Politics after the storm

The anti-government protests in the summer of 2020 ushered in a period of acute political instability – the longest period of political instability in the recent history of Bulgaria. At the heart of the political crisis was the crisis regarding the rule of law in the country – and in particular the corruption problems there. The period between April 2021 and April 2023 could be characterized as an 'eventful standstill'. Despite politics moving at ultra-high speed, with five parliamentary elections in a period of just two years, three caretaker and two regular governments, not much has really been happening. Old problems resurfaced, new problems appeared, but no solutions were found. The political blockage was due to Parliament being fragmented, but also the political isolation of the GERB – the party that has ruled the country for most of the time since the country's EU accession. This party was able to win elections, but could not form a government.

Ultimately, a newcomer – called 'We Continue the Change' – managed to form a government based on a large coalition, but it has to rule together with its political 'enemies' – hardly a recipe for a stable government. This unstable political configuration has not been able to advance the much-needed judicial reforms. The country is still waiting for the rule of law.

The months-long anti-corruption mass protests in the summer of 2020 demanded the resignation of both Prime Minister (PM) Borissov (GERB) and Prosecutor General (PG) Ivan Geshev. A series of scandals involving oligarchs that fell out of favor with the government (such as the shady businessman Vasil Bozhkov), confirmed long-standing suspicions of illegitimate influence on the government, including on the prosecutorial office. Mass outrage was prompted by a string of corruption allegations implicating the PM, and by scandals focusing on the abuse of power (committed by the PM, the prosecutorial office, some ministers, and behind-the-scenes politicians).

The protests led to the dismissal of five cabinet ministers including the justice minister, some of whom were dismissed for 'alleged links to Delyan Peevski' – the businessman and MP from the Movement for Rights and Freedoms (DPS), the party representing ethnic Turks in Bulgaria. PM Borissov did not resign, however, and completed his first full term in office. The protests were fueled by the widespread perception that the state – under GERB's 12-year rule since 2009 – has been 'captured' by political interest groups around shady business figures. Public anger was also triggered by the informal influence on the government of the Movement for Rights and Freedoms (DPS), officially an opposition party,

and its honorary chairperson Ahmed Dogan, as well as the business interests around the strongman of the party, the MP Delyan Peevski. Yet Borissov's third cabinet, a coalition with the 'United Patriots', did survive these protests (2017-2021).

The corruption problems, which ignited the protests were due mostly to the incomplete judicial reforms in Bulgaria. It is telling that one of the key demands of the anti-government protesters in the summer and autumn of 2020, along with the PM's resignation, was the resignation of the strongman of the judiciary – PG Ivan Geshev. Changing Borissov's mode of government, and the reform of the judiciary – in order to restrain the power of the PG, and to stop the use of law enforcement and judicial institutions as 'bats of those in power' – were the main priorities of all the protest parties that participated in the three parliamentary elections which were held within only six months in 2021 (April, July and November). Despite this 'overlapping consensus', however, a 'cabinet for change' could not be formed for quite some time. This was only achieved at the end of 2021 with the cabinet Petkov, a coalition made up of four parties. Since then, the central priorities of the cabinet Petkov have been to resolve the rule-of-law crisis and to effectively combat high-level corruption.

Since the summer of 2020, the country has been in a state of free fall. Political turbulence has made it impossible to form stable governing coalitions in a fragmented Parliament, which represents a deeply polarized society, which is dissatisfied with its ruling elite, yet unable to produce an alternative.

