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IFES *International Foundation for Electoral Systems*

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Pre-Election Assessment

Kyrgyzstan

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EXECUTIVE SUMMARY

The political evolution of reform-oriented Kyrgyzstan is critical to the overall developments in the newly independent states of the former Soviet Union. In order to assess the situation in this important Central Asian nation, IFES fielded a three-member pre-election assessment team from May 20 to June 4, 1993, well before the parliamentary elections, now scheduled for 1995.

At the time that the IFES team arrived, the country had recently adopted a constitution and a new currency, indicating Kyrgyzstan's desire for an independent course. The team was encouraged by the warm reception from leaders and officials throughout the country.

The IFES report covers several key topics. First, an extensive discussion of the country background takes into consideration both the economic and cultural context of the political realities. The politically relevant constituencies that are highlighted raise the issue of schemes of representation.

The discussion of the legal framework for the transition to multi-party democracy includes constitutional problems concerning individual rights, separation of powers and the issue of a constitutional court, debates over representation, and the status of the current 350-member parliament.

Laws related to elections, including election of people's deputies, the power and duties of the election commissions, as well as district and polling-site commissions, relationship between election commissions and local officials, grievances, and other related topics, are discussed in connection with an analysis of existing political parties and the current political climate.

Finally, an assessment of needs concerning civic education, poll worker training, election observation, and recommendations are listed, both for consideration by the Government of Kyrgyzstan and international donors.

IFES

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I. Project Background

In order to assess the political environment and election process in Kyrgyzstan, IFES assembled a project team with expertise in regional issues, technical assistance and electoral systems. The IFES pre-election assessment team was met with great interest and traditional Kyrgyz hospitality and was also provided with full organizational support by the Central Election Commission (CEC). The Chairman of CEC, Markil Ibraev, and Chief of the Elections Department, Mr. Nurlan Chekirov, were both very helpful in arranging meetings for the IFES team in Bishkek, Alamedin and Balashagun raions, and Karagikaz districts. IFES is grateful to U.S. Embassy/Bishkek, USAID/Almaty and the A.I.D. NIS Task Force for their support of this project.

The three-member IFES team arrived in Bishkek, the capital city of Kyrgyzstan, on May 22, 1993 and included the following members:

> *Dr. Chitra K. Tiwari.* Dr. Tiwari is the former Director of the National Election Survey Project in Nepal in 1991. He is a political scientist with experience in comparative electoral systems. He speaks Hindi and Nepali.
>
> *Dr. William Fierman.* Dr. Fierman is an Associate Professor in the Department of Uralic and Altaic Studies at Indiana University and a noted expert on Central Asia. He speaks Russian and Uzbek.
>
> *Ms. Linda Edgeworth.* Over the past two years, Ms. Edgeworth has served on IFES pre-election assessment teams in four countries: Ukraine, Sierra Leone, Mali, and Kenya. She has also served as the IFES technical advisor to the national election commissions of Albania and Yemen.

At the time of the IFES visit, the country had recently adopted a constitution and new currency, the som. Both of these developments strongly indicated Kyrgyzstan's desire for departure from Russian ruble zone. The adoption of a new constitution also set the stage for elections to parliament and the presidency. However, an accord was reached in the parliament for the parliament and president to complete their respective terms by 1995 and 1996 even though the newly adopted constitution required new elections.

Upon arrival the IFES team met Mr. Markil Ibraev, Chairman of the Central Election Commission, and Nurlan K. Chekirov, Chief of the Elections Department. Mr. Ibraev briefed the team regarding the salient features of the new constitution, which changed the name of the parliament from Supreme Soviet to Jogorku Kenesh and reduced the number of Deputies in future parliaments from 350 to 105.

The team learned from Ibraev that on May 14, 1993, the existing Supreme Soviet had authorized the Chairman and two other members of the election commission to draft electoral laws for submission to the Supreme Soviet at the fall session. The Supreme Soviet, similarly, has authorized three Deputies to draft the Law on the Status of the Deputies of Jogorku Kenesh. The Chairman of the election commission also arranged appointments for the team to meet Deputy Speaker of the Supreme Soviet, Mikhail I. Logvinov and Deputy Mr. Alibek Djekshenkulov, a member of the electoral law drafting committee.

The Central Election Commission arranged meetings for the team with "akims" or mayors of "raions" (districts), city administrators and local election officials in the city of Bishkek and outlying suburban and rural raions such as Alamedin and Balashagun. In addition to meeting central, raion, and polling site level election officials and administrators, the team also spent a substantial amount of time meeting leaders of political parties and social organizations. After some discussion the Chairman of the Central Election Commission agreed to the team's request to meet with a variety of political parties and interests to take into account the views of all players in the political process. Eventually the team was able to meet with several party leaders and the official at the Ministry of Justice responsible for political party registration.

The team met with officials of the Ministry of Justice to determine the process of registration of political parties and social organizations. In order to be registered, the political parties have to apply with a minimum list of 500 member's names, residence and work addresses. At the time of the team's visit there were only five parties had met the requirements for registration: The Erkin Kyrgyzstan Party, The Asaba Party, The Communist Party of Kyrgyzstan, The Ata Meken Party, and The Republican Party. The IFES team met with leaders of each of these parties and was briefed on their positions on national issues.

The team also met with the Slavonic Fund and the Human Rights Movement of Kyrgyzstan. The team members also had the opportunity to attend the women's conference organized by the Women's Association of Kyrgyzstan and the conference on human rights organized by the Human Rights Movement of Kyrgyzstan. In addition to these two conferences, the team members participated in a seminar on electoral systems organized by the National Democratic Institute (NDI). (The NDI seminar, originally scheduled to be held in Almaty, Kazakhstan, was moved to Bishkek after the Government of Kazakhstan denied permission to NDI to hold the seminar on the grounds that it was not officially registered in Kazakhstan.)

II. Country background

The Republic of Kyrgyzstan, one of five former Central Asian republics, emerged as an independent state on August 31, 1991. A land-locked mountainous country surrounded by China on the east and southeast, Tajikistan on the south and southwest, Kazakhstan on the north, and Uzbekistan on the west, Kyrgyzstan's territory is just under 200,000 square miles,

and has approximately 4.5 million people.

The question of the ethnogenesis of the Kyrgyz nation has been a very complex and politically charged issue for historians of Central Asia. It is commonly accepted, however, that the Kyrgyz, a traditionally nomadic people, have been living in the Tian-Shan Mountains for at least five centuries. Although no distinct Kyrgyz nation or sense of nationalism existed until the Soviet period, by the late nineteenth century a Kyrgyz ethnic consciousness had begun to develop; it was linked to a common territory, a nomadic or semi-nomadic economy, and to the Manas legend that recounted the Kyrgyz past.[1] An important stimulus to the creation of Kyrgyz nationalism in the second half of the nineteenth century was the expansion of the Russian power into Central Asia and the conquest of the Kokand Khanate, including Kyrgyz lands. A major irritant during Russian colonial rule was the development of Russian settlements on Kyrgyz grazing lands. Resentment against Russian administration erupted into major violence following the 1916 tsarist decree that ordered mobilization of Central Asian men into labor units to support Russia's war effort. During this outbreak, punitive brigades were sent to suppress the local population. According to some estimates, 15% of the entire Kyrgyz population died at this time and an equally large number fled or sought to flee to China.[2]

The Kyrgyz acquired their first state formation in 1924, following the Soviet territorial delimitation that redivided the Turkestan, Bukharan, and Khivan republics into new units which, at least in name, were nationality based. For over a decade the Kyrgyz territory existed as an autonomous unit under the Soviet Union. In 1936 Kyrgyzstan became a full-fledged "union republic." Due to settlement patterns and political reasons, each of the new republics included substantial populations of minority ethnic groups. In Kyrgyzstan, many ethnic Uzbeks were included on its territory.

During the period of Soviet occupation, as elsewhere in the USSR, Moscow attempted to direct Kyrgyzstan's political life. The height of control occurred in the wake of the purges of the 1930s, when many of the Kyrgyz elite lost their power, and even lives in the late Stalin years. By the 1970s, however, power over many day-to-day matters had slipped from Moscow's hands. In the early post-Brezhnev years of the 1980s Moscow unsuccessfully sought to reassert its political power over Kyrgyzstan and other parts of Central Asia.

Though probably to a lesser extent than more agricultural Uzbekistan, Soviet Kyrgyzstan fit the general Central Asian pattern of exporter of raw materials to European areas of the USSR and importer of finished products. To the extent that modern industry developed in the republic, it was in the predominantly Slavic urban centers.

Under Soviet power a widespread educational network developed in Kyrgyzstan and literacy rates grew dramatically. By 1980, Kyrgyzstan had higher educational institutions with over 55,000 students enrolled. Although according to health and education indicators Central

Asian republics are generally at the bottom among Soviet republics, in regional terms Kyrgyzstan did not fare badly.

During the Soviet period, the Communist Party campaigned to distance the Kyrgyz people from their traditional culture, religion, and language. At the end of the 1920s, Kyrgyz was shifted from Arabic script to Latin, and then in 1940 to Cyrillic. In parallel fashion, especially after the early 1930s, Kyrgyz terminology and other vocabulary underwent heavy russification. Even more serious was the declining status of the Kyrgyz language and the privileged position of Russian. Except for a brief period of "nativization" in the 1920s and early 1930s, the Communist Party encouraged the use of non-Russian indigenous languages. This policy was quietly abandoned by Moscow after 1934. Subsequently, with a few major exceptions, such as primary education, Russian language occupied a privileged position in the public life of Kyrgyzstan.

By the 1970s, force and intimidation played only a secondary role in the russification in Kyrgyzstan. Educational, economic, and political opportunities were open to Kyrgyz with fluency in Russian. In contrast, literacy in Kyrgyz offered very few benefits in public life for the upwardly-mobile Kyrgyz. Consequently, even where Kyrgyz-language education was available, many Kyrgyz parents chose to send their offspring to Russian schools. These schools could offer little or no preparation to use Kyrgyz in Russian-speaking public life. Moreover, many Kyrgyz parents, especially in urban areas, began to speak Russian even in their own families.

Thus, by the 1980s the position of the Kyrgyz language had greatly deteriorated, and many of the Kyrgyz children in the capital city had little or no fluency in their own native tongue. Of course, only a very small proportion of Slavs living in Kyrgyzstan learned to speak, let alone write, Kyrgyz. Publication statistics offer an indication of the language's position at the end of the Soviet era: In 1990 only 279 of the 936 books issued in Kyrgyzstan and 17 of the 50 journals were printed in Kyrgyz. This does not take into account the many publications in the Russian language from Russia and other former Soviet republics that are available in Kyrgyzstan.

As in most other non-Russian areas of the Soviet Union, in Kyrgyzstan too, language was one of the major issues raised by the reformist intellectuals seeking to raise the status of their native culture in the late 1980s. The initial result was the Kyrgyzstan Supreme Soviet's adoption of a language law in September 1989. Although this law preserved Russian as the "language of cross-national communication," more importantly it promised measures to raise the status of Kyrgyz.

The same atmosphere of 1989 which permitted language grievances to be raised and addressed was also conducive to the appearance of independent political organizations in Kyrgyzstan. The first such major organization, Ashar, was formed in the summer of 1989

by Kyrgyz families waiting for housing in the capital city. This socio-economic issue was also a potent "national" one because of the very large percentage of Russians living in Frunze (former name of the Kyrgyz capital). Some 5,000 families who joined Ashar seized land on the outskirts of the capital city which they intended to use for housing. Reluctantly, the Communist leadership of Kyrgyzstan acceded to the squatters' demands. Ashar's significance, however, extended far beyond its immediate purpose. Its creation opened the way for the formation of the independent associations which, by the beginning of 1991, numbered several dozen. Most of these groups expressed nationality-related demands, and their memberships were largely mono-ethnic.

In May 1990, twenty-four groups espousing goals of democratic reform and Kyrgyz national revival joined to organize the Democratic Movement Kyrgyzstan. Among other things they called for Kyrgyzstan sovereignty, a civil society with a market economy, and a reassessment of Kyrgyzstan's history.

In some instances, open expression of political-economic goals was followed by violent outbreaks. The bloodiest case in recent Kyrgyzstan history occurred in the Osh region as a result of competing demands of the ethnic Kyrgyz and Uzbeks. Kyrgyz activists claimed that the ethnic Uzbeks who dominated the city's commerce were too powerful. Uzbeks, on the other hand, were dissatisfied with their level of representation in the oblast's political and administrative posts. The incident that set off the violence was a demand by the Kyrgyz informal organization, Osh Aimagy, to take land from a predominantly Uzbek collective farm to build housing on the edge of Osh city. Local Uzbeks, infuriated by local officials' accession to the pressure, put forth demands of their own. Some went so far as to raise the question of special status for Osh oblast, or even incorporation into Uzbekistan. The oblast political leadership is widely perceived to have mishandled the crisis. According to some allegations it was intentionally instigated by forces from Moscow, seeking to encourage instability in the area. As a result of the mass violence that erupted, thousands of buildings were destroyed and hundreds of people were killed. Besides souring relations between Kyrgyz and Uzbeks, the violence also raised questions in the minds of non-indigenous groups, adding to the growing exodus, especially of Slavs and Germans, from Kyrgyzstan.

Many Kyrgyz held the local Communist Party leadership responsible for the Osh violence, and soon mass demonstrations broke out demanding the ouster of the party First Secretary Absamat Masaliyev. When Masaliyev sought to be elected president of Kyrgyzstan by the republic Supreme Soviet in October 1990, he was narrowly defeated by the head of the Kyrgyzstan Academy of Sciences, Askar Akayev.

In subsequent months Akayev was to demonstrate his commitment to political reform. When the putsch attempt sought to remove Mikhail Gorbachev in August 1991, Akayev alone among the heads of Central Asian republics quickly and publicly went on record in opposition to the coup. After the failure of the coup this action naturally enhanced Akayev's

prominence and power. When he ran for president in a popular election in October 1991, he was unopposed and succeeded in rallying very diverse constituencies of the population behind his candidacy. His greatest challenge in the succeeding years has been to attempt to hold together a large part of the constituency that elected him. One of the visible consequences has been his reticence to associate himself with any of the political parties that have emerged in Kyrgyzstan.

Akayev has assiduously sought to harmonize the interests of his country's population, especially the Kyrgyz, Russians and Ukrainians. Although he has made many symbolic gestures to his Kyrgyz co-ethnics, such as support for Kyrgyz national traditions and culture, Akayev has attempted to reassure his non-Kyrgyz fellow-citizens that their rights and interests will be respected in independent Kyrgyzstan, and that they need not leave for their "homelands" in Russia, Ukraine, or Germany. Among the clearest signs of this effort are his veto of the original land law and his public statements insisting that linguistic rights of non-Kyrgyz speakers be respected.

