

кости ее политиков. Раз военные действия начала Грузия, России пришлось вмешаться, но ее «агрессором» назвать не смогли.

Под категорию «агрессор» подошла Армения, на определение чего решились в Баку. Армения не переселяла армян в Нагорный Карабах для осуществления там сепаратистских действий. Когда по требованию И.В.Сталина эта намеченная для включения в состав Армении автономная область была отдана Азербайджану [3, с. 55], там большинство жителей было армянской национальности. Они стали действовать в интересах суверенности мирно, конституционно, через референдум, который со временем был проведен и в Крыму по поводу вступления этой территории в состав России. Не все в Азербайджане осведомлены о том, что в Нагорном Карабахе 10 декабря 1991 г. был проведен референдум о выходе этого региона из состава Азербайджана с поддержкой этой решимости 99,89% жителей этой территории. Но как можно признать референдум, если нужно сохранять «целостность государства»? Другое дело, если бы референдум был осуществлен на всей территории Азербайджана..., но без опроса армян Нагорного Карабаха.

После этого азербайджанцами были начаты военные действия, с проигрышем. Но после этого Армения — «агрессор». Никаких переговоров с новой властью самопровозглашенной республики быть не может!

С журналистами, учеными следует согласиться в том, что не позволительны захватнические действия, не обусловленные внутригосударственными межэтническими сложностями. Но вторжение может готовиться с выходом заинтересованного государства (например, США) на оппозицию нужной страны платными заказами незаконных действий, в борьбе с которыми местная власть станет действовать жестко, а не «широко демократично». Тогда происходит ввод иностранных войск, но это не агрессия, а наведение «порядка».

Таким образом, говорить о беспрепятственном отделении нации (народа) из состава государства не представляется возможным. Властям крупных, многонациональных государств, тех, в которых есть нации «малые», этнодиаспоры, интересует в первую очередь положение о важности сохранения «целостности государственной территории», а не о «праве на самоопределение». Состав международных законов не определил приоритетный вариант между спорами о коллизии права наций на самоопределение и права власти государства на сохранение целостности своей территории, что в свою очередь довольно таки серьезно усложняет реализовать право на отделение, которое состоит в рамках понятия принципа права на самоопределение.

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#### COMPARATIVE ANALYSIS OF CIVIL SERVICE STANDARDS IN RUSSIA, THE UK AND THE USA.

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One of the most crucial factors in the development of the state is the quality of its governance. The country's future depends on it. The states are aware of the urgency and importance of this sector's development and improvement, thus, the related reforms are ongoing.

We selected the standards of civil service in the United States, the UK and Russia for our comparative analysis, as the considerable changes have occurred during the last time period in civil service regulations of these countries.

Our comparison will be based on the following categories:

- the focus of recent reforms in civil service;
- the legal framework;

- the entry into the civil service,
- the transparency of the state service.

The primary aim of our research and analysis is to form an ideal model of civil service standards.

Nowadays the countries under study are on the frontier of change. The United Kingdom and the Russia Federation have recently had the reforms of civil service, although, the directions of the reforms are contrasting. The aim of the English reform is the development of personnel's personal qualities, in particular, civil servants are supposed to be more mobile, competitive and able to perform well under pressure. In contrast to this, the Russian government is looking forward to promoting the procedures of competition for choosing highly -qualified and highly — professional civil servants, focusing mostly on their job-related competences and skills, rather than on their personal traits. The USA is also on the way towards the reforms in civil service, because the reform of 1978 is antiquated. Civil service reform proponents are finding allies in federal officials, who want greater flexibility to deal with their workforce, as the current system appears to be unfair to hard-working and productive federal employees.

We would like to note that changes usually depend on the urgent problems. It is a vivid example of differences between the approaches to governance and the chosen direction for management systems' development in the countries under study.

On the next stage of our research it is necessary to analyze the legal framework of the public service operation and functioning.

