

A Professional Civil Service, Not a Faction's Staff: Continuity of Personnel, Records and Operating Knowledge

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Section: Local Government, Civil Service & Public Administration (Local Government working blueprint)

1. The question this paper answers

When political authority changes hands — as it must in any transition from party-state rule to representative government — what happens to the people who keep water running, taxes collected, classrooms staffed, and hospitals open? Are they the private staff of the faction that hired them, or the institutional capacity of the state itself? This paper answers that question: it shows how a post-transition republic can preserve lawful professional personnel, intact public records, and living operating knowledge while reforming appointment standards, conflicts of interest, and accountability — without collective punishment and without a gap in essential services.

2. The blueprint's current position

The working blueprint on local government, civil service, and public administration states the transition position directly: "The civil service should be treated as institutional capacity rather than the private staff of a governing

faction. Continuity should preserve lawful professional personnel, records and operating knowledge while allowing transparent reform of roles, conflicts, appointment standards and accountability. Routine officials should not be collectively punished for institutional membership; individual misconduct and institutional reform require separate evidence and procedures." (Local Government, Civil Service & Public Administration — the blueprint (<https://freechina.live/governance-public-policy/third-republic-governance-blueprints/local-government-civil-service-public-administration/>))

The same blueprint anchors this in the transition design: essential public services (health care, education, water, electricity, transportation, public safety, local fiscal operations, records, citizen-facing administration) must remain continuously assigned to accountable institutions, so that a change of political office never creates an interval in which every actor assumes someone else is responsible; and accountability rests on transparent budgets, independent review of competence disputes, public pending-matters registers, and role-based custody of institutional accounts. Civil-service transition rules are explicitly listed among the blueprint's open research questions — this paper is the working answer.

3. Evidence and comparative options

A merit system with constitutional-level protection: ROC (Taiwan). The strongest near-comparison is ROC (Taiwan), where civil-service meritocracy is a constitutional branch of government. The ROC Constitution (Chapter VIII, Articles 83–88) makes the Examination Yuan the highest examination organ of the state — responsible for examination, employment, service rating, promotion, security of tenure, and retirement — and provides that no person shall be appointed to public office unless qualified through open competitive examination. (Constitution of the Republic of China (Taiwan), Chapter VIII (<https://law.moj.gov.tw/ENG/LawClass/LawParaDeatil.aspx?pcode=A0000001&bp=8>)) The Examination Yuan describes its mission as eliminating favoritism in hiring through objective and fair examination, actively promoting meritocracy. (The Examination Yuan of ROC — Summary (<http://www.exam.gov.tw/en/cp.aspx?n=1369>)) ROC (Taiwan)'s system pairs merit entry with tenure security and due process: its Constitutional Court has held that discharging a civil servant requires an unbiased committee, a chance for the employee to present or rebut, a written decision with reasons and appeal instructions, and a right of appeal, with discharge enforceable only when

finalized. (Constitutional Court Interpretation No. 491 (<https://cons.judicial.gov.tw/en/docdata.aspx?fid=100&id=310672>)) The lesson: competitive entry plus protected tenure plus independent appeal converts a bureaucracy from a faction's payroll into an institution.

Personnel continuity versus lustration: post-war Germany and post-communist Europe. After 1945, (West) Germany screened judges and officials for active Nazi party involvement, dismissing perpetrators. (IACL-IADC Blog (<https://blog-iacl-aidc.org/2019-posts/2019/1/25/after-polands-attempted-purge-of-communist-era-judges-do-we-need-new-international-standards-for-post-authoritarian-countries-reforming-their-judiciary>)) After 1990, unified Germany reviewed former GDR civil servants through state-level commissions using questionnaires on employment history, political membership, and Stasi connections — but Helsinki Watch concluded in 1992 that many were dismissed not for specific misconduct but simply for having held party or government posts under the old system. (Helsinki Watch: Screening the Civil Service (<http://home.snafu.de/tilman/krasel/germany/csce.html>)) Across post-communist Europe the spectrum ran from extensive dismissals (Czech Republic) to automatic retention (Romania, Bulgaria), with middle options such as exposure without sanctions or requiring incumbents to compete for reappointment. (IACL-IADC Blog (<https://blog-iacl-aidc.org/2019-posts/2019/1/25/after-polands-attempted-purge-of-communist-era-judges-do-we-need-new-international-standards-for-post-authoritarian-countries-reforming-their-judiciary>)) A review of Roman David's comparative study defines lustration as the systematic vetting and removal of officials affiliated with repressive regimes — a central personnel decision in any post-authoritarian transition. (HKS Student Policy Review (<https://studentreview.hks.harvard.edu/purifying-transitional-governments-of-authoritarian-bureaucracies-lessons-from-eastern-europe-for-the-arab-world/>)) The evidence supports the blueprint's line: individual vetting with evidence and procedure works; status-based purges recreate the arbitrariness the transition claims to end.