A. Demographics

Taking the country of Kyrgyzstan as a whole, members of the Kyrgyz ethnic group today account for 56.5% of the population.[3] Russians, the second largest ethnic group, make up 18.8%, while Uzbeks, with 13.5%, are the third most numerous. No other single ethnic group accounts for over 3% of the population. The largest of the other groups consists of Ukrainians, followed by the rapidly dwindling Germans, Tatars, Kazakhs, Dungans, Uighurs, and Tajiks.

Over recent decades the ethnic composition of Kyrgyzstan has been shifting in favor of the Kyrgyz while the Slavic nationalities have been losing ground. Until a few years ago this was primarily due to a higher Kyrgyz birthrate, but more recently the shift has been accelerated due to emigration, primarily by Slavs and Germans, and, to a lesser extent, immigration of Kyrgyz from other republics. In 1992, 104,000 people emigrated from Kyrgyzstan. Almost two-thirds of these people left for the Russian Federation.[4] The effect of the demographic processes over the last decades on the ethnic composition of Kyrgyzstan's population has been dramatic. As late as 1970, when Kyrgyz had accounted for under 43% of the Kyrgyz SSR population Russians were over 29%. Thus, between 1970 and 1993 the ratio of Kyrgyz to Russians in Kyrgyzstan doubled.

The nationalities inhabiting Kyrgyzstan are not spread evenly throughout the country. The Russian population is concentrated in the capital and certain other cities. As a result, Kyrgyz represent only a minority of their country's urban residents. However, even here change is evident. While as late as 1959 Kyrgyz comprised only 10% of the capital city's inhabitants, today they account for at least one fourth.[5] It should be noted that unlike in Uzbekistan, Turkmenistan, or Tajikistan, Kyrgyzstan's Slavs are not just urban residents. Rather, many

of them are farmers in fertile rural areas of the country, especially the north. Kyrgyzstan's Uzbeks are concentrated in the country's south, in particular in Osh Oblast. This area borders on Uzbekistan, and much of its economy has traditionally been integrated with the Fergana Valley, most of which lies in Uzbekistan. Indeed, the most convenient land route by motor vehicle between Bishkek and Osh crosses the tip of Uzbekistan. The rail link between the country's two largest cities, though far more circuitous, also passes through Uzbekistan.

B. Religion

The Kyrgyz are Sunni Muslims but, as many residents of Bishkek are quick to point out, their attachment to Islam is very different from that of Sunnis from the republics to the south and west. Among the likely reasons are the historically late arrival of Islam in the northern areas of present-day Kyrgyzstan and the nomadic Kyrgyz culture. Even today the manifestation of Islam in the south of the country is much more pronounced than in the north. Nevertheless, all Kyrgyz seem to perceive the Muslim religion as an integral part of their identity; membership in the Kyrgyz nationality automatically assumes identity as Muslim. The government of independent Kyrgyzstan is sensitive to this, and even though Kyrgyzstan prides itself as a secular state, the Muslim holiday Kurban-Ait is a state holiday.

Although not apparent in the capital city, Islamic religious leaders in some parts of Kyrgyzstan apparently enjoy considerable political power. According to one report, in some areas, imam-khatibs, who head mosques and lead the prayer, influence the appointments of local officials, and have accessed public funds for mosque construction. In 1992, the akim in Talas Oblast issued a decree appointing an imam-khatib to the board of the oblast state administration.[6]

Despite this ostensible power of Islam, Kyrgyzstan's new constitution explicitly mandates the separation of church and state. Moreover, the manifestation of Islam and attitude towards it in Kyrgyzstan is very different from that in Uzbekistan, Tajikistan, or Turkmenistan. Although many new mosques have appeared in Uzbekistan's capital Tashkent since 1990, this has not been the case in Bishkek. Nor is this due to any restriction on mosque building in Kyrgyzstan. In Uzbekistan the Arabic alphabet has been introduced into the primary school curriculum and one of the reasons for the Uzbek regime's reluctance to introduce the Latin script has been the popularity of Arabic letters. In contrast, Kyrgyzstan has not introduced the Arabic alphabet into the school, and the government's intention to shift to the Latin script is on public record. Although Israel enjoys relations with most of the Central Asian countries, only Kyrgyzstan's President Akayev has travelled to Israel, where he made an announcement that he would open a Kyrgyzstan embassy in Jerusalem rather than Tel Aviv.

Because of the size of Slavic and German ethnic groups, Christianity is also very much alive in Kyrgyzstan. In fact, Orthodox Easter is a country-wide holiday. There are also many

Christian missionary groups which have taken advantage of Kyrgyzstan's new openness and attempted to gain local adherents. Although it appears that their activity has primarily been directed toward traditionally Christian groups, some also seek followers among the Kyrgyz. This proselytizing reportedly creates some unease among a segment of the Kyrgyz population.

C. The Media

Kyrgyzstan today has the freest press in all of Central Asia. Despite the paper shortage, there are many newspapers competing for readers. They carry the views of diverse political parties and other associations, many openly critical of national political figures. Although these publications are widely available in the capital city, it's impossible to make any judgements about their distribution elsewhere. Local electronic media broadcasts primarily in Kyrgyz and Russian. Reports indicate that the technical quality of locally-produced programs lags behind that of Moscow, Tashkent and Almaty. Local audiences are not, however, limited to local fare. They have considerable access to broadcasts from Moscow as well as programming which, depending on the time and day, is transmitted from other Central Asian republics or spills over the borders. A Turkish television program that lasts several hours is also available every evening, but does not appear to be very popular.

D. Economic Conditions

Kyrgyzstan is currently undergoing very difficult times as the old Soviet economic system continues to collapse and the government moves toward a market economy. As elsewhere in the former USSR, the old lines of suppliers and consumers have broken down. It has become very difficult for factories to obtain needed spare parts and raw materials that were once supplied, however inefficiently, through a centrally planned economic system. Kyrgyzstan is particularly dependent on external supplies of fuel. The country's annual production of oil is only 125,000 tons, while it consumes 1.8 million tons; likewise, Kyrgyzstan's natural gas production is only 55 million cubic meters, but its annual consumption has been 2.1 billion.[7]

The dependence on external supplies makes Kyrgyzstan very vulnerable. Because of a payment dispute, Kyrgyzstan's natural gas supplies from Uzbekistan have been cut, and according to one report, apartments in Osh receive hot water only on Saturdays and Sundays.[8] Fuel problems are also behind the reduction of Bishkek's airport traffic, which now has no scheduled service to Tashkent or Almaty. A far reduced number of flights continues to operate between Bishkek and Osh. It seems likely that the scarcity of operating street lights in Bishkek is also related to fuel.

In May of 1993, Kyrgyzstan introduced its own currency, the som. The government took this move in an attempt to secure control over Kyrgyzstan's own money supply and

economy, as well as a step to secure aid from the world economic community. The move met with a mixed reaction in Kyrgyzstan, some people viewed it as a measure likely to push inflation only higher. At least in the short term, it clearly contributed to Kyrgyzstan's isolation from its neighbors. Introduction of the som was responsible for a worsening of relations with Uzbekistan and tighter border controls. No longer could citizens from Kyrgyzstan and its neighbors cross their common borders to purchase goods with their own money. The effect was reinforced by the lack of arrangements to allow citizens of one country travelling to the other to exchange rubles and soms. Because soms are not accepted outside of Kyrgyzstan, the country's citizens are now required to pay for such services as flights out of Almaty in dollars or other hard currencies.[9]

However, many goods are available today in the stores and shops of Bishkek that were impossible to find several years ago. Ironically, given the hard economic times, many street vendors, frequently teenagers and pensioners, sell Western alcohol, soft drinks, and cigarettes. However, these and other luxury goods are far beyond the reach of most citizens, who are barely able to buy food and other necessities. According to a poll by one of Kyrgyzstan's newspapers shortly after the introduction of the som, 84% of the respondents said that it was "impossible" to live with the new prices and that they had no hope for the future.

One of the problems that Kyrgyzstan faces in improving its economy is the training of a new working class for heavy industry. During the Soviet era, Kyrgyzstan workers in heavy industry were overwhelmingly Slavs. At the end of the 1980s ethnic Kyrgyz made up only 6.3% of Kyrgyzstan's employees in the electric energy sector of the economy, 11% of the personnel in machine construction and metalwork, and overall only 13% of the republic's engineers and technicians.[10] Many of these people have already left the country or are now trying to depart. Today Kyrgyz note that under Soviet power, Moscow limited the access of local nationalities to industrial jobs and the urban housing that often accompanied them. The government is now seeking to train a new generation of Kyrgyz to assume skilled blue-collar industrial jobs that few of their mothers and fathers ever held.

This training might seem a relatively easy task in a country with such a large young population. Indeed, many young people seeking to escape the great hardships of rural life have flocked to the capital city; some have seized and subsequently been granted land for housing. However, many of the young people arriving from rural areas hardly seem ideal candidates for industrial jobs. The training of a new generation of Kyrgyz industrial workers is also hampered by poor local training facilities, shortages of textbooks, and often even the lack of standard terminology necessary to fill this gap. And to make matters worse, long-time residents of Bishkek, both Kyrgyz and non-Kyrgyz, made disparaging remarks to the IFES team about the newcomers, blaming them for the capital's increasing crime rate. There is certainly a public awareness of crime in the capital city, and IFES team members were warned not to walk alone in certain areas of town after dark. Moreover, the country's mass

media now devote considerable attention to reports of such crimes as thefts and robberies.

From a Central Asian perspective, one of the few bright spots in the Kyrgyzstan economic picture is that the country does not suffer from a water shortage. Moreover, besides its great hydroelectric potential it has a variety of valuable deposits, including gold, tin, coal, mercury, tungsten and uranium. The Kyrgyzstan political leadership's willingness to introduce innovative economic and political measures also serves a basis for hope.

A number of interlocutors emphasized Kyrgyzstan's natural beauty, which they felt might support a hard currency-earning tourist industry similar to that of Nepal. Western tourists might indeed enjoy Kyrgyzstan mountains. However, the country currently lacks an infrastructure to support this development. Throngs of Western tourists seem unlikely to come to Kyrgyzstan before the country builds hotels and restaurants up to world standards, and, perhaps most importantly, trains a new generation of personnel with a customer service mentality.

Although Kyrgyzstan's economic hardships may be relieved by foreign assistance, there are signs that if the economy does not improve soon, many people will become desperate. There has been public debate about legalizing narcotics production as one way to ease the country's economic plight. In a number of conversations, local people recognized that it would be a long time before the country's economy achieved marked progress. For many people in Bishkek the hope seems to be, as one person put it, that the citizens of Kyrgyzstan could at least maintain their current standard of living and "not fall to the level of the poor African countries."

Although some Kyrgyz view Western investment as a major component in the possible future economic improvement in their country, many also see it as a mixed blessing. They fear that the rights to the country's precious natural resources may be sold off to foreign concerns at ridiculously low prices, or that only some Kyrgyzstan "businessmen" or officials with the power to deliver these deals will be the big winners.

Despite the generally unfavorable economic situation in the country at the moment, a narrow stratum of the population seems to be doing quite well. Members of this group are apparently able to exploit their positions, skills, material assets and personal connections to afford such luxuries as larger housing, new automobiles and trips abroad.

The legitimacy of the current political leadership of Kyrgyzstan is undoubtedly closely linked to its ability to improve the country's economic plight. Expectations among most of Kyrgyzstan's population for a better life in the near future have almost certainly dropped in the past couple of years. Many people are approaching the point of desperation. If the government is able to alleviate economic hardships, the people are more likely to overlook other types of problems. Any continued drop in the standard of living, however, will have a

negative effect on political stability in Kyrgyzstan.

E. Cultural and Scientific Community

Among the areas where the impact of current economic conditions seems to have the most ominous implications for the future are culture and science. Under the Soviet system Moscow exercised political control over these areas, but at the same time the old political system subsidized these activities. As a result, for example, university professors and academicians in Soviet Kyrgyzstan, not to mention the best performing artists, lived quite comfortably by local standards. Cultural institutions and the electronic media offered performances that would have been unprofitable in a market economy, and the Kyrgyzstan press offered a wide variety of popular and scholarly fare made available to the population at subsidized prices.

Today the situation has changed radically. Cultural institutions and the media have been very hard hit by the collapse of the Soviet system. One of the reasons is that at the same time that culture has become increasingly privatized the amount of discretionary income that consumers have had to spend on culture has declined. In addition, rising costs, a paper shortage, flight from scholarly professions and limited government spending have all forced a rapid decline in the editions of periodical publications. Scholarly book publication has all but stopped. Many bookstores have turned over part of their space to shops offering new luxury goods and such assorted items as antiques, stamps, coins, and rare books which are sold on consignment. Much of the available new fare in bookstores consists of Russian translations of popular Western fiction, notably mystery and romance novels, soft pornography and occult literature. Ironically, despite the decline of serious literature, numerous bookstalls have sprung up throughout the capital selling the popular fare. This popularity of the new kind of mass culture is also reflected in the enormous popularity in Kyrgyzstan, as in most of the rest of the former Soviet Union, of Moscow-broadcast Mexican soap operas such as "The Rich Also Cry" and "Simply Maria."

Intellectuals have found it increasingly difficult to survive on the incomes from their traditional sources of employment. Increases in educators' and researchers' salaries have generally lagged far behind the inflation rate, and many individuals working in these fields have begun to search for more lucrative employment, at least with wages sufficient to support their families. Naturally, the most attractive opportunities bleed off a large proportion of the most talented, if not most dedicated, individuals. Given the growing perception of the poor material life of those who work in research and education, it will be very difficult to attract promising young people to these areas. Education is also hit hard due to the lack of funds for such purposes as school repair and textbook publication. Many newly prepared manuscripts of textbooks and even critical terminological dictionaries in Kyrgyzstan remain unpublished because of lack of resources to print.

F. Education

Despite such phenomena as paid tutors for children of the elite and bribes to secure admission into higher educational institutions, education was in some sense free. Moreover, by regional standards the public schools, especially in urban areas, provided a relatively high standard of education.

Recently, schools at all levels that require tuition have been opening up. Even some of the free universities have looked to tuition fees as a way to relieve their economic plight. For example, one of the IFES team members was told of a new plan to introduce additional mandatory language instruction at Kyrgyzstan Technical University. Although students at this free university would be required to take this language in order to graduate, they would have to pay part of the cost of instruction in this new subject out of their own pockets.

Education and culture are especially vulnerable to cuts because the very serious costs to society will not be apparent until much later. Several citizens of Bishkek interviewed by IFES team members took pride in the republic's educational achievements during the Soviet era. Many members of the Kyrgyz intelligentsia themselves seem to be worried that the country risks losing some of the European culture which arrived in the country under Soviet rule.

