

CONFLICT SPECIFICS OF PUBLIC SECTOR

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Abstract: The relevance of the problems examined is determined by the fact that the inevitable constitutive characteristics of social development are disharmony, contradictions, conflicts – both dormant and publicly manifested. On the one hand – no society, group or person is perfect and conflict-free; on the other hand – unequal distribution of resources, incomes, power, regional disparities, social differences and authority among people, social groups, organizations and institutions are the main prerequisites for the arising of conflicts and the formation of specific conflict zones. The consequences of conflicts emerging in the public sphere can be both destructive and constructive.

Successful public management in the public sector is a targeted action that involves studying, forecasting, warning, controlling and preventing conflict prerequisites and conduct in a way that makes them less destructive and more stimulating the development of society as a whole.

Keywords: public sector, conflicts, conflict zones, administrative units

The state or also called the public sector is such a system of state institutions, administration or organizations that manage public ownership, collect public debts through taxation and, last but not least, create public goods and services for the benefit of the whole society. As it is clear from the specifics of the public sector, its activity is bound with numerous and varied interdependencies and hence with prerequisites for the emergence of conflicts or conflict situations at all levels of their hierarchical structure.

In the modern world, we are witnessing interesting processes – in a number of countries, political power shifts considerably from the national political level and goes to the higher levels of the state administration reaching the public sector and vice versa. Higher civil servants are vested with more and more obligations and responsibilities.¹ They are more often within the scope of public monitoring and are more vulnerable to aspersion, corruption and management mistakes. As a result of recent reforms implemented in the state administration of the EU member-states, it can be noted that one of the main priorities in the activity of the

¹ Босаер, Д., Кристоф Демке. Предизвикателства пред морално-етичните норми на поведение в държавите членки на ЕС. Европейски институт по публична администрация Маастрихт. Холандия. 2005. myccibg.com/.../Main_Challenges_in_the_Field_of_Ethics_and_Integrity_BG.pdf (available since October 1, 2018)

administration is the openness and transparency. At the same time, the role of media is growing. This forms a conflict zone and makes politicians and civil servants much more open to the critical attitude of society and nowadays the media reports almost daily of revealed mistakes, corrupt practices and various forms of unethical conduct and mismanagement.

Citizens do not perceive authorities and traditional standards for granted. Indeed, the poor and unethical conduct of administrative staff has not grown, but public criticism towards them has increased. Such a statement may seem contradictory, but it is not negative, insofar people are required to bear responsibility for their own deeds. Change in values does not mean that citizens do not respect virtues and norms, but it is rather an indicator that society becomes more critical and self-confident.

Another conflicting premise can be found in the need of horizontal cooperation with sectoral policies impacting the territory of the country. Here we should emphasize on the vertical cooperation between different administrative units that must be arranged in such a way that the regional and local authorities to adapt their planning and management to the measures adopted at higher state level and at the level of the European Union.²

The changing role of the public sector, public/private partnerships, the decentralization of responsibilities, the establishment of new values (e.g. profit increase, individual expression, results of individual achievements), are in turn introducing moral values opposing to traditional ones. Nevertheless, new conflicts and dilemmas do not necessarily lead to a collapse of values and spread of unethical conduct.³

Moral values that are required by civil servants and human resources policy are very different. In the field of human resources management, people are often said to be the most important assets of the public administration and the attitude towards them must be appropriate. In reality, however, focusing on budgetary issues and financial constraints result in policies that do not consider human resources management as an important factor.

Differences between theory and what is actually happening are growing. Despite the public debate on moral values, they are reflecting in the management of some public sector leaders and managers who make public statements and commitments to society that they do not actually fulfil. Many public administration employees are not aware how to fit their personal annual goals and competence profile into traditional values. In general, the annual assessment of administrative servants gives the fulfilment of official duties and achievements the highest priority, and with regard to the cultural and ethical requirements, honesty and objectivity are ranked first. Administrative culture and manifestation of moral values of public administration that are valid for civil servants has not yet found their place in the

² Андонова, К. Дисонанси в релацията „социално-икономическо планиране – пространствено планиране”. 24-25 април 2015 г. Европейски практики и национални рефлексии в планирането. Международна юбилейна научно-практическа конференция на СА „Д. А. Ценов” – Свищов. 2015

³ Босаер, Д., Кристоф Демке. Предизвикателства пред морално-етичните норми на поведение в държавите членки на ЕС. Европейски институт по публична администрация Маастрихт. Холандия. 2005. [mucsbg.com/.../Main_Challenges_in_the_Field_of_Ethics_and_Integrity_BG.pdf](https://www.mucsbg.com/.../Main_Challenges_in_the_Field_of_Ethics_and_Integrity_BG.pdf) (достъпно на 1 октомври 2018)

portfolio of the individual employee and is not bound to the final assessment and the remuneration. However, political systems that are hypersensitive to unethical conduct, deception, mistakes and corrupt practices produce citizens that are over-sensitive to governance.

