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ISSUES OF LEGAL REGULATION OF RECRUITMENT AND ROTATION OF DIPLOMATIC STAFF IN THE REPUBLIC OF UZBEKISTAN

Abstract. This article discusses foreign experience and national legislation on recruitment to diplomatic service, rotation of diplomats. Opinions on the procedure and conditions of the selection process for the appointment of diplomatic staff are analyzed. The author presents his suggestions and recommendations for solving problems in this area.

Keywords: Ministry of foreign affairs, diplomatic service, diplomatic staff, recruitment, rotation, regulation, vacancy, regulation, competition, selection.

The process of selection and appointment to a position is a set of legal and organizational measures that ensure the staffing of the diplomatic service with specialists whose professional and personal qualities correspond to the goals, tasks and characteristics of a particular unit and a particular position in the Ministry of Foreign Affairs (MFA) system [1]. However, the selection of personnel for the diplomatic service of Uzbekistan practically remains unregulated.

Pursuant to the clause of 6 of the Decree No. 5400 of the President of Uzbekistan dated April 5, 2018, *the head of a diplomatic mission* can be a citizen of the Republic of Uzbekistan who has a higher education, is fluent in state and foreign languages, has relevant job, moral and professional qualities, has deep knowledge in the field of history, culture, national traditions and customs, seeking to promote socio-economic and socio-political transformations in the Republic of Uzbekistan.

The requirements for other diplomatic workers and the procedure for selecting candidates for members of a diplomatic mission, and holding a competition for these positions are not normatively established, which creates grounds for corruption, nepotism and protectionism in solving personnel issues. In order to ensure transparency in the procedure for appointment to other positions in the diplomatic mission, it is necessary to clearly enshrine the requirements for candidates in the law.

Undoubtedly, the analysis of foreign practice of recruiting diplomatic workers is of great interest. The training of highly qualified diplomats is carried out in many countries, since such personnel must protect and promote national interests in the international arena. At the same time, there is no universal and generally recognized system for training diplomats; each state trains diplomats based on its own priorities and resources [2].

In France, the conditions for admission to the diplomatic service are the following: a) French citizenship, b) possession of political rights, c) law-abiding and observance of laws, d) loyalty to the laws on military service; e) physical fitness for public office [3]. Recruitment for the diplomatic service and positions of secretaries and advisers is made on the basis of competitive examinations or after graduation from the School of National Administration, the duration of which is 2 years. Students of this school, who successfully passed the entrance exams, are enrolled in the personnel reserve of officials.

In Kazakhstan, a citizen of the Republic of Kazakhstan who has a higher education, is fluent in the state and Russian languages, has the necessary job, moral, professional qualities and health state to perform the duties assigned to him (Art. 9 of the Law of the Republic of Kazakhstan 'On the diplomatic service of the Republic of Kazakhstan').

In Ukraine, citizens of Ukraine who have a special higher education, the necessary professional and job qualities, know the state and foreign languages and, meet health requirements, can be sent on a long-term official journey (Art. 9 of the Law of Ukraine 'On the diplomatic service'). Usually, graduates of all universities without exception, holders of diplomas in various fields, can participate in the competition. But taking into account the specifics of work in the foreign policy department, as a rule, candidates who have received higher education in such specialties as political science, international relations, world politics, foreign regional studies, and linguistics have an advantage.

In Italy, only those with a university degree in such specialties as political science, law, finance, banking, statistics, demography, and the political systems of the East can apply for such positions in the competition. An English language exam is required. Citizens wishing to participate in the competition for filling diplomatic positions in the MFA can attend one-year courses at the Diplomatic Institute.

When appointed to the positions of the diplomatic service, in the legislation of some foreign coun-

tries there is a procedure for taking an oath, which is mandatory for recognizing a person as a diplomat.

So, the system of competitive selection with passing exams for the diplomatic service is successfully used in many foreign countries, whose useful experience can be used in Uzbekistan. For most countries, the obligatory conditions for entering the diplomatic service are citizenship, higher education, professional knowledge of the national language and foreign languages, high moral and business qualities, physical fitness and health.

Competitive selection ensures the democratic nature of personnel decisions, increases the influx of professionals into the MFA system, which increases the prestige of the diplomatic service, guarantees a high objectivity in assessing professional suitability for work in the foreign affairs agency [4].

