



Assessment of the prevention of conflict of interest in executive

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Abstract. Examined are the key issues of prevention of conflict of interest, the conceptual framework of conflict of interest, real and potential conflict, the evaluation system to prevent conflicts of interest, organizational values while preventing conflicts of interest, ethical element in preventing conflict of interest in the executive branch. There remain relative boundaries between real and potential conflicts and the institutionalization of control situations of potential and actual conflicts of interest in the discussion and making management decisions.

Keywords- prevention of conflict of interest; real or potential conflict system to prevent conflicts of interest; organizational values; ethical element in the prevention of conflict of interest

I. INTRODUCTION

The issue of conflict of interest, incompatible responsibilities and public duties and personal interests of public officials is a topical issue that is governed not so much by law as by custom.

The national legislation of most European countries there is a separate legislative act regulating the prevention, management, regulation and sanctioning relations or in connection with the occurrence or existence of a conflict of interest. In most cases, conflict of interest is prescribed by law or in connection with the conduct of public officials or laws on corruption.

Prevention of conflict of interest is part of the policy relating to the prevention and fight against corruption. The social aspect of conflict of interest is related to the basic principle of democracy, and as part of the policy should be formed in the public interest, subject to the rules of the non-responsive to their particular interests.

By benchmarking system to prevent conflicts of interest need to build the conceptual framework of study and regulation of conflict of interest in the executive branch. Milestone in the study of conflict of interest in the executive is streamlining the specific laws in the Bulgarian legal system that needs to be addressed as part of the analysis of national legislation and practices application. System analysis and evaluation of existing facilities relevant to "conflict of interest" should be based on adequate and proper legal and institutional framework should include:

a/laws regulating the prevention and detection of conflicts of interest;

b/appropriate administrative structures adequate to decide if necessary to prevent and detect conflicts of interest and to implement preventive measures and policies to build a culture of behavior to avoid conflict;

c/laws, regulations, administrative bodies providing relevant authorities and sanctions mechanisms for resolving situations of conflict, the introduction of sanctions: a/for employees who have announced that they are in a situation of conflict of interest;b/for employees control units that do not update the register of conflicts of interest.

The criteria of evaluation for the prevention of conflict of interests in the executive branch should be examined by two main features:

a/ actual conflict of interest;

b/ declaring a conflict of interest in order to prevent future conflict;

In fact a conflict it is necessary to pay special attention to the possibility of developing detailed and specific procedure for challenge in the process of decision-making in issuing administrative acts in a conflict of interest. The lack of such a procedure extremely difficult and hinders the effective implementation of the challenge.

In declaring a conflict of interest in order to prevent future conflict emphasis should be placed on legislation and practices for "declaration of private interest" in order to avoid the possibility of conflicts of interest in the administration.[11, 13, 14]

In this case, the evaluation criteria for this situation must be determined in order to establish the possibility of the presence or absence of established procedures to identify, manage and resolve conflicts of interest in the presence of clear rules for the conduct of civil servants in such situations.

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II. CONFLICT OF INTEREST AND CORRUPTION

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Conflict of interest not only to situations where there is an unacceptable conflict of interest between the public official as a person and his duties as a public servant, but also to situations of potential and actual conflicts. The main focus can be derived here is that the purpose of legal outfits conflict of interest is to ensure the priority of public over private interests.

It is a measure to limit conflicts of interest in administrative and organizational aspect is the institutionalization of control situations of potential and actual conflicts of interest in the discussion and making management decisions in the conduct of competitions for appointment to positions in the state administration in conducting competitions for disbursement of public funds, in the formation of the committees in the state administration and others.

The legislative context of the prevention of conflict of interest is another key point in the Bulgarian legislation where there are significant gaps in knowledge of the basis for regulation, penalties and prevention of conflicts of interest in public administration. There is tension in the presence of certain administrative structures in terms of the general conditions and environment for effective anti-corruption pressure regulation and prevention of conflicts of interest.

This is one reason why the structures of local administrations have a higher willingness to discuss these issues openly than in the central administration.

III. LAW ON PREVENTION AND CONFLICT OF INTEREST

The main legislation regulating the conflict of interest Law on prevent and detect conflicts of interest which was adopted in 2009 Since then present were five amendments to the law, and in 2010 / publ. SG. No. 97 in 2010 / was changed its name.

For the same period of the law to gain significant judicial and administrative practice implementation. The need for the emergence of this law is conditional on the inadequacy of current regulations and the "lack of a system of guarantees for the exercise of power resources in the public interest and a clear institutional framework."