When formulating moral standards, strategies and policies and the successful functioning of the administration, in order to avoid conflicts, citizens expect detailed rules, clear codes of ethics and effective ways to manage and control the conduct of public sector employees. It is hard to systematize all these factors, since many differences and causes of conflicts relating to specific issues, individual differences and variety of situations are so great that in practice the collection of sufficient information to predict accurately the outcome of these numerous relationships prove to be a complex and difficult task. Most projects and real reforms in the human resources management are of purely legal, economic and political nature and do not affect the psychological social aspects of the problem. There is a lot of evidence that the ethical and unethical conduct of the individual employee is largely influenced by leadership, communication and personal feelings and emotions.

The role and importance of conduct in the workplace is not particularly well researched and it is sometimes not even considered as a problem in the public sector, despite the fact that emotions and moral values have a particularly strong impact on the performance of official duties. Citizens often respond emotionally and neither financial incentives nor codes of ethics can alter such type of conduct. In the public sector, however, human resources departments, subject to their budget, employ mainly human resources managers, economists or experts in other disciplines, and very rarely - psychologists. It can be further noted that for the successful management of conflicts more knowledge is needed about the relationship between the organizational structure and the personality, between the reform in the state administration governance and the moral values, as well as between the conditions of work and individual features of the personality.⁴

It is indisputable that the population has been dissatisfied with their administration since ancient times and one of the main reasons for this is that citizens do not like to be controlled, even in the name of the public interest. People are afraid of an impersonal, anonymous organization, especially when responsibility is difficult to be identified. Traditional administration does too little to inform the public about its deeds and even less – about its outcomes. Therefore, bureaucratic organization and the bureaucrats create the impression that they are rather self-informative, self-satisfied, slow hierarchical machine than an organization characterized by strict adherence to the law, fairness, honesty and professionalism and whose employees do not succumb to corruption and use their public office for their own private gain. It is a fact that the public administration is sluggish because

⁴ Демке, К. Държавните служители различни ли са заради това, че са държавни служители? Държавният служител – начин на действие. old.nbu.bg/PUBLIC/IMAGES/File/departments/.../Civil_Servants_book.pdf (достъпно на 21 октомври 2018)

it operates based on certain procedures and processes that should guarantee reliability and stability and immutability of the organization, its carriers are insensitive to the individual because they are convinced that they serve the common good.⁵

In “good governance”, the administration is not only an executive bureaucracy, it is a public administration involved in the formation and implementation of public policies and strategies. Nowadays, the administration can participate, together with political power, business sector and civic structures, in setting the ultimate goal and the actual realization of such goals. To be able to respond to this serious challenge, the public sphere should have adequate administrative capacity. Modern administrative capacity is ensured by involving the administration in political decision-making, albeit on the issue of solving a specific public problem.⁶ It is quite acceptable that in “good governance” very few conflict situations can be identified or there are almost none. However, this is not the case in the so-called “bad governance”.

According to EU criteria, “bad governance” means: unfair conduct, disloyalty, discrimination, abuse of power, lack of information or refusal to provide it, unnecessary delays, rude attitude to citizens. Most of the cases of “poor administration” refer not just to crimes, but to abuse or misuse of office, injustice, negligence, non-compliance with administrative rules, administrative ethics and conduct in public and administrative institutions, etc.⁷

On the one hand, there are clear rules for legitimate and appropriate administrative conduct and well-established administrative technologies for lawful administrative activity. They are first governed by documentary information and normative acts that cover official documents on a tangible medium. And alternatively – non-documentary information that is not documented in writing or through recording and which one can obtain by attending official meetings of collegiate bodies, meetings and discussions with officials, including his personal impressions of non-verbal indicators (gestures, grimaces, atmosphere of discussion, conditions of dialogue, etc.) of authorities and administration.⁸

Public organizations are not competitors to private sector organizations in terms of quality of service, flexibility, honesty and feedback. This is partly due to the fact that there is an objective contradiction between the need for more quality and cheaper public services and

⁵ Павлов, П. Държавното управление на администрацията в европейски контекст (Ориентири за трансформация). УИ на ВСУ „Ч.Храбър”. В. 2007.

⁶ Mihaleva, S. Problems And Achievements Of Bulgarian Administrative Capacity To Manage Community Project. Сборник научных трудов 14-й Международной научно-практической конференции, Финансовые проблемы и пути их решения: теория и практика, 23–25 апреля 2013 года, Санкт-Петербургский государственный Политехнический университет, 2013.

