

Reforum | ROADMAP

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Introduction

Vasily Gatov, Russian-American media researcher, visiting fellow at the University of Southern California, editorial counselor of the [Reform Project](#)

For the past two centuries, free Russian thought has been focusing on one question: does Russia have a future? Not a future per se, but rather one Russians would aspire to, one they would like to build and make as good as possible. Yet, decade after decade, our country has kept falling back onto the same old path, of which Leo Tolstoy once [wrote](#): “In every foregoing period there have been things which we remember not only with horror, but with indignation.”

Tolstoy’s indignation, shared by many of Russia’s prominent thinkers, is related to the country’s and society’s perpetual unpreparedness for the narrow windows of opportunity that history has offered to them in rare breakages of the seemingly endless nightmare. A future that holds the promise—even the possibility—of freedom arrives suddenly, without warning. Leaders who steer the ship during these short periods of liberation have never had a normal, rational, reliable plan (and neither have their opponents)—a plan that could answer Russia’s second most important question: “[What is to be done?](#)”

Peter the Great had no such plan: his reform was fraught with imitation, impatience, and an overall hatred for the past. Neither did Catherine the Great, who reconstructed the empire based on her own reasoning, which was doubtlessly informed, but biased. Alexander I was enlightened by the European ideas of humanism and law but could not overcome his inner serf-owner. His nephew, Alexander II, the Liberator, managed to do more for Russia’s future than any of his predecessors (with the possible exception of Peter the Great); but, as had happened before, his plan of reform was largely improvised on the go.

Even more so, the Bolsheviks had no answer to the question of “What is to be done?” Their “plan” was a combination of a dream of proletarian hegemony and the demand to preserve power in a country torn apart by civil war. Post-Soviet liberals, who, by a twist of history, happened to be in charge in 1991, had a lengthy list of what they wanted to destroy; but the part of their program dedicated to creation included, at best, transplanting practices from the West and implementing academic ideas on

the principle of “everything good against everything evil.”

Still, we cannot say that this particular group of reformers did not dream of a better future or did not foresee it. The utopic imagining of a “beautiful Russia,” in one way or another, influenced their decision-making, their will, and their perception that the country was still disordered. This deep-seated fear of the “great disorder” has always curbed reforms in Russia, and the absence of a clear plan, a roadmap, doomed the reform efforts to falter, if not take a U-turn, as happened in the beginning of the 19th century.

Two years ago, when the [Reform Project](#) was just launched, our intent—somewhat utopic, too—was to discuss the desirable future, not just Russia’s but that of other post-Soviet countries as well. After three decades of reforms, counter-reforms, political stagnation, and the reemergence of repressive practices, it is clear that, if the future arrives suddenly, we must be ready for it, at least intellectually. We believe that the plan should focus not so much on destroying (this business is better left to history), but on developing and putting on paper the necessary political, social, legislative, and ethical directions that we should follow as we develop our countries.

The [Reform Project](#) is also a place for discussions. The future is never clearly defined: different paths lead to it, and different scenarios result in the opposite of the expected outcomes. How exactly will regime change take place in Russia? What—and who—will replace the current authorities? What is to be done with the elites’ responsibility for Russia’s military aggression in Ukraine? What will society look like and what will its priorities be when the next “window of opportunity” opens up? All these questions need to be discussed—and discussions are inherent in the work of the [Reform Project](#), even when our authors are confident in their predictions.

[Reform](#) is certainly a mostly liberal-republican project. We are confident that the reinstatement of political and civil freedoms, the restoration of social institutions, the return of free elections and peaceful foreign policy are inevitable. We are, however, open to other points of view and other ideas about the Russian state’s format, as long as our contributors accept the priority of universal human values, political

pluralism, and independent judiciary.

Does the point at which a potential regime change will take place have significance for future planning of reforms? What is the purpose of discussing the reform agenda if we do not know the social, political, and military situation in which Russia and other post-Soviet states will be changing? What will the post-Putin regime look like? These are other questions that get constantly asked by our contributors and colleagues from other research centers and institutions. It does, of course, matter to consider when and how the authoritarian Russia will return to the republic-building path, and whether this turn will be peaceful or not, and whether one dictatorship will be replaced by another, albeit with “good intentions,” which tend to pave a well-known road. Will Russia decide to return to an open-society model or to self-isolate and ruminate about the damage caused by the Putin regime? What can and must we do to make the desired scenario take place earlier? And can we do it,

after all? All these questions are critical, but you will hardly find answers to them on the pages of this book, which is the result of two years’ work of the [Reforum Project](#). We rely on the following foundational postulate: at a certain point, the demand for freedom shall prevail, and we will have to bring it to reality again, in many ways to construct the system anew.

The planning of this inevitable construction of the future is what had preoccupied our authors until February 24, 2022. This task became even more relevant after Russia’s invasion of Ukraine and subsequent nullification of the post-Soviet achievements. Now, what used to appear fixable will likely have to be built from scratch. This is certainly a challenge; but one that presents new opportunities that we are yet to evaluate. Introducing the policy book *Reforum Roadmap*, we look forward to continuing the dialogue with you, dear authors, readers, and commenters.

ARTYOM RUSAKOVICH

HOW TO CREATE A GOOD CONSTITUTION: 30 TIPS

A comparative constitutional-legal analysis



The Constitution (Basic Law) creates the rules of the game that the political elites, and the country as a whole, live by. The rules of the game indicate what methods people use to assert power, how they interact within it, and what they are allowed and not allowed to do with regards to the public. The main task of the Constitution is to create specific and clear rules that determine how power and privileges are distributed.

In order to understand how that works, let us compare two political systems: authoritarian and democratic.

Within the authoritarian model, the final decisions on all issues are made by a single person—the head of state (czar, president, secretary general). The political elite is formed based on loyalty: deputies, ministers, governors, mayors are granted public offices depending on how devoted they are to the head of state. This system is stable, but not very effective, since those who end up in power are not the most intelligent, but rather the most obedient. This is a relatively accurate description of the current political system in Russia.

Within the democratic model, decisions on all issues are made by citizens through the electoral process. In this case, the political elite is formed on the basis of clear, transparent procedures: deputies, ministers, governors, mayors run for and win public offices through elections. Hence, members of the political elites are interested in electoral legitimacy and in limitations to the privileges enjoyed by the head of state. This, too, is a very stable system, but a far more effective one compared to the authoritarian model, since here the more intelligent people come to power, and their main goal is to please the voters rather than the head of state. This is a relatively accurate description of the current political systems in most European states.

Unfortunately, Russia's 1993 Constitution predetermined the country's transition to an authoritarian model rather than a democratic one. This happened due to two fundamental flaws of this document. First, the 1993 Constitution did not establish

specific and clear rules by which the political elites should operate. Second, it endowed the president with excessive powers. The Russian president thus fulfills the same function as do free and transparent elections in European countries—he distributes offices and official powers. As a result, Russia has become dependent on the views and whims of a single person.

The 1993 Constitution came into force under President Boris Yeltsin. At the time, Yeltsin personified the country's direction towards change, but Russia's conservative Supreme Soviet (Council) was in opposition to the president. To continue his reforms, the president needed more power; and he acquired it by adopting a new Constitution. However, hardly any powers were left for the parliament and other political institutions. At that moment, many believed that there was nothing threatening about the new Constitution, but it turned out to be the equivalent of a timed landmine. Yeltsin himself did not take much advantage of the flaws of the Constitution: he allowed transparent elections and tolerated the opposition and free media. By contrast, his immediate successor Vladimir Putin aptly exploited the Constitution's weaknesses and further expanded the presidential powers. In 2020, he eliminated the last restrictions imposed on him by the Basic Law and secured near-absolute power.

There is one perk to this situation. Today, no one in Russia views the Constitution as anything deserving respect and preservation. Nearly everyone understands that, in the future, the Basic Law will have to be changed completely. This realization has launched a broad public discussion: Russian legal scholars and politicians have started proposing amendments to the current text of the Constitution and even developing alternative constitutional projects.

Unfortunately, most of these projects are purely ideational and do not focus on the more pressing questions: Why do we need changes? Which problems do we need to avoid in the future? The experience of which countries can we potentially rely on? To make a transition to a democratic model and establish clear

and concrete rules of the governance, we should start seeking answers to these questions now.

It is impossible to develop a good constitution relying on abstract arguments. Any such project should account for the tragic experience of the current Constitution and consider positive examples of other countries' constitutional projects. In this analysis, I will compare the current Russian Constitution with the constitutions of democratic countries and some important constitutional projects in Russia itself, deconstruct the main problems of the Russian political system, and offer recommendations for the authors of the future constitution.

The analysis includes a review of the constitutions of Austria, Belgium, Bulgaria, Croatia, the Czech Republic, Germany, Greece, Denmark, Estonia, Finland, France, Japan, Hungary, Iceland, Israel, Ireland, Italy, Latvia, Lithuania, Montenegro, the Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, and the United States.

All recommendations are divided into six sections.

GENERAL RECOMMENDATIONS

- 1. Rely on positive examples of foreign constitutions.** European experience is most useful, as these countries' constitutions helped establish stable and successful democratic regimes.
 - 2. Learn from Russia's tragic experience.** The Constitution should address the problems currently facing the Russian political system. If we want to avoid any of these problems in the future, the new Constitution should include relevant solutions. In many countries, constitutional documents account for the state's authoritarian or totalitarian past to prevent such a past from repeating itself.
 - 3. Do not make unnecessary changes.** Elements that work well in the current Constitution do not need to be amended.
 - 4. Do not enshrine in the Constitution decisions that will be made by the people in elections and referenda.** Do not attempt to solve the current political problems through the Constitution. Limit it to developing and establishing the rules that will guide the political process.
 - 5. Write in a way that will make it easy to read.** The Constitution must be written clearly and unambiguously. Avoid complicated word constructions, unnecessary redundancy and, vague sentences.
- ## SUPREME BODIES OF POWER
- 6. Secure the separation of powers.** The Constitution must distribute powers among many people and various bodies of authority, and not allow a single person or a small group of people to concentrate state power in their hands. For that, we need to adopt political and legal safeguarding mechanisms that have proved their efficiency in other countries.
 - 7. Grant the State Duma the right to form and dismiss the government.** Only this way will the government's policies reflect the demands and preferences of most citizens.
 - 8. Remove the president's right to veto new laws.** All legislative power must be relegated to the parliament.
 - 9. Introduce the countersignature principle and limit the powers of the president.** The Constitution should provide for the verification of presidential acts by the head of government or by a designated minister (i.e., countersigning), as well as limit the president's powers as they are established by the Constitution.
 - 10. Remove the president's right to control the government's "power" ministries.** This will prevent the disorganization of the government's work, as well as a potential military coup.
 - 11. Grant the parliament the right to elect the president.** This will allow the country to abandon a personalist system and prevent one person from speaking on behalf of the entire population.
 - 12. Expand the powers of the Federation Council.** This governing body must represent the interests of the Russian regions and work to develop and strengthen federative relations. Here we can adapt the experience of Germany, where such functions are performed by the Bundesrat—an assembly of regional representatives.
 - 13. Proscribe the electivity of the Federation Council.** The number of representatives must depend on the size of the respective region's

population.