A period of 'eventful standstill'

The period after the 2020 protests is, in my opinion, best described as an 'eventful period with nothing happening' in Bulgaria. This is the state the country has been in for over two years now. While Europe and the world have been shaken to the core by a series of crises – a pandemic threatening humanity, an unprecedented war at the heart of Europe – Bulgaria has indulged in endless political games with no end in sight. Some external observers may consider this a puzzling description of the developments after the summer of 2020: global media outlets have been constantly reporting on political developments in the 'poorest and most corrupt' of the EU member states – as the country is typically portrayed in the foreign media. Yet, despite politics moving at ultra-high speed, with five parliamentary elections in a period of just two years (April, July, November 2021, October 2022, April 2023), three caretaker and two regular governments, not much has been happening in the country. Old problems resurfaced, new problems appeared, but no solutions were found. And the internal political instability coupled with the effects of the many international crises (such as COVID-19 and Russia's invasion of Ukraine) did not create an environment conducive to

improving the rule of law in the country.

The feeling – both within the country but also among the foreign observers – is that the country's development has been stalled indefinitely. Problems have been accumulating rapidly – including the fact that Parliament did not adopt urgently needed amendments and other legislation to receive funding from the post-COVID-19 EU Recovery Fund or to introduce much delayed judicial system reforms, considered a prerequisite by Bulgaria's EU partners for the country's accession to the Eurozone and the Schengen treaty. Yet, as a series of Parliaments were not able to form cabinets, and had to be dissolved to call yet another round of early elections, all these urgently needed legislative decisions were put on hold.

The Bulgarian party system has long been characterized by high electoral volatility. This has been especially true in the last two and a half years, as new political actors entered Parliament and even won the elections, resulting in a very fragmented legislature. The country's party system is currently characterized by two main features: a very high political volatility and a fragmented Parliament as a result of shifting political preferences and the sudden appearance and disappearance of new political players.

There has recently been a notable shift in the major divides in the Bulgarian party system. The first of them is the divide between groups in favor and against the GERB and its mode of governing the country. Until recently the most dominant one, it began in early 2013 with the 'anti-monopoly protests', which targeted the policies of the first GERB cabinet (2009-2013) and prompted PM Borissov to resign and call early elections. These anti-GERB sentiments became even stronger during the anti-government protests in the summer of 2020, which were directed against Borissov's third cabinet. This division revolved around the pro- and anti-GERB axis. Those opposing the GERB argued that the party had brought high levels of corruption into the country. The period after the country's accession to the EU in 2007 saw a lack of progress on key issues such as curbing corruption and reforms to ensure an impartial judiciary. In terms of economic development, the country did not catch up as fast as other new member states notably Croatia and Romania, which were catching up with the rest of the EU countries. Many dissatisfied citizens considered this stagnation a sad result of the defective and corrupt rule of the GERB, which was in power (with a short break in 2013/2014) for three terms – nearly 12 years. Reports by the European Parliament (Report on The rule of law and fundamental rights in Bulgaria), by the European Commission (Rule of Law Report for 2020), by the Council of Europe, among many others, confirm the dismal picture and single out Bulgaria as struggling continuously with high-level corruption in addition to lacking in judicial independence.

The second divide appeared only in February 2022 – after Russia invaded Ukraine. It is centered on pro- and anti-Russian sentiments, and also revolves around the issues of the country's integration into the EU – how deep it should be and how fast it should be achieved. This second division seems to dominate the current Parliament in Bulgaria (formed after the early elections in April 2023) to a greater extent than the previous pro- and anti-GERB, pro- and anti-corruption divide and is most pronounced with regard to the accession to the Eurozone. The pro-Russian camp – the nationalist-populist Vazrazhdane ('Revival'), which came third in the April 2023 elections, and the Bulgarian socialist party BSP – oppose the accession to the Eurozone, with Vazrazhdane also calling for a referendum on the introduction of the EUR, thus opposing any deeper integration of Bulgaria's into the EU. Urging 'neutrality' in the conflict between Russia and Ukraine (a position they share with President Radev and the BSP), Vazrazhdane are by far the most radical voice as they also call for leaving NATO.

Governing with the enemy

Since April 2021, two regular governments have been formed. The first was the government based on a coalition of four parties headed by Kiril Petkov from the 'We Continue the Change' party, which won the November 2021 elections. It survived for only seven months – it was established by a vote in Parliament on December 13, 2021, and ended with a vote of no confidence on June 22, 2022. The second is the current Bulgarian government, led by professor Nikolay Denkov (PP-DB). It was formed by the PP-DB, a coalition which came second in the April 2023 elections and was voted in by Parliament in June 2023.

