4.3.2 Guaranteeing political responsibility**

Guaranteeing political responsibility for the taken decisions is exceptionally important for the quality of legislation. At present, the legislative mechanism allows bills to be considerably altered between the first and the second reading and its purpose to be completely biased. In this way not only the intention of the depositor, but the responsibility for the enacted regulation are completely blurred. For that reason it will be a good idea if the possibility of fundamental changes in the bills between the two readings is limited. If such occur, the consent of the depositor should be pursued. It would be also good if the practice of merging two or more bills dealing with the same matter is discontinued. This could be achieved by the introduction of alternative voting on proposals. In this way the will of the depositor will be preserved and the responsibility for the enacted legislation will be clear, especially in the cases when the depositor in the Council of Ministers.

#### **4.4 Introducing effective budget control**

The Budget and Finance Committee in the Bulgarian parliament usually remains in the shadow of the Ministry of Finance because of the domination of the governing majority in it and because of its weak expert support. This deprives the parliament of the opportunity to participate actively in the targeted planning of the budget and to enact high quality control of its implementation. The reform of this aspect of the parliamentary work is a hardly achievable aim since the government would not easily give away its discretion over such a key sector. However, the need for strengthening the expert potential of this committee is an important prerequisite for more effective management of public finance and more responsible work of the administration in fields with large and heavy administrative structure as in the fight against corruption and crime.

#### **5. Possible solutions through structural improvements**

The optimization of the everyday work of the parliament would provide short-term results, but the severity of the problem requires additional medium-term structural reforms that create the necessary prerequisites for the active role of the institution in its solution.

##### **5.1 Systematic parliamentary control**

In order to have effective parliamentary control in the security sector, special structural arrangements in constituting control committees should be institutionalized. On the first hand, parity between the representatives of the government and the opposition should be guaranteed. Domination of the governing majority to a large extent stultifies the presence of control mechanisms, while domination of the opposition brings unnecessary politicization and littleness of the parliamentary control. Although this setting hides a risk of mutual blocking between government and opposition and respectively deadlock of the control mechanism, the balance in

the composition of the committees creates prerequisites for political dialog and consensus. The explicit requirement for consensus in decision making in the committees can be used as a compensating mechanism in committees, structured on proportional or other non-parity principle. Another important requirement for achieving more effective parliamentary control is the restriction of the monopoly over the agenda setting by introducing rotational or collective leadership in the committees.

### **5.2 Establishing specialized administration**

Effective parliamentary control in the security sector requires professional expertise, which the Bulgarian parliament currently does not possess. MPs are political figures who cannot be experienced in all the various spheres in which the parliament exerts control. At the same time their time-constrained mandate does not allow their specialization within the parliament. This is why, in exercising their controlling functions the committees rely mainly on two sources of expertise: representatives of the controlled agencies and external experts. This makes the controlling committees dependent on the executive on information and expertise. In order to overcome this problem, it is necessary that specialized administrations are established under the parliamentary committees, where only employees with proven professional experience are recruited. These administrations should be stable in time and their structure and staff should not be substantially altered during majority shifts. In this way the parliament will acquire autonomy in terms of expertise, which would provide for more adequate parliamentary control.

### **5.3 Specialized subcommittee on policies against organized crime and corruption**

Currently, the Internal Security and Public Order Committee is responsible for the policies against organized crime, while policies against corruption are in the competencies of a specialized permanent committee, which is also in charge for conflict of interests and parliamentary ethics. Deriving from the assumption that organized crime and political corruption are narrowly connected and are subject of focused efforts of the law-enforcing agencies, this practice could be defined ineffective. Conflict of interests is a specific act of corruption, but in its current setting, its treatment is restricted to the MPs only.

In order to combat organized crime and corruption more efficiently, this policy field should be differentiated and laid in the competences of a specialized subcommittee under the Internal Security and Public Order Committee. It should have organizational and control functions in the development of the relevant policies together with the Ministry of the Interior and the prosecution. In order to be more effective the committee should have balanced composition with active participation of the opposition, and the minister of internal affairs and the chief prosecutor should be obliged to report the progress in the implementation of the sector policies before the committee on a monthly basis.

### **6. Long term solutions via constitutional amendments**

The proposed short-term and medium-term measures would make the parliament more active and will improve the quality of the policies. Qualitatively new change, however, could only be expected if the parliament becomes more involved in this sector. Such change could come true with the constitutional separation of the prosecution from the judiciary and its inclusion in the executive, given that the Prosecutor general is elected with qualified majority by the parliament. In this way the National Assembly would be able to assign concrete tasks to the prosecution and when the results are not satisfactory enough there would be a mechanism for dismissal of the Prosecutor general. Most suitable in this case would be the constructive vote of no confidence of the Prosecutor general. This means that if the parliament withdraws its political trust from the incumbent, it is supposed to appoint new prosecutor through the standard procedure with qualified majority. In this way the prosecution can never be left without

leadership while the legislature will have a mechanism for pursuing results in the fight against corruption and crime. This measure will diminish the strong concentration of power in the executive, which will look for parliamentary mechanisms for interaction with the prosecution's office that are generally more public. This will also lead to better public control. If such a framework is adopted, the independence of the judiciary necessarily will be strengthened. The best solution is direct election of the council, administering the work of the judiciary by all the judges without any quotas for other institutions.

Another strong instrument in the hands of the parliament for active participation in this policy field would be the ability for a vote of no confidence in individual ministers, which will put the minister of the interior in position of direct responsibility towards the legislature. This would create stimulus for more responsible and targeted work of the Ministry of the Interior.

These long-term measures would influence strongly the fight against corruption and organized crime, but they are more hardly achievable in comparison to the previous two groups of measures, since they require convening of the Grand National Assembly. At the same time the parliament is the institution which could generate political will for such initiative given that the parliamentary represented parties reach consensus on its necessity, which becomes more and more obvious in the spirit of the general failure of the fight against organized crime and corruption.

### **7. Conclusion**

The transformation of the National Assembly into a proactive policymaker in general and in the fight against organized crime and corruption in particular is not a simple task. This does not mean that it should not be undertaken. On the contrary, it should be addressed quickly, but also responsively. The perception of the parliamentary institution as just a formal legislative authority is restricting its functions and the first step towards reform is the rejection of this concept.

The work on the draft legislation must be improved by the development of the expert potential and the administrative capacity of the parliament in order to turn the laws into real expression of political will for political action and regulation. At the same time the responsibility for the political decisions should be guaranteed and the possibility of fundamental change in the legislative will of the cabinet should be prevented by limiting the opportunities for amendments between the two readings. If the parliament does not agree with the policy visions of the cabinet, it might propose its own alternative for implementation of the proposed policy instead of changing the idea of the government's initiative.

Not least, the proactive participation of the parliament in the process of policymaking would be fruitless if there is no adequate control of the policy implementation. Parliamentary control should not be limited to the plenary meeting on Friday; it should be transformed into a major task of the parliamentary committees and approached seriously. The development of professional expertise of the institution would contribute to the constructive revision of the government's policies, replacing the topical ideological clash between government and opposition. If the National Assembly succeeds to develop these three major functions in their mutual coherence, it would become a source of institutional change, which can allow qualitatively new opportunities for the restraint of organized crime and corruption.

These measures would contribute to the improvement of the work of the parliament in the medium term. Fundamental solution of the problem, however, could occur as a result of hardly achievable transformations that include constitutional reforms. The need for convention of Great National Assembly usually constrains all projects for reforms. However, the National Assembly is precisely the institution that can undertake the hard political task on its convening, which requires maturity of the institution in a proactive political role.

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