G. Political Culture

During IFES team discussions in Bishkek, many individuals, especially those currently in positions of authority, referred to a Kyrgyz political culture that made the country well suited for democracy. They often based their optimistic views on the nomadic nature of the Kyrgyz which, they argued, inclined Kyrgyz toward broader participation in decision making and against concentration of authority. In this regard they contrasted Kyrgyz with sedentary Uzbek or Tajik society. Such views may be simply wishful thinking, but some Western scholars are optimistic about Kyrgyz society's chances for democratic development for these very same reasons.

Whatever democratic tendencies may be inherent in Kyrgyz political culture, it is also true that the country has emerged from the Soviet era with a centralized political system. Moreover, powerful local leaders who once served the communist regime still occupy major posts. The oblast and raion akims, along with their apparats, are more often than not the same individuals, sometimes in new or modified posts, who once served the old party or government. There is thus a conservative bent in the Kyrgyzstan political system which is not readily apparent in most of the often glowing Western press accounts about political reform in Kyrgyzstan.

The mixture of old and new is apparent in many of the political symbols in the capital city,

not the least of which is the name change from Frunze, a Red Army general, to Bishkek. Similarly, one of the central tree-lined boulevards of the city is no longer called "Dzherzhinsky", the name of the founder of the notorious Soviet secret police, but Erkindik, which means "freedom" in Kyrgyz. Nevertheless, unlike Tashkent, the Lenin statue still stands on one of Bishkek's central squares. Indeed, the national history museum on that square which now hosts a large section devoted to the victims of the purges of the 1930s still displays many of the exhibits from its former life as the Lenin Museum. Lenin's portraits still hang in many government offices, often over the desks of former party officials who now eschew the Communist Party, but still hold much of their former power.

For all the negative connotations associated with the former political system, it must be acknowledged that at the moment it seems that only the former communists possess the organizational and technical skills, not to mention personal networks critical to a smooth operation of the new system. The counter elites, despite their great enthusiasm, for the most part still largely lack administrative experience and political, especially organizational, skills. With a new kind of political system emerging, the "outsiders" may be better equipped in the long run to learn new skills but need training in basic management and organization.

In viewing the spectrum of political parties and public organizations in Kyrgyzstan, it is critical to keep in mind their constantly changing constellation of members and alliances. Some of them over time are likely to emerge as powerful organizations. But many of the present ones seem to exist mainly on paper and often do not have the popular followings that their names might suggest.

The history of political parties in Kyrygzstan to date is a confusing pattern of overlapping groups, splits and alliances. In some cases their members have difficulty distinguishing the goals of one from another. After one of the meetings between the IFES team and representatives of one of the parties, for example, in an informal situation, one member of the IFES team remarked to a party member that the group's goals seemed very similar to those of one of the other parties. The party member remarked that he, too, had a hard time distinguishing between the platforms of these two parties.

Another characteristic of Kyrgyzstan's political life, perhaps an inevitable consequence of new press freedom, is the large amount of attention devoted to political scandals involving wrongdoing of prominent political figures. One of the most celebrated examples is Kyrgyzstan's vice president Feliks Kulov, accused, among other things, of having improperly approved of and profited from the export of precious commodities from Kyrgyzstan. A special commission established to investigate the alleged wrongdoing concluded that the vice president had not acted improperly. There are some indications that Kulov had been targeted for attack by opposing political forces.

IFES team members in Bishkek heard words of praise for President Akayev. However, the

favorable comments were often accompanied by expressions of distrust of other members of the country's political leadership, and concern that some of the other figures were gaining so much political power as to eclipse the president. In particular, negative comments were heard about Premier Tusunbek Chyngyshev, whose removal had been demanded in the spring of 1993 by leaders of the Erkin Kyrgyzstan and Asaba parties, and Parliament Speaker Sherimkulov.

H. Relations with Countries of the Region

Kyrgyzstan's relations with the outside world have undergone a transformation in the past few years. One theme which runs throughout the changes is the insistence that Kyrygzstan be treated independently, not merely as one of "the former Soviet republics" or "one of the newly independent Muslim states of Central Asia." Kyrgyz leaders now demand that their country and people be viewed on the world stage as a unique actor, and on their own terms. The desire to be treated on their own terms is perhaps symbolized by a demand that the country's name be spelled in accordance with Kyrgyz spelling: Kyrgyzstan. In English this makes no difference, but the Russian-language spelling which the Kyrgyz insist upon violates Russian orthographic rules. Although this may seem a trivial matter, it was raised by several Russians as an example of Kyrgyz nationalism. The introduction of the Kyrgyzstani national currency was a much more substantive embodiment of Kyrgyzstan's independent path. This is, admittedly, a bit ironic, since the adoption of the currency was a step recommended to Kyrgyzstan by potential aid contributors.

Despite all of the symbolic and real sovereignty, Kyrgyzstan is still very dependent on other countries, above all the Russian Federation. President Akayev has said that further development of links with Russia is "goal number one" in Kyrgyzstan's foreign policy.[11] This is understandable since Russia remains the dominant power in the region and Kyrgyzstan is bound to it militarily, economically and culturally. Also important is the presence of a large ethnic Russian population in Kyrgyzstan with emotional and often family ties to Russia. It is no coincidence that flights continue to operate between Bishkek and Moscow at a time that apparently no scheduled service connects the capital of Kyrgyzstan with those of Uzbekistan or Kazakhstan. Conversations in Bishkek leave one with a sense of a widespread belief, even among the more nationalistically inclined, that Kyrgyzstan's ties with Russia must and should remain strong. This seems at least in part related to Kyrgyz fears of other powerful neighbors, especially China and Uzbekistan, and the fact that Kyrgyzstan, for all its ties to Russia, does not share a border with that power.

Kyrgyzstan's relations with its neighbor Uzbekistan are very complex, and like the relations with Russia they are likely to play an important role in the country's future. Among the major factors shaping the relations are the disproportion in size of the two countries, the large Uzbek minority in Kyrgyzstan, the strong links between southern Kyrgyzstan and Uzbekistan's Fergana Valley, Kyrgyz dependence on natural gas from its neighbors, and the

two countries' very different political and economic paths in the post-Soviet period.

The violence between Uzbeks and Kyrgyz in 1990 has left a bitter legacy, and subsequent incidents have also strained Uzbekistan-Kyrgyzstan relations. For example, a human rights conference organized in Bishkek turned into an embarrassment for Kyrgyzstan when Uzbekistani police violated Kyrgyzstan sovereignty and kidnapped a leading Uzbek activist to take him back to Tashkent for trial. The introduction of the Kyrgyzstan som and problems related to it added tension as Uzbekistan cut off the supply of natural gas to Kyrgyzstan, broke telephone links, tightened border controls, and introduced regulations which hampered travel via Uzbekistan, the most direct route, between two major cities in the south of Kyrgyzstan. In fact, at one of his news conferences Uzbekistan's President Karimov characterized Kyrgyzstan's introduction of its own currency as a "diversionary tactic directed against Uzbekistan."[12] There have also been reports of military maneuvers by Uzbekistan's forces on its neighbor's territory that took place without the authorization of the government in Bishkek. Despite this tension, economic and geographic factors also seem to dictate a degree of coordination, even if not harmony, between the two neighbors. For all its dependence on Uzbekistan, Kyrgyzstan's position may be strengthened by its location at the source of water that is critical to Uzbekistan's largely agricultural economy.

Just as Kyrgyzstan's relations with Russia are influenced by the large ethnically Russian population in Kyrgyzstan, so, too, relations with Uzbekistan are very much affected by the large concentrated population of Uzbeks in the country. A number of Kyrgyz in Bishkek expressed apprehension about Uzbekistan's interest in the affairs of Uzbeks outside the home republic, and the potential use of local Uzbeks to act in the interests of Uzbekistan. It should be noted that during the Osh violence of 1990, some of Kyrgyzstan's Uzbeks allegedly raised the issue of autonomous status for their areas within Kyrgyzstan.

In this regard, Kyrgyz intellectuals seem much less interested in pan-Turkic ties or strong regional links than the Uzbeks. The Uzbeks, confident in their ability to influence if not dominate such associations, are generally more favorable to them. The Kyrgyz, understandably, seem more worried about possible domination.

Kyrgyzstan's relations with Kazakhstan have not been as acrimonious as with Uzbekistan. In part this seems due to the much closer cultural and linguistic ties between Kyrgyz and Kazakhs. Moreover, the large Slavic minority populations link Kyrgyzstan and Kazakhstan in similar ways to Russia, and the lines of political and economic reform in the two countries, not to mention their greater openness to the West, bear many similarities. Although the Kyrgyz clearly do not want to exist in the shadow of a larger Kazakhstan, there seems a greater likelihood of more congenial relations with Kazakhstan than with Uzbekistan.

Direct political, economic and cultural contacts between China and Kyrgyzstan have greatly expanded since the collapse of the USSR. Despite continued Kyrgyz interest in these

contacts, a number of people met during the IFES team visit in Bishkek expressed apprehension about this phenomenon. They reported that many Chinese were purchasing houses and apartments in Kyrgyzstan through third parties and would someday be poised to put great pressure on their small neighbor.

Turkey, which during the Soviet days had very little contact with Central Asia, has become a significant actor in the region in recent years through business and cultural contacts, as well as through visits by political figures. However, during conversations in Bishkek, one often heard resentment about the Turkish presence. Many Kyrgyz expressed the view that despite what the Turks thought, Kyrgyz did not have much to learn from Turkey. Many Kyrgyz see Turkey as less technologically advanced and somehow "less European" than Kyrgyzstan. Negative comments were also made about Turks' attitudes indicating that they saw themselves as the new "elder brothers", replacing the Russians in Central Asia.

Despite its geographic remoteness, the West is obviously also very important to Kyrgyzstan. Many of Kyrgyzstan's leaders look to the West for political models which can be adapted to their society. In terms of economic aid, the leaders also view Western Europe, the United States and Japan as their greatest hope. They are aware of the more favorable attitudes in the West toward Kyrgyzstan and Kazakhstan than toward other countries of the region. This was especially true during the IFES team's stay in Bishkek, which immediately followed President Akayev's visit to the United States. Naturally, the International Monetary Fund credit of $60 million and the World Bank $400 million credit for technical aid, offered in the wake of the introduction of the som, were welcome developments.

III. Constituencies

A. Kyrgyz

The most obvious division of constituent groups of the electorate is along nationality lines. In this regard, the most important group are the numerically dominant ethnic Kyrgyz. Although this is true, it is misleading to look at the Kyrgyz as a homogeneous mass. Regional roots are extremely important to Kyrgyz, and not surprisingly, identification of a national political figure with one or another part of the country is a very salient factor. Closely related to this are Kyrgyz tribal affiliations, which frequently came up in conversations during the IFES team visit.

Aside from these, urban and rural distinctions are also very great. Although a large majority of Kyrgyz live in rural areas, the political, cultural and economic elite are concentrated in urban areas. Many of the urban Kyrgyz, especially in the capital city, are russified. Many have relatives in the countryside whom they visit from time to time, and who often host urban children during summer vacations.

One frequently hears in Bishkek the distinction between "Kirgiz" and "Kyrgyz." The former word, pronounced according to Russian phonetic rules, is used by the more nationalistically minded to refer in derogatory fashion to their fellow nationals who have allegedly lost a sense of Kyrgyz cultural and linguistic identity. The latter variant, "Kyrgyz" is used by some to refer to those with stronger ties to their own ethnic group. The reality, of course, is not so simple as this dichotomy suggests. However, it illustrates one of the non-ethnic divisions according to which Kyrgyz differentiate among themselves.

B. Russians

During the Soviet era, Kyrgyzstan's Russians, though a minority in their republic, were a part of the USSR's unchallenged dominant nationality. Even in a country with much less anti-Russian sentiment than most of the rest of Central Asia, the transition to minority status has been a very unsettling one. Although the Russians are a nation-wide minority, they still constitute a majority in the capital and certain other urban as well as rural areas. Moreover, they continue to occupy many of the key positions, and often a majority of jobs in such areas as industry and medicine. There are very few native Kyrgyz military officers. Thus for the foreseeable future, Russians, in part through Russia's own troops stationed in Central Asia, will also play a key military role in Kyrgyzstan.

A number of measures, including the language law and the introduction of the som, have added to Russians' discomfort in Kyrgyzstan. The political interests of Russians, especially as they relate to language, largely coincide with those of other Slavs and other non-indigenous nationalities. Less obvious, though, they also coincide with many of the urban russified "Kirgiz" who are quite uncomfortable or at a disadvantage in situations requiring a knowledge of the Kyrgyz language.

President Akayev has been very sensitive to the situation of Kyrgyzstan's Russians, and has emphasized that Kyrgyzstan is the home of all people who live there. For example, when in 1991, the Kyrgyzstan parliament passed a law which referred to the country's land and natural resources as the wealth of the ethnic Kyrgyz people, the president vetoed the article and replaced it with wording that indicated the land and wealth belonged to all citizens of the country. This, of course, was meant to reassure not just the Russians, but the other non-Kyrgyz nationalities in the country as well. More recently a new university has been established in Bishkek which will provide continued higher education in all disciplines in Russian. The establishment of this institution, a sign of continued cultural collaboration between Kyrgyzstan and Russia, was a very controversial move. One of the primary purposes seems to be reassurance for the country's Russians that their educational needs and those of their children will be provided for.

C. Uzbeks

Uzbeks, given their substantial share of the population are a critical constituency, especially in the south of Kyrygzstan. Most other ethnic groups are also regionally concentrated, and today have their own associations. Although they are far less likely than the three largest groups to have a major impact on Kyrgyzstan-wide political processes, they can be major actors in local areas.

D. Women

Although women comprise far from a homogeneous group in Kyrgyzstan, a few words should be devoted to their common concerns and to some ways in which Kyrgyz women are very different from their Central Asian sisters. The lives of Kyrgyzstan women, as those of Soviet women more generally, were difficult because of the double burden of holding jobs outside the home and responsibility for most household and family chores. Moreover, they had few of the conveniences available in the West to ease their work. In the case of Kyrgyz and other indigenous Central Asian women, the burden was often greater because most of them resided in rural areas and cared for larger families. It seems very likely that with the skyrocketing cost of food and other essentials the strains of economic transition are likely to fall disproportionately on women. At the same time, it should be noted that in comparison with their Uzbek or Tajik contemporaries, Kyrgyz women seem much more integrated with their male counterparts in public social interaction and employment. This is apparent in visits to Kyrgyz homes, where women often sit at the same table with male guests. This is apparently more the case in the north of Kyrgyzstan than the south. The prominent role of women in society is also obvious in national politics. According to a recent newspaper poll, three of the nine Kyrgyzstan political figures with the highest popular ratings are female.[13]

E. Youth

Like women, youth in Kyrgyzstan is not a homogeneous group. However, segments of the younger generation seem likely to be very important on the political scene of Kyrgyzstan in the coming years. The formative years of today's teenagers and young adults coincided with the last years of the Brezhnev stagnation and the final decline of the USSR. Many of this age grew up with little positive attachment to the Soviet system or to any ideology, and they lack much of the respect for, or perhaps, more accurately, fear of government authorities and police that was and still is characteristic of their seniors. It should also be kept in mind that the national composition of this generation is much more Kyrgyz than the generation of adults currently retiring from the work force.