In England, for example, there are no legislative acts on civil service. The law is a non-systematic and the idiosyncratic system of rules consisting of a number of parliamentary statutes and acts of delegated legislation: orders of Council, decrees, instructions of the ministries and departments. In this case, single consolidated law on public service is lacking. However, it should be noted that the activities of the officials may be found in and governed by the Civil Service Code, which sets out 4 core values of the civil servant: Honesty, Integrity, Impartiality, and Objectivity. The public service management is based on ethical standards. Since the beginning of the civil service reforms in England, politicians and law specialists have been having a discussion about the laws of civil service, but they cannot make a final decision so far.

The basic law of the Russian Federation, defining and regulating the activities of the public officials, is the Federal law of 27 July 2004 "On state civil service of the Russian Federation" [1]. Partially these relationships are also protected by the Labour Code of the Russian Federation. It should be noted that the basic law has all the provisions regarding the entry to the civil service. Besides, the decree of the President of the Russian Federation from February 1, 2005 No. 112 "About competition on replacement of vacant posts of the state civil service of the Russian Federation"[2], complements it, because it specifies which documents must be submitted by an applicant for the admission to the civil service.

In Russia, the current model code of ethics and official behavior of civil servants of the Russian Federation is purely advisory in nature. Thus, the main problem is that it is impossible to apply any measures of legal liability, such as dismissal, for the violation of its provisions. But now the amendments to this issue are included in a new legal document, which may become a normative legal act. According to this legally binding document, the violation of its rules and regulations will be regarded as an offence. The New Code also contains a provision on the obligation of officials to comply with the moral-ethical principles even during their leisure activities, because the actions of the civil servant are assessed not only at the workplace [3].

In regard to the civil service legal regulation, the situation when the particular activity is regulated by several documents may occur, engendering the inconsistencies in the interpretation. Legal scholars note that, for instance, the specification of the list of documents, required for the admission to the position of the state civil service, is regulated by the decree of the Russian, which is considered to be legally binding. Consequently, the legislator in this case chose not a direct but rather a "blanket" method of presenting the legal rules. Despite it is permissible, however, in our opinion; it is not quite efficient from a technical point of view. More direct method of presentation would be more preferable, for instance, the list of documents required for admission to state service should be enshrined directly in the Federal law "On state civil service of the Russian Federation", and not in the corresponding article of the Labour Code, amended by the President's decree.

The author claims that the countries need a single law for all their civil servants, because it will clearly define their rights, obligations and responsibilities.

As the quality of civil servants' work highly depends on the process of their selection, further we will consider the components and the methods of this process in three countries.

For selection of their civil servants, England and the USA created the independent governmental bodies that govern this process.

In the UK, there is the Civil Service Commission. It consists of eleven members; the prerogative of their appointment belongs to the Queen. They are chosen not from the officials, but from general public provided that they have sufficient experience in different spheres of social life. They are appointed for a term of five years, on a part-time basis. The Commission's work complies with the Civil Service Code, the provisions of which contain the rules for the conduct of selection procedures.

Basically, the Board reviews and approves candidates for about 600 positions, included in the list of senior civil servants. The process of selection and hiring people for some other minor positions is provided by the HR services of the governmental institutions themselves. But the Commission still carries out the close monitoring of the process. Exclusion from the open competition comprises such cases as the temporary appointments for up to 12 months and, in some cases, transferring the employees to the new positions. The Commission is also in charge of the consideration of complaints, regarding the violations of the Civil Service Code [4].

In the USA functions of the commission are split between the Office of the Personnel Management and the Merit Systems Protection Board.

The OPM works in several broad categories to recruit, retain and honor an excellent workforce for the American people. Other responsibilities of the OPM include:

- managing federal job announcement postings at USAJOBS.gov;
- setting policy on the governmental hiring procedures;
- conducting the background investigations for the prospective employees;

- carrying out security clearances across the government.

