

Bulgarian Platform for International Development – Individual UPR Submission – Bulgaria – September 2014

ENACTING A LAW FOR INTERNATIONAL DEVELOPMENT IN BULGARIA IN ORDER TO EMPOWER CIVIL SOCIETY AND TO CREATE LEGAL ENVIRONMENT FOR EFFECTIVE ACTIONS OF MFA

Executive Summary

By signing the EU Accession Treaty, Bulgaria undertook a number of commitments related to both the harmonization of its national norms and practices, and the coordination of its foreign policy, including its participation in International Development Cooperation. The principal institution that shapes the national policy in this area is the Bulgarian Ministry of Foreign Affairs. The Ministry's role and functions are foreseen in the Concept Paper on Bulgaria's Participation in Development Cooperation (2007) and Decree No 234 (2011). The lack of primary legislation in the area of Development Cooperation, however, limits the activities of the MFA as there is no predictability of financial flows. This results in low ODA performance. Moreover, the current legal framework does not foresee equal and responsible role of civil society in development cooperation and thus impedes the transparency and accountability of the government.

Information on the situation

By signing the EU Accession Treaty, Bulgaria undertook a number of commitments related to both the harmonization of its national norms and practices, and the coordination of its foreign policy, including its participation in International Development Cooperation. In 2007, the Bulgarian Government issued a Concept Paper named "Bulgaria's Participation in International Development Cooperation", which describes the role and principles of Bulgaria's participation in International Development. In 2011, the Council of Ministers adopted Decree No 234 that regulates the decision-making process related to development cooperation. This document established the Council on International Development but did not envision the participation of civil society organizations in it; according to the Decree, civil society organisations can only participate as members of subordinated working groups. As a result, the role of civil society in the decision-making process remains very limited, which impedes the transparency and accountability of decisions.

In both papers, the Ministry of Foreign Affairs of Bulgaria is indicated as the leading institution in forming and implementing the national policy on Development Cooperation.

The Decree is an act of the secondary legislation. In this sense, other national legislative documents, subject of the primary legislation, are with priority to it, especially in terms of financing and all related administrative issues.

Despite the adoption of the Mid-term Programme for Bulgaria's Participation in International Development (2014-2017) in 2013, the lack of primary legislation on development cooperation hampers the MFA in fulfilling its responsibilities as a principal institution, as there is no predictability of the financial flows it receives for development cooperation. This results in the lack of bi-lateral actions in the area of International Development Cooperation and, subsequently, in a low percentage of ODA disbursements. For instance, in 2012 and in 2013, the percentage of ODA was respectively 0.09% and 0.10% of GNI, while the target of the country was 0.33% of GNI; the spending went mainly through multi-lateral channels - more than 99% for the last 2 years (AIDWATCH reports for 2012 and 2013, BPID).

Recommendations

- To enact a Law on Development Cooperation in order to regulate the interaction of all stakeholders, and shift the leading role in the Development Cooperation Process to the Bulgarian Ministry of Foreign Affairs.
- To ensure equal and responsible participation of civil society organisations in Development Cooperation.
- To harmonize the other acts of national legislation in accordance with the new Law for International Development.