14. **Formalize the order of the State Duma elections.** This will help avoid a situation wherein the party that wins the parliamentary majority would go and change the voting rules.
15. **Create a new order for the formation of the higher courts.** In almost all democratic states, the parliament plays the main role in the formation of the higher courts. Judges should not be appointed for life, but rather for a specific term.
16. **Remove from the Constitution the provisions regarding state organs that do not carry a political meaning.** Among such organs are: the Prosecutor's Office, the State Council, the Security Council, and a number of others. All of them carry no political meaning, as they are formed by other authorities and are fully controlled by them.

ELECTIONS AND REFERENDA

17. **Allow all parties regardless of numerical strength and political ideology.** Russia must establish a true multiparty system and guarantee political pluralism. The future Constitution must include additional guarantees for founding political parties and for their activities.
18. **Establish reasonable requirements for election candidates.** Over the past twenty years, a powerful system of barring oppositional candidates from participating in elections has been established in Russia. The main mechanism of this system is refusing permission to run. Unfortunately, the current Constitution allows this.
19. **Annul the order on the formation of election commissions.** Election commissions must be as independent as possible from the executive authorities—federal, regional, municipal. Today, elections are held by a structure composed of appointees of the president and the ruling party; it is thus not interested in the objectivity and transparency of elections.
20. **Develop a list of questions to be put to a referendum.** This measure will provide citizens with additional guarantees that their opinion will be heard in the making of the most important state decisions. Mandatory referenda will serve

as yet another insurance mechanism that will prevent the country from slipping back into dictatorship.

RIGHTS AND FREEDOMS

21. **Specify rights and freedoms, and eliminate provisions that limit them.** According to the current Constitution, Russian citizens have plenty of rights and freedoms. However, these rights are barely ever observed in real life.
22. **Remove restrictions on freedom of speech.** Unrestricted freedom of speech is preferable to the present situation, in which an individual can be incarcerated for simply expressing his or her opinion.
23. **Remove restrictions on freedom of assembly.** Currently, the right of citizens to assemble in public protests and demonstrations is de facto nullified.
24. **Grant all defendants at risk of imprisonment the right to a trial by jury.** The fabrication of criminal cases in Russia has turned into a conveyor belt; no one is protected from this repressive machine. One of the best mechanisms that helps prevent such a scenario in a criminal case is trial by a jury.

FEDERATIVE STRUCTURE

25. **Expand the powers of the Russian regions.** It is best to avoid a rigid division of powers between the federal center and the regions; norms pertaining to this issue should be kept relatively flexible.
26. **Prohibit higher-level authorities from interfering in the formation of lower-level authorities.** In modern Russia, neither organs of local self-governance nor regional authorities are fully independent, even within the sphere of their own competence. Federal authorities must not influence the formation of regional authorities, and regional authorities the formation of local ones. Reinforcement of this principle will stimulate the development of genuine federalism and local self-governance.

POLITICAL COMPROMISES

27. **Mention God and traditional values.** That will do no harm, but will strengthen the desire

of religious citizens to accept and protect such a Constitution.

28. **Mention the Russian people.** This will do no harm, but will strengthen the willingness of nationalism-prone citizens to accept and protect such a Constitution.
29. **Reinforce broad social guarantees.** This will do no harm, but will strengthen the willingness of left-oriented forces and citizens to accept and protect such a Constitution.
30. **Eliminate the norm on the priority of international law.** This will do no harm, but will strengthen the willingness of extreme patriots to accept and protect such a Constitution. One can forgo indicating the priority of international

law in the Constitution for the same reason as one can forgo mentioning the need to use logic when issuing judicial decisions. If the courts are working well, they will continue to do so; if they are working poorly, indicating the priority of international law over Russian law will serve no purpose.

The future Russian Constitution must be a product of consensus among many stakeholders: people and political forces. And the better we account for the views and feelings of citizens when developing it, the fewer cleavages and conflicts will take place in our society, and the faster we will be able to create the “beautiful Russia of the future” for which we all so deeply yearn.

Author



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MAXIM GORYNOV

RUSSIAN FEDERATION HALFWAY TO A FEDERATION

What a nationalities policy
should look like in Russia



The Russian Federation (previously the Russian Soviet Federative Socialist Republic) is more than a hundred years old. For a hundred years, its national republics and other federative subjects have officially used native languages, written books about themselves, and represented themselves. Moscow, in the meantime, has been learning how to deal with the fact that the regions have their own opinions and place in world history.

But the current practice of Moscow's relations with the regions is increasingly less federative. One can say that the federation has shared the same fate as the Russian Constitution, the parliament, freedom of press, and education. While preserving "federation" in its name, internally Russia has turned into a unitarian centralized state with security forces and special services acting as key authorities, while the level of civil cohesion hovers around zero.

The full title of the Treaty of Federation, signed on March 31st, 1992, by Moscow and the national republics, is the "Treaty on the allocation of jurisdictions and powers between the federal organs of state power of the Russian Federation and the bodies of power of the sovereign republics within the Russian Federation." But Moscow is preoccupied with dismantling the legacy of the Soviet and Yeltsin nationalities policies. First and foremost, this applies to Russia's national republics: from the point of view of Russia's current authorities, the existence of national republics with their own constitutions, parliaments, and languages is a consequence of the erroneous decisions made by the Bolsheviks in the first few years after the civil war in Russia. These decisions already contributed to the collapse of the Soviet Union—the "greatest geopolitical catastrophe of the 20th century"—and continue to threaten the country's unity.

The public opinion somewhat correlates with this view. One can make such a judgment based, for example, on the lethargic public reaction to the self-immolation of Udmurt activist Albert Razin in the center of Izhevsk, the capital of the Udmurt Republic, as an act of protest against the federal government's language policy and the Russification of the Udmurt people.

Long before it became a federation, Russia had succeeded as an empire—but it was more similar to the Ottoman, than the British Empire. Across centuries, Russian rulers strived to concentrate maximum power in their hands, maintain a harsh militarized hierarchy,

and politically undermine the regions. A federation, however (at least as proclaimed in the Russian Constitution) suggests the opposite—coexistence of multiple centers of power which represent local civil societies.

The incompatibility of constitutional principles and historically developed norms leads to constant misunderstandings and distortions in political relations and agendas across Russia. For example, the idea of Russia as a federation is constantly discussed by the Russian political opposition and independent media. The opposition argues that, for the country to become an actual federation, the "vertical of power" must be dismantled, with powers and taxes transferred to the regions. The opposition compares Russia with the world's most successful federations—Canada, Australia, Brazil—and finds many common features. And yet the existence of the regions with their own constitutions and languages seems to disturb the opposition members. Civic initiatives of the national republics rarely feature in Moscow's discussions, as they are deemed too local, too controversial, and allegedly connected to a kindling of separatism.

The contradictions between the historically emerged practice and the principles of federalism are especially clear if we are to compare the claims made in national republics' constitutions with Russian nationalists' opinions as to what Russia is. The republics identify themselves as sovereign states within a federation. Article I of the Constitution of the Buryat Republic states: "The Buryat Republic is a democratic state governed by law, a subject of the Russian Federation." Article I of the Constitution of the Yakut Republic states similarly: "The Sakha Republic (Yakutia) is a democratic state governed by law, founded on the basis of the people's right to self-determination."

The first chapter of the Chuvash Constitution does not mention the word "state": "The Chuvash Republic—Chuvashia—is a republic within the Russian Federation." The local media, however, are well aware of the ugly story of how exactly this word disappeared from the text, and why it proved impossible to bring it back. One must keep in mind how seriously Chuvashia takes itself as a state. In his book *Die Tschuwaschen. Ein Volk im Schatten der Geschichte* ("The Chuvash: A People in the Shadow of History"), which was recently published in Russian, author Andreas Kappeler, professor at the University of Vienna, acknowledges that he decided to write it after seeing the amount of high-quality research

published by local historians. Chuvash scholars describe local history on the same professional level as their colleagues from sovereign states.

President Vladimir Putin has repeatedly claimed that a federation is an artificial model, alien to Russia. In his view, from early on, Russia developed as a unitarian centralized state, which then strayed from this straight and natural path in the early 20th century as a result of the Bolshevik coup under Lenin.

Putin is right in the sense that neither the Romanov dynasty nor the Provisional Government ever had plans for either a sovereign Ukrainian-speaking Ukraine or a Chuvash-speaking Chuvashia. Neither the Romanovs nor their successors ever aimed to recognize ethnic minorities' rights to their historical territories.

Lenin's program with regards to the nationalities was quite radical and even invoked comparisons by Professor Terry Martin of Harvard University to the modern American practice of affirmative action (sometimes referred to as positive discrimination), the goal of which is to help all minorities, without exception, in overcoming social and economic barriers. But the Bolsheviks enacted such a program a century earlier, and its scope was a hundredfold larger.

It was crucial for Lenin to show that the Communists had nothing to do with monarchy or imperialism. The Bolsheviks set out to recognize the nationalities' rights to their territories: "the self-determination of peoples populating Russia up to full separation." Ukrainians, Belarusians, Chuvash, Tatars, and other peoples who, at different times, ended up under Romanov rule, were granted full-fledged national republics with governments, schools, and right to conduct official business in native languages. In other words, in the early 1920s, the federation was a blueprint of progress: anti-imperialist and anti-colonialist agendas were its significant foundations. It was a bright, futuristic project of liberation from oppression, far ahead of its time. But by the early 1930s, the new Soviet leaders found a way to combine Lenin's rhetoric of liberating nationalities from imperial oppression with czarist policies right out of the Romanovs' playbook.

Over the next almost hundred years, colonialism practices have been recurring regularly, but still they were not mainstream. The current attempts by the Russian government to turn back time and cancel the results of the February and October Revolutions are fairly new. Even in the early 2000s, during his first

presidential term, it was possible for Vladimir Putin to deliver a speech in Kazan in the Tatar language.

For now, all that the Russian Federation can do is to stop being distracted by its czarist past and simply return to itself—that is, being a federation. All the necessary norms and regulations of federative relations have been long prescribed legislatively, albeit reinforced poorly.

The return of the nationalities agenda could become an important step for the Russian Federation towards actually becoming a federation. The situation wherein an activist self-immolates in the center of his republic's capital after desperate and futile attempts to protect his native language must not repeat. What we must understand is that, first, a full-fledged development of civil societies in the Russian regions is hardly possible without educating local populations in history, including that of ethnic minorities. Next, we must acknowledge that the silence of the national republics is fundamentally wrong for such an enormous federation. The regions must be able to speak out, self-proclaim, argue, and voice their discontent. The plurality of political centers that is described in the Russian Constitution must be put in practice. Their voices might sound unusual against the backdrop of today's silence, wherein not every Russian university professor knows the location of the Adygea Republic and what language is spoken there. But we will have to become used to this as the new norm, protect this freedom, and guarantee this right.