The OPM upholds and defends the Merit systems in Federal civil service, making sure that the Federal workforce uses fair practices in all aspects of personnel management. The role of Merit Systems Protection Board (MSPB) is in protecting the federal Merit system principles and promoting an effective federal workforce free of prohibited personnel practices (PPPs).

The author considers this approach to the selection of civil servants to be an effective option, because the whole structure is engaged in personnel selection in the sphere of public service. Thus, the best selection is guaranteed.

In Russia, a separate Commission, regulating the process of candidates' selection, is usually formed at every public authority separately. It comprises the employer's representative, the representative of the federal or regional state body for the management of civil service and the representatives of scientific and educational organizations (as independent experts).

The Commission panel shall be formed in such a way as to prevent the conflict of interest that could affect the final decision of the competition experts. First of all, this measure is aimed at counteracting corruption, and also is used to prevent the personal interest of the parties. As a result, the objectivity of the future civil servants' selection is achieved.

But the number of independent experts should be not less than one-fourth of the total number of members of the Commission, i.e. if the Commission consists of 5 people, there is only one independent expert among them. This approach, according to the author, cannot ensure full objectivity and transparency of the competitive procedures.

The increase in the number of civil society members in the competition Commission will surely contribute to the objectivity and transparency of the procedure, as, in our opinion, the selection of candidates on public service positions should be carried out by those for whom and for whose benefit the service is performed.

The Commission exploits different methods of personnel selection, like an interview, discussion, testing, business-games, case-study, etc.

But the core of the selection procedure is the testing, because it allows you to test the candidate's knowledge to the full.

In regard to the testing, in all of the countries under consideration, there are Internet resources devoted to preparing for a typical test. But only in the UK and the USA candidates can find not only the demo tests, but also instructional videos on their writing assignments, tips for avoiding common mistakes, etc.

This experience in Russia is presented by the Yamalo-Nenets Autonomous District. There is a preliminary program, preparing citizens to participate in the contest for the vacant posts of the state civil service of the Yamal and on the inclusion in the personnel reserve of the state civil service of the Yamalo-Nenets Autonomous district in 2015 — 2016.

This program is conducted by the Personnel Center. The program consists of lectures and practical exercises, and participants also receive all necessary studying materials. Mostly classes are devoted to the theoretical issues and the legal framework of civil service, laws that can help fill the gaps in knowledge. A professional psychologist conducts trainings to ensure that participants feel comfortable and will cope with their emotions and excitement during the real interview or testing. As well, the participants are taught the skills of self-presentation. Thereby the competitiveness of the candidates is increased. This practice has shown good results, and in the author's opinion the Federal government should be interested in the introduction of this practice at the Federal level.

Further proof that the testing is the most popular way of selection is that new techniques and technologies are constantly being developed for the testing of the candidates to be more fair and efficient. For example, in the USA the new generation of exams, called USA Hire, uses animated avatars and videos to simulate challenges that could confront employees, testing their reasoning and problem-solving skills. Advances in technology allow the tests to scale questions; a correct answer leads to a harder question and an incorrect one ratchets down to an easier option. Scoring is instantaneous, an advance that can quickly winnow the pool of applicants.

Up to 10 percent of civilian government jobs are now being filled based partially on the scores on these new tests, according to the officials at the Office of Personnel Management, which is promoting the initiative.

The new exams still assess general aptitude, as the old-time civil service tests did. But to avoid possible discrimination, a concern with the old tests, the new exams also measure other attributes, such as teamwork, problem solving and judgment, and are tailored to assess specific job skills. The new tests were developed by personnel psychologists, who seek to ensure that all applicants are on a level field, OPM officials said [5].

In the Russian Federation the newest top-notch ways of personnel selection has not been developed and implemented so far. Each authority defines its Commission's methods of the candidate's selection. The author believes that this is due to the fact that there is no Central apparatus of management and control of the public service.

There are techniques on carrying out the competition on replacement of vacant posts of Federal state civil service in various Ministries and departments of the Russian Federation, which encompass methods of screening.