In this regard, one should agree with the proposals of specialists on the application of a competitive system with examinations in the selection of personnel for the diplomatic service of Uzbekistan [5]. This approach can also be used to advance in a diplomatic career, which will increase the qualifications and level of professional preparedness of diplomats.

Based on this, we propose to legislatively establish the following requirements for candidates for a position in the diplomatic service system: a diplomatic worker can be a citizen of the Republic of Uzbekistan who has a higher education, is fluent in the state and at least two foreign languages and has job, moral and professional qualities to perform the duties assigned to him, and does not have medical contraindications for the performance of official duties.

As requirements for administrative and technical employees of a diplomatic mission, it is necessary to provide for citizenship of the Republic of Uzbekistan, secondary specialized or higher education, necessary professional knowledge and skills, knowledge of the state and foreign (English) languages.

To ensure the objectivity and transparency of the competition, it is necessary to develop a number of documents.

Initially, a methodological instruction is needed in the form of a *Regulation on holding a competition for filling a vacant position in the diplomatic service of the Republic of Uzbekistan*, in which to determine the organization and procedure for conducting the exam, provide for uniform methods for assessing the professional and personal requirements of candidates (individual interview, questioning, testing, writing an abstract). These assessment methods make it possible to identify the professional level of the candidate through the presence of certain knowledge and skills, to show his professional and personal qualities. The exam should be difficult enough to determine the person most prepared to perform the official duties of a diplomatic worker and his compliance with the qualification requirements, which will allow weeding out other candidates.

The competition can be held in three stages, as provided for by the Law of the Republic of Uzbekistan 'On Public Service': the first stage is a test; the second stage is a written exam; the third stage is an oral interview. Applicants who have passed the previous stage are allowed to the next stage of the competition.

Secondly, it is important to provide in the guidelines for the obligation of the MFA to openly place an announcement about a competition for filling a vacant position in the diplomatic service (indicating the name of the vacant position, qualification requirements for filling this position; terms of service, a list of documents required for participation in the competition, the place, time and deadline for their acceptance, the date of the competition, the place and procedure for its holding, job regulations, information about evaluation methods, other materials), as well as post information about the results of the competition (on the Internet, on the website of the MFA, in a periodical publication, etc.).

Thirdly, a mechanism should be introduced for taking exams in electronic form and for automated verification of candidates' documents.

Fourthly, it is necessary to form competition commissions, which include independent, qualified

and authoritative specialists in the field of diplomacy, including diplomatic workers of the MFA, teachers of the Diplomatic Academy at the UWED, representatives of public organizations. It is equally important to exclude the possibility of conflicts of interest that could affect the decisions made by the competition commissions. A conflict of interest is understood as a situation in which a member of the competition commission may have or have a personal interest in choosing the winner of the competition due to family ties, friendships, various kinds of obligations and other reasons, which can lead to the adoption of a biased decision by the competition commission [6].

Exams should include a test of knowledge in the field of international relations and world politics, history, diplomacy, economics, foreign languages. Such personal qualities of the candidate as analytical skills, sociability, initiative, leadership qualities, ability to work in a stressful situation, psychological stability, etc. are evaluated.

Fifthly, it is necessary to provide for the obligatory taking of an oath by a diplomatic worker upon entering the service. Taking an oath obliges an employee to constantly control his actions, conscientiously fulfill his official duty, and comply with the laws of his country and the country of residence. An employee must have firm principles that will act as a framework, guidelines for behavior in his official activities.

When preparing applicants, it is necessary to strengthen the practical orientation of the educational process. Teaching applied disciplines forms skills for practical activities and allows taking into account modern requirements in the diplomatic sphere [7].

Long-term experience of working with the personnel reserve of the diplomatic service shows that this is a fairly effective form of work with personnel and the most important element of the service system. Systematic work with the reserve makes it possible to impart a well-thought-out systematic character to personnel work, to prepare and bring to

many responsible areas of diplomatic work the most worthy and trained specialists [8].

When appointing applicants for civil service positions from the personnel reserve, it is advisable to conduct testing and individual interviews by analogy with the competition procedure (or use other assessment methods).

