

Shamhalov F.I.

Ways, characteristic features and machinery of economic and political power interaction

History of mankind has given convincing evidence for interaction and interdependence of property and power, economy and politics.

Wealth, possession of some kind of material, financial or any other resources provides access to the power levers and they both provide access to the high status in society, authority and popularity.

Strivings after power and richness is a driving force and motive to develop human societies. The first priority task of a state is to provide security of the property rights.

This explains the fact that in all periods of human history richness has been closely connected with the state power. Moreover, in the legal terms property and the state appear together at the same time.

Power is a key instrument in exerting influence on production, distribution and consumption of the material and other resources of society. Its role and importance is not only determined by the lack of the means of encouraging and punishing to maintain social order in society. The article attempts to comprehend the character of the interrelation between power and property, between the economic and political power under the modern conditions.

Naigovzina N.B., Rakova A.V., Abramov A.B., Filatov V.B.

Models of the power differentiation in the sphere of health protection of the population

Approaches to the organization and differentiation of powers in the sphere of health protection in connection with the reform of federal relations and the municipal reform are analyzed in this article.

Here is the model of the powers differentiation in the sphere of health protection of the population, that remained in force till 2008, and which was

designed on the basis of the Federal Law № 95-FL of July 4, 2003 “About the introduction of changes and supplements into the Federal Law “About the common principles of the organization of legislative (representative) and executive bodies of the state power of the subjects of the Russian Federation” and the Federal Law № 131-FL of October 6, 2003 “About the common principles of the organization of local government in the Russian Federation”.

We analyze as well the model of the powers differentiation designed on the basis of the Federal Law № 258-FL “About the introduction of changes into separate legislative acts of the Russian Federation in connection with the improvement of the powers differentiation”. This model has been in force since January 1, 2008.

The special attention is given to the analysis of the powers differentiation in providing special categories of the population with necessary medicines in accordance with the realization of the Program of state guarantees in rendering free medical care to the population of the Russian federation and medical-sanitary provision that has been provided by the Federal medical and biological agency.

The unsolved problems of the powers differentiation in the sphere of health protection are also analyzed.

Plusnin J.M.

Local self-government development factors. assessment of importance isolation and isolationism

The relationship between the development of local self-governance and their exclusion in modern Russia had found the research of municipal management organization. The hypothesis of local self-government development determination by factors of isolation and isolationism was proposed. The higher the isolation, the higher the level of local government and vice versa. Isolation promotes isolationism as a result of the factors limiting the development of local self-government.

Types of isolation – territorial, population and resource. The meaning of isolated forms for the practice of municipal government and its effectiveness has been investigated. When combined three types of isolation has always recorded the unique history and development of local self-governing society.

Five key factors for the development of municipalities was identified. Those are a natural (population and territory), resources (natural and financial

resources) and management factors. Such factors limit the establishment and development of local self-government. The value of sharp increases in isolation of society and in a situation of isolationism.

The development of local self-government in the face of limited resources is accompanied by increased isolation and isolationism, and contrary to the purposes of public policy, especially its distribution and monitoring functions. It can be one of the major causes of lack of real self-government.

Ivoilova Olga Yurjevna.

“The role of E-Government in a process of creating the regional positive image”

The paper deals with forming e-Government for building the effective state management system in Russia and the analysis of e-Government elements' influence towards creating a positive image of Russian regions in order to support their competitiveness on a worldwide scale.

The concept “e-Government” means to connect administration processes with technological solutions in a certain environment that makes governmental organizations promote citizen-oriented strategies and increase the efficiency of their activity and the openness of information. Nowadays one of the most pressing objectives in Russia is to build an effective system of state administration. The corruption of state machinery and bureaucratism are the main barriers preventing economic growth of Russia, the development of small and medium business, the inflow of foreign investments into the country. The President of Russia, D. Medvedev, emphasized the importance of this problem and headed the Anticorruption Council. However, Russian business reputation on the world arena consists of the reputation of the subjects of the Russian Federation. That's why the defining factor for the reputation of the country is the policy of the regional authorities in the forming of a favourable image of the territory in order to create the effective administration system. Today the reformation of the state sector through the development of the conception of e-Government is one of the most promising tendencies of the administrative reformation in the world.

Markwart E.