⁷ Омбудсман на Република България. Методика за оценка на доброто управление в общините www.ombudsman.bg/documents/metodika2009_web.pdf (достъпно на 15.11.2017 г.)

⁸ Михалева, Д. Защита срещу неоснователни действия и бездействия на административните органи в Република България XVI Международна научно-практическа конференция, Национална асоциация на учените, гр.Екатеринбург, Руска Федерация „Отечественная наука в эпоху изменений: постулаты прошлого и теории нового времени”, 11(16)/ 2015

the administration governed by the law and formal rules, which payment does not depend on the number, speed and cost of the service provided. There has been legitimate criticism of the negative aspects of the administration and especially of the so-called system distortions for many years. Bureaucracy has been criticized by society since its inception - nearly 5,000 years ago. Over time, the image of the civil servant remains influenced by the stereotype of the employee for whom time does not matter, who is more attached to incomprehensible procedures than to results that need to be achieved, who has barricaded himself in his small area of power and is far from the requirements for responding, thus interfering with the operation of the private enterprise.

Changes and reforms are desired not only by society, but also by administrative officials, because they understand that the bureaucratic administration does not fit into the new style of public governance due to too many rules, heavy bureaucracy, sluggish procedures and few incentives for individual development. Lack of innovation, poor mobility, inadaptivity and inability to change hierarchical structures and career systems are highlighted as the main signs of the inadequacy of the administrative system to the challenges of modern development.

Two lines of criticisms can be distinguished – towards the administrative system and towards the administrative staff, which give reason to summarize the following main features of traditional administrative and bureaucratic governance, revealing its inability to meet the new demands in the era of global competition, new technology, fast communications and knowledge economy:

- Public offices provide public services, defined by the vote of the so-called “average voter” rather than demand and supply in the public market. These public services are offered free of charge or at a price that is lower than their cost.
- As a rule, the activity of budget institutions is subject to some vague, undefined public interest. They lack a selectively targeted orientation that is characteristic of the activity of the private business initiative.
- Public offices operate under the conditions of monopoly, they are isolated from the impact of competition, which constantly requires a precise income and loss statement for each business operation. Their decisions are often short-term oriented and depend mainly on political and electoral factors. This generates economic losses that increase public services.
- In the supply of public services, there is no daily market test, to which private goods and services are subjected. Therefore, in most cases, public offices are indifferent to changes in the preferences of the citizen – a taxpayer and a customer of public services. Their sense of change and innovation in conformity to new public needs is undeveloped.

- Public offices are subjected to comprehensive accountability, continuous and total control on their activity. This depresses their managers and therefore they adhere to formal legally permitted style of conduct– playing by the rules.⁹

- Budget officials have to comply with too many regulations and instructions. They typically exert great efforts to collect information that is often needless and to unnecessary coordinate the activities between the units. All this results in loss of working time and low productivity of the administrative and institutional work.

- Budget offices are managed either by professional administrators or by experts who are professionals in another “narrow” area. Both do not have modern professional knowledge in the field of public management.

- Public offices work in the conditions of “fixed” staff and budget. This limits the possibilities for motivating and stimulating well-performing employees and for sanctioning negligent ones in the administration. As a result, entrepreneurship and initiative are episodic, and mediocrity and formalism are typical characteristics of public offices.

The so-defined shortcomings reveal the inadequacy of administrative governance with regard to the new system of values of 21st century public governance. A system that involves efficiency and effectiveness, high quality of public services and due respect to taxpayers – customers of these services. A system that requires flexible organizational conduct and an adequate timely response to changes and challenges of the public environment.¹⁰

In the recent years, efforts have been made in many countries to reform the outdated administrative and budgetary system. There are many positive results, however, not all reforms have improved the image of the administration. In most cases, negative results of the reforms are due to the combined impact of a number of factors such as budgetary and financial constraints on the administrative activity, the irrationally planned reforming actions and the poor image of the administration. At the same time, the calls for change, innovation, mobility, creativity and efficiency are only “best wishes” because they are not accompanied with precise indicators for assessing the objectives and results of the reforms. Another obstacle is the serious resistance of traditional bureaucratic cadres.¹¹ Regardless of all the reforms made, the image of the state office remains rather negative, and the administrative sector is still considered boring, bureaucratic and outdated.

⁹ Velikova, M. Financial management of Bulgaria municipalities - quantitative indicators of measurement and assessment. Сборник научных трудов 14-й Международной научно-практической конференции, Финансовые проблемы и пути их решения: теория и практика, 23–25 апреля 2013 года, Санкт-Петербургский государственный Политехнический университет. Санкт-Петербург, 2013. с. 442-448.