What should be done for the Russian Federation to become an actual federation?

Thesis one: we must stop viewing the Soviet nationalities policy as a "sequence of blunt errors" that led us to the Belavezha Accords terminating the Soviet Union. It was mass repressions, decades of isolation, and economic mistakes that led us there, rather than the fact that the people of Belarus, Udmurtia, and Chukotka received the opportunity to read daily newspapers in their native languages. When evaluating the Soviet nationalities policy, we must keep in mind that, in the early 1920s, hundreds of ethnic groups in Northern Eurasia acquired literacy, schooling, and public administration in their own languages for the first time. It was an impressive humanitarian achievement and a step towards enlightenment. The decision to aid these peoples in the development of their self-governance was at least fifty years ahead of its time and must be recognized as an achievement.

Thesis two: since 2014, a recoil towards the century-old imperialist program has taken place. One development is towards restoring the assimilation practice of the reign of the last two Romanovs. This recoil must be recognized as an error. The aim to return to the past via security and propaganda pressure is useless to the regions. The assimilation agenda will harm civic consciousness and the regions' preparedness for collective action in the name of the common good. Considering that regional residents are already hesitant to get involved in activism that is not related to immediate survival, a recoil may significantly delay their civic development. Additionally, this opens paths leading to radicalization of discontent.

Thesis three: the program of the federation's development must be based on the Soviet best practices of the 1920s. Moscow and St. Petersburg must wholeheartedly aid regional development, including the civic and cultural promotion of native languages, rather than constantly curb them on suspicion of separatism. In the 1920s, Moscow's legitimacy rested not on the security apparatus, but on the fact that the capital granted regions the opportunity to develop as independent political subjects. Moreover, it approved regional development, often pushed regions forward, and, overall, served as an administrator of modernity there. That's the role we should be returning to.

Author



Maxim Gorynov, philosopher, publicist, program host on European Radio for Belarus.

HOW TO BEAT CORRUPTION IN RUSSIA: 70 STEPS



Authors

Expert team from Transparency International R. Edited by the general director of Transparency International R Ilia Shumanov.

The work on fighting corruption in Russia is unsatisfactory: for the past eight years, it has been ranked around 130th (out of 180 countries) in Transparency International's Corruption Perception Index. The key reason for this low placement is the lack of systemic anti-corruption reforms that would eradicate the risk factors as well as counteract and liquidate the consequences of corruption.

The challenges start at the level of normative legal acts. These acts are plentiful, they are complicated, written in barely readable bureaucratic jargon, and often contradict each other. They are also often archaic: for example, there are still no common requirements for the submission of anti-corruption declarations, their centralized review and publication. For the past ten years, no significant development of state anti-corruption systems and instruments has taken place. All this coupled with tepid political competition has impeded progress in terms of countering corruption. A multitude of itemized reforms, as well as ostentatious criminal proceedings against corrupt officers, do nothing to change the overall situation.

In the meantime, surveys show that there is a huge demand for justice in society; it is reflected in the high number of civic investigations into corruption and the popularity of politicians who use anti-corruption rhetoric.

While the level of corruption among officials has noticeably declined over the past 20 years due to digitalization of bureaucratic processes, establishment of state service centers, and strengthening of public

service discipline, in certain sectors, such as the State Road Traffic Safety Authority, it is far from overcome. As for top-level corruption, such as the distribution of large budgetary funds, it has strengthened. The state is not able to prevent corrupt officials from hiding money abroad, and the civil society does not have enough resources to control the state and make it do its job.

This situation calls for complex reforms to launch mechanisms of cleansing the state, business, and society from the endemic corruption. This report does not cover constitutional and legal reform or the needed changes in local self-governance: each of the proposed 70 steps is connected to anti-corruption efforts but requires a separate reform. In this analysis, we attempted to focus on reforms that can be conducted without taking other spheres into account and still achieve a significant result. It must, however, be noted that the reforms proposed by us will, in themselves, raise issues of the balance between government branches, regions' budgetary self-sustainability, judicial independence, etc. Ensuring the public authority's integrity and an observable decline of its level of corruption will prompt all other state and public institutions to follow suit.

Our analysis is divided into 13 sections, each concerning a separate institution.

We hope that the reforms described here impact the discussions on Russia's future development.

Legislative power

To minimize corruption, we must create high-quality, well-developed “rules of the game,” legal norms. Today, Russia’s most significant laws are penned by the presidential administration and other influential government agencies, such as the government apparatus, the Ministry of Finance, and the Federal Security Service (FSB). This directly contradicts the state’s democratic foundation. Legislative initiatives should be introduced by publicly elected officials, State Duma deputies. Politicians should enter the parliament on the basis of honest, open, and transparent elections. Laws must reflect public interests and be thoroughly developed. Lobbying must be allowed under public control. Election of deputies sponsored by large businesses must be balanced by true representatives of the people relying on broad public support. All this will help minimize corruption in the legislative branch of power.

1. Make the financing of politicians transparent
2. Minimize the use of administrative resources
3. Combat buying places in lists of election candidates
4. Reformat the anti-corruption expertise of normative legal acts and make it mandatory for all subjects of legislative initiative
5. Reform the institute of resolving conflicts of interest amongst deputies
6. Adopt a law on lobbying
7. Reinstate genuine parliamentary investigations
8. Ensure ethical behavior of parliamentarians

Executive power

Today, Russia’s executive power dominates over its legislative counterpart. This leads to the monopolization of authority by the law enforcers; and, therefore, to broad opportunities for abuse of power. It is more profitable to “purchase” administrative support of a legislative initiative by paying a bribe than to work with deputies to provide for correct legislative regulation. The price of a bribe for a corrupt official declines, while for the public the costs of harmful laws keep growing, since it is much easier to ensure the passing of a harmful bill when the parliament is under executive control.

Lobbying in the executive branch must be made public, as it must be in the legislature. Officials themselves should not be afraid to report corruption. The state must become transparent, and, at the same time, as compact as possible. Many state services can be outsourced while preserving the appropriate quality. The proliferated practice of immunity for officials must be curtailed, and, at the same time, the public should be provided with real opportunities for compensation from corruption. These and other measures will help achieve truly effective state administration.

9. Regulate lobbying in the executive branch
10. Create anti-corruption certification for officials
11. Establish protection for those who report corruption
12. Accept a functioning law on access to state information
13. Limit officials and politicians to strictly official immunity
14. Reform the system of control and surveillance
15. Provide for administrative responsibility for corruption
16. Make regulatory impact assessment mandatory
17. Outsource a significant number of state services to non-state agencies

Judicial power

The cleansing of judicial power is the cornerstone of any complex anti-corruption reform. Without it, current judges will reject reforms as unconstitutional, release arrested corrupt officials from detention, and will stick by their clientele. Therefore, changes in the judicial power must be a priority; although they will certainly not happen fast if we are not to violate the principle of irremovability of judges and select new ones across the board. We must significantly increase judicial power’s transparency, especially with regard to publishing all judges’ tax returns. All “servants of Themis” must undergo an open and honest vetting process—a thorough investigation into potential corruption—and the Supreme Court must be completely restaffed.

18. Create an anti-corruption court
19. Publish all decisions issued by all courts,

establish the practice of digitized justice

20. Publish judges' tax returns
21. Restaff the new Supreme Court through an open election process
22. Conduct vetting of all judges
23. Synchronize the work of the anti-corruption court with the rest of the judicial branch

Public sector

The economy's public sector is naturally most prone to corruption, as it entails the fusion of the state as a regulator and the state as a subject of economic legal relations: a player that creates its own rules. We must minimize the state's participation in the economy in those spheres where business is likely to fare better. A large-scale privatization will allow us to lower corruption costs on all levels. In areas where the state will still have significant influence (which will still be a large share of the economy), public procurement must be reformed to stimulate honest and fair competition between private parties (a large sub-section is dedicated to this issue). Anti-corruption requirements, bans, and limitations should be fully extended to the public sector itself.

24. Reform public procurement
25. Unify anti-corruption requirements for the public sector
26. Create an all-encompassing privatization plan based on the following principle: what cannot be privatized must be entered into a special list accompanied by a rationale
27. Transform all existing joint-stock companies into public joint-stock companies, and reincorporate the remaining federal state unitary enterprises as joint-stock companies
28. Introduce the concept of a public official
29. Privatize state-owned assets through an open initial public offering and public auction of majority shareholdings. Restrict the maximum possible concentration of such stocks in the hands of a single beneficiary
30. Liquidate special forms of juridical entities for state organizations
31. Prohibit the execution of functions of state officials by subordinate agencies; however, keep

subsidies in mind

32. Consistently decrease the share of the public sector and implement the privatization plan

Law enforcement

Law enforcement and security officials impact the everyday lives of all Russians. They provide not just daily protection from petty crime, but also protection of private property, which is necessary for economic growth. Security officials must not engage in business; their service must be their only source of income.

Short-term successful reforms of the police and the investigative and national security agencies will strengthen voters' trust that the country is moving along the right path, as happened in Georgia. Failed reforms of law enforcement will instantly cause deep disappointment in all other reforms, as happened in Ukraine.

33. Restaff the Road Patrol Service
34. Introduce criminal liability for unexplained wealth accumulation and trading in influence
35. Conduct an open vetting procedure for *topsiloviki* (securocrats)
36. Establish a system of mutual containment for *siloviki*

Election commissions

Independent and professional election commissions are the basis for honest, open, and transparent elections. Political corruption, one of the most devastating kinds of corruption, continues to thrive because election commissions are subservient to the executive authorities. Competence amongst commission members is often also quite lacking. The combination of unprofessionalism and dependence results in election commissions often becoming tools in the corrupt competition for power. The recommended reforms will help us overcome these problems. Working for election commissions should become a regular type of employment rather than a way for civil servants to make extra money. The connections between election commissions and the public sector must be minimized, and the former should be rid of the contradictory function of financial control over parties which technically elect them.

37. Raise salaries for election commission members

and minimize the number of state employees among election commission chairpersons

38. Transfer the functions of financial control over parties to an anti-corruption agency
39. Eliminate connections between election commissions and the public sector

Ombudspersons

The institute of ombudspersons—accredited representatives for the rights of different groups of the public—seemingly has nothing to do with corruption. But corruption directly undermines protection of human rights. You will not be able to sign up for magnetic resonance imaging if equipment purchased with dirty money quickly broke down. Your child will not be given free textbooks at school if those books could not be acquired due to increased prices. Prices keep rising because farmers are forced into paying bribes by new strict sanitary regulations. All these scenarios are the consequences of corruption that violate people's rights to healthcare, education, and protection from poverty. Ombudsmen can noticeably strengthen all other institutions, since they have state status, are simultaneously closely connected to civil society, but, unlike legislative authorities, do not have to be politicized.