Although participation of a relatively small group in isolated political events should not be taken as a characterization of a whole generation, it is very significant that young people were among the primary actors in the Osh violence and the seizures of land by squatters in

the capital city. Today, again, there are many young people who have come to Bishkek in search of a better life without jobs or slots in educational institutions. Many have left such sparsely populated regions with harsh climates as Naryn Oblast only to come to areas of the country which are already overpopulated.[14]

Young people, more than their seniors, by and large seem to be looking for a way to improve their chances for a better material life. At least in the capital city many want material goods that are far beyond their current means to obtain. Some see "business", which often simply means buying up scarce goods and reselling for a profit, as their best hope for improvement. Obviously, not all of them will be successful in this endeavor. Most tragically, however, the shift to a market economy is likely in the short run to lead to greater unemployment, which appears to hit hardest these young school graduates who are desperately looking to improve their lot. Today in Naryn Oblast, almost one-third of the registered unemployed individuals, who in turn comprise almost 14% of the oblast's able-bodied population, are between the ages of 16 and 20.[15] Indeed, the youth unemployment problem seems to be one of the greatest challenges which the Kyrgyzstan government will face, and its political consequences are likely to be very great.

F. The Elderly

Another group with many members likely to face extreme political hardship are the elderly. In May 1993, minimum pensions in Kyrgyzstan were 16 soms; this was at a time that market prices for lamb were 4 soms/kilo, and half a som for a kilo of potatoes; even in state stores cheese costs 5 soms/kilo and noodles from .75 to 1.0 som. Although pensioners are far less likely to become politically active than young people, their plight is nevertheless extremely serious, and they should be considered as an important electoral constituency.

G. Professional Groups

Given past employment and education patterns, constituencies of employees of particular trades or professions largely coincide with nationality lines. Thus, for example, the working class in heavy industry is largely non-indigenous Central Asian. Similarly, the livestock breeders are mostly Kyrgyz.

IV. Political Parties

The dramatic move to a multi-party system is established in the constitution itself which identifies political parties specifically in the context of freedom of association. The document further specifies the role of political parties in the affairs of state, giving them the right to nominate their candidates for election to the parliament, to state posts and to local elective government councils. Additionally, the constitution itself stipulates the rights of parties to form factions in representative bodies.

Perhaps as a reaction to the historic co-mingling of Communist Party and government affairs which virtually made the two institutions indistinguishable from one another, the newly adopted constitution directly prohibits such amalgamation of party and government activities. It further prohibits any subordination of government activities to party programs.

Provisions are also established prohibiting military personnel, officials in internal affairs, national security, justice, procuracy and the courts from membership in or support of political parties. Even the president is precluded from participating in any party activity while in office. The constitution also stipulates that government officials have the right to carry out party activities only outside working hours, and that no parties may be formed, or party activities be carried out, in state institutions or establishments.

Although political parties are quite a new phenomenon in Kyrgyzstan, by the spring of 1993 Kyrgyzstan had five officially registered parties and one in the process of registration alongside numerous social organizations. At least one more political party, the Agrarian Party, is expected to appear in the near future. The mushrooming of political parties is indicative of a growing desire for pluralism. And even in the absence of a constitution (prior to May 5, 1993), freedom of assembly and association were respected in practice. Article 8 of the newly adopted constitution gives Kyrgyz citizens the right to organize political parties. The participation of political parties in the affairs of the state, however, is limited to the nomination of candidates to the parliament, to state posts and to local government.

The process of registration for political parties and public organizations in Kyrgyzstan is regulated by the Law on Public Associations which was adopted in February 1991 by Presidential decree prior to the independence of the country. The registration process requires an application by the working group of the party (central executive committee) along with a list containing a minimum of 500 members including their residential and work addresses. The charter of the party also must be attached with the application. The registration process is administered by the Ministry of Justice and normally takes one month. The law prohibits registration of any political party that advocates national hatred or forceful take-over of the government, or that maintains para-military forces. The IFES team learned that an organization named the Islamic Center was denied registration on the grounds that the Center was alleged to advocate religious hatred. The Ministry of Justice also denied registration to the Union of Cossacks of the Semirechie on the grounds that the law prohibits the registration of armed groups.

The precursor to the development of political party system in Kyrgyzstan is the Democratic Movement "Kyrgyzstan"(DMK) which held its founding congress in May 1990. The DMK was modeled on the "popular fronts" that led nationalist revolts in many former Soviet republics. The May 1990 meeting united 24 groups under the DMK umbrella.

The DMK program set at the May meeting called for a struggle against communist party rule

and the command economy, for complete economic and political sovereignty within a confederation, an enhanced position for the Kyrgyz language, and new approaches to national history and culture.

Because the DMK was a coalition of such heterogeneous groups, it could not stand united for long. Many of the groups split along national lines, and some eventually broke away to form other political parties. The DMK leadership did not convert their movement into a political party until May 31, 1993. This party, however, is not yet registered. Two factions left the DMK to form registered political parties: the first left to form the Ashaba party (Kyrgyzstan Party of National Regeneration), and the second to form the Democratic Party of Erkin (free) Kyrgyzstan. Asaba's membership of 1,600 is entirely Kyrgyz, and its leaders feel that ethnic Kyrgyz interests must be given precedence over those of other nationalities in Kyrgyzstan. Erkin Kyrgyzstan was organized as a party of businessmen, farmers and intelligentsia interested in economic reform. According to one of its leaders, its membership is now about 3,000. Some of its membership was lost in late 1992 when some less "radical" members abandoned Erkin Kyrgyzstan to form Ata Meken (Fatherland). The latter is a now a registered party which espouses more liberal interests and advocates a strong state power, market economy, social harmony, and evolutionary reform of society. The party supports President Akayev and claims to have a membership of 5,000.

Claiming 60,000 members, the Communist Party is the largest party in Kyrgyzstan. The activities of the Communist Party were suspended by the Supreme Soviet following the August coup in Moscow. The suspension, however, was relaxed after six months when the party emerged with a new charter. The new charter renamed the Communist Party as the Party of the Communists of Kyrgyzstan. The party did not present itself as a branch of the Communist Party of the Soviet Union and has not claimed any right to the confiscated properties and assets held by former Communist Party. Moreover, the new party has excluded the four leaders who had supported the August coup in Moscow. In mid-March 1993, the Communist Party held its Congress in Bishkek. Mr. Absamat Masaliyev, who had headed the republic's party before the break-up of Soviet Union, delivered a 40-minute report to the Congress criticizing and blaming Mikhail Gorbachev for the breakup of the CPSU. While the membership claim may be exaggerated, the party's influence among the people is believed to be quite high compared to other parties.

The Republican Party was founded in September 1992 and registered at the Ministry of Justice in December 1992. It held its first conference in May 1993 while the IFES team was in Kyrgyzstan. The party leadership is highly educated and includes scientists, cultural figures and businessmen, all of whom acquired their posts under the old system. The Republican Party blames other parties for being too nationalistic and extremist. It advocates a civil society for Kyrgyzstan in which all nationalities will have equal rights and a parliament with multi-party representatives. The party's chief complaint against the new constitution is that it failed to enshrine a multi-party system in Kyrgyzstan. This party, whose leaders did

not object to the IFES team's characterization of them as "elite," claims a membership of over 3,000.

In addition to these five parties and the DMK, there are many public organizations and movements in Kyrgyzstan. A group calling itself Ashar (Mutual Aid or Help) lobbies for greater compensation for the Kyrgyz victims of the Kyrgyz-Uzbek conflict that took place in Osh in the summer of 1990. This group boycotted the October 1992 uncontested Presidential election and has no representatives in parliament.

There are two human rights organizations in Kyrgyzstan: the Committee for the Defense of Human Rights in Kyrgyzstan and the Human Rights Organization of Kyrgyzstan.

The Russian-speaking population has its own organization called the Slavonic Fund. Initially a literary organization, the Slavonic Fund became political during the Kyrgyz independence movement, representing the rights of the non-Kyrgyz in Kyrgyzstan. The Slavonic Fund, registered in October 1991, has approximately 70 supporters in the parliament.

V. Legal Framework for Transition to a Multi-party Democracy

A. The Constitution

Kyrgyz politics entered a new phase after the adoption of the constitution. Following a long period of domination spanning three or four generations and its relatively sudden independence from Moscow's control, Kyrgyzstan faced the overwhelming challenge of redefining itself as a democratic sovereign state. Officials assigned the task of formulating the conceptual outline for the new constitution drew from their research of the constitutions and legal structures of other former Soviet countries struggling with the same issues, and solicited comments from constitutional analysts and academics on their work. They also drew from relevant articles from the Declaration on State Sovereignty of the Republic of Kyrgyzstan and the Declaration on State Independence of the Republic of Kyrgyzstan.

Depending heavily on themes drawn from these various sources, drafters attempted to generate a conceptual outline reflecting the departure from the existing constitution adopted in 1978 which had "reinforced the principles and institutions of the system of administration by command." The 1978 constitution was virtually a copy of the Brezhnev-era USSR constitution.

The conceptual outline for the new 1993 constitution emphasized the establishment of a civil society, and a law-based state where the rights and freedoms of individuals are guaranteed to a surprisingly large extent. The drafters of the outline also sought to set the tone for creation of a system of checks and balances, with separation of powers proposed as an "organizational reflection of the legal nature of the state."

In approaching their work in a meaningful way, drafters recognized the need to provide a basis for the development of a constitution that would suit the unique needs of the country. In formalizing their conceptual outline, their attempts focused on creating and developing compromises that would also satisfy the nation's divergent and complex internal forces, in addition to ensuring the sovereignty of the Republic within its territory.

Ultimately, the conceptual outline was accepted for formal consideration by parliament by resolution in March of 1992. The document was published for public comment, and the drafters compiled the proposals and arguments resulting from the public outreach process for consideration during the debate by the legislative body.

As expected, the development of the constitution itself was not without major debates and controversies as lawmakers wrestled with the critical issues left in the wake of the Republic's new and relatively sudden independence. It would be 14 months later, on May 5, 1993, before the new constitution would be ratified by parliament. The constitution's main principles were not put to a popular referendum for approval as was the case in some post-communist nations.

The 350 deputies in parliament responsible for the passage of the new constitution had been elected in March of 1990. This was prior to the attempted coup against President Mikhail Gorbachev in 1991, the declaration of Kyrgyzstan's independence in August of 1991, the suspension of all Communist Party activity in the country, and the election of President Akayev as the unopposed candidate in October of 1991. Not surprisingly, then, over 90% of the deputies of parliament were Communist Party members, and 70 of them had run unopposed in the March 1990 elections. The effects of 70 years under the Soviet regime could not have been expected to be overturned easily, even among the most liberal-minded citizens. Consequently, the parliament, like most of the existing government apparatus, is still made up of former members of the party and of the Soviet elite. Even among the most democratically-minded there has been resistance to blanket reforms, with the potential of jeopardizing the current system of privilege.

The challenges to be overcome were not only based on the contest between old and new thinkers, hardliners and democrats. Just as significant were the divergent views of Kyrgyz, Russians and other ethnic groups with regard to what the future of the new Republic should be. Given that context, the fact that a new constitution grounded in democratic principles has emerged is worthy of commendation and respect.

B. Citizenship and Official Language

Two of the issues most passionately debated in preparing the new constitution were citizenship and language. Although they have been resolved in the legal sense as part of the constitution, they continue to be the subject of controversy and debate, not only among

elected officials and national leaders but also among the population at large.

The big question with regard to citizenship was whether to allow for dual citizenship. After much heated debate, lawmakers ultimately rejected the idea. Interestingly, however, the constitution does not clearly define citizenship in terms of birth, residency or naturalization. Instead the issue of citizenship is left somewhat open-ended, providing foreign citizens and "stateless" persons the rights and freedoms enjoyed by citizens of Kyrgyzstan while they are present in the country. The rejection of dual citizenship has most likely aggravated the anxiety of non-Kyrgyz, especially Slavs and Germans, thus encouraging their emigration from the country.

The resolution of the language issue in the constitution is also unsatisfactory to many non-Kyrgyz. When Kyrgyz was elevated to prominence as the Republic's official language under the 1989 law, Russian was still officially recognized as the language of inter-ethnic communication. However, one article in that law required management and professional personnel to be able to speak Kyrgyz. While other provisions of the law were to be phased in by 1999, that article was to take effect immediately.

In fact, the emergence of Kyrgyz language in public life has been much slower than anticipated. Monolingual Russian speakers seem to have dragged their feet about learning Kyrgyz, and practical problems remain such as the lack of Kyrgyz texts and qualified instructors.

Ultimately, parliament adopted a constitutional provision that established Kyrgyz as the single official state language of the Republic. It abandoned the provision of the 1989 law which recognized Russian as the language of inter-ethnic communication. As a compromise, the constitution contains provisions guaranteeing "preservation, equal and free development and functioning of the Russian language and all other languages which are used by the population of the Republic." Embellishing this compromise is a provision prohibiting the infringement of citizens' rights on the basis of their lack of knowledge of Kyrgyz. Despite this guarantee, many Russians and non-Kyrgyz are unhappy with the treatment of language in the Constitution and feel that the Constitution places the interests of Kyrgyz speakers above those of the rest of the population.

C. The Rights of Private Citizens

The drafters of the constitution focused a great deal of their attention on guaranteeing the rights of citizens. Over one-fourth of the document's articles are devoted specifically, one way or another, to civil rights issues. According to the constitution, civil rights are based on the recognition that the dignity of the individual is "absolute and inviolable." Rights are guaranteed to be protected equally for all persons regardless of their ethnic origin, sex, race, nationality, language, religion, and political or religious convictions. Human rights are

treated just as forcefully under the law, which guarantees that they shall be respected by the legislative and executive branches, by the courts and by local self-government and shall be the fundamental determining factor in the meaning, content and application of law.

Among the more significant rights established in the constitution are the rights to free expression; i.e., dissemination of ideas and opinions, freedom of expression in the arts and sciences, as well as freedom of the press. Freedom of movement and freedom of association both within the country and outside are also guaranteed. It is also interesting to note that the constitution includes formal recognition of the family as the fundamental unit of society and that fatherhood, maternity and childhood are the concern of the whole society and subject to preferential protection under the law.

The constitution devotes considerable attention to privacy and rights related to the pursuit of individual endeavors without interference. The constitution lays a solid foundation for creating a free environment for personal liberty. For example, it guarantees the secrecy of mail, telephone conversations, privacy of the home, and rights related to personal development and enterprise.

