

ANNEX 3

THE INSTITUTIONAL FRAMEWORK FOR HOUSING

3.1 Purpose of the Annex

This annex outlines the institutional framework for housing and the related planning functions. Specific attention is given to the role of the municipalities where the key executive responsibilities for housing are located. Next the part played by civil society is addressed and a detailed review of Roma organisations provided.

3.2 Central and Local Governance with Special Reference to Housing

The provisions of the constitution of Bulgaria declare the dwelling as inviolate, without any assumption of being *legal or illegal*. The constitution also defines the right of all citizens to a healthy and favourable environment in accordance with the regulated standards and norms, which may be interpreted as referring to living conditions generally and specifically to housing. The constitution establishes the powers and functions of the President, the Council of Ministers, and of the municipalities, serving as the local self-governed territorial administrative units.

In approving the National Housing strategy, the Government made the commitment to work towards the improvement of the housing situation. As defined in the Spatial Development Act the Council of Ministers shall determine the basic directions and principles of the policy for spatial planning and approve decisions for financing the activities for spatial planning.

The governmental body with primary responsibilities for housing is the Ministry of Regional Development and Public Works (MRDPW), while the body dealing with affairs of the ethnic minorities in Bulgaria is the National Council for Cooperation on Ethnic and Demographic Issues (NCCEDI) under the Council of Ministers. The December 2004 decree establishing the NCCEDI transformed the former National Council on Ethnic and Demographic Issues and established a Directorate on Ethnic and Demographic Issues (DEDI) also directly under the administration of the Council of

Ministers, which also acts as the secretariat of the NCCEDI. Among other functions, DEDI is charged with the development of strategies and programmes together with the implementation and coordination of international projects and programmes.

The other governmental body with major responsibilities related to housing is the Ministry of Finance, being the sole disburser of national funding and subventions. The Ministry of Labour and Social Policy has responsibilities in relation to social assistance and general poverty alleviation.

The government's direct local representatives are the 28 district governors with their staff, including the district experts of the NCCEDI. District governors are responsible for the state properties within the country and have the power to approve/disapprove the municipal legislation. They implement the governmental policy and strategy in their districts and serve as a mediator between government and municipalities. The governor conducts the state policy for spatial planning in the corresponding district.

Local government is implemented by the municipalities. Mayors and municipal councils are elected by direct vote. The general tendency is to empower local government through direction by the relevant ministry. According to the legislation on municipal property, municipal budgets etc., local government is required to play the principal role in administering the everyday life of the country.

Within the framework of the conceded competence, municipal councils and the mayors of the municipalities determine the policy and implement activities for the spatial planning of the corresponding municipality. In the larger cities of Bulgaria, the territory is subdivided on a ward (urban region) basis, governed by local mayors appointed by the mayor of the city and approved by the municipal council. In the municipalities the mayor has the executive power supported by his technical staff, while the municipal council has the legislative power and controls and approves the mayor's decisions. Smaller, separate urban centres outside

the major town or city, but within the boundaries of a municipality, usually have their mayors or mayor's representatives with limited staff.

Predominantly Roma neighbourhoods with large populations have mayoral representatives who are usually of Roma origin. In the major cities, like Sofia and Plovdiv, there are representatives in the local municipalities dealing especially with Roma affairs. For the municipal councils of towns with large neighbourhoods usually there are councilors of Roma origin. In the city of Lom the Chairperson of the Municipal Council is a Roma.

The Administration Law defines the structure of public administration – the Council of Ministers; the Prime Minister, his deputies and the ministers. Territorial executive power lies with the district governors (appointed by the Council of Ministers) and the municipal mayors (directly elected). Administration of every municipality is determined by this law, but it is not strictly defined. The administrative structure has directions/departments/sectors with the minimum staff of directions being 10, departments 6 and sectors 3.

The administrative structure has two main directions – general administration and specialised administration and the law defines the obligations of the general administration. The structure of the municipal administration is defined for every municipal council by a local regulation, based on a proposal of the mayor, according to Art.21 of the Law of the Local Self-Governance and Local Administration. The staff is appointed by the mayor. For example, the Sofia Municipality has 10 main directions with 27 directions plus a number of departments and also a number of sectors; the Pazardzhik municipality has only 5 directions with their departments/sectors.

Housing policy is usually controlled by the Physical Planning Directorate and by the Municipal Property Directorate, where there is usually a Sector of Housing, dealing with the municipal housing stock and managing the list of candidates in need of dwellings. Occasionally the Sector of Housing is under the Humanitarian Directorate that is charged with preparing criteria for access to municipal dwellings.

3.3 Civil Society in Bulgaria

By 2005 the Bulgarian civil society sector has become developed and diversified, with NGOs numbering about 7,500. Since 1992, NGOs have had their own organisation – the Union of Bulgarian Foundations (later transformed into the Union of Bulgarian Foundations and Associations). Centres throughout the country operate for the dissemination of information for local NGOs – local Open Society Clubs, the Foundation for Local Government Reform and many others. Currently, the Internet has become the main source of information.

The legal base for the NGOs is regulated according to certain standards. In 2001 the new *Act for Legal Persons with Non-profit Aims*, was adopted. This replaced the previous Act operating since 1948. The civil sector is a recognised partner of the institutions in monitoring of programmes and providing social services. NGO consortia often execute major projects funded by EU resources in partnership with state institutions and municipalities.