The formation of both governments was difficult as it required the participating parties to govern with what was perceived by their supporters as 'the enemy'.

Before describing in more detail the political trajectory of these cabinets, it should be mentioned that the political blockage in the country was the result of the fragmentation in Parliament, but also, and no less importantly, of the political isolation of the GERB. Borissov's party was able to win elections (GERB won three out of the five elections in the two years between April 2021 and April 2023), but could not form governments. Thus, for example, GERB won the regular parliamentary election on April 4, 2021, but could not form a government. It could not break its political isolation, even though the DPS – the least 'picky' of the parliamentary parties – had, on several occasions, expressed a willingness to help and form a government with the GERB. However, after all the accusations of behind-the-scene clandestine dealings between the GERB and the DPS, and, even more troubling, after the announcement in June 2021 by the Treasury Department of the US government of sanctions under the Global Magnitsky Act against Delyan Peevski, one of the DPS' MPs, the

GERB was not willing to form an overt coalition with the DPS. This action by the US government only confirmed suspicions widely shared by the public of corrupt business dealings involving politicians and businessmen, with most of them, but not all, closely linked to the DPS. The DPS was thus confirmed as a partner-to-be avoided. These events challenged the DPS's long-standing position as the king-maker in the fragmented and volatile Bulgarian political system – a position which its leader Ahmed Dogan had gained in the early transition period. The GERB won two more elections – in October 2022 and April 2023, but was again unable to form a government in the fragmented Parliaments after these elections – even with the support of the DPS.

The major promise of the short-lived cabinet Petkov, formed at the end of 2021, was to reclaim the state and curb the influence of behind-the-scenes businesses on public policies and procurement. This cabinet was born after the early elections in November 2021 were won by yet another newcomer – the newly formed political formation (which became a party much later) 'We Continue the Change' (PP). The early elections in July 2021 had also been won by a newcomer – the party 'There is Such a People' (ITN) led by the TV personality and showman Slavi Trifonov. In the summer of 2021, the ITN tried to form a minority government without agreeing the terms of support with the other protest parties also campaigning for a 'change to the mode of Borissov government'. As the ITN refused to support the attempts of the other protest parties in Parliament to form a government, early elections were called in November 2021, coinciding with the presidential elections. Incumbent President Rumen Radev was reelected in the second round with 65.8 percent of the votes. Radev, an independent candidate, was supported by the Bulgarian Socialist Party (BSP), the 'We Continue the Change' party (PP), and the anti-elite, populist 'There Is Such a People' party (ITN).

On December 13, 2021, the newly elected Parliament confirmed Kiril Petkov, the co-leader of the PP, as PM. The co-leaders of the PP – Kiril Petkov and Assen Vassilev – were key ministers in Stefan Yanev's caretaker cabinet and had been appointed by President Rumen Radev after the April 2021 elections failed to produce a regular government. The PP, a new formation, managed to form a government based on a coalition of four parties. What held them together was their status as protest parties, earned during their involvement and support for the 2020 anti-GERB protests. All of these parties also claimed to be committed to deep reforms and a new way of governing, radically breaking from 'Borissov's mode of governing'. Yet the coalition behind the Petkov cabinet was ideologically very incoherent – it included liberals, greens, conservatives, socialists and even the populists from Slavi Trifonov's ITN. The participation in the Petkov government of the Bulgarian socialist party, the successor to the communist party that ruled the country from 1945 to 1989, was

particularly problematic for the electorate of the coalition 'Democratic Bulgaria', whose member parties were staunch anti-communists.