The constitution also confirms a number of specific guarantees as they relate to human rights issues directly. For example, the constitution specifically guarantees that no one may be subjected to arrest or detention except on the basis of law. It further guarantees every citizen the right to legal assistance in his or her defense. Punishment without a formal decision of a court is prohibited, as is torture, inhumane or degrading punishment. The constitution also prohibits medical or biological experiments on individuals without their agreement, which must be voluntarily expressed and confirmed. While capital punishment is allowed "only in exceptional cases under the sentence of the court," the constitution guarantees the right of appeal. If there is a flaw in this provision it is in the fact that "exceptional cases" is not adequately defined. This section does not add wording which states the intention that the provision will be further defined "under the law," wording which is frequently added to other sections where further clarification is needed. Presumably, formal definition will be part of criminal law legislation.

In addition to civil and political liberties, however, there are also socialist remnants in this document. Liberally sprinkled throughout the constitution are also the guarantees of social programs to which every citizen is presumably entitled, including education and vocational training, health care, and subsidized care for parentless children, the infirm and the aged. In addition, the constitution guarantees the right to housing which the state promotes by "giving and selling state-owned housing" as well as by encouraging individual house building. One of the more confounding stipulations is the right to a job. It was interesting for the team to observe that the mind-set of the public has not kept pace with the transition toward privatization and a market-based economy. Some of the major issues raised at the Human Rights Conference that took place during the team's visit related to what was perceived as

the government's failure to provide meaningful work and adequate pay. According to popular perceptions, these should be guaranteed as civil rights. There is concern that in the future, these "economic rights" built into the constitution may tax the ability of the government to deliver the mandated benefits.

D. Property and Land

One of the major debates in formalizing the constitution involves issues of property, and specifically, the private ownership of land. The constitution is very clear in guaranteeing citizens the rights to own private property. Such rights are described as an "inalienable human right, as a natural source of one's welfare, business and creative activity, and as a guarantor of one's economic and personal independence." It further stipulates that a person cannot be deprived of property without an order of the court. The rights to inheritance are also protected under the law.

While the issues of personal property are extensively mentioned in the constitution, there was, and continues to be, disagreement over private ownership of land within the country. It is important to keep in mind that land rights, if not ownership, have been a politically explosive issue in Kyrgyzstan in recent years. The events leading to the formation of the Ashar and the Osh violence were land related.

Today there appears to be two schools of thought on the land issue. Some groups with whom the team met believe that private ownership is a prerequisite for a full move toward meaningful democracy, a free society and a market economy. Convinced that privatization would not be complete until land is also made available for private ownership, they would have preferred that the constitution reflected that view. However, the predominant feelings expressed to the team reflected fears and doubts about the practicality of placing land in private ownership without adequate assurances as to who would be in charge. Many Kyrgyz fear that much land would become property of Russians, or else (especially in the south) fall into the hands of Uzbeks, who control most of the wealth and commerce in the region. There is also concern that private land ownership would result in land being owned by non-citizens from across the border, especially Chinese. Because they do not feel that there are sufficient safeguards to preserve the sovereignty of the country, some officials prefer to keep land under the ownership of the state. This preference may also result from the desire of some of the leadership to maintain continued control over property.

The constitution adopts the latter alternative, retaining state ownership of all land, its subsoil, water, air space, forests, fauna and flora, and natural resources. The constitution provides for long-term lease of plots of land by private entities under conditions which are to be promulgated by law. According to officials with whom the team met, such leases will also be transferrable to proper heirs. The implication for privatization of commercial enterprises or private homes is that while someone could own buildings and facilities, the land itself

would not be transferred along with the property for private ownership.

E. The Presidency and the Balance of Power

In reviewing the conceptual outline for the constitution, it is obvious that the original intent was to propose a republican form of government with a president as the head of state, elected by direct vote in general elections, and with combined powers as the head of state and the head of government. The proposal envisioned that the president would also appoint his own vice presidential candidate who would appear on the same ballot. The authors of the outline intended that the president and his ministers dispose fully of executive power, and that there be a separation of powers between the president, the parliament and the judiciary.

In the end, a strong presidential structure was adopted in the constitution although a number of checks were put on the president's authority to act independently, especially in his appointments of high-level government officials, and local administrators. The vice-presidency was abandoned in favor of a Prime Minister appointed by the President and approved by the Jogorku Kenesh.

The president's fundamental responsibility is to secure the unity of the state and the stability of the constitutional order by acting as the guarantor of the Constitution and laws of the country. He also coordinates with state bodies and exercises direct control over the work of the government. The president has the right to initiate laws for parliamentary review, and has line-item veto power. He also has the right to challenge the constitutionality of enacted legislation to the Constitutional Court when he believes it contravenes the tenets of the constitution.

However, as a safeguard to ensure that a President is not free to overstep his authority or to assume authoritarian control, a number of articles establish the president's dependency on the Jogorku Kenesh for approval before he or she can act. For example, although the President has the right to determine the structure of the government, his plan is subject to confirmation by the Jogorku Kenesh. He is responsible for the functions of government, yet the constitution stipulates that the government is headed by the Prime Minister. While the President has the authority to negotiate foreign treaties or call regional states of emergency, his actions must be ratified by parliament. Virtually all of presidential appointments, including that of the Prime Minister, members of the Constitutional Court, Chairman of the Board of the National Bank, the Procurator General and members of the Supreme Court, Supreme Economic Court and local and regional courts are based on a slate presented by the prime minister and must receive official confirmation by the parliament although the president does have the authority to dismiss them independently.

The president and government have a great deal of authority over local government through appointments of heads to local administrations. However, the candidates for these offices are

presented to the President by the Prime Minister and are subject to the approval of each local Kenesh. The exertion of central authority over local administrations and the chairmen of ails and settlements is prescribed in the constitution which mandates that the heads of these administrations act under the guidance of the central government.

This "vertical" scheme for presidential authority at the local level may raise questions as to the powers of local authorities. One section in the constitution provides that the executive power in oblasts, regions and cities is vested in local administrations under the guidance of the government. However, later sections indicate that issues related to populations in these areas will be decided by local self-government bodies elected by the people. How conflicts will be resolved when local elected councils disagree with decisions or demands of the government supervised by local administrations is not entirely clear. Interestingly, the constitution skirts the issue by suggesting that laws will be promulgated to "establish the fundamentals of the organization and functioning of local self-governments as well as regulate the relations between local self-government and bodies of the local state administrations."

F. Creation of the Constitutional Court

One of the most significant innovations in the constitution is the creation of a Constitutional Court serving as the highest body of judicial power focussing specifically on constitutional issues. The court is vested with the power only to declare laws and other normative legal acts unconstitutional both at the national and local levels. In addition, the court will also decide disputes concerning the effect, application and interpretation of the constitution. Amendments to the constitution will also be reviewed by this court, as will the validity of impeachment proceedings of the president and judges on the higher courts of the land. In addition to these responsibilities, the Constitutional Court is also commissioned to determine the validity of the presidential election results. Its role is distinguished clearly from that of the Supreme Court which plays no part in controversies of a constitutional nature, but instead is the highest body of judicial power in the sphere of civil, criminal and administrative court action.

If it proves an effective body, the introduction of the Constitutional Court will add significantly to defining Kyrgyzstan's potential as a law-based society. Although the constitution can be amended by a two-thirds majority of parliament without voter approval, the Constitutional Court will serve to preserve the integrity and staying power of the Constitution as the fundamental law of the land and the standard by which all other laws and normative acts will be measured. One concern is that the constitution does not indicate clearly how, by whom and through what channels challenges may be brought before the Constitutional Court. It includes a provision whereby the President may bring issues before the court, but goes no further in stipulating the rights and mechanisms by which others may do so.

G. System of Representation

One of the most important issues to be resolved in paving the way toward democracy in new independent states is the debate over the manner of representation which should be adopted election the parliament. The debate usually centers around choosing between a majority or a proportional representation system or a mixture of the two. After this initial decision has been made, there are a myriad of other mechanisms that can be built into the election law.

In the case of Kyrgyzstan, the decision was made to choose a majoritarian system and to include this choice in the recently adopted constitution. The Kyrgystanis have planned a parliament of 105 members each serving a five-year term. This number represents a reduction from the former parliamentary size of 350. As team members were to learn, the reduction is intended as a cost saving measure.

More importantly, the reduction was also undertaken as part of an attempt to create a "professional" full-time legislature. In keeping with that philosophy, the constitution clearly prohibits members of parliament from holding any other posts in state service or judicial bodies, or from engaging in any entrepreneurial activities. Ultimately, provisions of the constitution were adopted that paved the way for the election of a deputy from each of 105 electoral districts by direct vote based on universal suffrage, with each voter having one vote. The constitution also provides that each person's vote is secret.

Drafters of the conceptual outline had proposed that the terms of deputies be staggered with one-third of the members subject to election every two years. The rationale was to create stability and continuity in the conduct of legislative business and avoid what drafters suggested were "so-called organizational sessions" which take so much time and effort at the convening of each new legislature. However, in its final form the constitution abandoned this concept resulting in the call for new elections of the full Jogorku Kenesh every five years.

Except for one other major election issue, the constitution is virtually silent with regard to any detail about the administration of elections and dictates that electoral procedures be determined by law. The specific mandates which deserve comment relate to procedural requirements for presidential election. Provisions require that a candidate for President must be registered and have no less than 50,000 signatures on petitions supporting his or her candidacy. In addition, the constitution provides that to be elected the candidate must have received a majority of the votes cast, and at least 50% of all voters in the country must have participated. Should no candidate meet these standards, a run-off election is held between the top two candidates. In the run-off, the requirement for the 50% threshold for voter turnout is retained. While this double standard threshold is not required under the constitution for members of parliament, a glimpse at existing laws on elections currently

being reviewed for amendment indicates that these absolute majority requirements have been carried forward for the parliamentary and local elections as well.

Apparently, there had been some debate regarding alternative methods of representation. For example, the possibility of a bicameral legislature had been contemplated, as had proportional representation. These ideas did not gain much momentum, perhaps because of costs related to the former, and the weakness of the fledgling parties in the latter. However, at the time of the team's visit, there seemed to be a widespread revitalized interest in a mixed system of representation. Some favored the concept of a bicameral legislature with one house based on proportional representation and the second house on the majority system based on regional election districts. Others expressed interest in maintaining a unicameral body but reserving seats to be filled from party slates based on the nationwide vote on the single mandate seats. Considering that the constitution had already been adopted and the system of representation was already in place, the team was surprised by the interest in a mixed system. While it is unlikely that any changes will be made in the constitution in the immediate future, the team was left with the impression that reconsideration of other options may ultimately resurface at some later date.

H. Status of the Existing 350-Member Parliament

There is considerable controversy as to whether the 350 existing members of parliament should remain in office. First, there is general agreement that the current members were elected prior to the introduction of a multi-party system, and that the vast majority were members of the Communist Party whose activities were ultimately banned. Secondly, it is argued that they maintain their seats in spite of the new constitutional stipulation calling for only 105 seats in parliament because they enacted special transitional provisions which preserved their current five-year terms. There seemed to be mixed views whether their action was ethical.

Some interlocutors expressed the view that new parliamentary elections should be called before the expiration of their current terms in 1995, while others believe that the current need for stability is paramount and that it would be impractical to interrupt the momentum that is underway. Some even suggested that the present parliament devise rules for paring down its own membership to the constitutional level of 105 members. Except through a referendum which would initially require petitions signed by 300,000 voters to put the issue on a ballot, there does not appear to be another mechanism by which the parliament could be dissolved. Therefore there is little likelihood that parliamentary elections will be held prior to those expected to be scheduled for 1995 unless the current members of parliament overturn their prior legislative act and enact new transitional provisions.

VI. Laws Related to Elections

Although elections are tentatively scheduled for 1995 and 1996, the Supreme Soviet has already formed committees to study and draft laws for the elections of deputies and other elected bodies. An interesting and lively discussion is taking place among the political parties, members of the Supreme Soviet and other players in the political process. The electoral law drafting committee is required to submit its draft, which will be based on the majoritarian system outlined in the new constitution, in the fall 1993 session of the Supreme Soviet.

Even though the elections to the parliament and the presidency are tentatively scheduled for 1995 and 1996. However, many observers of Kyrgyzstani politics think that new elections could be called as early as Spring of 1994. This observation is based on the fact that there is a strong pressure from some political parties for new elections by dissolving the current Supreme Soviet. The party leaders have argued that the current Supreme Soviet is nothing but a relic from the communist past. Moreover, some members of the Supreme Soviet themselves are in favor of new elections in order to make the parliament more "professional."

A draft of a new electoral law had not been prepared at the time of the team's visit to Kyrgyzstan. The team learned from discussions with members of election commission and parliament that the major portion of the existing body of law guiding the structures and functions of the government still relies heavily on the old Soviet law. It is important to note that throughout its meetings with deputies of Supreme Soviet, Chairman and members of the Central Election Commission, the local administrators, leaders of political parties and civic organization, the team found enthusiasm for the introduction of a new political system based on democratic principles. Several political party leaders raised a question on more than one occasion as to whether the existing Supreme Soviet should continue until 1995. Other issues raised in this regard are as follows:

1. The members of the existing Supreme Soviet were elected under the old communist system prior to the declaration of independence of Kyrgyzstan. The members are widely perceived as former communist party members who have changed their political affiliations after a ban was imposed on the communist party. Moreover, the membership of the Supreme Soviet was described as unprofessional. Under the old communist system of representation the Supreme Soviet consisted of Communist Party-approved representatives from officially-sanctioned professional groups including associations of bee-keepers and shepherds.

2. Several persons expressed concern that political parties are very weak and lack support among the masses of the people. Moreover, some parties have

splintered only a few months after their formation leading to confusion among the people. In this situation political observers and some members of the government expressed concern that elections solely on a party basis will not reflect the interests of the entire Kyrgyz nation. Some political party leaders themselves appeared to support this notion.

3. The team heard on more than one occasion the idea that proportional representation be included in the electoral laws. The team members found consensus among the members of the electoral commission, the members of the Supreme Soviet, and the leaders of the political parties and civic organizations that the electoral law must be drafted in such a way as to provide for the ideal representation of all interests of the country. The system of proportional representation based on a party-list system was frequently cited as a possibility. This on-going discussion is surprising in light of the fact that a majoritarian system has been chosen in the newly adopted constitution.

The legal foundation for elections and administrative preparations is based on a combination of laws which focus on various aspects of the election process. It was pointed out to the team that while there is a legislative foundation for elections, it rests on a Soviet base. Some of the existing laws have been cursorily modified to accommodate changes demanded by Kyrgyzstan's independence and transition to a multi-party system. Others have yet to be revised and were subject to redrafting at the time of the team's visits. In addition to the constitution, several laws will work together to underpin the election process: the Presidential Election Law, the Law on Elections of the Peoples' Deputies and the Law on Associations. The team observed that even those that have been amended recently do not entirely conform to the tenets of the constitution. The Law on the Election of Deputies is specifically assigned for complete overhaul by the CEC with a target time line for introduction to the Jogorku Kenesh by the fall session this year. Since the laws have not yet been finalized, the comments offered in this report are intended only to give a general overview, and bring to light some of the issues that deserve consideration as amendments and new laws are formulated.