One of the priorities in the formation of the diplomatic service staff is the rotation of employees. **Rotation** is the direction of diplomatic workers from the central office of the MFA or its territorial bodies to foreign missions of the MFA, taking into account their qualifications, professional training and specialization. A diplomatic worker is obliged to fulfill the decision of the representative of the MFA to send him to work in a foreign institution in the order of rotation.

The rotation is carried out in the interests of the effective use of the personnel potential of employees, the creation of favorable conditions for their service and professional growth, and the provision of equal opportunities for a diplomatic career in the MFA system. It is aimed at providing all departments of the central apparatus of the MFA with trained qualified personnel of the required professional level, and their consolidation in the system of the MFA.

Rotation should be understood as a way to fill the need for personnel in the diplomatic service, it helps to increase the motivation of employees for long-term service, conscientious performance of official duties and professional development. In addition, the personnel service, as a rule, has the most complete and reliable information about its employees. The costs associated with the selection of personnel, in this case, are minimal.

The term of work of employees of the diplomatic service in the MFA of the Republic of Uzbekistan, its subordinate organizations or its territorial divisions, in the period between long official journeys, must be at least two years. The period of continuous long official journey of employees of the diplomatic service in foreign institutions should not exceed

three years. The said term may be extended by the MFA, due to official necessity and with the consent of the employee of the diplomatic service, but not more than for one year. At the end of this period, the employee must return to the central office of the MFA. Also, the requirements do not apply to persons appointed to a diplomatic post as heads of foreign institutions [9].

Considering that rotation is a necessary condition for improving the quality of personnel work to fill vacancies in diplomatic missions and ensures the high efficiency of the diplomatic service of Uzbekistan, it is important to develop and adopt the *Regulation on the procedure for the rotation of diplomatic workers of the MFA*.

According to clause 18 of the Regulations on the Embassy of the Republic of Uzbekistan, heads and employees are sent to work in the relevant representative office in the host state with the execution of an employment contract. As a rule, such contracts are drawn up for the following terms: for heads of regional representative offices, general representative offices, representative offices – for up to three years; for other full-time employees of the representative office – for a period of up to two years.

In conclusion, the sphere of personnel selection in the diplomatic service of Uzbekistan remains practically unregulated. In order to ensure transparency in the appointment procedure for these positions, it is necessary to clearly enshrine the requirements for candidates in the law.

For the selection of personnel for the diplomatic service of Uzbekistan, a competitive basis with examinations should be used. In accordance with modern conditions, we propose to legislatively establish the following requirements for candidates for a position in the diplomatic service. A diplomatic worker can be a citizen of the Republic of Uzbekistan who has a higher education, is fluent in the state language and at least two foreign languages, has the appropriate business, moral and professional qualities to perform the duties assigned to him, and does not have medi-

cal contraindications for the performance of official duties.

Considering that rotation is a necessary condition for improving the quality of personnel work to fill vacancies in diplomatic missions and ensuring the

high efficiency of the diplomatic service of Uzbekistan, it is necessary to develop and adopt the Regulations on the procedure for the rotation of diplomatic workers of the MFA.

References

1. Занко Т.А. Дипломатическая служба Российской Федерации: особенности и основные направления совершенствования правового регулирования: Учеб. пособие. М.: МГИМО-Университет, 2014. С. 96.
2. Файзуллаев А. Как готовить дипломатов. URL: <https://www.gazeta.uz/ru/2018/01/23/diplomacy/>.
3. Денисов А.В. Особенности поступления на государственную дипломатическую службу в РФ // Бизнес. Образование. Право. Вестник Волгоградского института бизнеса, 2013, № 3 (24). С. 271.
4. Саидова Л. Правовые основы дипломатической деятельности Республики Узбекистан. -Ташкент, 2001.
5. Методический инструментарий по формированию кадрового состава государственной гражданской службы Российской Федерации. Версия 3.1. – М.: СПС «Гарант».
6. Лазоркина О.И. Некоторые аспекты подготовки дипломатических кадров: история и современность. URL: http://elib.bsu.by/bitstream/123456789/108574/1/lazorkina_Trudy_2014.pdf.
7. Дипломатическая служба: Учеб. пособие / Под ред. А.В. Торкунова. – М., 2002.
8. Draft law 'On the diplomatic service of the Republic of Uzbekistan.' URL: http://old.my.gov.uz/ru/getPublicService/332?action=view&item_id=1403.