Roma civil society participation

Roma entered the field of the growing civil sector in Bulgaria between 1992 and 1993. The period of enlargement of the Roma civil society sector and the growth in numbers, roles and status was in the period 1996 to 1998. Political formation, in terms of Roma parties and movements, developed in the mid-1990s. During the last 4 to 5 years their number increased to over 20. Because of the restrictions in the Constitution of Bulgaria relating to ethnic political parties, they are not registered as Roma parties.

Contextually, political organisations are not part of the civil sector. However, in the Roma case in Bulgaria, the functions and roles of political and civil organisations are not as yet clearly delimited and determined – many Roma leaders mix and replace their functions and roles between politics and civil society. The interests of Roma community and civil groups are represented by NGOs, initiative groups and semi-institutionalised bodies – public councils and neighbourhood councils.

Over the last 10 to 15 years, 800 to 850 Roma NGOs have been registered, accounting for a little over 10% of all NGOs and corresponding to the Roma share of

the overall population in Bulgaria. The actual percentage of the actual working or permanently operational Roma NGOs follows the general situation in the Bulgarian civil sector. Over 50% of registered Roma NGOs remain as paper organisations, while others have not registered under the new Act. The number of active Roma NGOs is between 140 and 150. Some implement financially-supported projects, others are limited to small-scale initiatives in their neighbourhoods. The number of sustainable larger-scale Roma NGOs throughout the country is around 45.

Roma NGOs justify their motivation for action by the need for solving multiple problems of the Roma, raising the social status of the Roma community and promoting the integration process and the representation and protection of Roma interests. Significant differences between Roma NGOs regarding their strategy, long-term goals and approaches toward project interventions are determined by several key alternatives, although these differences rarely occur in an extreme polarised form:

- empowerment of Roma through fostering community development or nation-wide Roma representation;
- the degree of citizen's participation, working *together with* the community or *for* the community;
- development-oriented programmes or humanitarian aid for relief and survival;
- breaking the dependency culture through mobilisation of the self-help potential of the community.

Community-based Roma NGOs

Usually such organisations start their activities as community initiative groups that register as NGOs and subsequently themselves later on. The initiators and the teams are part of the Roma community and keep links with the neighbourhoods, involving people in the process of programming and implementation of activities. They aim to promote a model for stable civil society at local level, based on ethnic tolerance, empowerment and involvement of disadvantaged communities in all processes, and in dialogues with the institutions. These NGOs support community self-organisation and the development of community groups and try to become representative for their community. In the field of community development the working Roma NGOs that

achieve real sustainable results, like the Roma-Lom Foundation, exist in Plovdiv, Sliven, Pazardzhik, Biala Slatina, Sofia, Varna, Shoumen, Kyustendil, Rakitovo, Veliko Turnovo, Nova Zagora, Samokov—all at different stages of effectiveness and maturity. Many are close to the original model of a community-based organisation and have the potential to become the driving force in the mobilisation of community participation, taking the role of facilitators and supporters of the process.

Roma community-based organisations

Purely community-based organisations (CBOs), which involve/unite all members of the community in their specific neighbourhood have not as yet developed among the Roma in Bulgaria. Nevertheless, there are some valuable practical experiences in community self-organisation of Roma in the form of various initiative groups, motivated for the realisation of common ideas/actions or interest in mutual support. These, however, are not sustainable—often acting to solve a particular problem and then being disbanded by the end of the activity, whether or not they have been successful.

Public and Roma neighbourhood councils are informal semi-structured bodies acting when the community has to take common decisions. They have some of the functions and roles of CBOs. Although fragmental, such experience could be a starting point for the development of community-based organisations.

National Roma organisations

National Roma organisations have been created with the goal of representing all the Roma people in Bulgaria and of solving the existing problems at a central level. In general their vision is based on a national-wide scope of activities to be implemented *for* the Roma population and their links with the neighbourhoods are perceived as mandatory rather than participatory. They are registered as NGOs, but often act on a semi-political basis. Many of them have initiated broad networks with branches throughout the country, but often consisting of only a regional or municipal coordinator. When first established, these organisations stirred up initiative among Roma people in their localities, entering the political parties or taking

positions in the state or municipal administration. Presently they continue to have some central offices in Sofia or in larger cities, but leaders only participate in various working groups, commissions and public councils, often attempting to dominate the dialogue between Roma communities and institutions at the central and local level.

Several years ago a coalition-building process was initiated, resulting in the creation of an informal association, Parliament Roma, and incorporating some Roma national leaders but without the participation of NGOs working at the level of community development. There are nevertheless some national Roma organisations, which have succeeded to shift their activities to the local or regional level but still however retain a top-down approach.

Relationships between Roma NGOs

Currently active networks of Roma organisations are listed below. These provide a sound base for an improved and broader system built around the establishment of a fully representative NGO coalition.

- Roma Community Centres Network – 12 Roma NGOs, working at the community level, facilitated by the Open Society Institute, Sofia.
- Roma community development, advocacy and lobbying network, facilitated by C.E.G.A. (*Creating Effective Grassroots Alternatives*) Foundation – a “main body” of 10 Roma NGOs, attracting the support of 15 to 20 other Roma NGOs for advocacy campaigns on specific topics.
- Desegregation Network of 7 Roma organisations, working on education issues, facilitated by *Equal Access* Foundation.
- Roma women organisations’ network, which is as yet at the starting point. The process is supported by a wide respected women’s network with a good record of programme experience.