40. Decrease the number of serving ombudsmen
41. Change ombudsmen's powers and grant them the right to issue orders
42. Transfer the function of organizing free legal help to ombudsmen

Accounts Chamber

Today, the Accounts Chamber is possibly one of Russia's most effective bodies of authority. However, it also needs certain reforms, which are closely tied to politics. After all, the Accounts Chamber, like its counterparts in many other countries, was initially meant to be an organ of parliamentary control to track the implementation of the budget adopted by the parliament, and to do so independently from the executive branch. Therefore, the Accounts Chamber must be subject only to the parliament and establish anti-corruption efforts as its priority.

43. Strengthen the Accounts Chamber's accountability to the Federal Assembly of the Russian Federation; eliminate presidential control

44. Prioritize anti-corruption efforts in the Chamber's work

Anti-corruption agencies

Reformers are almost immediately faced with the fact that large numbers of state officials cannot be quickly "cleansed" of corruption. Bureaucracy will resist and sabotage the ongoing transformations. This is especially critical when one attempts to clear off corruption with old tools—new anti-corruption instruments must be created. These instruments are crucial, and developing them is a priority similarly to how, in the case of damaged roads, national highways that lead to the centers of economic activity are repaired first, since they jump-start the growth of the entire economy.

These new tools should include an anti-corruption investigation bureau, a prosecutor's office, a court, and a preventative agency. The timely creation of anti-corruption agencies will provide for quick and visible results of anti-corruption reforms for all Russians—and for their public support.

45. Create an anti-corruption investigation bureau
46. Create an anti-corruption prosecutor's office
47. Create an anti-corruption court
48. Create an anti-corruption preventative agency
49. Create an agency on the search, retrieval, and management of stolen assets
50. Eliminate the former anti-corruption court (see step no. 24 in the Judicial Power section)

Political parties

When the Group of States against Corruption (GRECO) evaluated the Russian legislation on financing political parties in 2012, it noted the lack of unity in financing and conducting elections on a federal level. By 2016, GRECO's evaluation had improved, as the legislation became less complicated and contradictory. However, we do not have any clear guidelines for party funding yet. The state is more interested in disjointed changes aimed at all sorts of restrictions on the public's voting rights.

In general, political corruption in Russia is rarely given much thought. The term itself is not familiar to us. But political corruption is one of the most heinous kinds of corruption. It can be used to take control of the state; whole nations end up in

subservience to corrupt officials who pump resources out of the country and store the spoils abroad. Reforms must provide for a qualitative overhaul of Russia's political environment. Political parties must stop using administrative resources, and politicians who have been caught in corrupt practices must be removed from the political life.

Control over the election campaigns must begin well in advance, as opposed to a couple of months before they start, as it does now. Parties should be liberated from the control of big business and the public sector as well as from financial instability.

51. Establish transparent donations to political parties
52. Prevent parties from exploiting administrative resources
53. Extend the timespan of election campaigns
54. Expand the state funding of political parties
55. Stimulate people's financing of parties; decrease the influence of big business; eliminate the public sector's influences

Media

Free media guarantee public control over corruption. It is through various media outlets that citizens learn about important events in the country. Media exert strong influence over public opinion. Therefore, the state must offer support to independent media, especially mass media. At the same time, prominent mass media must be transparent to the audience. The media market must become open and competitive.

56. Support small independent media in the regions via grants
57. Support journalistic investigations via grants
58. Provide the media with wide access to official information
59. Reveal the ultimate beneficiaries and sponsors of all prominent mass media

Civil society

Today, the Russian state is doing everything to squeeze civil society into a benign social sphere along with other "non-politicized" items. However, civil society and non-governmental organizations play a crucial role in fighting corruption. They

usually unearth corruption at the base level, serve as expertise centers, and essentially help reveal and terminate corruption practices. We must abolish the pointless and repressive legislation on NGOs and stimulate their anti-corruption activities at the same time. NGOs should take an active part in forming the new authorities and control competition for new public offices. At the same time, NGOs must remain transparent, and society as a whole should be actively enlightened on anti-corruption efforts.

60. Repeal the law on foreign agents
61. Stimulate civic anti-corruption initiatives
62. Actively involve NGOs in anti-corruption efforts, introduce them into tender commissions
63. Increase NGOs' financial transparency
64. Establish a systemic anti-corruption education

Business

On the one hand, business in Russia is constantly pressured by the authorities. Many officials view business as cash cows providing informal rent in exchange for protection and patronage. The perception of business as the realm of profiteers and dishonest dealers only strengthens the pro-government approach of officials, judges, and society as a whole. On the other hand, businesspeople themselves are not averse to corruption mechanisms: splitting a state contract or landing a competitor in jail. An honest state apparatus is impossible without reforms that would encourage honesty in business. We must decrease the regulatory burden, stimulate legal methods of solving business problems, and, simultaneously, end the practice of using private companies as impact pads for corrupt officials.

65. Create a registry of ultimate beneficiaries of corporations, including NGOs
66. Deregulate the economy
67. Stimulate the resolution of disputes in court; improve the execution of court decisions
68. Stimulate compliance with anti-corruption practices
69. Demonopolize the economy
70. Introduce real liability for banks and mediators for engaging in corruption

EKATERINA MISHINA

GOALS AND PERSPECTIVES OF JUDICIAL REFORM IN RUSSIA



There were obviously no independent courts to speak of in the totalitarian Soviet Union, where the principle of unity of power was fundamental. Initially, the Soviet government viewed the courts as punitive organs. In his letter to People's Commissar of Justice Dmitry Kursky, Vladimir Lenin indicated the main goal of the Soviet Court: "The Court is not here to eliminate terror—to promise that would be a self-deceit or a lie, but rather to rationalize and legalize it, with principle, clearly, without falsity or flourish."

In the system of state power bodies established after the October Revolution of 1917, courts were secondary, after the administrative bodies. Both *de jure* and *de facto*, the Soviet Union's Central Executive Commission was a higher-level authority for the Supreme Court.

A detailed description of the judicial system was only provided in the 1936 Soviet Constitution. This is also the first Constitution in the country to use the word "justice" and establish that justice is carried out by all structural elements of the Soviet judicial system—from the people's courts to the Supreme Court of the Soviet Union (Article 102). The status of the Supreme Court was changed as well: now it was to be established not in connection to one of the organs of authority, but rather as an independent structure. The principle of electivity of judges was also introduced: the people's courts were to be elected by the citizens, and the higher courts by the Soviets (councils) at the corresponding level. For the first time, it was constitutionally established that the judges were independent and subordinated only to the law (Article 112). However, just like many other provisions of the so-called Stalin Constitution, those norms did not work in practice. Both courts and judges were subjected to immense pressure.

By the end of the 1930s, courts gained a reputation as punitive bodies, which was greatly aided by the activities of the so-called "revolutionary troikas" who handled political cases without any involvement of defense attorneys. No one really considered it necessary to protect the rights, freedoms, and legal interests of Soviet citizens, ordinary or not. By that moment, the distortion of the legal consciousness of both professionals and civilians had reached the stage wherein an arrest implied guilt in the eyes of

the majority. It was then that confession became the primary and most important element of proof.

As a result, the Soviet judges developed a specific mentality based on self-identification and the influence of their previous careers. Judges perceived themselves as officials whose main duty was to protect the state's interests under any circumstance; the mission of an independent arbiter tasked with delivering justice would have made no sense to them. Besides, candidates for judicial offices were usually intentionally selected from among former law enforcement employees. This principle of selection determined another distinct feature—accusatory bias, where the goal was to find the defendant guilty no matter what: in most cases, the indictment itself would serve as the basis for a guilty verdict. After their integration into the judicial corps, newly hired judges would undergo a rapid professional deformation. The rules of the game inside the Soviet judicial system required full submission to the chief justice and to the directives of higher courts, administrative and party officials, and other external actors.

The Soviet judicial mentality turned out to be incredibly difficult to root out. Together with the Soviet approach to the delivery of justice, it outlived the Soviet Union, and, unfortunately, continues persists in a number of former Soviet states.

The force behind the core changes in the judicial sphere, which aimed to transform Soviet justice into an independent branch of the government, was the Concept of Judicial Reform in Russia, published on October 24, 1991, when the Soviet Union still formally existed.

The main goals of the reform were:

- modernization of the Soviet judicial system and transformation of courts into an autonomous and influential force independent from the legislative and executive branches;
- adaptation of courts and judges to the new social and economic conditions;
- defense and unfaltering observance of the fundamental human rights and freedoms, as well as the constitutional rights of citizens in judicial proceedings;

- inclusion of democratic principles of the organization and functioning of law enforcement agencies into the current legislation;
- providing for a sufficient level of material and technical support for the courts, as well as the various bodies of justice, prosecution, domestic affairs, and investigative subdivisions;
- appropriate material, domestic and social provision for employees of courts and law enforcement agencies;
- providing for more accurate and accessible information about the activities of courts and law enforcement agencies.
- wages of judges were significantly raised and continue to increase regularly;
- courts began to gradually overcome the Soviet tradition of secrecy about the activities of government agencies and become increasingly more transparent;
- significant progress was made in the sphere of enforcement proceedings.

The Constitutional Court of the Russian Federation played a major role in the reform and “de-Sovietization” of the criminal procedure. Between 1995 and 2000, the Constitutional Court delivered more than 20 resolutions that forced the legislature to make various progressive amendments to the old Criminal Code of the Russian Soviet Federative Socialist Republic (RSFSR). Many articles of the new Criminal Procedural Code of the Russian Federation, which was adopted on December 18, 2001, and came into force on July 1, 2002, marked a great victory for human rights, and, particularly, for the rights of the defendant. Nearly all key provisions of the Code extended the rights of the court and decreased the powers of the prosecution.

Below are some of the key failures of judicial reform in Russia:

- judicial power *de facto* still largely depends on the executive branch;
- the last few years’ practice renders increasingly more cases where lawmakers’ initial plan is distorted by inappropriate actions of the law enforcers. The inadequate use of several provisions of the new Russian legislation and arbitrary application of law led to completely unexpected and quite negative results;
- initially, the Constitutional Court acted as a truly independent institution. Unfortunately, over the past 20 years, many of the Constitutional Court’s decisions point to the growing politicization of the Court.
- a separate sub-system of administrative courts was never created, despite the fact that a corresponding federal constitutional law was drafted and passed upon the first reading in the State Duma in November 2000.
- the change in status of the Constitutional Court justices violated one of the fundamental principles of the independence of judicial power. As retired Constitutional Court Justice Tamara

Despite all the strengths of the Concept, one must also note some of its significant flaws. The fact that the complete change of the role of the courts’ chairpersons was not explicitly stated turned out to be a time bomb that essentially undermined the judicial reform—not the only one, but certainly one of the most devastating.

Despite its bright start, the reform began to stall rather soon. By the mid-1990s, its marginality had become even more pronounced. The early 2000s saw renewed attention to the judicial power. However, along with the growing funding of the courts and improvement of their material and technical conditions, this period was marked by strong dependence of the judicial branch on the current political regime.