A. Law on Elections of the People's Deputies

The Chairman of the CEC has been charged with drafting the proposal which will be submitted for parliamentary review and adoption. With the newly adopted constitution firmly in place, it is likely that the proposed changes to the old Soviet law will be relatively straight forward. The law now provides a workable foundation which delineates the basic structure for the conduct of elections, sets in place a network of electoral commissions responsible for their administration, generally describes the process for delimitation and registration of voters, sets guidelines for the designation of polling sites and procedures at the polls, counting and recording of vote totals, and the manner in which candidates are nominated.

Thus, a document already exists outlining how to perform the fundamental exercises required in an election. Much of the existing law could reasonably remain intact and not contradict the tenets of the new constitution. However, depending on the commitment, visionary talents and predispositions of those charged with amending it, there may be opportunities to explore new options which would enhance its democratic character and responsiveness to the unique concerns of the new country.

The existing Soviet law generally meets commonly accepted international standards for democratic elections. A number of provisions speak directly to the democratic nature of the law and there is little to suggest that the substance of most of these elements will not be carried forward in the amended law that emerges.

In view of constitutional guarantees, the existing law being used as the basis for amendment will most likely retain the universal right of all citizens over the age of 18 to vote. The law currently guarantees voting rights regardless of a person's birth, social or property status, ethnic or racial background, sex, education, language, religious orientation, or profession. Military personnel with Kyrgyzstani citizenship are also provided equal suffrage.

Provisions guarantee the "one voter, one vote" principle. The existing law stipulates that voters vote in secret and that their free will in voting is not to be controlled or abridged. The law provides for someone incapable of filling out his ballot to receive assistance by any person he chooses except a member of the election commission, and allows for absentee voting for those who are unable to go to the polls because of illness or age.

The current version of the law directly stipulates that preparation and conduct of the election is to be an open and public process. The law provides a solid foundation for candidate representatives and civic observers to be present during virtually all aspects of the process including the counting of ballots and reporting of results, registration of candidates, and at meetings of the election commissions. The same privileges are guaranteed to the mass media.

The law requires that election ballots and public notices be prepared in Kyrgyz, Russian and the commonly spoken language in the jurisdiction where the election is taking place.

The technical procedures of the election process are adequate and probably need few significant changes. Both the process for registration of voters and the procedures for actual facilitation of voting and ballot counting on election day are basically satisfactory. The infrastructure is already in place, as is the process of documentation and accountability. The fundamental procedural guidelines, if followed diligently, provide an adequate basis for the conduct of an accurate and accountable election.

B. Law on Associations

The Law on Associations encompasses the status of political parties and their registration with the Ministry of Justice. There is little distinction between political parties and public associations under the laws, the rules being essentially the same. There will continue to be a provision for candidates to be nominated from work collectives, public organizations, educational collectives, electors' and military assemblies and state public organizations in addition to political parties. There are also provisions for the nomination of independent candidates by petition.

Recommendation:

> The team would encourage a broadening of the law to separate political parties from other public organizations with special provisions in view of their distinctive status under the constitution. For example, given political parties' explicitly defined political purpose, consideration should be given to establishing procedures for the nomination of candidates from political parties different from the procedures established for associations, work collectives and other groups whose primary and chartered objectives may have little relevance to politics. Fair treatment should be given to political parties in the nomination process as well as in other important aspects of the electoral process. Greater inclusion of political parties could serve to encourage the development of a more dynamic multi-party democracy.

VII. Election Commissions

Although the Law on Elections of Deputies has yet to be finalized, there is little to suggest that the traditional three-tiered Soviet administrative structure for the conduct of elections will not be retained. Responsibility for organization and supervision of referenda, presidential and parliamentary elections, and registration of voters has been vested in a hierarchy of appointed electoral commissions whose efforts are supported by an administrative staff at the national level, and by local government officials and councils at the constituency levels.

Appointments of members to the various level commissions and their administrative organization also generally follow the old Soviet pattern. For example, with the introduction of a multi-party system, the team noted that there had been no movement to provide for the representation of parties on the various commissions. In addition, at the time of the team's visit there had been little interest expressed in pursuing an amendment to the law which would require election commissions to include representation from political parties.

At the top of the hierarchy is the Central Election Commission (CEC) organized to oversee overall compliance with the electoral law, provide technical and procedural guidance, and

supervise the activities of lower commissions carrying out the administrative responsibilities in each of the electoral districts. At the next subordinate level are District Election Commissions (DEC's) appointed to serve in each election district. The DEC's are responsible for the registration of candidates nominated by authorized groups within their respective electoral districts and the acquisition of approved ballots and commodities for use at the polling sites within their territory. In cooperation with local government councils, the DEC's also appoint, train, and supervise the activities of Polling Site Commissions. It is the polling commissions who compile the voter lists, set up polling sites, process voters at the polls and complete the ballot count on election day. The basic organization of the three-tiered electoral commissions follows established Soviet-style structures.

A. The Central Election Commission (CEC)

The members of the CEC are approved by parliament based on recommendations of regional and Bishkek city Councils of Peoples' Deputies. The recommendations submitted to parliament by the local councils, according to the existing law currently being revised, are to take into account proposals from worker collectives, public organizations, district residential congresses. Political parties, notably, are not referenced with regard to representation on this important body.

Members of the CEC include a Chairman, Deputy Chairman, Secretary and 12 additional members according to the existing law. At the time of the team's visit, however, the team was advised that the CEC had 4 paid members and 17 voluntary members. The CEC was supported by an administrative staff of 3 people. It appeared that only the Chairman and perhaps one or two other members were considered full-time members, while the others were only called into service for the purpose of decisional meetings and for a specific working period before and immediately after an election. At the time of the team's visit, for example, the Chairman was assigned by parliament to draft the new Law on the Election of Deputies. It was the team's understanding that he was being assisted by only a couple of other individuals assigned to the task by parliament. It was not clear whether the other appointed members of the CEC would be called upon to vote on the draft after the preliminary formal work was completed and before submission to parliament.

According to the working draft of the election law provided to the team, CEC members are appointed for terms of six years, one year longer than the terms of the parliamentary body responsible for their appointment. During their six-year terms, the CEC members conduct repeat or run-off elections that may be required due to the strict 50% turnout and absolute majority standards required by law, and by-elections to fill parliamentary seats vacated by incumbents who are recalled, die or resign.

Interestingly, the current working law provides that the CEC is to be organized not later than four months before an election. In view of the six-year terms, barring unusual

circumstances, virtually every major regularly scheduled parliamentary election will be conducted by a new Central Election Commission. It would appear that only every sixth appointed CEC body would potentially conduct more than one regular nationwide parliamentary election. For example, current the CEC was appointed in 1989. Presumably its six-year term would expire in 1995, and most likely at the point when the parliament must establish the CEC as mandated under the current law not later than four months in advance of the elections. If the current system is maintained, there will be little opportunity for continuity and institutional memory upon which future Commissions can continue to build. Of course, it should be noted that nothing in the existing law precludes CEC members from being reappointed to consecutive terms.

B. Duties of the CEC

Generally speaking, the CEC serves as the central policy-making arm for the electoral administrative structure. Its primary duties include:

1. preliminary planning and preparation for conduct of nation-wide presidential, parliamentary and referendum elections, run-off and by-elections of deputies, and recall elections;

2. supervisory control over the execution and uniform application of the electoral laws and direction of the activities of lower election committees;

3. formation of the electoral districts;

4. preparation, administration, distribution and accounting for the nation-wide election budget;

5. design and approval of all forms and commodities used in the election process including ballots, protocols, ballot boxes, voter lists, registration and subscriber documents, seals of election committees, etc.;

6. nation-wide summarization, validation and reporting of election results, and confirmation of elected deputies' authority to take office;

7. review and maintenance of records regarding the candidate nominations submitted by the DEC's and determining the constituencies in which candidates will appear on the ballot; and,

8. final authority to arbitrate disputes or complaints about election violations including overturning or suspending decisions or actions of subordinate election committees.

A few points are worth mentioning regarding some of these functions. With regard to budgetary considerations and the distribution of election funds, the team learned that the CEC is responsible for identifying all election expenses and formulating them into a comprehensive budget document. The CEC is directly charged with developing the nationwide election budget which is submitted to parliament for approval. Once approved, funds are directly allocated to the CEC in a separate account for their subsequent administration, accounting and allocation to staff and lower commissions to pay for personnel, supplies, commodities, security and transport, and other costs involved in carrying out the election.

Most of the members of various committees, especially at the local levels, are not paid for their services. From incomplete data, it appears that at the regional level accommodations are made to allow commission members to receive the equivalent of their normal pay from their regular employment while they are on authorized leave to conduct the election. At the polling site level, only the chairperson is paid.

The acquisition process, with regard to ballots, forms, and commodities used for the election, is completely decentralized. The role of the CEC is to provide procedural guidelines and samples of the forms which they have designed, but actual printing and distribution is the responsibility of the DECs. For example, samples of the form of ballot style and content are provided to each constituency commission by the CEC. The DECs in the electoral districts must arrange for printing and local distribution of ballots and all forms needed for the election within the district. The CEC plays no role in the acquisition or centralized distribution of materials. It was not clear to the team whether there is even a uniform master list of elections. The team learned that the purchase and acquisition of most election day supplies is decentralized further, each polling committee being responsible for determining its own needs and making its own arrangements for purchasing it believes it will require. This highly decentralized system could lead to uneven conduct of elections, which often results in charges of electoral fraud on the local level.

The CEC is responsible for providing legal and technical guidance to all levels of election committees. For example, the team was told that the CEC establishes the administrative calendar for the lower commissions which delineates legal and functional deadlines. Procedural and regulatory documents of relevant decisions of the CEC are also prepared by the CEC and distributed to election officials at the lower levels. The commission also provides legal advice regarding the interpretation and technicalities of the law, relying on legal counsel from the Ministry of Justice or from legal staff of parliament when necessary.

If the tenets of the former law on the election of deputies to the Supreme Soviet are retained, the CEC will continue to play a critical role in determining the actual constituency where a candidate will appear on the ballot. At the moment, there is no requirement for a candidate

to be a resident in a particular constituency to be eligible to run for office in that district. In the case of political parties there does not appear to be a specific requirement to stipulate the districts where their candidates will run. Under the existing but outdated law it appears that candidates are to submit an application "to stand for elections in this constituency," along with the protocol of the meeting at which they are nominated. However, the team was told by the Chairman of the CEC that in a specific by-election, he advised a party what constituency he would place the party's candidate on the ballot, even though the candidate had no relationship with that constituency. On several occasions, the team was told that candidates from other areas of the country, who were entirely unknown to constituency appeared on local ballots.

The disparity between those candidacy nominations that seem to be constituency-specific and those in which the CEC may have some discretion may stem from rules related to the nominations by public associations, the category into which political parties, somewhat clumsily, fall under the law. In the case of public associations or political parties, if the law is retained in its current state, the nominations are drawn from the local branch of the organization not lower than the regional level. If the public association or party does not have territorial or regional divisions, their protocols are submitted directly to the CEC rather than to lower-level commissions for candidate registration.

If the team's understanding of this issue is accurate, given the national rather than district-wide range of influence to which parties would be most likely to aspire, the discretion of the CEC in determining which constituency a party candidate will appear on the ballot does raise questions about a potential for abuse. Even if no real abuse were ever to take place, exercise of discretionary decisions on the part of the CEC regarding ballot access could still provide fertile ground for allegations of impropriety as parties grow stronger and candidate competition intensifies around the time of new elections.

C. The CEC and Local Elections

Except as advisors regarding technicalities and legal interpretations of law, the CEC appears to have virtually no authority or involvement in elections to local councils. According to information offered by election officials, the team understands that parliamentary and local elections are often held on the same day. The team can only assume that another level of authority is established to oversee local elections, most likely at the oblast level. However, it appears that vertical lines of authority governing the administration of the two separate elections are virtually unrelated to one another. If both national and local elections are held on the same day, it is likely that administration of the elections will converge at the level of the Polling Site Commissions with a single polling place committee handling voter lists, ballots, and ballot counting for both the national and local elections on election day.

D. District and Polling Site Commissions

The terms of District Election Commissions are set up for each election beginning 90 days before an election and ending when the authority of the newly elected deputies to take office is certified. The size of these commissions will most likely remain between 9 and 11 members when the new law is finalized. Under the old law, the appointment of their members was the responsibility of the local Councils of People's Deputies based on nominations by labor collectives, public associations, educational institutions, electors' assemblies and other authorized groups. They are directly supervised by the CEC.

Similar provisions cover Polling Site Commissions of 3 to 15 members who are also appointed by the regional, urban and provincial Councils of People's Deputies and serve at the polling-site level. There are approximately 1,800 Polling Commissions who must be appointed no later than 45 days before the election. In considering their appointments the Councils must also take into account the nominations from recognized groups such as collectives, institutions, electors' assemblies and independent population units. Once they are appointed, the Polling Commissions are supervised by District Election Commissions in charge of the election district where the Polling Commission is located.

One of the major functions of the Polling Commissions is to conduct the voter registration exercise in their precinct area. Relying heavily on local government offices who provide them with statistical data, they compile the voter lists for their polling places through a door-to-door canvass. In addition, the Polling Commission is responsible for setting up the polling site, and acquiring supplies and commodities to conduct polling on election day. The Polling Commission is responsible for acquiring supplies with funds allocated to them. As polling-site workers on election day, they are responsible for the processing of voters, accounting for all used, unused, damaged and voted ballots, counting of ballots at the close of the polls and transporting counted ballots and materials to the DEC where results are summarized at the district level prior to their eventual incorporation into the nationwide totals.

With regard to the manner in which the Chairman, Deputy Chairman and Secretary of the various election commissions are selected, the established structure of law provides that they be selected by a vote of the membership of the appropriate commission itself. As with all commission decisions, the preliminary draft of the law continues to stipulate that decisions take effect if, in an open vote, as least two-thirds of the membership of the commission is present and the issue is carried by a majority of votes.

E. Relationship Between Election Commissions and Local Officials

Except for the CEC itself which answers only to parliament, there is a close administrative tie between the lower commissions, local councils, and the executive offices of local

government. District and Polling Commission are not only dependent on these bureaucratic entities for their appointment but also for all their administrative support including acquisition of their working headquarters, printing and material support, provision of security and transport, and distribution of their allotted funds. These local officials also play a significant role in the campaign process itself. The DECs in cooperation with the local councils, for example, are required to assist candidates by providing office space, equipment and commodities, in arranging their public meetings and rallies, and in providing access to public media.