¹⁰ Ямукова, П. Предизвикателството „повишаване на информацията и знанието на общинските служители“ Известия на съюза на учените., Серия „Хуманитарни науки“- Варна, 1, 2017, ISSN 1310–6376.

¹¹ Демке, К. Държавните служители различни ли са заради това, че са държавни служители? Държавният служител – начин на действие. old.nbu.bg/PUBLIC/IMAGES/File/departments/.../Civil_Servants_book.pdf (достъпно на 21 октомври 2018)

It is clear from the review, that there is a problem lying deep in the rigid bureaucratic system and these are administrative conflicts caused by distortions in the administrative system.

In the system of conflicts that rise and develop in modern state governance, these types of conflicts deserve special attention since they are one of the main barriers to the implementation of an adaptive state governance capable of responding promptly and adequately to the challenges of external and internal social environment.

The definition of administrative conflict is in line with the latest achievements of conflictology and the administrative management in the EU member states, namely: “The administrative conflict, as a specific form of manifestation of social conflicts, covers the whole set of administrative relations and conflicting interactions between the administration and public bodies that, on the one hand, it should support and on the other hand, between the administration and individuals and legal entities – customers of public services in their dialectical unity.”¹²

On the one hand, there are clear rules for legitimate and appropriate administrative conduct and obvious administrative technologies. On the other hand, for various objective and subjective reasons, these rules often are out of step with real administrative practice and become nearly a pathological norm. It is therefore necessary to typify the distortions of the administrative system, to reveal the reasons for their existence and to find out scientifically based approaches, methods and means for their maximum limitation.

Revealing the nature of administrative distortions as a source of administrative conflicts as well as the causes and incentives for their existence, provide a good basis for seeking appropriate ways of limiting them and hence diminishing the severity of the emerging conflicts. Two groups of approaches to successfully solve the problem of administrative system distortions and hence of administrative conflicts can be distinguished.¹³

The first group of approaches addresses the improvement of state governance and thus – the elimination of the objective causes of the administrative distortions. The most important of them can be formulated in the following hierarchical sequence:

- Clarifying the new role, place and nature of the state in the changing world in the conditions of globalization.
- Establishing a new state governance philosophy.
- Defining adequate functions, structures and organization of government bodies.
- Innovating the state administration in order to bring it in line with the criteria and requirements of the European administrative area.

¹² Павлов, П. Държавното управление на администрацията в европейски контекст (Ориентири за трансформация). УИ на ВСУ „Ч. Храбър”. В. 2007.

¹³ Босаер, Д., Кристоф Демке. Предизвикателства пред морално-етичните норми на поведение в държавите членки на ЕС. Европейски институт по публична администрация Маастрихт. Холандия. myccibg.com/.../Main_Challenges_in_the_Field_of_Ethics_and_Integrity_BG.pdf

- Introducing new forms of civil and institutional control over the activity of the administration to ensure transparency and continuous accountability of the activity of the administrative staff.

The second group of approaches are of instrumental and applied nature¹⁴ and are directed at finding specific limitation mechanisms and subsequently eliminating bureaucratic pathologies such as:

- Active use of the legally established Ombudsman institution.
- Use of the methods that are common in the strategic management and above all SWOT-analysis for diagnostics and strategic analysis of the bureaucratic pathologies and the conflicts caused thereof.
- Introducing and complying with behavioral and ethical standards for the conduct and activity of administrative staff (introduced in Bulgaria since 2004).
- Introducing standards for the scope, deadlines and quality of public services provided to individuals.
- Introducing psychological methods for individual diagnostics of the type of citizen and of the administrative official.

Conflicts are a specific way of interaction between people and can be perceived as a normal social phenomenon and a property of social systems and processes typical of all societies, cultures and peoples. Conflicts are not always reasoned or justified by important causes, they often arise in the mutual desire to smooth the differences or because of the unacceptable conduct of one of the parties. However, it is possible the conflict to be rooted in the different norms of conduct, value systems, wealth distribution or even in the case of unrealized personal expectations.

Administrative conflicts are an objective reality and their management is a complex process associated with timely diagnosis, identification, early warning, regulation, prevention or resolution. Conflicts in public sphere are addressed by administrative managers in the following ways – pretending they do not notice them, suppressing them or trying to prevent them. However, the most effective of these is using the administrative conflicts as a source of developing both the administrative system and the civil society /to achieve this, a systematic approach need to be applied in the implementation of the complex of activities targeted at limiting and eliminating bureaucratic pathologies being one of the main sources of administrative conflicts in the traditional state governance.

¹⁴ Павлов, П. Държавното управление на администрацията в европейски контекст (Ориентири за трансформация). УИ на ВСУ „Ч.Храбър”. В. 2007.

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