One of the direct triggers of the fall of the cabinet Petkov was the refusal of the PM (and his Finance Minister Assen Vassilev, co-leader of the PP) to pay over two billion leva to road construction companies. These companies had signed contracts with the former government (GERB) without undergoing proper, open and competitive procurement procedures – using the so-called 'in-house' procurement procedure instead. The disagreement in the council of ministers between Finance Minister Assen Vassilev (PP) and Minister of Regional Development and Public Works Gr. Karadjov (ITN) regarding these payments triggered a governmental crisis, and the ITN withdrew its ministers. Another scandal, which also contributed to the fall of the government, centered on the phyto-sanitary border control at Kapitan Andreevo, a border crossing point with Turkey. The former government (GERB) left the control over this point for many years in private hands, leading to a substandard control over the EU border (a claim later confirmed by the European Commission). In both cases, business-cum-political interests linked to the GERB and the DPS were suspected to have played a role, thus contributing to the downfall of the Petkov government.

There was a deeper cause behind the Petkov government's instability, however. This had to do with the position of the BSP in the newly emerging divides mentioned above – regarding the proper response to Russia's invasion of Ukraine. The BSP opposed the EU sanctions against Russia, arguing that they harmed the EU more than Russia, and, more importantly, strongly opposed sending any military equipment to support Ukraine's war efforts. On several occasions, vice-PM Kornelia Ninova, the leader of the BSP, threatened to withdraw from the government if it voted to send arms or any other military equipment to Ukraine. This threat forced the government to soften its position, with Parliament voting to send 'military-technical help, but no arms or munitions directly' to help Ukraine. Already during these hard negotiations it was known – and later publicly confirmed – that Bulgaria was among the biggest exporters of weapons and ammunition to Ukraine. Yet this was done in a clandestine way to placate the 'appeasers' from the BSP, President Radev, the Revival party, and others, who were – and still are – vehemently opposed to 'prolonging the war' by sending weapons to Ukraine. President Radev went as far as accusing Ukraine that it 'insisted on waging war against Russia' – a war effort Bulgaria should not support. Radev's statement produced an international scandal, yet it reflected a widely shared position, created by the BSP, which claimed that sending weapons to Ukraine both involved Bulgaria in the war and prolonged the war. Thus, the weapons and ammunition were officially sent to a third country (Poland), with the consignments bearing Ninova's own signature as economy and industry minister. However, this hypocritical behavior of the cabinet and the duplicity of

vice-PM Ninova could not save the government. On June 22, 2022 Petkov's cabinet was ousted when, for the first time in Bulgarian history, a vote of no confidence, initiated by the GERB, was successful in Parliament. 123 MPs voted against and 116 in favor of Petkov's cabinet.

After the GERB failed to form a new government, Parliament was dissolved in early August 2022 and new early parliamentary elections were called for October. These elections were won by the GERB – but after it did not succeed in forming a government within three months, new elections were called for April 2023. These were again won by the GERB, yet, for a fourth time in two years, the GERB could not form a coalition government.

The coalition between the PP and the DB, the latter coming second in the April 2023 elections, agreed to form a cabinet with the support of the GERB. Led by Professor Nikolay Denkov, a prominent Bulgarian physicist and chemist, with most of the ministers belonging to the PP, a few to the Democratic Bulgaria party and one to the GERB. It was agreed that the PM post would be shared on a rotating basis: After nine months, GERB's Mariya Gabriel, a former EU commissioner and currently vice-PM and foreign minister of Bulgaria, would take up the post of PM.

The resulting government is particularly shaky, as both the PP-DB and the GERB are at pains to maintain that they are not in a coalition, given that, in the eyes of their supporters, they are each others' arch enemies. The GERB even went as far as to say that they are a 'governing opposition'. Mockingly, the cabinet is popularly referred to as 'sglobka' (following a leaked SMS by PP speaker Lena Borislavova) or even 'a non-coalition'. The upcoming local elections in late October further add to its instability.

Will the rule of law wither away?