Yet, in evaluating the judicial reform’s results, one can identify several significant achievements:

- the principle of separation of powers has been enshrined in the Russian Constitution; the courts received the status of an independent branch of power;
- new laws and procedural codes that regulate the status of courts and judges, as well as the implementation of various legal proceedings, were established;
- judicial community bodies were established;
- bodies of constitutional justice, such as the Constitutional Court of the Russian Federation and the constitutional (statutory) courts of Russia’s subjects, were established;
- the institute of Justices of the Peace was introduced;
- the institute of trial by jury, which had existed in Russia up until 1917, was restored;

Morshchakova notes, “in regard to the Court, a number of decisions were made showing that the status of the Court’s justices can be arbitrarily changed. The main problem lies in the fact that the justices are constantly aware that their status may be changed again, at any time, regardless of their wishes”;

- the abolition of the Constitutional Court’s bicameral structure negatively impacted its work;
- trials by jury in Russia are marred by numerous problems. Citizens do not want to be jurors, jurors are subjected to pressure, feel unprotected; the competence of a jury trial is becoming increasingly more narrow;
- a significant number of judges still lack personal decisional independence and demonstrate prosecutorial bias when issuing verdicts;
- a system of appropriate training of court staff that would meet the requirements of a democratic state and a market economy was never created.

In the last two decades, signs of judicial counter-reform have also emerged in Russia.

Justice Tamara Morshchakova offers the deepest and most informative evaluation of the judicial reform’s journey, noting that reform quickly lost its tempo, and, crucially, direction. “Many new elements directed towards the provision of rights and freedoms in all spheres of life by an impartial, competent, and lawful court were met with resistance from the start. Both courts that were to be reformed and legislators opposed them [...] The academic community split: some legal scholars never accepted the ideas of adversary justice, a departure from the prosecution’s oversight functions and their replacement with judicial control [...] And after 1995, and especially after 2000, the legal status of judges was changed, which limited the constitutional standards of their irremovability and immunity.” Both Morshchakova and a number of other legal experts, including former insiders of the Russian judicial system, spoke out about the clear signs of judicial counter-reform in the Russian Federation.

Here are some of its most indicative signs:

- politicization of courts. Russian courts are increasingly more often used as instruments of political influence;
- constitutional formalization of the possibility to

violate the principles of judicial irremovability and independence;

- life-long appointment of judges replaced by service until the age of 70;
- further growth of potency and expansion of powers granted to chief judges.

A doubtless sign of the continuing judicial counter-reform was the 2014 elimination of the Higher Arbitrage Court of the Russian Federation. The liquidation of the Court struck a huge blow to the entire system of economic justice. Lawyers note that this was one of the courts that had managed to overcome the Soviet mentality. It preserved the independence of opinion, which was guaranteed by the creation of specialized internal institutions, and, as a result, became an outlier in Russia’s power vertical. In terms of real achievements, the Supreme Court did not just lag behind the Higher Arbitrage Court, it seemed pathetic by contrast. Therefore, the elimination of the latter was not part of the reform, but rather a counter-reform, or even anti-reform.

I fully agree with the opinion of a number of my colleagues who believe that judicial reform in Russia was implemented only partially. The material contents of the legislation regulating the judiciary were completely changed, while the institutional ones were not: the Russian judicial system is still oriented towards the principle of strict centralism, which, in the end, provides for controllability of the existing system.

Relevant problems and tasks of the judicial reform at the modern stage

Identification of the highest-priority tasks for the reform of Russian courts, whose politicization grows relentlessly, would not be possible without an analysis of several articles of the Criminal Code, according to which criminal proceedings are initiated and guilty verdicts are issued against those whom the current regime deems as *personae non gratae*. Russian judicial reform is impossible today unless serious changes are to be made to the Criminal Code.

The accusatory bias of Russian justice does not simply prevail, it keeps growing. In 2018, the share of “not guilty” verdicts was only 0.235%—a historical minimum in post-Soviet Russia. At the same time, the situation wherein criminal and administrative proceedings are initiated against those who, from the authorities’ point of view, pose a threat to the regime

causes serious concerns. In the eyes of 21st-century Russian lawmakers, torturing a person is less of a danger to society than the repeated violation of rules of organizing or participating in protests, marches, and demonstrations.

Article 275 of the Criminal Code (“high treason”) is also actively used against individuals viewed by the authorities as undesirable or suspicious. The latest prominent case initiated on the basis of this article is against journalist Ivan Safronov, who was sentenced to 22 years in a penal colony. The new edition of Article 275 is worded incredibly vaguely, evasively, and ambiguously. Such “elastic” formulations offer unlimited opportunities for arbitrary interpretation and selective implementation.

Another two *corpora delicti* included in the Criminal Code with the clear goal of witch-hunting are: conduct of activities of an “undesirable organization” (Article 284.1) and failure by a Russian citizen to file a notification of possession of citizenship of a foreign state, as well as permanent status or any other functional document that confirms his or her right to permanently reside in a foreign state (Article 330.2). Beside having an obvious political component, both articles fabricate the meaning of social danger.

In May 2014, a new *corpus delicti* was introduced to the Russian Criminal Code—the article on “rehabilitation of Nazism.” The disposition of this article includes phrasing on the public distribution “of knowingly false information on the activities of the Soviet Union during the years of WWII.” This article is used to prosecute both statements in support of the Third Reich and regular criticisms of the role of the Soviet Union in WWII or any mentions of the pre-war collaboration between the Soviet Union and Hitler’s Germany.

The Criminal Code establishes that punishment is used as the means of reinstating social justice, as well as of correcting the convicted individual and deterring new crimes. The latest practice shows that Russian law enforcers have begun viewing punishment as an intimidation method against convicted individuals. This approach is a classical tool of feudalism, wherein punishment always had an intimidating character, and such an approach in modern law enforcement practice is completely unacceptable.

It is noteworthy that there is one more feudal characteristic present in Russian law enforcement: the class-related nature of the punishment. Belonging to a certain class or caste is determined by the degree

of proximity and loyalty to the current regime. This phenomenon is known as selective application of law, but this does not change the heart of the matter. In 21st-century Russia, as we approach the 32nd anniversary of the judicial reform, legal norms are applied differently towards different social groups.

A classic example of this phenomenon is the case against members of the band Pussy Riot—Nadezhda Tolokonnikova, Maria Alyokhina, and Ekaterina Samutsevich, who were sentenced to two years’ imprisonment under Article 213, Part 2, (“hooliganism”) of the Criminal Code for their “punk prayer” performed in the Church of Christ the Savior in central Moscow. If their actions had been classified appropriately, Tolokonnikova, Alyokhina, and Samutsevich would have been, at the most, fined 1,000 rubles—the punishment stipulated in Article 5.26, Part 2 of the Code of Administrative Offenses (“offending the religious sentiments of citizens...”) at the moment of the illegal action. This is what Pussy Riot did in the Church of Christ the Savior—an administrative offense, that is an illegal, guilty action characterized by a considerably smaller degree of social danger than a crime. However, the political component of the “punk prayer” motivated law enforcers to ignore the Code of Administrative Offenses, and use the “hooliganism” article of the Criminal Code instead.

When we determine the span of necessary tasks for reforming the judicial branch at the current stage, we must account for a strong negative factor that exerts a blocking influence on the judicial reform—the amendments to the Russian Constitution. New constitutional provisions establishing that the question of the termination of judges’ powers, including those of the chief justices of the constitutional and supreme courts, is left up to the president and the Federation Council (30 members of which are appointed by the president) are completely unacceptable. The infamous “zeroing out” was not limited to Putin’s presidential terms; it also covered the fundamental principles of judges’ status, essentially eliminating their independence and irremovability.

It is crucial to provide real guarantees of independence for the judicial branch. The key role of such guarantees is not a uniquely Russian problem, this question is universally important. Back in the 18th century, one of America’s Founding Fathers, Alexander Hamilton noted that the judicial power is doubtlessly the weakest one out of the three branches

of government. It can never successfully check one of the two other branches, and therefore it must be granted the opportunity to defend itself from their threats. The Russian judicial power is deprived of such an opportunity.

Successful experience of judicial reform in post-socialist states: Poland and Estonia

By the time the Communist regime fell, the Polish judicial system, despite being infected with all the viruses of socialism, nonetheless relied on a sturdy material and processual legal basis. The transformation of the judicial system began back in the 1980s and was marked by the establishment of a number of institutions that were granted controlling powers in the sphere of justice.

A defining characteristic of judicial reform in Poland was the active use of national legislation from the pre-socialist period, as well as the role of codifying committees—task forces formed on the basis of key branches of law, which included prominent members of academia as well as practicing lawyers. Although the codifying committees worked under the government's guidance, their activities did not just follow the executive power's orders; they were, on the contrary, of a distinctly independent character. Each sphere of the reforming process was analyzed individually, and a separate team of experts worked on the plan of transforming each sphere, all at different times.

Most of the legislative innovations were developed on the basis of, or inspired by, the best practices of other countries.

The reform's ideas were actively discussed both in the mass media and in professional legal circles. From the very beginning of the reform, its results were the object of continuous, careful attention and study not just for the bodies and institutions directly involved in its implementation, but also for the public.

According to Polish experts, the main indicator of the judicial reform's effectiveness and the confirmation that its original goals had been reached was the increased accessibility of justice. The diminished politicization of the courts is another

important indicator of the reform's performance.

Judicial reform in Estonia became an integral part of the uniform process of reestablishing democracy and independence. The main components of the Estonian reforms included lustration, geopolitical reorientation, economic reforms, law enforcement, and judicial reforms. The last of these aimed at creating a modern and effective justice system based on the Western European model and built according to fundamental democratic principles. To do that, the legislation and the existing legal system had to be humanized.

Pre-Soviet experience was actively used during the implementation of judicial reform. The new tri-level justice system began functioning in December 1993; administrative courts were established by the end of 1994. As a result, the Estonian judicial staff was renewed by 67%, and the average age of a judge was less than 40. It is quite noteworthy that a civil society institution (the Estonian Legal Center) had been involved in the task of retraining judges for 14 years. In 2009, the country's Supreme Court overtook this function. Judicial reform in Estonia introduced a mandatory qualifying exam for judges, which had to be taken both by new candidates and by judges who had practiced during the Soviet period. One article of the law on judicial status established that a judge must possess high moral qualities, be appropriate for the profession, and obtain higher legal education from the University of Tartu or other school corresponding to this level.

One must emphasize the incredibly successful reform of a related institution—the police. By 2009, a democratic, non-militarized police force backed by widespread public support was successfully functioning in Estonia. Today, the Estonian police is fully up to the standards of the European model, the basic principle of which lies in the fact that police, by its nature, is a service organization. The Estonian police is considered exemplary in Europe. The main criterion of evaluating police work is the level of public trust; as of early 2011, it was at 84%.