The organization of the local government in germany and adapting the german experience to the russian reality

The article represents a short review of main approaches to the formation of legal basis and establishing the competence of the local government in Germany, from this it follows that, despite the absence of special legal regulation on the federal level, not only “the right for existence” is guaranteed to the local government in all the federal territories but, its independence and the necessary scope of competence and proper functioning are provided as well. The example of a territorial organization shows that the federal territories to a considerable extent take into account not only economic and management efficiency but also such factors as traditions, self-identification of the population, etc. Thus, we come to a conclusion that the local government efficiency is measured as the integral value, the result of the multifactor influence, and because of this the formation of the LG territorial basis cannot be limited only to the economic (management) efficiency. In conclusion, on the basis of the comparison with the Russian legislation and practice the author insists that despite the common opinion that the reform of the local government in Russia is “an attempt to reproduce the German practice in the Russian land”, it is not true. As well as the statement, that the “German pattern” of the local government is unsuitable for Russia because the pattern has not been yet studied carefully up to now. The pattern itself is multivariable. However, unshakable should be the basic principles of the local government – inviolability and independence of the local government, its organizational isolation, democracy and subsidiarity.

Pchelintsev S.V.

Legal Regulation of the Lobbyists Activity: Canadian approaches

Resistance and counteraction to the bureaucracy corruption is one of the directions of the government reform. It is complex work having many aspects. It embraces different ingredients of the state policy each of which needs close considering and comprehensive discussing. In this respect researching such a phenomenon as lobbyism, which is being much discussed

nowadays, is of great interest. Different opinions have been expressed on the necessity to work out the project “Federal Lobbying Law”, its content, including legal norms to prevent a conflict of interests, caused by lobbyists’ activity.

Serious attention is being paid to the Canadian practice of legal provision and control of the lobbyists’ activity in connection with the Russian-Canadian project on promoting “State Government Reforms in the Russian Federation”. Some materials of the project were used to write this article.

Basing on the analysis of the data and information given in the article, the author makes the following conclusions:

1. As it follows from the “National Plan of Counteracting to the Bureaucracy Corruption”, the Normative Legal Act regulating the lobbyist activity in the R.F. should take into account interests of the political parties, social groups, juridical and physical persons, when Federal Acts or Acts of the subjects of the Russian Federation or some other normative acts may be made. To use this approach in practice, considering that it is quite new and innovative to the Russian Legal System, is necessary to study the existing practice of controlling and managing the lobbyist activity.

2. Different suggestions on developing “The Federal regulation of lobbying act”, including suggestions how corruption should be defeated, need comprehensive assessing, with foreign experience being thoroughly analyzed and used.

3. The major principles of the Canadian Lobbying Acts are as follows:

- operation of a single common registration system for both business lobbyists and nonprofit organizations lobbyists.
- lobbyists are obliged to make reports of all money received and paid by them for the purpose of influencing legislation on the basis of free and open access to the government offices.
- The purpose of the “Regulation Lobbying Act” implementation is to inform the large public about the names and aims of those who seek to influence the government authorities. For this purpose the Public Registry System which exists in Canada requires lobbyists (in each lobbying case) to register with the clerk of the House and the secretary of the Senate to state the names and addresses of the persons employing them and the amount of salary and expense they receive.
- What lobbyists are to do is defined by the “undertaking” on the basis of a contract or agreement either in written or oral form.
- All in all, the main task of the Lobbying Legislation is to provide the public at large with information about open, transparent activity of lobbyists and to prevent conflicts of interests between government officials who are influenced by lobbyists.

4. The fact that Canada elaborates and considers the mentioned in the article legislation proposals on making demands to lobbyists tougher proves that the civil society in the country regards the existing laws and their implementation in the field of lobbying with some doubt. This should be taken into account when conceptual provisions of the fundamentally new Russian lobbying legislation are worked out.

Mironova N.I.

Territorial reformations in regions: legal aspects

In this article an attempt is undertaken to study the federal and regional legislation which regulates the problems of territorial reformations, and related to it the problems of the formation of the local government and state administration within the subjects of the Russian federation as well. We make stress on legal collisions caused by the legislative mixture of procedures of dividing the territory of a Federation subject into municipal formations and into administrative and territorial formations. These collisions are used by some regional leaders to “create” new mechanisms of the territorial redistribution to satisfy political preferences and subjective understanding of comfortable governing in the appropriate territory and it leads to inefficiency both in municipal and state management.

Particularly, there is the situation where the Russian federation subjects, using their authorities in administrative and territorial structure, simultaneously try to engage in the reorganization of municipal formations, that takes into account the population’s opinion according to the Constitution of the RF and the Federal legislation.