A non-partisan administrative elite: Singapore. Singapore's Public Service Commission — established 1 January 1951 — independently handles appointment, promotion, transfer, dismissal, and disciplinary control of public officers, with integrity, impartiality, and meritocracy as its standing mission. (National Library Board Singapore: Public Service Commission (<https://www.nlb.gov.sg/main/article-detail?cmsuuid=f634b5e0-5aba-420f-abc6-7e61632cd120>)) Its Administrative

Service is a meritocratic leadership track: officers assessed as having leadership potential are rigorously and continually assessed, so that only the most able with the right values reach the top. (Singapore Public Service Division: Administrative Service appointments (<https://www.psd.gov.sg/newsroom/breakdown-on-the-number-of-officers-appointed-to-the-administrative-service/>)) The civil service is strictly separated from political appointments — top bureaucrats remain even when political leadership changes. (Meritocracy in Government Leadership: Example of Singapore (<https://www.intelligencestrategy.org/blog-posts/meritocracy-in-government-leadership-example-of-singapore-ee4ee>)) The model to borrow is the mechanism (independent commission, meritocratic track, political neutrality), not the surrounding political system.

Records and operating knowledge: the American Presidential Records precedent. Under the U.S. Presidential Records Act of 1978, all official records of the presidency belong to the public, and at a term's end the National Archives and Records Administration automatically assumes legal custody, control, and preservation. (NARA Guidance on Presidential Records, 2020 (<https://www.archives.gov/files/presidential-records-guidance.pdf>)) Before the Act, presidential records were treated as the president's personal property; Congress changed legal ownership from the president to the government. (NARA: FAQs on Presidential Records (<https://www.archives.gov/press/press-releases/2023/nr23-016>)) The principle generalizes: public records belong to the public institution, never to the outgoing officeholder or faction — the legal intuition behind the blueprint's pending-matters registers and institutional account custody.

4. Recommended design — numbered provisions

Provision 1 — Status of the civil service. The civil service is declared, in the transition's foundational law, to be institutional capacity of the state, not the staff of any party, faction, or officeholder. Political offices change; the professional service continues.

Provision 2 — General continuity of lawful personnel. All serving public personnel in professional (non-political) functions continue in post through the transition, with pay, rank, and accrued benefits preserved. Dismissal or demotion requires an individualized decision with stated grounds, evidence, and a right of appeal — never membership-based collective action.

Provision 3 — Defined political tier. Each agency publishes a bounded list of political positions (ministers, deputies, designated policy staff, personal offices) that turn over with political authority. Everyone outside that tier is the professional service, covered by Provision 2.

Provision 4 — Independent personnel authority. A politically independent civil service commission, modeled on the functions of ROC (Taiwan)'s Examination Yuan and Singapore's Public Service Commission, administers recruitment examinations, appointments, promotions, discipline, and appeals. Its members serve fixed, staggered terms and are removable only for cause.

Provision 5 — Merit entry going forward. After the transition date, all new appointments to professional posts are by open competitive examination or equivalently open, published, merit-based competition, with prescribed quotas by region published in advance. No appointment bypasses qualification.

Provision 6 — Individual integrity vetting, not collective purge. Where the old regime's security apparatus or political machinery committed abuses, vetting is individual, evidence-based, and procedurally protected: notice of the allegation, access to the evidence, a hearing, a written reasoned decision, and appeal to an independent body — following the due-process floor recognized in ROC (Taiwan)'s Interpretation No. 491. Holding a rank or party card under the old system is not, by itself, a ground for removal.