Local councils and local government officials play an integral part in the election process even though the legal structure establishes and places special election commissions at the forefront. Although tenets of the existing law currently under revision do not identify them as such in the legal sense, local councils and administrators are extensions of the election administrative structure. Therefore, under the law they should be recognized as election officials during the time of the elections, and be bound by the same rules that apply to the commissions themselves.

It is in this area that the team observed some significant issues that are worthy of consideration by the Central Election Commission and lawmakers as they prepare the new election law. Some will be particularly important in recognition of the demands placed on the system by the existence of multiple parties.

The team had been forewarned by the Chairman of the CEC that as it met with political parties, former candidates, and public associations that there would be conflicting reports as to violations alleged to have taken place in past elections by losing candidates. The team was prepared to take into consideration that any such allegations might be brought up by disgruntled candidates who failed to win the election. However, credible accounts were related to the team that local officials have allegedly misused the power of their office to interfere with the election process in previous elections. Akims, or mayors, were singled out in particular. Charges were made that some officials openly campaigned for or against candidates and used government funds to exert pressure on voters to vote a specific way. Some even alleged that violence and physical force were applied and that threats were made by persons in power to encourage candidates to withdraw from the race. The team also heard about unethical campaign practices used to lay false blame on candidates for acts of violence instigated by government officials through hired thugs. Many assertions were made that officials offered promises of housing, jobs, vehicles and other valuable commodities to try to sway voters to support a particular candidate, most commonly against someone from a democratic movement or an opposition candidate. Other allegations focused on pressure applied to the leaders of work collectives to use work incentives or fear of repercussions to force their workers to go to the polls and to vote a certain way.

Former candidates with whom the team spoke expressed their convictions that during their

campaigns they and their families were subject to intimidation covertly authorized by powerful officials who were either directly responsible or otherwise turned a blind eye to the situation. Others expressed the view that when they raised charges their claims fell on deaf ears or that the election commissions failed to take them seriously or to respond appropriately.

The team was in no position to verify the validity of these claims. However, because of the consistency of the reports from so many sources, they cannot be ignored. It is also important to note that even if the events as portrayed did not actually take place, a significant problem still exists if government actions can be so readily perceived as being unethical or blatantly illegal. Negative perceptions, even if unfounded, can be damaging to the public's trust in the fairness of the election.

Unfortunately, the team was left with the impression that local officials may not understand how their roles require a new mind-set in view of the transition to multi-party democracy. The attitudes expressed first hand by some local officials directly as well as one conversation which included top governmental, national election and local officials there seemed to be a lack of appreciation of the importance of actual and perceived neutrality on the part of officials charged with any role in the conduct of an election. Indeed, when the team brought up some of the allegations there was a general disavowal that any violations had taken place. As to whether local officials should be allowed to campaign openly for or against a candidate, there seemed to be a general acceptance that such activities were appropriate. At one point it was suggested by one of the officials that it was impossible to expect "white gloves" during a campaign. The team acknowledged that in the heat of the campaign, candidates and their supporters may not always wear "white gloves." The team also asked, however, if it was not appropriate to at least expect government officials charged with responsibilities in the administrative conduct of the election to have "white gloves." The response was "No."

One of the officials present compared his campaigning for a candidate to circumstances in the United States where an elected official sometimes openly endorses a candidate for governor or Congress and campaigns openly for his election. The distinction between the two contexts was clearly not evident to the group of people present. The significant difference, of course, is that the elected official who endorses a party candidate in the U. S. is not the same official who is responsible for the appointment of election commissions members, printing of ballots, distributing campaign funds, and assisting to ensure that all candidates have equal access to office space, the media and public meetings.

Recommendation:

> Local officials' role as de facto "election officials" should include a requirement to ensure that the playing field is level for all candidates, parties and voters alike. In

virtually all established democracies, election officials are required by law to be neutral and are precluded from campaign activity altogether, even in those contexts where laws require cross-representation of political parties on the election commissions themselves. It is not reasonable to assume that the parties, candidates and voters can have faith in the fairness of the election when the very officials responsible for its administration are at liberty to try to influence its outcome and are free to use the power and resources of their post to do so.

In the old context of the Soviet structure, strong Communist Party rule and the close inter-relation of party and government institutions, such activities had less impact. Elections, after all, were never political contests, above all because there was often only one candidate who was virtually assured of winning. Voting was not a form of voluntary participation through which interests and preferences were expressed but a ritual obligation.

Today, in the new multi-party environment, if elections are to be credible, then it becomes critical for all players entrusted with responsibilities of administering the fundamental process to be seen as neutral in the fulfillment of their duties. In developing the new election law, and in considering the role of local officials in the election process, consideration should be given to these issues. A concerted effort should be made to ensure that these expectations are not only the legal standards written on a piece of paper, but are also enforced with full commitment by those responsible for implementation.

F. Adjudication of Grievances

Of key importance in any democratic election system is the process whereby grievances and allegations about election violations may be adjudicated fairly and uniformly. This is another area where improvements could be made in the current system.

Under the current scheme, grievances or alleged election violations are to be resolved within the framework and jurisdiction of the election commissions themselves. Violations are brought to the attention of the individual election commission responsible for the specific element of the election process involved. Each higher level of election commission authority may subsequently be called upon to review actions taken by a lower commission and uphold, overturn or suspend their actions. The decisions of a Polling Commissions may be appealed to the DEC if the plaintiff bringing the charge is not satisfied by the remedy implemented by the lower level. Plaintiffs may go still higher by appealing to the CEC. Under the law, the CEC's ruling is considered final, although the law provides the opportunity to appeal CEC decisions to the court. However, the team was advised that there has not been a single instance where such an appeal step has been taken.

One of the main issues of concern is the lack of sufficient guidelines to ensure that election committees deliberating alleged violations treat them consistently and uniformly throughout the country. On the contrary, the Chairman seems to be given a considerable leeway in coming to certain decisions independently. Because most members of the CEC are part-time voluntary members who meet only periodically, the team had the impression that many of the Chairman's decisions are made autonomously. In addition, the law does not appear to give adequate guidelines as to how remedies are to be applied, and the individual commissions are given a fairly wide latitude to determine what form of relief they decide is appropriate.

The team was especially concerned by the fact that it appears that election commissions have the option to invalidate an election altogether if even minor violations have occurred. These options should be curtailed. Of utmost importance is ensuring that the absolute neutrality of CEC and its subordinate committees is sustained and protected. It is critical that they not be embroiled in the exercise of decisions which disenfranchise legitimate voters and candidates, and which could potentially alter the outcome of an election altogether.

In most democracies, no election can be invalidated without a formal and binding decision by an independent court. Even under the strictest judicial review, courts are reluctant to overturn or invalidate an election if any other relief or remedy is possible. One of the key questions always considered is whether or not the alleged or proven violations were sufficient to alter the outcome of the election. Most commonly it is unlikely that a court would rule that the election is invalid, even if penalties were imposed on the person or persons committing a violation which did not affect the outcome of the election. Courts generally recognize that elections exist at a single moment in time and that they cannot be duplicated. Thus, if a new election is called, the playing field is unalterably changed.

Unfortunately, while the law paves the way for CEC decisions to be appealed in court, officials in Kyrgyzstan candidly acknowledged that no such step has ever been taken. This was of particular interest to the team in view of the allegations of election improprieties brought to its attention and the apparent dissatisfaction expressed with the manner in which allegations have been handled in the past.

Recommendation:

> It would be most helpful if detailed guidelines could be established that distinguish between solutions to technical errors on the one hand and treatment of intentional criminal violations on the other. It would also be helpful if remedies were developed in lieu of invalidating an election for those cases in which, despite acknowledged violations, the intent and outcome of the voters can be determined. Attention should be focussed on appropriate means of separating the interests of resolving election irregularities with a suitable administrative remedy from the issue of prosecuting individuals engaging in illegal election activities.

G. The Plan for Delimitation of Constituencies

A common theme was evident in virtually every meeting and conversation during the team's visit. The degree to which equitable consideration is given to the extraordinary diversities among ethnic groups, nationalities, language minorities and tribal interests will be a measuring stick by which the election process will be perceived as free and fair. Conversely, concern was expressed in a number of quarters that the election system of representation, election laws, and the structure of local government should be redefined in a way that dilutes the powerful influence of local akims and tribal leaders in the nomination and election of candidates. These considerations will certainly be paramount in determining the manner by which the country will be divided into its 105 electoral districts to ensure that no groups or specific local leaders are given undue advantage or influence. Of equal importance will be a plan of representation and delimitation which dilutes rather than promotes the threat posed by increasing ethnic tensions which could potentially stall any progress toward renewed national stability.

The compelling stimulus calling for a new scheme of apportionment stems from the provision in the new constitution adopted which decreases the size of the parliament from 350 seats to 105. The number of voters projected for each district is estimated to be about 22,000 to 28,000, a significant increase from the approximately 8,500 under the former 350 district plan. According to officials consulted by the team, the reduction in the number of seats and the corresponding reduction in the number of election districts serves two purposes. First, the smaller parliamentary body will result in a significant reduction in the costs of operation. This factor will be important in view of the second consideration. It is intended that the new parliament will be a "professional" working body operating on a full-time basis. The view was expressed that in the past deputies were not "working" members but were convened in regular session only for the purpose of voting on legislative proposals prepared by others. Under the new scenario, deputies would have full-time parliamentary responsibilities and would be precluded from holding other posts, or engaging in other employment or entrepreneurial activities.

The reduction in the number of election districts to 105 and the concept of a "professional" parliament appeared to have broad support. There also seemed to be a feeling among leaders of several political parties that this could block some of the powerful leverage exerted by appointed local officials and tribal leaders over voters and candidates. The view was expressed that the larger districts would extend each constituency beyond the reach of the akim's existing domain of customary influence. However, some groups with whom the team spoke expressed some concern that the reduction in the number of districts could potentially dilute the representation of certain minorities as the population and geographic size of the constituencies is increased.

H. Process of Delimitation

The team was unable to ascertain answers to a number of questions about how, when or by whom the delimitation of districts is to be implemented. The constitution itself is mute on issues of implementation, and revision of the Law on the Election of Deputies has only just begun.

Still in its earliest stages of development, the draft election law relies heavily on the former Soviet law, although a few changes had already been contemplated. Because work on the revised version of the law had only just begun, there can be no assumptions made as to the ultimate outcome of issues being deliberated with regard to delimitation and the defining of electoral districts. The formal draft to be presented to the Jogorku Kenesh in the fall may ultimately bare little resemblance to the preliminary draft made available to the team in early June. For the purposes of illustrating the draft's state of oscillation, prior to the final adoption of the constitution a number of proposals had been generated with regard to the size of parliament. At one point a proposal had been considered to set the number of seats at 90 rather than the 105 seats ultimately ratified. However, the working draft of the parliamentary election law provided to the team still reflected only 90 seats.

With regard to the process of delimitation, the draft places responsibility for the practical exercise in the hands of the Central Election Commission. According to the draft plan, apportionment defined by the CEC is to be based on parameters set by parliament who will determine the "ideal" representational size of the constituencies prior to each election. In addition, Article 14 of the working draft suggests that the election districts are to be based on population, taking into consideration the administrative units into which the country is divided.

The present intention is that nationwide apportionment would be election-specific requiring attention every five years. In each case the statistical standard would be set by the outgoing parliamentary body.

The team noted, however, that Article 15 of the draft provides that parliament would determine the target size of each constituency on the basis of a number of "voters" rather than "population" cited in the prior article. It was not clear how the references to a "population" standard in one article and to a "voter" standard in a subsequent article would eventually be reconciled. Nor was it clear as to what statistical data would be used by parliament in determining the mean standard to be applied by the CEC in forming the election districts.

Regardless of how the conflict between the two standards is resolved, it is noteworthy that the working draft provides an allowance for a deviation of 10% in attempting to establish constituencies of relatively equal size. This great a deviation accommodation would seem

excessive in most established democracies. Given the fact that the majority of the country's population is dispersed throughout the rural areas, however, it may be a reasonable percentage and poses no problem as long as it is applied in a fair manner.

There appeared to be a general consensus that the boundaries of existing administrative units will be maintained in the law as the basis for defining the constituencies' geographic boundaries. It was not clear to the team whether the term "administrative units" would relate to oblast boundaries or their regional subdivisions at the raion level. At the time of the team's visit, moreover, it appeared that the officials involved in the drafting had not yet decided how population disparity between oblasts or raions would be balanced if adherence to the unit geographic boundaries made relatively equal representation impossible.

Except for the general provisions described above, the working draft offers no other requirements. There is no provision for a formal review, approval or appeal process specifically related to delimitation that one might expect. The draft law does not even specify that parliament must approve the delimitation plan. It might be argued that parliament has some oversight in view of Article 25 of the working draft entitled "The Organization of the Work of the Electoral Commissions." That article stipulates that decisions of the CEC and subordinate electoral commissions are formalized through a majority vote of the appropriate commission, with at least two-thirds of its members present. The decisions are noted on a protocol which is then submitted to the appropriate higher ranking commission.

In the case of CEC decisions, a protocol of the decision must be sent to the parliamentary mandate commission. Presumably, the delimitation plan devised by the CEC would be considered a formal decision requiring such a protocol. However, while parliamentary oversight may be implied by this provision, the law itself does not stipulate that parliament would play any additional formal role in approving the plan. Rather, the same article stipulates that decisions of the commission are "obligatory for all state and public organizations, institutions and organizations." Although there is no specific reference to decisions regarding delimitation, there is a general suggestion in the article that any decisions of the CEC may be challenged in court. However, the manner by which a suit involving the delimitation plan might be brought, in what court, by whom or in what time frame is not covered in the working draft as it stands.

As a practical matter it appears that the CEC intends to rely heavily on the administrative units at the raion level of local government to gather and provide the actual data on which the delimitation plan will ultimately be developed. As the primary administrators of government at the local level, these officials appear to have the best access to the most current statistical and demographic information related to the citizens in their areas. These officials are generally charged with the responsibility to appoint the members of District Election Commissions and Polling Site Election Commissions who facilitate the voter

registration process prior to each election. They also maintain detailed civil records such as those related to housing and the issuance of identification documents for the citizens in their jurisdictions. Based on these sources of information, the statistical data should be sufficient in providing a basis for a reasonable delimitation plan. As a result of discussions with the Chairman of the CEC, the team was given to understand that each raion would be submitting to the CEC its own proposal as to how the electoral districts within its borders should be divided. The CEC would then review the proposals and make modifications as necessary.

This functional strategy for developing the delimitation plan has some practical value. However, suggestions were raised by several groups with whom the team met that it might be equally valid to impose some kind of oversight by an independent authority to review the plan prior to its formal adoption. On more than one occasion a concern was expressed to the team that some local officials have a history of exerting undue influence on the nomination and election of candidates in their areas. For example, in those regions where local officials are perceived to have strong ties to ethnic or tribal interests, some suggested that the division of electoral districts could be affected by such partisan interests.