Conclusion

In the late 2000s, the INDEM Foundation conducted large-scale research on the transformation of judicial power in Russia. Its crucial hypothesis was confirmed: for the satisfactory functioning of judicial power in mid-transformation, non-institutional factors were much more problematic than deficiencies or gaps in the institutional design. First and foremost, these are institutions connected to the judiciary, such as prosecution, investigation, etc. These institutions exert considerable and sometimes underestimated influence on the judicial power, undermine the quality of justice, and distort the goals of the judicial power's transformation. The main directions of further judicial reform in Russia must include elements beyond these "sore spots." New amendments to the Criminal Code and decriminalization of a number of *corpora delicti* are absolutely necessary.

Further development of jury trial competence is highly desirable. This is the position held by a number of criminal defense attorneys. "All crimes falling under the category of grave and extremely grave offenses must be reviewed by jury trial if requested

by the defendant. The sentences for such crimes are enormous, with a maximum of 10 years for grave offenses and a minimum of 10 years for extremely grave offenses. Hence, I believe that citizens must have the right to be judged by their peers and prove their innocence."

Successful judicial reform in Russia is only possible if it is complex. Transformations must not be limited to the boundaries of the judicial branch—they absolutely must also cover the associated institutions that influence courts in the course of their work.

However, government-conducted institutional reforms per se do not guarantee success unless accompanied by changes in views, values, attitudes, and the very legal consciousness of law enforcers—first and foremost, the staff of law enforcement agencies and courts. Even with political and institutional support of the transformations in place, nothing can be done without a change in the mentality of those who implement these reforms. Therefore, the issue of improvements in the procedure of psychological testing for judge candidates gains special relevance.

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UNREFORMABLE SECURITY

Possible approaches to reforming
the security agencies of the Russian Federation



Among the institutions that are notoriously difficult to reform—both in Russia and other countries—are the special services (security agencies). For Russia, such a reform would be especially hard given the role played in its tragic history by the agencies known at various times as the All-Russian Extraordinary Commission (Cheka), the Joint State Political Directorate (OGPU), the

People's Commissariat for Internal Affairs (NKVD), the Committee for State Security (KGB), and the Federal Security Service (FSB). Another problem is that, over the past 15 years, Russia's special services have expanded their influence so radically that most state institutions in Russia are linked to the FSB or fall directly under its jurisdiction. This paper reviews possible approaches to reforming the existing system.

Legacy

We believe that Russia's state security structure must be a priority for any reform project—due to not only the country's past, but its dramatic present as well. Today, Russia's Federal Security Service survived the first reform attempts in 1991–1995 and has returned to the status quo that the KGB had enjoyed in the Soviet Union. In fact, the FSB's current level of influence on the lives of ordinary people, the state, economy, even foreign policy likely exceeds that of its predecessor. Only three large subdivisions, which were earlier parts of the KGB, lie outside the FSB's current structure: the former 9th Main Directorate, now the Federal Protective Service (FSO), the former 15th Directorate, now the Main Directorate of Special Programs of the President of the Russian Federation (GUSP), and the 1st Main Directorate, now the Foreign Intelligence Service (SVR).

Following the collapse of the Soviet Union and the formation of independent Russia's state authorities, no clear plan about what to do with the KGB was developed. After the August 1991 attempted coup, the political elites agreed that the state security agencies had to undergo a deep transformation and be put under parliamentary control, but the implementation of this reform, including de-ideologization and de-politicization of the security services, was undermined by inter-elite competition.

Another problem was the Soviet stereotype of the security agencies' critical necessity that influenced the views of President Boris Yeltsin and his closest aides, which was exacerbated by a mediocre understanding of the legal definition of such activities.

Historical analysis of the security agencies' reform shows that their structural transformation—except for a short period in late 1991—was carried out by officials trusted by Boris Yeltsin. Issues of personal and government safety prevailed over any attempts to place the Ministry of Security, Federal Counterintelligence Service, and the FSB under parliamentary and civic control. Under the Putin regime, the FSB's involvement in the Russian economy has drastically increased; certain FSB departments have placed a growing number of security officers in state-owned and even private companies—supposedly, to provide the counter-intelligence services with information. As the political opposition's activities became viewed by the regime as extremist or terrorist, the corresponding FSB divisions turned into political police.

The reform of the security agencies clearly failed. And the chances of any serious reform will remain slim until another democratic transition takes place in Russia.

The institutional problem

In the post-Putin period, Russia will once again need to search for a new institutional composition of the government and the security agencies. The questions of their de-politicization, restructuring, and rebuilding, as well as redefining their goals, powers, and tasks will be of the utmost importance.

The reform planning should avoid both subjectivity (e.g., making decisions based purely on previous negative experience) and haste (as happened in 1991). We must begin with the following questions: does Russia have specific security issues that warrant the existence of a separate powerful agency? Are

these security issues relevant to the public and the state (e.g., do they fall under the joint competence of the people and the state)? Or do they pertain to state security only (e.g., protecting the government from threats, including those coming from its people)? Whereas the answer to the second and third questions is rather obvious: these are issues of public concern (and, if the public deems it necessary, they can become relevant to the state as well), the answer to the first question needs deliberation.

Experience of other countries shows that issues of “special threats” can be approached differently—legally and organizationally—from giving definitions of what is being threatened to developing models of organizational solutions for security agencies. However, no society is entirely satisfied with its security structures, and these structures undergo continuous improvement in every country. We might need to adopt such an approach in future Russia as well.

If the special services’ responsibilities are set based on an erroneous definition of “security,” the public will always fall into a trap. In our view, their basic institutional design must rely on three components: 1) a clear and precise definition of security, 2) instruments of civic control over the activities of security agencies that are constitutionally defined and enshrined in law, and 3) the principle of mandatory turnover of the security agencies’ leadership.

The potential solutions to the FSB problem vary. However, any foundational design requires the principle of budgetary and staff control, which must be exerted by the parliament or a designated committee, through:

1. annual discussions of the special agencies’ budget and reporting on the previous year’s expenditures;
2. parliamentary hearings on the appointments of all top positions in the FSB—from the director to the administrators of key departments; the designated committee should retain the right to reject candidates offered both by the president (FSB director) and the FSB director (his or her deputies and department heads);
3. the option to hold special hearings or conduct parliamentary investigations on issues of concern that can be initiated by parliamentary groups if enough signatures in support of such a motion

are gathered.

Members of a special parliamentary commission must be given an appropriate level of access to the state’s classified materials. At the same time, members should not be active or retired employees of the special services.

In some countries, particularly in the U.S., instruments of parliamentary control are supplemented by those of the Inspector General’s offices—internal divisions within a security agency. An Inspector General’s goal is to prevent abuse of power, corruption, and cronyism inside the special services’ closed ranks. Inspector Generals are appointed by the president with Congress’s consent, and their removal requires that legislators be given valid explanations (in some cases, U.S. presidents have reversed their decision to remove an Inspector General due to Congress’s opposition).

The mandatory turnover of the special services’ directors is a basic principle of civic control. The law must define basic contract terms for these offices accounting for such factors as the length of the presidential term and frequency of parliamentary elections, which could affect the frequency of government changes. For example, a leadership change in a security agency must take place under two conditions—at the end of the contract term or upon the appointment of a new administration, which gets the right to either extend the term or appoint a new director.

The institutional design of the future security agencies is also connected to the general principles of organization of the judicial, criminal justice, and prosecution systems.

For a whole host of reasons, we believe that investigative functions should be eliminated from the security agencies’ powers. In cases of treason, espionage, terrorism, etc., investigations must be conducted the same way as in other important cases. Detention centers must be removed from the security agencies’ structure—in practice, not just on paper. Following its responsibilities under the Parliamentary Assembly of the Council of Europe, Russia did transfer the FSB’s temporary detention centers to the Federal Penitentiary Service on paper, but in reality the FSB continues to fully control them.

No matter how well the special services’ foundations might be thought out, any reform of these agencies will face two key problems: 1) how adherence

to the law can be ensured for an organization that has placed ends above means throughout its entire history; 2) who the people working on security issues should be.

During Stalin's repressions and for decades after, the KGB (the name from 1954 to 1991) became a true "state within a state"—a fully autonomous model. Under Putin, its successor, the FSB, was re-established according to the same model: the service has everything at its disposal—from its own air force and healthcare to recreation facilities, research institutes (including the one implicated in the attempted poisoning of Alexei Navalny), and schools.

One of the central goals of the reform will be "civilizing" the special services by increasing the number of positions to be filled by civilians with excellent legal experience and no military background. Through civic control, budgetary disclosures, and internal audits, civic lawyers can purge the "Cheka ghosts" from the special agencies' corridors and instill respect for the law and human rights.

One of the components of the FSB's "totality" (which is inherent in other special services in Russia, such as the SVR) is its own educational institutions—14 organizations that include the FSB Academy and the cadet corps.

While specialized knowledge is required to

work for the special services, having a designated educational empire seems rather bizarre. For security reasons, the quality of education in these institutions is not assessed by competent civic authorities, such as the Russian Federal Service for Supervision in Education and Science. If classes are subject to any kind of quality control, it is, at best, internal. As a result, this educational machine has produced several generations of FSB employees who have not only failed to follow the laws of the country whose security they protect but also openly despise them. Almost all public statements made by the teaching and research staff of these institutions comes down to blatant anti-Americanism, anti-democratic rhetoric, and the implication that the special services "know much more than they show."

Should Russia's future leaders approach reform of the security agencies seriously, one of their key tasks would be creating a more honest, transparent, and professional investigative community. Following the experience of the world's most powerful intelligence services, extended additional preparation courses for new staff, recruited among soldiers, officers, and civic specialists, can be established. Special skills (e.g., cryptanalysis, an essential part of government communications) can be developed under special programs at regular universities that have the appropriate resources.

Conclusions

Modern, dynamic, and open societies must not tolerate a deeply totalitarian institution, such as the Russian special services, fraught with serious problems and deformed by its grim history.

The reform of the Russian security agencies should not include arbitrary repressions against former officers or blind liquidation of administrations and departments. The key task of the reform, especially at an early stage, is to create institutions of civic and parliamentary control over the security agencies and introduce budgetary and staff limitations. Such a reform will not be complete if an independent court system is not established and investigative activities are not properly organized beforehand or in parallel.

The definition of public and state security is another crucial element of the reform. The current

interpretation of these notions in Russia should be discarded. While certain elements of the public and state security definitions should be permanent and independent from historic circumstances, new challenges might gain relevance in the future. Reformers might need to consider such issues as cybersecurity, but cannot exclude new terrorist threats.

The task of "civilizing," or transitioning the special services from a militarized structure to a primarily civic one, is also important. Public declarations and political will are not sufficient to achieve that: an expansive recruitment of civic lawyers and technical experts will need to take place. Following the necessary filtration in terms of access and confidentiality, the new employees will help introduce respect for the law and human rights to the

reformed structure.

Specific decisions on the composition of the reformed security agencies can be different: a unified structure might be preserved, but its composition will be optimized to eliminate power abuse; alternatively,

a profound reconstruction can be implemented, including decentralization of various FSB directorates, resulting in reduction of their powers and influence on the state administration.