Provision 7 — Records belong to the institution. All records created or received in the course of public duties — paper and digital, including registries, fiscal records, personnel files, and pending-matter dockets — are public institutional property from the transition date. Removal, concealment, or destruction by outgoing personnel is an offense. Custody transfers to the institutional archive, not to successors personally.

Provision 8 — Pending-matters and handover registers. Every agency maintains a public pending-matters register (matters in progress, deadlines, responsible officer) that survives any personnel change, and conducts a formal handover — authority, receipt, custody, execution, disposition, review — with named fallback responsibility for critical services.

Provision 9 — Operating-knowledge capture. In the first 180 days, agencies document procedures for critical functions, name deputies for single-point-of-

failure roles, and conduct exit interviews with departing political-tier staff; the notes enter the institutional archive.

Provision 10 — Pay and anti-corruption architecture. Professional salaries are set transparently at levels that compete for competence, paired with asset declaration for designated posts and independent anti-corruption investigative capacity — the Singapore lesson that probity requires both adequate pay and credible enforcement.

Provision 11 — Sunset on transition personnel measures. The extraordinary measures of Provisions 2, 6, and 9 operate under a published timetable and sunset into the permanent commission system of Provision 4 within a fixed period, so emergency powers do not become a permanent second personnel regime.

5. Open questions and risks

Where is the vetting boundary? This paper recommends individual, evidence-based vetting — but the hardest cases are officials whose conduct was lawful under the old system yet morally compromised (e.g., routine participation in surveillance or censorship bureaucracies). Drawing that line in statute, rather than leaving it to commissions, is unfinished work and the highest-risk design decision.

Records gaps. The PRC (Mainland) party-state's most sensitive records — security files, internal disciplinary dossiers — may be destroyed or removed before any transition authority takes custody. Provisions 7–9 assume records exist; a companion recovery and reconstruction program is needed for what does not.

Capacity of the commission. A commission with examination, discipline, and appeals jurisdiction over a large service needs enormous capacity on day one. A phased rollout (central agencies first, localities on a timetable) may be necessary; the phasing criteria are not yet set.

Pay reform fiscal cost. Competitive, transparent salaries for a large inherited workforce imply a major fiscal commitment at exactly the moment transition budgets are most strained. The sequencing of pay reform against fiscal capacity needs its own treatment, aligned with LG-09, "Fiscal Power Follows Responsibility."

Dual loyalty and informal networks. Formal continuity does not dissolve informal party networks overnight. The risk that retained personnel slow-walk reforms is mitigated by the political tier (Provision 3), rotation of high-risk posts, and the commission's disciplinary reach — but not eliminated by statute alone.

Digital continuity. Custody in Provision 7 must cover databases, access credentials, source code of administrative systems, and cloud accounts — assets an outgoing administration can sabotage or encrypt more easily than paper. Technical seizure protocols are a separate work item.

6. Cross-links

- The Local Government blueprint — Local Government, Civil Service & Public Administration (blueprint page (<https://freechina.live/governance-public-policy/third-republic-governance-blueprints/local-government-civil-service-public-administration/>)): this paper implements the blueprint's "Professional civil service" section and its handover/accountability design; the blueprint's open questions on civil-service transition rules are addressed in §§4–5.
- LG-08, "Reform Without Collective Punishment" — the companion paper on the non-punitive reform boundary; Provisions 2 and 6 here are its personnel-side implementation.
- LG-09, "Fiscal Power Follows Responsibility" — Provision 10's pay reform depends on its fiscal framework; sequencing to be aligned.
- LG-01, "Allocating Powers Between National and Local Government," and LG-05, "Essential Services Never Stop" — the political tier's local counterparts operate inside LG-01's allocation of competences; Provision 8's registers complement LG-05's service-continuity design.

Also published in this series: Allocating Powers Between National and Local Government (<https://freechina.live/governance-public-policy/third-republic-governance-blueprints/local-government-civil-service-public-administration/lg-01-allocating-powers-national-local/>) · Essential Services Never Stop (<https://freechina.live/governance-public-policy/third-republic-governance-blueprints/local-government-civil-service-public-administration/lg-05-essential-services-continuity/>) · Administrative Accountability in Practice (<https://freechina.live/governance-public-policy/third-republic-governance-blueprints/local-government-civil-service-public-administration/lg-11-administrative-accountability/>).

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