

#BerlinPerspectives

Analysing German European Policy

The Political Crisis in Borisov's Bulgaria:

How Germany can play a positive role

by Dimitar Keranov

- *Thousands of Bulgarians have been continuously protesting since July to demand the resignation of Prime Minister Boyko Borisov and his government following multiple high-profile scandals and rule-of-law violations. These protests have been met with brutal police repression.*
- *There is no end to the crisis in sight as Borisov is unwilling to give up power and the protesters are unwilling to stop their action.*
- *The protests and the rule-of-law violations in Bulgaria have been largely ignored at the EU level.*
- *Borisov benefits domestically from strong ties with European leaders, most notably with key German political figures.*
- *Germany as the holder of the EU Council Presidency can play a positive role in resolving the political crisis by putting Bulgaria's rule-of-law crisis on the European agenda.*

On 9 July 2020, the Bulgarian authorities raided the Presidential Administration and arrested several presidential aides. Since President Rumen Radev is a critic of Prime Minister Boyko Borisov's policies, the raid was perceived as an attempt to silence any kind of opposition to him. The authorities were acting under orders of Prosecutor General Ivan Geshev, who is believed to be Borisov's ally. The raid sparked immediate protests and soon the streets of Sofia were full of people demanding the resignation of the entire government as well as that of Geshev. Their hope is that this would pave the way for the betterment of Bulgaria's deeply flawed democracy.

Borisov has refused to resign and is trying to stall with propositions for a new constitution. This has been met by high levels of scepticism and more intense protests all over the country. Thousands of Bulgarians, including many young people returning from abroad, have been protesting every day for the last four months – the largest protests in Sofia brought together around 20,000 people. The protesters are a broad coalition of people from different backgrounds, ethnicities and organisations that have united in expressing their dissatisfaction with Borisov's government. There is no single organisation or person coordinating the protests. The police have responded with brutality, using tear

gas and pepper spray, dragging people away from the cameras to beat them up. Borisov's hope is to wait out the protests until the scheduled elections in early 2021. Concerns are growing that these will be marred by mass electoral fraud by the incumbent government.

Borisov and his coalition government with the nationalist United Patriots have been involved in numerous scandals.

Borisov started his career as a bodyguard to the communist dictator Todor Zhivkov. He has been in power on and off since 2009, leading the GERB party (Citizens for European Development of Bulgaria), which is member of the European People's Party (EPP). He had to resign twice already as prime minister due to massive protests. Each time he has managed to get re-elected – thanks to a strong anti-socialist and pro-European agenda. He also benefitted from low voter turnout due to chronic dissatisfaction with the country's political class.

Borisov and his coalition government with the nationalist United Patriots have been involved in numerous scandals. Photos of the prime minister sleeping with a gun on his nightstand and by a drawer full of €500 banknotes and gold bars surfaced in June and caused a popular outcry. A leaked video shows the GERB Minister of Agriculture Desislava Taneva saying she knows about fraud in the distribution of EU finances, and asking all involved parties to stay quiet, so that Brussels does not stop the funding. In a similar scandal, it was revealed that government officials have extorted money from businesses in exchange for access to EU funds intended to combat the COVID-19 crisis.

Bulgaria has a long history of widespread corruption and graft. The Corruption Perception Index ranks the country the most corrupt in the EU by far. Freedom of the press is practically non-existent – Reporters Sans Frontières ranks the country 111th out of 180 in this regard. In addition, Bulgaria has the lowest average salary in the EU and 22 per cent of citizens live below

the poverty line.

To make matters worse, Borisov's government has hijacked the judicial system, making the Supreme Court and the Prosecutor General's Office his puppets. Uniquely in the EU, the Prosecutor General's Office is not accountable to any official body. So-called "secret arrests" for 48 hours (24 hours for children) without notification of any kind to relatives have now been made legal.

All this shows that, for all intents and purposes, the rule of law in Bulgaria is seriously threatened.

Silence from Brussels and Berlin

The protests in Bulgaria have so far been largely ignored or have not been taken seriously at the European level. The exception is the resolution of the European Parliament condemning corruption and democratic backsliding in Bulgaria that was passed on 8 October 2020. This happened in the face of strong opposition from the EPP, which tried to protect Borisov's government and GERB. This has further emboldened and validated the prime minister's stance. GERB officials portrayed the resolution as an attempt by socialist forces to discredit the government.