There are weighty reasons to form a cabinet around the pro-Euroatlantic priorities of the partners from the PP-DB and the GERB, which all agree that the country's accession to the Eurozone and the Schengen area are high on their list of priorities. Even more important has been the argument that a stable regular government is needed to stop the endless cycle of futile elections and the long spell of caretaker governments appointed by President Radev. They ruled the country without parliamentary oversight – According to the Bulgarian constitution, Parliament is dissolved when it fails to elect a regular government; the president then calls new elections and appoints a caretaker government to organize them and rule till a regular government is elected by the new Parliament). These caretaker governments were all appointed by the russophile President Radev (who even remarked that 'Crimea is, of course, Russian'). With their ambiguous positions on the war in Ukraine and

particularly on the EU sanctions against Russia and sending weapons to Ukraine, they have contributed to the international isolation of Bulgaria.

In addition, both the GERB and the DPS, which supported the vote to form the cabinet in Parliament, also agreed to support the DB-sponsored constitutional amendments aimed at the much-needed deep judicial reform. In July the three parties filed a draft amendment to the constitution, for which they have the necessary constitutional majority.

Yet, the sequence of events that led the partners from the PP-DB and the GERB to agree on the 'rotating' cabinet Denkov-Gabriel has left a bad taste as it appears to be a deal concluded behind the scenes. It has also raised doubts about the motivation – and the direction of the planned constitutional amendments and the likelihood of the judicial reform being successful.

On the positive side, after many years of failed attempts, a mechanism for investigating the prosecutor general – and thus limiting the unrestricted power of the strongest figure in the judiciary – was finally introduced in June 2023. This was preceded a year earlier by the abolition of the specialized criminal justice system – the court and prosecutorial office. These bodies have often been used by the government as 'bats' against their opponents, and their abuse of power – as well as a lack of positive results from their activities – have been among the main arguments for their disbandment. On June 12, 2023, after several failed attempts, Prosecutor General Ivan Geshev was finally removed from office. The supreme judicial council (SJC) voted with 16 votes in favor and 4 votes against his removal, quoting as a reason for its decision that 'with his overall behavior Ivan Geshev undermined the prestige of the judiciary'.

A few days later, one of Geshev's deputies, Bobi Sarafov, was appointed acting prosecutor general by the college of prosecutors with the SJC. This appointment was criticized for not following correct procedures and was challenged by the justice minister, but the SJC go back on its decision. More importantly, concerns were raised that Sarafov has been appointed to stall the judicial reform rather than promote it, and that his appointment was the choice of an inner circle that was disappointed with the recalcitrance of Ivan Geshev and needed a new, more loyal PG. Geshev had been asked to step down yet refused to do so in a spectacular display of arrogance., prompting the hearing at the SJC that finally led to his dismissal. This series of events also included a bombing of the road where his car was passing – it has remained unclear to this day whether this was an attempt on his life. Ivan Geshev declared on several occasions that he had received threats to his life. When his dismissal was discussed, he publicly stated several times that this would please the mafia, the oligarchs, etc. While trying to negotiate his survival in the post, Geshev 'activated' old

investigations against Borissov and other important political figures (such as ex-PM Kiril Petkov, an MP from the GERB, and a former MP from the ITN), asking Parliament to strip them of their immunity. These actions have confirmed the long-standing suspicion that the prosecutorial office holds important investigations against high profile politicians 'on hold' in order for them to be reactivated when it is politically expedient.

Finally, the often-presented argument that the GERB agreed to support a government led by the PP-DB only in order to ensure that Borissov would not be stripped of his immunity by Parliament may be far-fetched. Yet it remains true that forming a government with the support of the GERB contributed to breaking the political isolation of the GERB, and helped cleanse Borissov of his reputation as the partner to be avoided. It remains an open question whether the unstable formation of the Denkov-Gabriel cabinet will survive, and more importantly whether the promised constitutional amendments will materialize. It also remains to be seen what will happen to the judicial reform, and whether Bulgaria will finally develop a well-functioning system that guarantees the rule of law.

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