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VLADIMIR SLIVYAK

ENVIRONMENTAL POLICY AND THE NEW WORLD ORDER



Introduction

The Russian economy largely depends on extraction, use, and export of fossil fuels, which causes most of the harm to the climate. However, prior to the pandemic, the Russian government did nothing to limit this harm. Unless a major transformation of the energy industry takes place, Russians will end up very poor in just a couple of decades, if not earlier.

Russia is facing hard times, and not just due to its dependence on fossil fuels—plenty of countries depend on coal, oil, and gas. This historical challenge is new, so the limited number of competent officials and specialists who understand both climate and energy issues should come as no surprise. But the Russian government is clearly incapable of rising to the challenge. In this case, a well-developed civil society should become an important force.

Civil society organizations (CSOs) that focus on climate change and alternative energy can make the transition for the government. How? By informing

and educating the public on relevant issues of energy transition, through research and expert workshops, through introducing public money into energy cooperatives (such practice led to the explosive development of alternative energy in Germany), and many other opportunities.

However, instead of fostering civil society development, Russia's political regime has been fighting it for the past 10 years. As a result, today, almost no CSOs are left in the country to deal with climate change. Many were destroyed by the foreign agents law. Independent media that potentially could have helped inform the public were too struck down by repressive legislation. These factors stand to significantly slow down Russia's energy transition. The regime is not prepared for this process and will resist if only for that reason. The question is how long this resistance will continue. Rebuilding civil society from ground zero will be impossible to do fast.

Global change

If Western economies were preparing for the energy transition for a while, adopting green energy legislation even before the pandemic, for some time the situation in the East was less clear. But that changed in the fall of 2020. In September 2020, China claimed that it would build a zero-carbon economy by 2060, and in October, Japan and South Korea voiced similar plans for 2050. Incidentally, these three countries have long been the largest purchasers of Russian coal. The announcement of their strategic goals does not just mean that they will stop buying coal by 2050 or 2060. It means that these countries will be gradually reducing their coal imports, depriving Russia of export growth opportunities from eastern partners—undermining the objectives of its energy strategy.

The new energy era in the history of humankind is shaping due to rapid climate change, which needs to be slowed down for the planet to remain habitable. To achieve this goal, we need to reduce greenhouse gases emissions—which are caused primarily by the burning of fossil fuels—as soon as possible. Scientists believe that reducing emissions down to zero in the next 30–40 years will give us a chance to prevent catastrophic consequences of climate change.

The Russian government never listened to the experts' urges to join the leaders of the UN's climate negotiation process. The calls for investing into economy modernization and development of sustainable energy were also ignored. And even the fact that Donald Trump made the U.S. leave the Paris Agreement (Joe Biden fixed this mistake later) did not affect the Kremlin's stance, even though President Putin loves to support the things that Washington opposes. However, there is truly no choice left. Russia's fossil fuel industry is worn down and technologically outdated, but still provides for half the federal budget's income. In the meantime, the changing climate already costs Russia more than 8.5% of its GDP, and this number will continue to grow.

In Russia, around 60% of energy demands are currently met by gas, about 16% by coal, 13% by oil, 8% by nuclear energy, and 3% by hydro power plants. When the Russian president claims that 45% of Russian energy is based on low-carbon sources, he is clearly referring to electric energy only. However, Russia is a northern country, and most of its energy is thermal rather than electric.

Russia's 2035 Energy Strategy, which was adopted in 2020, identifies the country's priorities for the next decade and a half. While the global community is planning large-scale efforts to reduce reliance on fossil fuels and increase carbon neutrality, Russia intends to grow fossil fuel production. Based on the strategy's best-case scenario, coal production is expected to increase by about 50%, gas by nearly 40%, while the current level of oil production is to be maintained for the following 15 years.

Sustainable energy sources do not play any noticeable role in Russia. In 2020, their share in the country's total energy balance was less than 1%. No serious efforts to develop them are envisioned in the government's strategy. Energy efficiency, too, which should have been one of the priorities related to climate change, is almost completely ignored. Today, in terms of GDP per capita, Russia burns twice as much energy as the world does on average, and three times as much as an average EU country.

Given Russia's energy priorities, how does it plan to decrease emissions? Well, the Russian government insists that the West underestimates the absorptive capabilities of the Russian forests because they are being calculated incorrectly. In other words, we must simply change the calculation method instead of reducing actual emissions. However, there is a problem here too. The UN data show that the forests' absorptive capability is decreasing due to aging, fires, deforestation, and other factors. According to the worst-case scenarios, the absorption of carbon dioxide by forests will decrease from nearly 700 million tons to 100 million tons of CO₂ equivalent per year by mid-century. Russia will not be able to hide in the woods forever.

Hydrogen production is a promising direction, but only in the case of green hydrogen, that is, produced with sustainable energy resources. Russia, however, wants to manufacture hydrogen, primarily for export to Europe, using fossil fuels (gas) and nuclear energy. The prospects for exporting not-so-green hydrogen are quite shaky, since the rest of the world, unlike Russia, plans to stop the use of fossil fuels. Russia also has carbon-capture technology, but it is still quite raw and ineffective: while capturing some amounts of carbon seems to be possible, it is unclear how long carbon can be stored without leaks.

Coal: a major problem

The global community does not simply rely on the Paris Agreement with its rather generic statements on fighting climate change; each country has its own plan for a gradual reduction of fossil fuel, beginning with coal, the most polluting fuel type. Oil and gas will come after.

The movement on divesting from the coal industry is gaining traction, and thousands of investors with trillions dollars are already participating. In Russia, no one is discussing it, and the country's largest banks—Sberbank and VTB—actively assist companies that produce, burn, and export coal. These two are not the only guilty parties; nearly all prominent Russian banks follow suit, which does not prevent many of them from speaking about their environmental responsibility.

In Russia, coal attracts much less attention than oil or gas; however, we should not underestimate its significance. Russia is the third largest coal supplier in the world; its share of coal in the export cargo in seaports was more than 50% in 2019. This situation will change soon. Renewed global demand for coal is far less likely than for other kinds of fossil fuels due to the growing concerns about climate change. The coalition that pledged giving up coal in the next 10–15 years as part of their energy policy includes several dozen countries and continues to grow.

Against this backdrop, it is difficult to explain the Russian government's plan to grow coal production by 1.5 times by 2035. This policy will not only result in higher unemployment rates in the coal-producing regions (primarily, the Kuznetsk basin, which provides

for up to 70% of Russian coal production and up to 80% of coal export), but also contribute to the climate crisis that has already reached an unprecedented scale.

Russian people do not need strategies of coal production growth; they need growth strategies that exclude coal production. The climate crisis—which we will have to address sooner or later—will significantly complicate diversification of local economies by diverting resources needed for change. Certainly, officials are to blame for this situation, since they are the ones who develop energy policy that ignores the colossal harm to nature and health, and dismisses modern global trends. Fixing their mistakes will cost us a pretty penny, and the only way of reducing the costs will be to revise our energy policy. A new development vector must include achieving carbon neutrality by no later than 30–40 years from now. We must rely on the gradual replacement of traditional fossil fuel production with sustainable energy and prioritize energy efficiency.

In today's Russia, this sounds like science fiction. However, ten years ago, such pledges also sounded like science fiction in many large countries, which by now have confirmed plans of fully decarbonizing their economies by mid-century. A new energy policy and its timing will not only define the state of the Russian economy in the future; it will also have a direct impact on millions of people who would be facing illness and shorter lifespans due to an extremely polluted environment. The longer we wait, the more people we will lose.

Nuclear energy: savior or waste of time and resources?

While nuclear energy is less polluting than fossil fuel energy, it still obstructs rather than aids the climate change fight and is associated with many unsolved and dangerous problems. However, these problems exist beyond the Russian borders, whereas inside the country, Rosatom, Russia's state nuclear corporation, demonstrates a fervent desire to rescue the planet's climate by building new nuclear energy stations—with Vladimir Putin's active support.

Will nuclear energy remain useful in the era of global climate change? In 2020, Moody's, a global risk assessment firm, published an analysis of nuclear plants' exposure to environmental risks. The firm's report concludes that almost half of nuclear operators in the U.S. will face growing credit risks in the next 10–20 years due to hurricanes, heat waves, and other consequences of climate change.

The Russian nuclear energy sector is smaller than its U.S. counterpart: it includes 38 nuclear reactors with a total power of around 30 GW, according to Rosatom. Most Russian nuclear stations are located in regions where they can be affected by floods, hurricanes, and heat waves, but there are no publicly available environmental risk assessments of such events. I hope that they exist at least internally; if they do not, the Russian nuclear industry is unprepared for emergency situations arising due to climate change. People in Russia and the former Soviet space are all-too familiar with the catastrophic consequences of nuclear incidents.

Moody's research also shows that climate change will have a serious economic impact on the nuclear industry (this is the best-case scenario). Rosatom, which has been publicly concerned with environmental risks of late, now remains silent on the threat of climate change. Nothing is being said about the costs of adapting to the risks, especially regarding the oldest and most dangerous first-generation nuclear

reactors that were developed based on a different understanding of safety principles.

Many of Rosatom's projects are located in developing countries that already face serious consequences of climate change and, in the long term, will experience rising sea levels, floods, and heat waves. For example, the Kudankulam nuclear power plant (India) is located on the coast of the Indian Ocean, the Ruppur station (Bangladesh) on the banks of the Padma River, the Akkuyu station (Turkey) in the coastal zone of the Mediterranean Sea.

Why are civil society and governments in many influential countries against the use of nuclear energy as a means of combating greenhouse gas emissions? The answer is that, beside the undeniable risks, this solution is too slow and ineffective. Here are the main arguments.

According to the U.N.'s Intergovernmental Panel on Climate Change, global emissions must be decreased by half by 2030 and nearly completely eradicated by mid-century. Nuclear energy can produce a relatively small effect in terms of emissions reduction, and such a change will take a long time, unlike sustainable energy solutions. The planning and construction of a nuclear energy station spans over 10–20 years. The Olkiluoto 3 nuclear reactor was discussed by the Finnish government in 2000 and was launched in 2021. The Hinkley Point C station (UK) was planned in 2008 and is to be launched in 2025–2027. Vogtle 3 and 4, the first new nuclear units built in the U.S. in more than 30 years, were discussed in 2006; their launch is currently scheduled for 2023. Haiyang 1 and 2 nuclear power plants (China) were planned in 2005 and put into operation in 2018 and 2019, respectively.

Beside these factors, nuclear energy is rather expensive and has its own carbon footprint.

What should we do now?

The climate change fight and energy transition are among Russia's greatest challenges. For a long time, Russia completely ignored the global climate agenda and the need to prepare for energy transition. As a result, we are completely unprepared for the transformation of the global energy industry, so the burden of change and the well-being of future generations of Russians falls on our shoulders.

Russia needs a long-term national climate and energy strategy that entails a step-by-step plan on the replacement of fossil fuel sources with environmentally clean ones—a strategy similar to the one developed in the EU. This strategy must include the fastest possible development of our own sustainable energy industry and large-scale equipment production.