Law on Prevention and Disclosure of Conflict of Interests sets the rules for the prevention and disclosure of conflict of interests of persons holding public office. Among the main reasons that the law required premiums are set out in the grounds of the draft law, the necessity of introducing a unified system for managing conflicts of

interest, which is one of the main sources of corruption, the lack of a clear institutional framework of commitments to conflict of interest.

But nowhere in the Law on Prevention and Disclosure of Conflict of Interests lawmakers did not think to include the term "prevention" of a conflict of interest as a preventive measure to prevent, reduce and prevent the development of conflict.

Often the conflict of interest is perceived as corruption or incompatibility of temperament or personal interests of employees and lack of prevention of conflict of interests has negative political, economic and social consequences.

Politically, corruption and conflict of interest creates a negative social capital and violates fundamental principles of democracy and the proper functioning of government.

In this sense, abuse of power and "marketing" influence not only violates the law when, but when I violate ethical and moral standards in order to gain money or power.

Given everything said so far, it is clear that the key factor is trust and cooperation, and they are the basis for the reduction of tension and the potential for conflict of interest. That interference conflicts of interest induces a number of negative outcomes so that "prevention" is central to contemporary European democracy.

In this vein, the question arises: conflict of interest accompanying element there is political corruption and leads necessarily to a personal improvement?

According to Alatas, "Corruption is the abuse of trust in the interest of private gain." Alatas distinction between the terms "corrupt bargain," and "corruption, extortion". Conflicts of interest lead to breach of trust in public institutions, reducing their legitimacy by establishing a reputation dishonesty and bias.[17]

According Nevyana Kaneva, "the problem of preventing the establishment of a conflict of interest is directly related to the fight against corruption."

Kuneva stressed that "conflict of interest is not necessarily corruption because all corruption cases involving a conflict of interest, but only conflict of interest is not identefitsiran managed and resolved in an appropriate manner can lead to corruption." [7]

It should therefore be regulated mechanism for the prevention of conflict of interest against certain optimum corruption tendencies of social development.

Policy on prevention of conflict of interest is part of the strategy for prevention and detection and investigation of corruption cases.

It is necessary to reconsider the very notion of sustainability and risk in terms of the quality of public services and career prospects of public officials before be covered legislative and regulatory matters related to conflict of interest.

Meanwhile the executive and parliament often enter into a confrontation on the control of information, the executive seeks to keep secret a large number of possible volume of information and the parliament seeks to use the full amount of information for making real parliamentary debate.



On the other hand full transparency in the executive branch may cause a direct threat to the security of the state, but the disclosure of the abuse of public office by Ministers can not represent a direct threat to state security. "Public interest must guide the actions the politicians, not the fear of weakening the party in power. "

So in conclusion, it can be concluded that the term "prevention" should be understood not only measures "aimed Self politics, economics, public administration and law enforcement agencies, but also those who go further and could eliminate the roots of evil, most of which are located deep in the society. "

Recognizing the problem of conflict of interest, corruption, and their relationship with politics is directly linked with corporation values while preventing conflicts of interest as a result and reflection of opposing or conflicting interests.

Based on the ethical rules adopted by the Organization for Economic Cooperation and Development, outlined five levels on which formulates strategy for managing conflicts:

- 1/policies for recruitment and career development;
- 2/internal procedures Management,
- 3/control
- 4/leadership and
- 5/social audit/engagement

According to Dr. Luis Sousa in December, a key element in preventing the use by employees of the privileges and confidential information for illegal enrichment is the provision of adequate remuneration and working conditions, consistent with the level of service given to the assigned mandate to promote ethical behavior of the employee.

These reforms should be carried out together with measures to promote ethics and organizational integrity and professional socialization through education, training, and more.

Following the logic of the aforementioned conclusion is that "the absence of a consistently applied system of human resource management inevitably leads to opposition between individual interests and the interests of the employees of a single administrative structure." [12]

Management of conflicts of interest can be effective if include legal means aimed at its causes.

The Bulgarian legislation means for managing conflicts of interest with respect to both categories of employees who work in public administration - civil servants and employees in employment are governed by the Civil Servants Act, the Labour Code and others.

In general, conflicts of interest must be covered by adequate internal procedures and controls.

According Nevyana Kaneva, "one of the difficulties in dealing with conflict of interest due to the fact that not all private interests can be addressed and described in the fullness of the regulations." [7]

Significant part of the action in a conflict of interest can not be determined as illegal. The system for managing human resources the administration is characterized by a high degree of centralization, the legislation allows the

individual administrations to pursue an independent policy on human resources management.

Ethical element in the prevention of conflict of interests in the executive is finding the balance between public and private interests in the performance of official duties, and failure to reconcile with other public service activities.

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