The author, comparing the principles of “deconcentration” and “decentralization” of power, shows a distinct difference between the division of the territory of a RF subject into municipal formations and administrative and territorial units. It is of interest, that the decentralization system, being in force in modern federative Russia with its local government, by no means abolishes the possibility of deconcentration aimed at the comfortable management for any level of public authorities. This is actively used by the federal bodies, rarely – by municipal. At the same time, as a result of legislation gaps (the absence of the definition of such notions as “administrative and territorial formations” and “administrative and territorial structure”), and because of maintaining the former traditions of administration, there arises the danger of incorrect regulation of the problems of the administrative and territorial management. Thus, they create the conditions for infringing the citizens’ right for local government.

According to the Constitutional Court of the Russian Federation it is possible to divide the territory of a RF subject not only into municipal formations, but also into administrative and territorial units with the state power. Moreover, the borders of both of them can coincide or not. But one should not forget, that the bodies formed within them, have different competence. Of principal difference are the goals, the legal basis and the very procedure of the municipal power bodies’ formation and subdivisions of the state power of the Federation subjects.

Thus, the aim of establishing the status of municipal formations in appropriate territories is the implementation of the process of the power decentralization, whereas the aim of the creation of administrative and territorial formations (units) is the power deconcentration. Different aims suggest a dif-

ferent order of carrying out appropriate procedures. That is why, according to the Constitution of Russia and the Federal law № 131-FL the changing of the borders of municipal formations territories is made only with taking into consideration the population's opinion of the given territory. It is of principle importance, that now the federal legislation does not contain any conditions for the formation of territorial subdivisions or the municipal power.

On the regional level there is the increasing of legal gaps of the federal level and of the imperfection of procedures in force of the territorial reorganization of the local government. Thus, for example, there are no legal mechanisms for the rising "in the open field" of new municipal formations (for example, cottage villages, whose population would like to acquire the status of a settlement, in other words, not of a populated area, but one of the types of municipal formations), for changing the status of city districts onto the status of municipal areas, and for other territorial changes as well. The absence of the legislative procedures in many Federation subjects, adequate to the modern state formation is of special concern, likewise the procedures, which set borders of the territories of municipal formations and administrative and territorial units, and arising here the problems of creation of appropriate structures for the decentralization and deconcentration of power (administration). That is, if a subdivision of the state power body is formed, then, even more so logic is the necessity of defining the territory, where it is supposed to be in force. And on the contrary, why should one create the administrative and territorial formation, if the appropriate subdivision of the state power body is not provided?

The analysis of the regional legislation showed the existence of the law about the administrative and territorial structure almost in every subject of the RF. At the same time, there aren't regional laws about the system of executive power bodies in every RF subject. There are still fewer regions, where in the adopted laws about the system of executive bodies of the state power of a RF subject, the existence of the territorial subdivisions of these bodies is provided. It is known, that the creation of such subdivisions is provided only in 16 Federation subjects of 77.

The monitoring of the regional legislation related to the given problem is presented here. The situation in Krasnoyarsk, Perm and Khabarovsk territories, Moscow and Kaliningrad regions is illustrated in detail. The recommendations are given.

Dobrolyubova Y.I.

Implementing Performance Management Principles and Procedures in the Russian Federation: Interim Results and Further Development Priorities

Over the past few decades OECD countries have made significant efforts to introduce performance management principles in public administration context so as to promote increasing government efficiency and effectiveness in response to growing public demands and existing fiscal constraints. Recent public administration reforms in Russia also have an important focus on performance management issues; however, the approach that developed itself in the Russian Federation is more controversial and presents a compromise of positions and visions of core government agencies in charge of the reform.

In late 2006, an independent group of experts attempted to combine the existing requirements and plans and develop a joint Road Map for Implementing Performance Management Mechanisms in the Russian Public Sector in 2007 – 2010. The Road Map was presented to the key stakeholders at the federal and also regional level in December 2006 and has since then become an informal point of reference for developing performance management agenda.

The article presents continuation of this effort and attempts to evaluate the interim results achieved in implementing performance management principles in Russia. The review of achievements also allows to highlight the development priorities for the next two and a half years of public administration reform. The results of this analysis are summarized in an updated Road Map for Implementing Performance Management Mechanisms in the Russian Public Sector.

Overall, the author argues that for the last year and a half significant progress has been achieved in implementing performance management principles in the Russian public administration: there has been some progress made in 16 out of 27 areas outlined in the 2006 Road Map. Notable achievements have been made in terms of implementing medium term budgeting, introducing some performance information in budget expenditure planning documents, implementing requirements to financial management quality at the federal level. Development and approval of instruments allowing for cross-regional comparisons and evaluation of regional and local administrations efficiency and effectiveness provided a basis for further regional development planning and supporting performance management practices in the multi-level governance context. Some departmental and regional performance management systems developed and implemented on a pilot basis also provide important lessons learned for the further reform efforts. Overall, the recent review of performance management progress at the regional level revealed significant attention to the matter and considerable achievements in introducing core performance management instruments on the ground. Last but not least, expanding the use of programs in the public sector is also an important trend strengthening accountability for the use of public resources and achievement of performance outcomes.

While commending to the progress made, the article also highlights the unfinished reform agenda which should receive more attention in the years to come. Firstly, as the practice of implementation has confirmed and given the complexity of the Russian governance system, there is a need to develop and approve a special document laying out the conceptual framework for implementing performance management in Russia. This concept could, *inter alia*, streamline the existing system of forecasting, planning and performance management documents existing at various government levels. Secondly, gradually more autonomy should be provided to program managers at the medium level to achieve the program outcomes. Such autonomy calls for *inter alia*, introduction of management accounting, adoption of performance planning and evaluation systems at the individual level, etc. Finally, it is crucial to invest in transparent monitoring and evaluation systems that could warrant the overall coherence and credibility of performance management efforts.

The article concludes that the key effect from implementing performance management in the public sector comes from the change in internal incentives. Such change cannot be implemented overnight and requires several years – if not decades. However, such change is crucial for improving efficiency and effectiveness of the public sector and – hence – supporting sustainable socio-economic development in Russia in the longer term.

Glukhov K.V.

The annotation to the article “the introduction of program and purposeoriented methods in russia: on the federal and regional level in the moscow model”

This article is a short review of the tools of budgeting used in practice and aimed at the result (BAR) on the federal level and the experience of a separate federation subject (the city of Moscow) in the implementation of the concept of perspective planning together with the use of the federal experience.

The federal experience is represented by a short history of changes carried out in the budget legislation in the context of implementation and the use of the BAR tools with the indication of basic standard legal acts in the given sphere and marking out four BAR basic elements to carry out the reforms on the regional level.

The Moscow experience review in carrying out the changes of the budget legislation is given in the context of four abovementioned BAR basic elements. In the final part of the article there are the recommendations given on the subsequent development of the planning system in the budget practice of the city aimed at the increase in the expenditures of budget funds.

Mersijanova I.V.

The communication space of the administrative agencies and the public at the municipal level

Juridically, the system of local self-government in municipalities of Russia is traditionally considered as a combination of organizations where citizens exercise self-governing. They are direct, voluntary, free-will forms of the citizens' participation, bodies of local self-government, territorial public self – governing and other similar forms in which people can participate and exercise administration locally. However, they have practically always been of no concern for lawyers in virtue of their vagueness and uncertainty. Hence social science is coming out to the foreground. It has been called for to investigate the core of these forms by fixing the social practices which lie in the basis of these forms.

Meanwhile, it is already over more than 10 years, that we have been observing the processes of restructuring the public relationships in the local self-government system, since far from claiming to play an active role in decision – making process, the organized public does perform it actively.

The article gives priority to the non-state non-municipal non-commercial organizations (NCO), created by the citizens who get organized on their own, voluntarily.

The balance of power in the local self-government system has always turned to the local self-government institutions. It is the latter and not the forms of direct democracy that the decisive role in choosing the guide-lines along which the local self-government is to develop, is assigned to.

In fact, self-government institutions do not have possibilities to solve local matters independently. Given this situation, other subjects increase their importance and can take on the role of solving local problems. In this case local non-commercial organizations are meant, though, juridically, they are not elements of the local self-government system and are not matched to other forms of public participation in local self-governing. Nevertheless, their obvious contribution to the solution of local issues encourages sociologists to take into account these facts and bring to light their role as new elements of the self-government system.

The article is devoted to the interaction of NCO and bodies of local self-government, its forms and intensity, with the information being based on the data of two sociological researches held in the framework of the civil society monitoring:

- 1) the national poll of administration officials of non-state non-commercial organizations. 1054 respondents were polled on the basis of the representative choice, made according to the established indications;
- 2) the national poll of local self – government and municipal officials. 1003 local self-government officials and municipal office workers who are in charge of interaction with the public, were polled. 1003 municipal institutions of all kinds took part in the sociological poll.

The article shows that NCO participation in dealing with local issues is desirable and needed, according to the administrative officials of both local self-government and municipal bodies. This promotes strengthening the positions of local NCO as real elements of the self-government system, which can obtain a very important indication of an institutional character – legal registration. Interaction of administration authorities with the public could provide stability of the non-commercial sector locally, however, its potential has not been discovered in full so far. Therefore it is becoming necessary to work out measures for self-government bodies to give support to the NCO, which will result, in the last analysis, in strengthening the systems of local self-government in Russia's municipal institutions as systems of self-organization of the population to manage their life activity.