Creating favorable conditions for the investment of public money into sustainable energy resources will be crucial; for instance, the government can stimulate the establishment of public energy cooperatives, which will construct their own small power stations based on sustainable energy resources. Organizing a relatively quick energy transition without attracting public investment will be impossible. At the same time, development of a sustainable energy industry will be futile if achieving energy efficiency is not prioritized, too. We must also address the enormous environmental harm caused by the fossil fuel industry, which is both an economic burden and a cause of social tension.

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EDUCATION IN FUTURE RUSSIA



Introduction

For the future Russia—in its liberal-republican iteration, but in others as well—the Putin era’s legacy in education is so appalling that this entire sphere will need to be re-imagined, redeveloped, and reconstructed from scratch.

In this report, we primarily focus on pre-K, secondary, and vocational education. Its organization, financing, and quality control have been the state’s responsibility for the past 100 years—and this prerogative should be preserved in the future. College and graduate education can share certain principles with secondary education, but most decisions should be left to autonomous and independent universities. Reforms in elementary and secondary education could launch transformations in the entire edifice of education.

Below are three postulates of the reform:

1. The state’s only responsibility is to provide economically for a free, liberal, and safe education during the first stages—pre-K, elementary, middle, high or vocational school—for every Russian citizen.

2. The main goal of public education is to raise active, informed, and fully-formed citizens. It must not impose any ideology, worldview, or dogma.
3. The education of (primarily) underage children is the joint responsibility of the state and parents (guardians). This pertains to all facets of education, including its financing and the right to make decisions within a specific school or school district.

In 1991–2005, education in Russia developed with minimal state interference, but the first meaningful results of this “soft reform,” which preserved a significant part of the Soviet model, appeared 10 years after its start. It is possible, however, that a more radical reform will render faster results—in five to seven years. Discussion about reforming this crucial sphere of public life, which truly concerns every Russian citizen, is a serious responsibility.

Legacy and family curse

The Soviet Union’s legacy in education is present in modern Russia in many forms. It shows in the uniformity and overreliance on dogmas (often scientifically and ethically stale), in a variety of knowledge acquired early, in high reading requirements, but also in the lack of systematic teaching of philosophy, rhetoric, argumentation, and independent thinking.

The Russian education system thus offers a diverse, high-quality education in most subjects—with the possible exception of history and world literature, whose teaching has ideologically changed over the past decades. Unfortunately, this is the extent of the positive elements in the Soviet system’s legacy.

The following traits can be considered as the system’s negative legacy:

- departure of elementary and high schools from

local communities’ interests; accessible free schools and other basic education institutions fall under the jurisdiction of the state system and ignore parents’ needs;

- unification of general education, excessive focus on adherence to educational standards, as opposed to the result;
- orientation towards intellectual segregation through the system of specialized public schools that offer better education but are more prone to corruption in the admission process;
- excessive academic load on students, especially in senior years of high school, which additionally cuts off less affluent children from the possibility to continue education;
- rampant bureaucracy in all education procedures, excessive paperwork on all levels of the system;

- use of hypothetical strategies and tracks developed in the interests of the state, which are often static and non-accounting of the changing interests of the public, economy, and culture.

The real curse of the Soviet legacy is the return to unification after 2011—primarily in the humanities. The Russian authorities perceived a threat posed by free-thinking high schoolers and, claiming the state's

right as the “one who pays for everything” (Russian schools are subsidized by the state), demanded a new ideologization of the school program. Just like the normative legacy of the Soviet system, this ideologization interfered with the social sciences, above all, history. Quasi-patriotic dogmas have been introduced—instead of diversity of ideas that are normal for any open society.

Between freedom and order

One of Russia's common problems that specifically affects education (and any idea about its reform) is the high level of urbanization, primarily in the Moscow metropolitan area. Urbanization resulted in the replacement of the small neighborhood clusters of Soviet-type schools with monstrous state-budget educational facilities for 5,000 to 6,000 students that are fully separated from the idea of locality. The state models of “education factories” are alienated both from the neighborhoods and parents. Future reform of general education demands the destruction of these monsters.

Schools do not need unification: it is great when teachers, students, and administrators have various education “territories” to choose from. Ideally, a modern school is of a modular type, whose architecture offers opportunities for extension, change, and space reorientation. Russia has such school buildings, but the reform should allow for them in all places where the student headcount is sufficient.

Another central problem is the quality of the teaching staff, their motivation, and social status. These notions are inherently connected to the relations between local communities and schools. Therefore, overall education reform must be the precursor of any internal school reform that addresses these relations. For this reform, we need to strengthen, politically and financially, local self-governance, and change the taxation system and general governance process.

The reform can include intermediate stages: for example, the introduction of elective district or city school councils that will receive the right to administer a significant portion of the school budget and determine its priorities for the development and dealings with children's health and well-being, but

not for the structure and composition of the learning program. As local self-governance develops and its budgetary independence grows, the school councils' powers may be expanded.

Another key component of the reform is pedagogical education. We will have to deal with the influences of the Soviet, post-Soviet, and Putin-era education systems on the teaching corps for at least 15 years, including the consequences of teachers' implication in election falsification, student indoctrination, and other problematic behavior. Education of teachers must be reformed in parallel with the “reverse incorporation” of schools into the structure of local self-governance.

The low status of teaching education—both academic and social—is only part of the problem. To work effectively, teachers need to constantly upskill and receive continuous training. This notion should be one of the early correction steps in the future reform. Refresher classes and qualification exams should become a natural filter for teachers, school administrators, and counselors. Such filters can help achieve early reform results as well as depoliticize the school. This should be a nationwide effort with the participation of academic researchers, leading managers, and coaches.

Unfortunately, we cannot avoid lustrations in the education system: school principals and administrators who participated in election rigging and spearheaded the school politicization and student indoctrination must be banned from teaching.

These limitations must be put in force for decades to come with the goal of eventually turning into pre-screening procedures for anyone who wants to work with minors (e.g., following the logic of the

U.S. Criminal Offender Records Information test). Specifically, during the reform, individuals implicated in corrupting Russian schools and distorting the education process must be prohibited from access to school children according to clear formal criteria.

School as an institution must be excluded from any political process that does not involve it directly (i.e., decisions on school and district councils). Neither the administration nor the teachers should participate in organizing or conducting elections due to the painful experience of the past. Ideally, school buildings should no longer be used as voting stations or places for the work of election commissions. In

the worst-case scenario, school gyms can be used for these purposes if they are isolated from the main school buildings (such practices exist in most EU countries, the U.S., and Canada).

The correction of past mistakes in reorganizing school education is a complex and lengthy component of the reform. But through this reform, schools are expected to be completely depoliticized, integrated in the system of local self-governance through special elective bodies (school councils), and staffed with a new generation of teachers prepared to work in a new institution.

Integration of ideas and support for variety

The school program should be based on the principles of choice, freedom, and self-expression. Creative endeavors of teachers and school administrations will always be limited by qualification requirements, but great results can be reached by various educational pathways, using different textbooks and diverse recommended literature. The Ministry of Education's task should be not to fit everyone into the same mold but to certify relevant approaches to education and textbooks. Variety does not disrupt order; it changes the understanding of what order is.

Today, the Russian school program is, at its core, a modified Soviet version. While demands for math proficiency have changed (as reflected in the school program) and environmental subjects (geography, biology) have been updated according to scientific progress, the structure and essence of school education—the model based on “subjects” and “class”—has been fully preserved since the Soviet time. Many components of applied knowledge are still being taught through lectures, without students' personal involvement, without experiments or field trips.

The world has gone far ahead in its understanding of how knowledge should be transferred to school children. There are hundreds of teaching innovations—in terms of internal school organization, review of classes, integration of subjects into a

broader understanding of the world—that await their time to be introduced in Russia. The education reform should pave the way for these innovations. Schools, especially large metropolitan ones, can introduce several programs, study the results, and synthesize them. The Soviet education standards are and will continue falling, as new generations of parents and school children demand change. Higher quality, variety, accessibility, and integrated practices will be among the educational priorities.

Since the goal of the reform is to liberate and diversify education, the program contents should utilize new instruments. The many-paged volumes of detailed “recommendations” and the disturbing amount of paperwork required by the federal and regional education authorities must be replaced with concise, well-worded guidelines for meeting the knowledge standards.

What should certainly be avoided is the regulation of students' reading. This should be left up to language, arts, and literature teachers. No one ever became a genius or a fool from excessive reading of Pushkin, Tolstoy, and Dostoyevsky. Patriotism and pride in one's culture are not engendered by mandatory reading lists. Schools should not mold students for high-brow literary discussions, but rather help them develop their own taste, make independent choices within the humanities, and broaden their horizons.

Educational sovereignty or globalization?

Just like in other social spheres, two approaches tend to clash on the issue of education in Russia—Western and sovereign (national).

The Western approach suggests unity of education regardless of national borders, especially in higher education; it also envisions Russia's gradual integration into the European and global education systems. This inevitably demands certain modifications of school education and the presence of additional educational organizations that would prepare the “transmission” of the knowledge attained in Russian schools into the real world.

Following Russia's war against Ukraine and the country's isolation due to Western sanctions, anti-Western forces in education instantly demanded that all ties with the “unamicable system of education” be severed and full sovereignty be established over Russian education. Russia left the Bologna Process; with time, this move will result in growing discrepancies in higher education and stripping of Russian qualifications of their already limited equivalence. The ideas to prioritize Russian patriotic and sovereign academia and stop recognizing Western qualifications are being voiced by top officials.

One should not think that ideas of globalization will immediately triumph in the future Russia, especially in a sphere as conservative as education. Imposition of globalization effects on education should not be rushed for a number of reasons.

First, the only significant component of globalization is the certification of the state universal exam outside Russia. Russia's Unified State Examination (USE) is a supposedly convertible test, even though it requires additions such as TOEFL or IELTS (English language tests), as well as a detailed explanation on why the graduate of a Russian high school should obtain his or her university degree abroad. Abandoning the universal exam—an initiative widely supported by isolationists—will put a natural end to the convertibility of Russian qualifications.

Recognition of Russia's USE by international schools will not be a priority even after the Ukraine war ends; accordingly, the convertibility will depend on the good will of a specific foreign university or a transborder education system, such as the European Erasmus. Quitting the Bologna Process and constructing a national model of higher education creates a negative background for future education reforms.

Globalization of education brings one significant pro and one significant con to the Russian system. The pro is that education processes and standards become more congruent with those of other countries (the EU, U.S., Canada, Australia); the barriers for teachers and students become lower. The con is that globalization inevitably triggers inferiority complex among supporters of the classic Russian schooling. But nothing does more harm than stewing in isolation with either a superiority or inferiority complex, while the world is moving on.

Conclusion

Without presenting a detailed plan on rebuilding the education system, we attempted to highlight the components that clearly require change, as well as those that can and even must be preserved.

Here is our main conclusion: Russian schools

and the whole education system should be once again integrated into the life of local communities and—for the sake of both communities and schools—reunited with self-governance. This logic determines many solutions that will guarantee diversity, coherence, and depoliticization of schools.

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