But having analyzed these techniques, the author has come to the conclusion, that only some of them in more detail specify the methods and criteria of evaluation of business qualities of the candidates. In most cases, the methods are rather formal and identify only the most general outline of selection procedure.

Only the methods of Federal Supervision Agency for Information Technologies and Communications and Federal Service for Surveillance on Consumer Rights Protection and Human Wellbeing reveal the details of the testing, that is, they specify the subjects, the number of points for the correct answer, but they do not provide the typical tests.

On the local level of the Russian Federation's constituencies, the attempts to enhance the transparency of the governmental services and the convergence of the civil service activities with the people were successfully carried out.

Although there are still a lot of inconsistencies relating to the selection commissions' work as there is still some bias in the selection procedure and no legally established professional standards for the positions of the state civil service.

Thus the research revealed that the general, statutory characteristics of the professional and personal requirements to the candidate for the position of civil servant are still lacking in the Russian Federation. It means that there is still some room for improvement in this sphere.

The vagueness of the criteria for selection of candidates for the positions in the civil service and the lack of legislative clarity on the particular skills required for civil servants entail well-known difficulties in tailoring the civil service of the Russian Federation up to the high international standards.

In this case the experience of the USA in the field of optimization of the civil service recruitment process should be taken into account. In 2004 the "Model of employment within 45 days" was established in the USA. It contains a step-by-step description of the relevant administrative procedures. For attraction of the highly-qualified specialists and improving the effectiveness of the current workforce, the special guidelines were issued by the career models. Career models are based on the classification of people entering government service, in accordance with a specific set of characteristics. For each category (e.g., "student"), you specify which characteristics of job (high salary, opportunities for professional growth, camaraderie, etc.) are the most important and which methods (internships in government, tuition, etc.) can be used to attract and retain the citizen in the public service. Career models are then used for the preparation of vacancy announcements in the public service, development of civil service job responsibilities, workplace organization and for other processes of personnel management [6].

According to the author, this practice is both effective and transparent for the selection of civil servants. With its help you can select a specialist with the all necessary knowledge and skills.

As we can see, each system has its advantages and disadvantages. But in general, it should be noted that they are aimed at increasing the efficiency of the state apparatus. Thus, we can conclude that the ideal model of civil service is an open system, with a legislative framework which includes the mandatory code of ethics and highly — qualified personnel.

Summing the analysis up, the author wants to note that the ideal civil service should have: a complete legislation on civil service, including ethical standards; a Central civil service Commission, which will oversee the selection process of civil servants at all levels of government, to make monitoring of the labour market, to develop new effective methods of selection, etc.; the system should be as open as possible to attract new members; certain requirements for the candidates of civil servants positions should be available for general public. Only in this case it is possible to achieve the effective, well-coordinated work of public service and governance in general.

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#### ПРОБЛЕМЫ ЗАКОНОДАТЕЛЬСТВА О СОЦИАЛЬНОЙ ЗАЩИТЕ ВЕТЕРАНОВ БОЕВЫХ ДЕЙСТВИЙ (НА ПРИМЕРЕ ТЮМЕНСКОЙ ОБЛАСТИ)

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В современном мире, в последние десятилетия наблюдается тенденция увеличения количества вооруженных конфликтов как внутригосударственного, так и межгосударственного характера. Участие Вооруженных Сил Российской Федерации в военных конфликтах влечет рост числа ветеранов боевых действий.

В связи с чем, представляется важным обратиться к исследованию понятия "ветераны боевых действий".

В ст. 1 Федерального закона от 12 января 1995 г. №5-ФЗ (ред. от 28.11.2015) "О ветеранах" [2] определены следующие категории ветеранов: 1) ветераны Великой Отечественной войны; 2) ветераны боевых действий на территории СССР, Российской Федерации и территориях других государств; 3) ветераны военной службы; 4) ветераны государственной службы; 5) ветераны труда.

Согласно ч. 1 ст. 3 ФЗ «О ветеранах» к ветеранам боевых действий относятся следующие категории лиц: