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How to Clean Out the Augean Stable of Our Bureaucracy

Two Views

*The authors consider possible ways to reform decision-making procedures
for the hiring of personnel for state service.*

Part 1. A.V. Obolonskii. Staff the state apparatus with honest and intelligent officials

With bad officials no laws will help.
—Otto von Bismarck

Diagnosis: A neglected illness

The need for serious changes in our system of state administration is obvious. Otherwise all ambitious and attractive-sounding plans and projects—even

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supposing the sincere intention to implement them—are doomed to failure. It seems to us that the scale and radical character of the changes needed are such that in some respects they go beyond the bounds of the concept of “reform”—at least as this concept is usually understood. It is no coincidence that the expression “administrative revolution” should have recently come into use even in our country. In the Western countries, which have gone much further than us down the road to change, there has been talk of an “administrative” or “postbureaucratic” revolution for quite a long time already. In our view these terms contain elements of rhetorical exaggeration, but they do correctly express the general direction and essence of the matter (to use a currently fashionable word—“trend”).

The state system that has taken shape in Russia is extremely archaic and ineffective and morally corrupts even initially honest people, both inside and outside state structures. This article is devoted to one of the aspects of changes for which the time has long been ripe—the personnel of the state apparatus.

In formal terms, issues pertaining to reform of the civil service have been on the political agenda since the beginning of the 1990s. Three laws have been passed and a mass of presidential decrees issued. In 1998 these issues occupied a central place in the missive of the president to the Federal Assembly. After that, two presidential reform programs were adopted and tens of billions of rubles spent on them. The second of these programs is scheduled for completion in 2013, but no politically responsible person even mentions it. Meanwhile, use of the “administrative resource” (a term that in our country denotes criminal abuse of official powers or trading in them for selfish purposes) has acquired the dimensions of a national calamity.

In the course of the 1990s and especially the 2000s, the state apparatus has expanded at an inconceivable rate. If we refrain from statistical tricks associated with classifications of various categories of civil servants, then we find that according to official statistics they number over 1.5 million. And yet the functioning of the apparatus progressively deteriorates, even as it soaks up more and more money from the public treasury—as the dry figures of state budgets attest. Huge amounts of this money end up hidden deep in private pockets—as shown by data on the vast scope of corruption, the scale of which has increased by an order of magnitude over the past twelve years. Thus, our system, in which the essentially bureaucratic character of decision making, supported *inter alia* by clearly excessive oversight and police measures under cover of a quasi-democratic facade, is in such a dismal condition that it not only blocks normal development but also poses a real threat to society.

Causes: Self-treatment is no help

It is clear that neither our state institutions nor the great bulk of the people working in them are capable of responding adequately to the manifestations of this crisis. The majority of the actions undertaken recently in the name of the state are merely of a protective nature and are so shortsighted and so closely tied to the immediate situation that it would be an undeserved compliment even to call them “conservative.” Of course, quite a few decent and competent people are working at various levels of the apparatus. But under prevailing “climatic” conditions they are able to influence the overall “weather” in the apparatus only slightly—if at all—and only in isolated and restricted fields.

Which is more important—the “right” institutions or the “right” people in key posts and positions? This is a longstanding topic of debate in the liberal academic community. It is not altogether correct, we think, to counterpose these two factors. Of course, the reform of institutions—especially of such institutions as the legislature and the judicial system—is of critical importance. Institutions, however, do not decide everything. They are artifacts. It is people who act. And even fairly good institutions, if used by people with a deformed scale of moral values, either do not work or work selectively, in accordance with “concepts,” serving group and personal interests far removed from social needs, and therefore have a counterproductive effect.

There is considerable truth in the assertion that when there are good laws, full-fledged public institutions, and effective mechanisms to ensure their real functioning it is advantageous to be honest. Yes, from a certain point of view, and especially in statistical terms, it is probably advantageous. But this does not mean that in specific instances the matter is always easy and straightforward. Even with ideal public institutions opportunistic—or just self-seeking—behavior may prove safer and more appealing, and therefore, viewed in short-term perspective, more advantageous. This, however, is a theme for a separate discussion, albeit one closely connected with our current topic.

We think that the underlying reason for the dismal outcome of all attempts at reform is that treatment has been entrusted to the patients themselves. The usual results of *self-treatment* are well known. The essence of the matter is quite accurately reflected in the old French saying: “You can’t give frogs the job of draining the swamp in which they live.” This is exactly what has been done in our country.

However, there is a clear public demand for a *different kind* of state apparatus—both in composition and in the rules for its further formation. Otherwise there are no guarantees that new bureaucrats (or old bureaucrats who have passed through the selection “sieve”) will not reproduce the same perverse system. In

other words, both personal and institutional changes—both a one-off purge and *new rules for forming the apparatus*—are necessary.

State service, like all state institutions and the state as a whole, exists for the sake of people, and not the other way around. This basic point is often either forgotten or regarded as rhetoric that has nothing to do with “real life.” In our view, however, any reform of the state apparatus in which the apparatus itself is the client and final decision maker can yield only a cosmetic effect. *And simulating reform is even worse than frankly rejecting reform, because it generates dangerous illusions.* Here it is appropriate to recall the words of the eminent Russian liberal thinker Boris Chicherin:

Bureaucracy can produce knowledgeable people and good instruments of power; but true statesmanship rarely develops in this narrow milieu, inevitably dominated by formalism and routine. . . . The new forces and new instruments needed to renew the state order can be found only in the broader reaches of society.¹

This conclusion is also fully applicable to the problem of reforming the bureaucracy itself.

“Others” also fall sick, but they cure themselves

In recent decades, the traditional model of confidence in state authorities has undergone serious revision, even in democratic countries. *The prestige of the state has declined considerably.* The existing system of relations between the state bureaucracy and civil society is being rejected and “delegitimized”; there is a new striving to amend the classical “social contract” between them. This is reflected, on the one hand, in social and intellectual protests and on the other, in serious changes in response to them pertaining to the structure of the bureaucracy and in its relations with society. These processes are taking place in different forms in different countries, ranging from moderate and reluctant reforms in the countries of continental Europe through very serious “antibureaucratic” reforms in the Anglo-Saxon countries to the events of the “Arab Spring” and actions like “Occupy Wall Street.” Incidentally, the events of the “hot autumn” of 2011 in the United States and the mostly very tolerant reaction to the mass protests on the part of the authorities and even the police offer, in our opinion, a lesson in how a responsible democratic government should react to civic protest.²

The direction of change—civic oversight of the bureaucracy

There are two aspects to change—change in *values* and change in *personnel*. The problem is how to introduce into the state apparatus values that are

external to it—a different, extrabureaucratic view of the world. *This can be done only by involving civil society itself—the final consumer of state services—in reform of the state apparatus.* And here we pass on to perhaps the key aspect of reform—the issue of personnel. And by way of a positive example we shall first examine the experience of a country that—albeit for other reasons—has also come up against the problem of declining public confidence in the state bureaucracy but has reacted to this problem in a quite rapid and effective manner. We have in mind Britain.

The British experience: Society itself hires bureaucrats to serve it

The historically high moral standards of British public officials have always been a cause for national pride. But in the 1990s the situation changed to a certain extent. Let us leave aside the reasons why this happened. The important point here is how the British reacted to the decline of confidence in holders of public office. They reacted decisively, as to a serious social threat. They urgently set up a Committee on Standards in Public Life whose members included independent figures with a high moral reputation. In its very first report the committee formulated its goals—to restore public confidence in individuals occupying state posts and establish clear benchmarks in areas lacking a well-defined scale of moral values. Standards were worked out for the conduct of officials, and compliance with these standards became the practical basis of the mechanisms for hiring, promoting, and supervising civil servants. Public life was to be governed by the following seven principles:

- *Selflessness*—holders of public office should make decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
- *Integrity*—holders of public office should not place themselves under any financial obligation to outside individuals or organizations that might influence them in the performance of their official duties.
- *Objectivity*—in carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- *Accountability*—holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- *Openness*—holders of public office should be as open as possible about

all the decisions they make and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

- *Honesty*—holders of public office have a duty to declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.
- *Leadership*—holders of public office should promote and support these principles by leadership and example.

Although at first glance these principles may appear too “eloquent” and somewhat diffuse, the content of each principle is defined in a quite concrete manner and imposes real constraints on public officials, sets rules of conduct, and makes it possible to monitor compliance with them in terms of definite parameters.

In essence, this is a set of obligations that people assume upon entering politics or the civil service. In our country too, we think, something of the kind might play a constructive role—provided, of course, that effective mechanisms are created for monitoring compliance with the principles. Thus, it was not organizational measures but key *values* that served as the foundation of reform. But organizational measures followed.

A highly unorthodox mechanism was devised to implement them. The Civil Service Commission (CSC), which for a century and a half had been an ordinary personnel department, was radically transformed. Its core now consists of about a dozen so-called commissioners, who are appointed for a five-year term on a part-time basis *mainly not from among civil servants but from among authoritative outsiders with experience of work in prominent positions in the public and private sectors*. And even while working for the CSC they do not become civil servants. The idea underlying this approach is to *place the function of forming the bureaucratic corps in the hands not of professional apparatchiks but of those who deal with them as consumers of the services they provide*.

The CSC is an independent body whose powers include final examination and confirmation on merit of candidates for about 600 posts, issuance of a code [Recruitment Principles—Trans.] that regulates corresponding procedures at all levels of the civil service, monitoring and oversight of compliance with the code, and examination of complaints concerning violation of the code. The significance of this experience lies mainly in the real and, in certain respects, decisive participation of representatives of civil society in the recruitment of officials for state service. In our view, this is an almost unprecedented breakthrough toward a model of the “postbureaucratic” state and society of the future.³

This is not just appropriate for us—it is a vital necessity

We have had a number of opportunities to discuss the expediency of and prospects for using this experience in Russia. The first reaction is usually one of skepticism. Supposedly, “it won’t work here”—and right away we hear the standard arguments about “the 300-year-old English lawn,” and so forth. To this it may be replied that the experience described shows that, even on the 300-year-old English lawn, people can still be tempted to abuse the powers entrusted to them, although these abuses are of course incomparable in scale and character with what we find in Russian political and administrative practice. *The fundamental difference lies elsewhere—in what attitude people take toward this evil and how serious they are about uprooting it.* And in the course of the discussions many of the participants (among them were students, social scientists, and civil servants) abandoned their initial skepticism and even came to accept the need to introduce something of the kind in Russia.

In fact, it seems to us that this part of foreign experience is especially important for our conduct of the serious personnel changes in our state structures that will be unavoidable in the near future. We must crush the very effective resistance of the de facto state nomenklatura system and decisively rid ourselves of those who use their official positions to carve up the state budget to their own advantage, extort bribes and otherwise enrich themselves illegally at the expense of society, or have ended up in high posts not thanks to their own knowledge and merits but thanks to their personal connections or to their previous—sometimes very specific—“services” as far back as the Soviet period. In the countries of Eastern Europe after the collapse of the Soviet bloc, bureaucrats passed through the procedure of lustration (which is Latin for “purification”). No similar procedure took place in Russia. And we continue to reap the fruits of this. Of course, the process and results of such a “purge” must not affect decent and competent people. We must not allow “shooting in the squares” or the settling of accounts. But the principle itself is important—not only in practical but also in moral terms. It will serve to purify the general moral atmosphere in the country.

Thus, the establishment in Russia of something like the British Civil Service Commission would enable us to accomplish two tasks—*both the one-off tactical task of purging unworthy people from the state apparatus and the long-term strategic task of creating a filter that will prevent the penetration of such people in the future.*

Of course, we are not advocating the blind copying of foreign experience. But we think that the use of its underlying logic and premises holds great promise. And here, as they say, there are possible variants, which are described in the second part of the article.

Part 2. A.G. Barabashev. Using the technologies of the society–state contract for recruitment to state service

The object as a special form of organization is determined not only and not even so much by the material of nature and the world as by the means and methods of our activity.

—Georgii Shchedrovitskii

On the need for technologies to reform the bureaucracy and their varieties

The time for changes in the Russian bureaucracy is not just “ripe” but “over-ripe”: repeated attempts to advance that do not lead to any significant and publicly acknowledged results undermine the very idea of reform. And this is so despite the existence of a general consensus regarding the poor quality of the Russian bureaucracy and the need for a professional filter!

What is the reason for this paradoxical situation? The answer to this question is clear. The reason lies not in a shortage of ideas but in *the absence of technologies for bureaucratic reform that are relevant to the goals of reform*. Harmful methods, procedures, and organizational schemas have been chosen for transforming the Russian bureaucracy: the diagnosis has been established, but the malady is being treated with the wrong medicines.

Let us start with the point that it is impossible to get by without technologies in administration, just as it is impossible to manage without medicines in treating a serious illness. Unless backed by transformative technologies and a “roadmap” for applying those technologies, the ideology of the transformation of state administration—the critique of current administrative practice on the basis of new ideas about the place of the bureaucracy in society and its required professional composition—turns into an instrument for the destruction of administration. The alternative to administration on the basis of technologies is administration in a “hands-on regime,” which is susceptible to voluntarism and fraught with unpredictable consequences.

Things are even worse if the initiative in developing and applying technologies for reform of the state apparatus is transferred to the apparatus itself. The result can only be that the powers of the bureaucracy grow and the supervisory and oversight functions of state agencies are strengthened and expanded while public initiative is frozen or emasculated and filtered by the apparatus. Such remedies will merely exacerbate the disease.

It usually happens that if in the course of time successful technologies appear for the realization of certain ideas then those ideas survive and entrench

themselves. The normalization of administration on the basis of new ideas is possible only through the application of normal administrative technologies. If, however, the ideas underlying administration have remained unsupported by technologies, then administration gives way to “revolutionary consciousness” and the notorious “hands-on management” and timeservers replace professional administrators. The ideology of transformation proposed in the first part of our article is therefore important *as an indication* of the main direction of technological change—movement toward developing administrative technologies of a new kind, that is, mechanisms for the participation of civil society in the selection and assessment of state personnel.

One more remark. Developing administrative technologies, including technologies for selecting personnel for state service, is a difficult and important task. It is difficult because administrative technologies must possess absolute clarity and internal consistency in order not to leave any loopholes that can be put to dishonest use. The “language of technology” must be instructive: it has no room for emotions or for “foisted” descriptions of procedures in place of the procedures themselves. It is an important task because a poorly designed administrative technology is very costly to society. According to an old adage, “the severity of Russian laws is balanced by the fact that their enforcement is optional.” Unfortunately, this maxim is increasingly giving way to another: “Good ideas in Russian administration are not supported by good technologies for their realization.” In particular, in the absence of good technologies the “bureaucratically adjusted” practice of selecting personnel for state service will always distort the original intention.

***Existing ideas and technologies for selecting personnel for
Russian state service: A state matter, bureaucratic implementation***

Let us consider what kind of “ideology” (set of received ideas) for the recruitment of personnel to state service is embodied in existing Russian legislation and what kinds of technologies are used to apply these ideas.

Back in the 1990s the principle of selection of personnel by the leadership was adopted as the chief leitmotif (ideology) of personnel selection. Civil service recruitment was farmed out to the state—as a rule, to individual state bodies. Here we discern a clear analogy with the corrupt examinations for admission to higher education institutions at the time when they were conducted by the higher education institutions themselves. Society is sidelined; citizens appear as supplicants who have the right to “lay claim” to fill vacant posts. Assessment of the quality of recruitment to the civil service was also left in the hands of “representatives of the employer”—namely, the state, or in reality, state bodies themselves. This is the basic position that flows from the

fundamental formulation that state service is an institution “to make provision for the performance by state employees of the functions of the state, and also for the work of bodies of state power.” This formulation, in one version or another, is present in the *Concept for Reform of the System of State Service of the RF* [Kontseptsiiia reformirovaniia sistemy gosudarstvennoi sluzhby RF] (2001), in federal law no. 79-FZ, “On the State Civil Service of the RF” (2004), and in the decree of the president of the RF “On Competitions to Fill Vacant Posts in the State Civil Service of the RF” (2005). Of course, the idea of service to “the state as employer” was unable to pass in its “pure form,” so nods were made in the direction of society though without changing the essence of the matter. Specifically, one-quarter of the members of competition commissions were to be independent experts. In reality, however, nothing depends on these independent experts.

The technologies for recruiting personnel to state service that have evolved in our country are characterized by the “bureaucratic” implementation of the corresponding ideas.

First, these technologies have been weakened by the provision made for exceptions, which make it possible to avoid competition-based hiring and impede the formation of a professional apparatus. The chief exception of this kind is the rule that a competition should not be held for posts that entail access to state secrets. The next most significant of the requirements that impede professionalization is the stipulation that a candidate for a given post must have a certain number of years’ experience of state service or work in his area of specialization. This restriction closes the door to young professionals who have just graduated from higher education institutions and have a “nonbureaucratic” mentality.

Second, competition-based technologies are appropriate for the selection of personnel in a formal sense. As no one as yet has worked out the professional qualifications needed in specific posts, only superficial requirements made on candidates are verified in a competition. The check of the level of professional knowledge is confined to the presentation of a diploma for any kind (!) of higher professional education; moreover, the level of this education—bachelor’s, master’s, or specialist—makes no difference. Examination of the candidate’s knowledge of legislation usually boils down to computerized tests of his knowledge of formulations in the constitution and in a few basic laws, and not of their application in real situations involving the development and implementation of administrative decisions (this would require the creation of a base of test cases). Only the law enforcement bodies conduct in-depth testing of candidates’ sociopsychological qualities, and there is no emphasis on checking their moral and ethical principles.

Third, the procedures of competition-based selection are not open, for the publication of announcements of forthcoming competitions and their results cannot be regarded as sufficient to satisfy the criterion of openness. The procedures themselves, their form and content, and the decision-making mechanisms remain opaque to the outside observer, concealed inside the walls of state establishments. Competitions may be likened to examinations without programs and question cards.

Fourth, the great expense of competitions must be mentioned, especially in cases where it is necessary for candidates from various—often far-flung—regions of Russia to be present in person.

Thus, the defective character of the ideology of personnel selection is exacerbated by the imperfection of selection technologies and by their departmental-bureaucratic application. A professional apparatus working for the public good cannot be created in this way.

Will the “cosmetic repair” of competition-based technologies suffice?

It cannot be said that competition-based technologies have not been developed within the framework of the ideology of state-bureaucratic selection of personnel. In particular, foreign technologies of competition-based selection have been analyzed; stages and procedures have been worked out for the testing of candidates for different categories and groups of posts in light of official regulations and conditions of service (to assess professionalism, competence, capacity for psychological and professional adaptation, value-related motivations, orientation toward action and results, attitude toward risk, organizing abilities, etc.); methods have been specified for forming competition commissions in state bodies and for determining the content of their work. Finally, experimental trials of mechanisms for selecting civil service personnel have been conducted and experimental programs have been prepared and implemented to teach representatives of the personnel departments of certain state bodies how to conduct competitions.

But the technologies that were developed have on the whole either remained unused or been distorted in the process of their application. The reasons why technologies are “repelled” are:

- The personnel departments of state bodies are short of staff and work outside the mainstream of the technologies concentrated in independent professional personnel agencies. State bodies are not in a position to turn their personnel departments into strong methodological centers.

- Personnel departments do not know what professional qualifications are needed in specific posts and are unable to list and describe the professional skills required.
- The state is cut off from the general labor market and therefore unable to monitor the comparative attractiveness of a profession, knowingly losing out to other employers.
- Personnel departments regard recruitment as a search for candidates who will be suitable for the posts to be filled (“fitting people into posts”) and not as the acquisition and accumulation of human capital.
- The final decision regarding recruitment is still made by a representative of the employer. Appraisals by independent experts are recommendatory in character; competition commissions have not become centers of decision making on civil service recruitment.

If we consider these chronic deficiencies of existing technologies of competition-based selection in conjunction with the enormous number of posts for which competitions are not conducted because they entail access to state secrets, and also with the unwieldy nature of the entire competition mechanism, then it becomes clear that the application of personnel technologies for the creation of a professional apparatus is at an impasse. This impasse can be overcome only if the orientation of these technologies is changed, replacing state-bureaucratic contracting by a new kind of society–state contracting for recruitment to state service. And this needs to be done quickly and decisively.

Variants of society–state contract

How can the idea of society–state contracting be best realized? Let us analyze alternative technologies for such contracting.

There are three “basic” variants of selection for state service on the basis of society–state contracting. They differ from one another in the technologies used and in the degree of public participation in hiring procedures.

Variant 1. Competition commissions in state bodies may be strengthened by involving independent experts and representatives of civil society organizations and by giving these commissions the right to make final decisions on recruitment to state service. The state will remain the employer of the civil servant, and a contract will be concluded with him in the name of the commission as a representative of the state. However, the *selection procedures and criteria* will no longer be determined solely by the state, but, at a minimum, will be developed jointly with the state as employer on a parity basis.

Variant 2. A single federal body may be established to administer the civil

service, with a status similar to that of the Social Chamber. One of the functions of this body may be to make provision for recruitment to the federal civil service. The federal body for administration of the civil service will become the employer of federal civil servants, while corresponding bodies for administration of the civil service at the level of subjects of the RF will become the employers of civil servants at that level.

Variant 3. The function of hiring for the civil service may be outsourced to the professional community of specialists in personnel work, which is an element of civil society. Professional agencies for personnel work and recruiting agencies (more broadly—personnel agencies) will carry out all procedures pertaining to the search for and selection of personnel, working “to order” for state bodies on a competitive basis. The employer will be not the state but society; the contract with the civil servant will be concluded in the name of the personnel agency. An obligatory condition of contracts with personnel agencies will be the creation of councils of observers with strategic and oversight powers; the members of these councils will include independent experts and representatives of civil society organizations.

It is also possible to combine these three variants, depending on the kind of posts to be filled and the kind of contract (term or nonterm) to be concluded. I note that the British experience of the interaction of the Civil Service Commission (as an independent agency) with government bodies at the level of permanent secretaries and staff of its personnel department combines Variant 2 (for 600 leading posts) and Variant 1 (for all other posts).

Let us judge which of the variants is most appropriate for Russia.

In contemporary Russia the influence of the apparatus on administrative decision making is so great that competition commissions within state bodies cannot possibly be independent. Their work will be subordinated to the practice of selecting candidates with a view to pleasing the leadership, with a considerable number of vacant posts filled without competitions. There will be no mechanisms for ensuring that experts and decisions will be independent of the position of the representatives of state bodies who constitute the “majority” of commission members. The effect of “entrance examinations conducted by the higher education institutions themselves” will have here an even stronger influence inasmuch as this pertains to the state itself. Variant 1 has demonstrated its ineffectiveness: attempts to implement it have continued for more than ten years without producing any positive result.

Variant 2 is difficult to implement for other reasons: efforts to create a federal body to administer the civil service have failed because it is unclear what status such a body would have in the structure of bodies of state power. Granting it significant powers to make personnel decisions is fraught with grave political consequences, while a weak body with only consultative and

methodological powers would do nothing to solve the problems of administering the institution of state service. It would also be difficult to determine to whom the new body should be subordinate, unless a departure were made from the division of bodies of executive power into those that establish laws, those that enforce laws, and those that exercise supervision and oversight. The same applies to the creation of a civil service commission like its British counterpart (as an “independent agency”): it could function only if it were endowed—in conjunction with state bodies—with powers over personnel. In other words, it would have to be a state body, although one with a special status. Such a special status would not fit into the existing structure of administration.

There remains Variant 3, the most consistent and decisive of the variants—to transfer the function of hiring civil servants to independent professional personnel agencies. We consider that only this option and the technologies corresponding to it have the potential to raise—rapidly and without bureaucratic impediments—the level of professionalism of the apparatus and place it truly at the service of society instead of the higher-ups.

The technology of transferring competitions to personnel agencies

The technology of transferring the function of competition-based selection to personnel agencies breaks down into a series of blocks, pertaining to:

- the financing of this form of outsourcing;
- the arrangement of relations between agencies and state bodies, between agencies and candidates for vacant posts, and between agencies and establishments of higher and middle-level professional education; and
- principles for the development and application of new personnel technologies.

This technology is promising because it is capable of combining fragments of the personnel market—including state service—by areas of professional work, and also of ensuring the professional development and use of new personnel technologies.

Block: The development and application of new personnel technologies

In current practice, new personnel technologies are borrowed from international experience or from business and then studied and applied by the personnel departments of state bodies. This is a “secondary” use of original products,

impeded by the insignificant potential of personnel departments and of units within state bodies for matters pertaining to administration of the state service (they have other operational tasks; their staffs are less well trained than the staffs of professional personnel agencies; the staffs of personnel departments of state bodies are insufficiently motivated). We propose that:

- agencies should provide open access to the hiring technologies that they use, and also to the methodological basis of these technologies;
- agencies should link technologies to the professional qualifications needed in specific posts. State bodies and their personnel departments are not in a position to carry out this task—they are only able to provide agencies with organizational charts (showing the duties of each civil servant);
- one of the factors in the open competitive selection of personnel agencies by state bodies should be the quality of the open-access hiring procedures used by an agency.

Block: Relations between agencies and state bodies

At present there are no such relations—state bodies and personnel agencies exist “in parallel noncommunicating worlds.” This lowers the quality of selection and in the final analysis devalues the state service as a profession “left out” of general recruiting technologies. Relations between agencies and state bodies should be arranged as follows:

- Agencies should be certified (licensed).
- State bodies should select agencies by means of a competitive procedure, using fixed weights to assess agencies’ offers (taking into account the following factors: prices of hiring one person for different posts, quality of open-access hiring procedures used by the agency, and the list of educational establishments with which the agency currently has contracts).
- State bodies should provide agencies with charts showing vacant posts and indicate the standard information that they must receive on candidates who have passed the competition. Otherwise, agencies will be unable to conduct competitions for applicants. Competitions will be conducted for vacant posts with a view to the conclusion of nonterm contracts (with a trial period).
- Posts will not be excluded from competition-based hiring on the grounds that they entail access to state secrets. Agencies will make provision for competition procedures that do not require candidates to be given secret information in advance.

- State bodies will be obliged to provide agencies with a copy of the contract to be concluded with the successful candidate, showing the entire structure of pay and benefits and conditions of work.
- Contracts must be concluded with agencies on the basis of the results of competitions. Contracts should be either for the once-only selection of a candidate for a single vacant post or for a period or for a category (group) of posts. As a matter of principle, state bodies must not enter into exclusive contracts—that is, contracts that prohibit competition—with agencies.
- An agency will present a state body with a single winner for each post. The same winner must not be presented simultaneously to more than one state body—which will be considered a procedural violation.
- There will be an upper limit to the time that elapses between an interview and the presentation of a competition winner to the state body.

Block: Relations between agencies and applicants for posts

Relations between agencies and applicants for posts must be regulated on the basis of clear procedures that exclude the granting of exclusive rights to agencies. These relations may be regulated in the conditions governing competitions and in contracts.

- Agencies will publish information about competitions, including the requirements set for applicants, in open sources.
- Relations between agencies and applicants for a post must not be exclusive, and contracts must indicate the nonexclusive nature of rights granted to agencies to present the candidacies of applicants for posts in state bodies.
- Contracts with “test” candidates will include the condition that the agency will not spread confidential information about candidates obtained in the process of testing. The standard information required by and provided to the future employer must also be entered into the contract with the candidate to undergo testing.
- Contracts with candidates will indicate for which employers and posts (their main characteristics) testing is to be conducted. A contract may specify “an undefined set of employers.”
- An agency will be responsible to the state body for the candidate that it proposes (ethical and anticorruption responsibility) during his trial period in the post.

Block: Relations between agencies and establishments of higher and medium-level professional education

At present no such relations exist. This is to the disadvantage of both agencies and educational establishments, which on their own are unable to draw up their educational policy and prepare professional curricula for educational programs. It is necessary to introduce the following mechanisms:

- Agencies will conclude contracts with educational establishments for the creation of databases of graduates with a view to inviting graduates to enter open competitions. Exclusive contracts will be prohibited.
- Agencies will be represented on the councils of observers of educational establishments and participate in the development of their educational policy in relations with potential employers, including the determination of the curricular characteristics of their educational programs.
- Agencies will participate in work with graduates of educational establishments and contribute to the creation of a new system of work placement.

Block: Financing the transfer of the function of personnel selection to agencies

This is a very important component of the entire system of changes; its necessity and unavoidability are obvious. The outlays of state bodies on outsourcing of this kind will be insignificant and can be balanced by savings in the maintenance of personnel departments (departments for the administration of state service). Here we envision that:

- funds to pay for outsourcing will be deposited in the budgets of state bodies in proportion to requirements for the filling of vacant posts on the basis of nonterm contracts in the course of the year;
- agencies, guided by their own norms, must declare their price for the service of presenting competition winners for a post, including all their outlays in this price. This will generate competition among agencies;
- an agency will receive payment for a candidate accepted on the basis of a competition after expiration of the trial period set for citizens hired to fill vacant posts, as stipulated in the contract with the agency;
- if a winning candidate refuses to conclude a contract, then the agency will pay the state body compensation for the failure of the hire; and
- agencies must not demand payment from candidates; an agency that does demand such payment will lose its license.

In order to begin to implement these proposals, it is necessary to amend the legislation concerning state service, including federal law no. 79-FZ “On the State Civil Service of the RF” and the presidential decree “On Competitions to Fill Vacant Posts in the State Civil Service of the RF.” But the chief prerequisite is the political will to transform the system of contracting with civil servants with a view to bringing about change in the Russian bureaucracy and turning it into an honest and professional corporate body that works for citizens.

Notes

1. B.N. Chicherin, *Sobstvennost' i gosudarstvo* (Moscow, 1882), vol. 2, p. 338.
2. I intend to devote a special article to a review and analysis of these events.
3. For a more detailed account of the SCS, see A. Obolonskii, “Politicheskoe nedoverie kak pozitivnyi faktor,” *Vestnik Instituta Kennana v Rossii*, 2012, no. 21, pp. 14–16 (Moscow); A. Obolonskii, *Krizis biurokraticheskogo gosudarstva. Reformy gosudarstvennoi sluzhby: mezhdunarodnyi opyt i rossiiskie realii* (Moscow, 2011), pp. 92–94.