Borisov has used his good relations with key German politicians in order to legitimise himself domestically.

Borisov has relied on steady support from EU and EPP leaders. He has repeatedly reiterated that he maintains strong ties with leading German politicians, which became evident in the current crisis. European Commission President Ursula von der Leyen, who is a member of Germany's Christian Democratic Union (CDU), said during a recent visit to Sofia that Bulgaria was prospering, which was perceived as legitimising the policies of Borisov's government. The chairman of the EPP group in the European Parliament, Manfred Weber,

who is a member of Germany's Christian Social Union, has stated that Bulgaria's prime minister is a respected member of the European family and that the EPP fully supports him, including in the fight against corruption. In addition, German Chancellor Angela Merkel (CDU) has so far abstained from commenting on the situation.

Borisov has used his good relations with key German politicians in order to legitimise himself domestically. One reason for these good relations is that Borisov has thus far managed not to antagonise Berlin or Brussels, unlike Hungary's Viktor Orbán or the Law and Justice government in Poland. However, now that the missteps of Borisov's government are becoming ever more visible, Germany should re-evaluate its position and consider how it can play a more active role in resolving the political crisis in Bulgaria.

Germany should acknowledge Bulgaria's rule-of-law crisis

As the holder of the EU Council Presidency until the end of the year, Germany is currently in a unique position to put Bulgaria on the agenda and to push for more scrutiny of the state of the rule of law in the country. An important first step for Germany would be to acknowledge that the situation in Bulgaria is a profound challenge for the EU that needs to be continuously and adequately addressed. A second step would be to push for the establishment of a strong new rule-of-law mechanism that would link EU funding to the adherence to democratic principles.

The EU's Article 7 mechanism – which is designed to suspend certain rights of a member state when a breach of core values is judged to have taken place there – has proven ineffective. Reforming the Article 7 procedure or creating an entirely new controlling and sanctioning mechanism has been on the EU's agenda for years. Yet, there remains significant disagreement in the Council to what extent rule of law and funds distribution should be interlinked.

In the context of the negotiations of the Multiannual Financial Framework and the Recovery Fund, Germany proposed a new rule-of-law mechanism that has

been heavily criticised because it would limit the EU's scrutiny to corruption and misuse of funds, and it would not cover wider rule-of-law violations. Berlin should reconsider its soft stance and push for stricter scrutiny and penalties, should grave and continuous infringement of the rule of law be discovered in a member state, as in Bulgaria. This stricter mechanism would be effective in this case because Borisov's government would have to reckon with painful financial consequences in a country that is heavily reliant on EU funds. What is more, if a more comprehensive and strong mechanism is not created, there is a real danger that more governments throughout the EU could follow the same path as the one taken by those in Budapest, Warsaw and Sofia, which would endanger the very cohesion and functioning of the union, and would not be in Germany's interest.

Another important step would be to keep the Mechanism for Cooperation and Verification that was put in place when Bulgaria joined the EU in 2007. At the time, the country was still lagging behind EU standards when it came to fighting corruption and organised crime as well as reforming the judicial system. Germany should push for the continued application of this mechanism at the European level, amidst ongoing talks of it being suspended. In addition, German government officials, such as the ambassador in Sofia, could play a positive role by commenting on the situation, since the opinion of the German government is of great importance in Bulgaria.

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Chancellor Merkel and the CDU leadership could also play an important role in resolving the crisis. They could use their influence within the EPP to put GERB's membership up for discussion internally, as has been done with Hungary's Fidesz party. Until Borisov feels

any kind of pressure by his political family in Brussels, he will have little incentive to change course.

If Germany and the EU continue to take no adequate action, Bulgarian society might grow even more frustrated and question the union as a whole. There is a considerable risk that many young Bulgarians who have looked up to the EU as a guarantor of democracy, and to Germany as an ideal of democracy to strive for, will become alienated from the European project. Widespread feelings of disappointment, abandonment and disillusion could even reignite nationalist sentiments.

Continued inaction also sends a bad signal to aspiring EU members in the Western Balkans and damages the union's reputation severely. If problems with the rule of law are not addressed properly in a member state like Bulgaria, what are the benefits of joining the EU?

This #BerlinPerspectives reflects the author's views only.

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