Recommendation:

> While the concept of "gerrymandering" does not seem to be widely contemplated as a strategy to affect party politics at this point in the country's democratic development, it was clear to the team that the potential manipulation of district boundaries relates directly to ethnic and tribal divisions or personal power struggles among local officials, and is an important area of concern.
>
> In this regard, there seemed to be some interest in ensuring that the election law specifically provided for a level of oversight and approval of the CEC's plan before its formal adoption. Representatives of some groups favored debate and ratification in parliament. Others favored the appointment of a temporary independent commission charged with responsibility for the apportionment plan consisting of members representing a cross-section of government and non-government institutions, political parties and private interests. These options should be considered as proposals are being prepared for submission to parliament in the fall.

I. Ballot Security

Central Election Commission involvement is limited to provision of sample ballots and forms and final approval of the finished ballot. Responsibility for the design of the ballot papers used in the elections also rests with the Central Election Commission. Printed samples are prepared which are then provided to district election commissions who arrange for the ballots to be printed and distributed within the boundaries of the constituency for which they are responsible.

Ballots are printed in sufficient quantity to accommodate every registered voter with a percentage overage built in to make up for printing irregularities, damage or other circumstances. The potential for misuse of extra ballots is certainly an issue that should be reconsidered. This circumstance alone requires that strict ballot accountability procedures be enforced. The audit trail of ballot papers should start at the printing level and continue through the polling and the verification at the count.

While the ballots contain all the necessary ingredients for the orderly casting of votes, the team notes that they do not incorporate some of the standard security features that might commonly be expected. With the introduction of a multi-party system and increased competition among candidates, there will be greater demands on election officials' accountability. As the new system evolves, officials will be under greater scrutiny, and the integrity of the election process will be measured in terms of the documentation maintained to verify the accuracy and accountability of election results. Some of these security measures recommended below would result in greater cost, but the benefits should by far outweigh the fiscal outlays.

Recommendations:

1. The paper used in ballot printing is of average quality which could easily be duplicated. To inhibit the potential for fraudulent reproductions, the CEC may consider using paper which includes an exclusive watermark. As an alternative, a faint special ink screen could be applied as background for the text at the same time printing is accomplished. Some techniques would allow the security screen and the ballot text to be applied with one pass through by the printing house so that the cost would not be significantly increased.

2. The ballots are not padded or bound but are currently printed and trimmed so that the ballot papers are loose. Stacks of loose papers are counted manually and packaged for distribution to the various polling sites. Election officials should consider arranging for the ballots to be bound or padded in uniform quantities to provide greater ease in packaging for distribution purposes. Standard packages would also provide officials with better control over the ballots under their supervision.

3. The team would strongly suggest that each ballot in each pad or book be attached to sequentially numbered stubs or counterfoils from which an unnumbered ballot could be separated at a perforation. The sequential numbering would allow the regional election commission to maintain a centralized accountability record which documents not only the number of ballots provided to each voting station, but also the numeric range assigned to

each site. As an additional measure the list of ranges assigned to each site can remain secure until the ballots are actually distributed. The protocols used in accounting for the ballots used throughout the polling day could provide space to identify the sequence of numbers used, individual numbers of ballots which were damaged or otherwise unusable, and the sequence of numbers of the ballot counterfoils left on the pads unused. The numbered stubs of issued ballots would remain part of the formal documentation of activity at each of the polling stations in support of the overall results.

In some countries both the ballot and the counterfoil are numbered. A concern expressed by opponents of having the duplicated number appear on the ballot as well as the counterfoil is that an observer or official could potentially keep track of exactly which voter received a particular ballot number. During the counting process the official could determine how the voter voted. Because of these concerns, the team would recommend that the counterfoil or stub alone be numbered.

VIII. Civic Education

It is obvious that civic education is extremely important in a country like Kyrgyzstan which is undergoing a transition from a one-party political system to a multi-party system. The political system of Kyrgyzstan today is in a state of flux and uncertainty. The provision of the new constitution for division of power between the president and the parliament has the potential to create considerable confusion and lead to constitutional crises. The state and media both have a role to play in the dissemination of public information concerning the evolution and consolidation of a democratic system in Kyrgyzstan.

The IFES team found a high degree of skepticism on the part of government officials and some deputies of the Jogorku Kenesh regarding the ability of political parties to lead and represent the population. The skepticism is based largely upon the recent origin and inexperience of the parties. There is, of course, a degree of distrust between the political parties and government officials. Some political party leaders and other political activists express doubt regarding the willingness and ability of the Central Electoral Commission to implement a free and fair election process. There are indications that the general populace is less than enthusiastic towards the democratic political process. The deteriorating economic condition is likely contributing to indifference and hopelessness among ordinary people.

Given this atmosphere of political distrust among the elite and indifference among the people, the designing and implementation of an effective voter education program should be a critical component of Kyrgyzstan's preparation for upcoming parliamentary elections. The country needs a civic education program that reaches the entire population of Kyrgyzstan, from the cities to the villages in the mountains, and also such specific groups as civil servants, the

military, leaders of ethnic and tribal groups, election officials and workers, women's organizations, the media and opposition groups.

Recommendation:

A great deal of change has taken place in Kyrgyzstan in a very short period of time. The country has become independent with a popularly elected president, free press, and a new constitution. The political party activities that would have been considered criminal in the old Soviet days have now become a part of the daily political life of Kyrgyzstan. In order to preserve and consolidate these gains, the public needs to be educated about the impact and meaning of these changes and the roles and responsibilities of the citizens in a democratic system.

Successful civic education initiatives could focus on concepts of democracy and multi-party politics. It may be wise to test the message and delivery program in a pilot project before the actual launching of the mass program. Since the Kyrgyz voters are familiar with the existing electoral process of de facto compulsory voting there may be less of a need to trumpet the call to get out to vote. However, attention should be paid to the possibility of Kyrgyzstani voters reacting against this legacy of past elections and staying away from the polls.

The need is for a more conceptually-based education program, delivered on a local level, intended to reassure the voters that their input makes a difference. Explanations of concepts such as freedom of choice, pluralism, privatization, democratic political parties, voter initiative, and relationships between voters and their elected representatives can make a substantial contribution to the process of democratization and institution building.

IX. Poll Worker Training

Appropriate poll worker training is one of the important aspects contributing to free and fair elections and deserves special consideration by election administrators. Training will help assure that the rules and regulations specified in the law are uniformly and consistently applied. Election officials must maintain the highest standard if they are to command the confidence of the people in the electoral process. If election workers are trained properly, accusation of improprieties can be kept to a minimum.

The IFES team was told that three days prior to election day, poll workers are trained how to handle and manage the elections. The various individuals consulted by the team interpreted training as general familiarization with electoral laws. No training manual or other materials which could be used to train poll workers were evident.

Recommendation:

A training program which would reach and assist all levels of election administration would be an important contribution to the conduct of a free and fair election and would contribute to developing institutional memory of the process.

X. Election Observation

Election observation, both domestic and international, has become an important element of elections in emerging democracies. Voters, election officials, domestic political observers and the media all have in some way contributed in the observation of the elections. But in recent years, as the world has become more and more interdependent, many countries have considered inviting international observers.

While the law does not address the issue of the domestic observers organized by non-partisan groups, the team was informed by the officials of the Central Election Commission that such observers may visit polling places throughout the day. These observers, however, are not allowed to visit the polling place other than the one where they are registered to vote. Such observers, moreover, have to file an application at the local election commission no later than two days before the polling. The team was told in meetings with several local level election officials that the decision to accept or deny domestic observers rests with the local election commission and can be based on available space. If this is the case, the team notes that those observer groups who have been denied access to the polling place do not have sufficient time to appeal. The team, therefore, recommends that sufficient time be given to apply so that an expeditious appeal process could be instituted.

The procedures for obtaining the status of an election observer should be clearly set out in a manner consistent with the election law and be widely distributed. As significant power to reject the presence of domestic observers is vested in the local commissions, a timely appeal process to a higher level commission is required to ensure equitable access of observers to the polls.

The emergence of political parties has opened another source of domestic observers. There is a concern that existing institutional entities could have entrenched access to the appointment of domestic observers. Political parties are at a distinct disadvantage in appointing observers because they must use an indirect route to secure access to the polls. Beyond this discriminatory legal hurdle is the fact that political parties in their early stage of development do not seem to have the organizational capability to appoint observers to all or the majority of polls. Further complicating matters, observers must not attend more than the one poll to which they are assigned. Entitling the representatives of registered political parties to observe at multiple polls would further respond to the problem of the immense organizational task.

Recognizing the existing law, the enormity of the task and the great value of domestic election observers, it would also be very beneficial for domestic non-governmental associations independent of political parties or other existing political institutions to be active in observing elections. Nations in transition to democracy have found the active involvement of non-partisan, non-governmental domestic observer groups to have been very beneficial.

The opportunity exists to strengthen and expand the role of domestic observers in the next parliamentary election, thereby providing greater assurance of proper conduct at the poll and greater credibility to the process. Domestic observation of the electoral process similarly need not be restricted to polling day. The flexibility of on-site domestic observers also makes observation, commentary on the election campaign, candidate nominations, party registrations, and voter registration much more practical. To facilitate the activities of domestic observers it is appropriate to ensure that documentation requirements are fair and straightforward and that the role is clearly defined.

In the event that a domestic observer wishes to register a complaint, the practice seems to be for the observer to address the chairman or deputy chairman of the local commission and seek a resolution of the apparent difficulty. Should the observer be dissatisfied with the response of the local commission, some observers have been trained to document the alleged voting irregularity in writing and if possible to collect the signatures of at least two witnesses. Others who had participated as observers were unaware what to do in the event they observed a possible improper action at the poll. The procedures for registering complaints at the poll are currently not included in the law, but in the future proper procedures should be detailed in the law or in procedures drafted by the Central Election Commission.

Recommendation:

> The presence of international as well as domestic observers at the next election is highly recommended. Observation of the electoral process constitutes a very positive contribution both to the likelihood and perception of free and fair elections in Kyrgyzstan. It is strongly recommended that free access to the polls be allowed and that the requirements for both domestic and international observation be developed and distributed as widely as possible.

XI. Summary of Recommendations

On Laws Related to Elections

> **The Absolute Majority Requirement**: It should be considered whether the double standard applied in determining the winner in presidential elections (mandated by the constitution) should also be applied in the election of Deputies to parliament. In the

case of presidential elections, results are valid only if an absolute majority of the voters have actually voted in the election. Secondly, the candidate must achieve an absolute majority of the votes cast to be considered the winner of the election.

On several occasions, people with whom the team met raised questions about these very strict standards. There is room for debate over whether the turnout standard and absolute majority requirement should be eliminated in favor of a simple relative majority system. Opponents of a change argue that without the standards, the public mandate or "will of the people" cannot really be known. Proponents of moving to a relative majority system point to other western democracies to illustrate the stability that a change to a relative majority system would promote. The absolute majority standard, on the other hand, will make it virtually impossible for a candidate to achieve a victory as the number of parties and candidates increases. To date, the number of candidates appearing on the ballot has been relatively small. For future elections that may not be the case. With more candidates and parties appearing on the ballot, it will be more and more difficult for a single candidate to garner enough votes to validate the election. In addition, an even lower turnout can be expected in by-elections and runoffs.

Party Representation on Election Commissions: At the time of the team's visit, there appeared to have been very little discussion regarding the possibility of changing the law to require party representation on election commissions. In the current scenario they are excluded, with nominations stemming rather from old administrative structures. Parties can be expected to become stronger around the time of elections. It would be appropriate to provide a basis for the participation of political parties on all levels of election commissions.

Campaign Financing: The working parliamentary election law provides that the costs for elections be borne solely by the state, and includes articles which stipulate that campaign funds will be made available to candidates from state coffers administered by the CEC. However, the law provides only the most general of guidelines with regard to the fair division of funds. The law contemplates that contributions for elections can be accepted and will be controlled by the CEC; however the CEC appears to be free to allocate them on its own initiative. There is a general implication that the CEC would be responsible for controlling the allotments equally; however, without delineated guidelines stipulated in law, decisions left to the discretion of the CEC could cause ongoing controversies and allegations, eroding the public perception of the CEC as a non-political and neutral body.

Nor are the provisions in current law specific enough with regard to the use of party funds to support campaigns. The laws currently allow parties to raise funds through fees and contributions and other non-state sources, but fall short of providing

guidance as to how the funds may be used during the campaign process.

Election Violations: The issues of election violations, the adjudication of grievances and prosecution of offenders whose activity jeopardizes the integrity of the election process clearly need comprehensive overhaul. Specific attention needs to be given to those violations that occur during the campaign period, whether they be committed by candidates, overzealous supporters, or officials who serve on election commissions or in administrative posts.

It is critical that commissioners as well as local administrators who play significant roles in the conduct of the election be precluded from participating in any campaign activity whatsoever. This issue is discussed more fully in the section of this report dealing with the Central Election Commission. However, its importance cannot be ignored in relation to possible amendments to the election law. If the playing field is to be level, no person entrusted with responsibility for nominating members to election commissions, supervising election administration, registering candidates, printing ballots or assisting candidates in arranging for equal media access and public meetings should be allowed to be anything but absolutely neutral in the exercise of his or her duties.

Ballot Access and Relation to Constituency: The law providing for which candidates gain ballot access in specific constituencies needs to be reviewed. Two issues deserve consideration. The first relates to the discretion held by the CEC to determine in which constituency some candidates will run. While most nominations come from specific constituencies where the ballot access question is clear, there seemed to be some question in cases where a candidate is nominated by a public association or political party. In these instances the nomination must come from a local branch of the association or party. As it was related to the team, in these circumstances the CEC determines the constituency ballot on which the candidate's name will appear. It may be appropriate to consider amending the law to require that any nomination include a stipulation forwarded by the nominating group indicating the constituency where they want the candidate to run. Such a stipulation would preclude the CEC from making these determinations independently and place the burden on the supporting group, which may be more appropriate. This kind of stipulation would exempt the CEC from allegations that its discretionary decisions could be used to manipulate the outcome or give advantage to one candidate over another, or to one party over another.

Political Parties: The team would encourage a broadening of the law to separate political parties from other public organizations with special provisions in view of their distinctive status under the constitution. For example, given political parties' explicitly defined political purpose, consideration should be given to establishing

procedures for the nomination of candidates from political parties different from the procedures established for associations, work collectives and other groups whose primary and chartered objectives may have little relevance to politics. Fair treatment should be given to political parties in the nomination process as well as in other important aspects of the electoral process. Greater inclusion of political parties could serve to encourage the development of a more dynamic multi-party democracy.

The political process would be more efficient if provisions for political party registration were included in the electoral laws, with the administrative responsibility given to the Central Election Commission.

It is recommended that an information program regarding the country's electoral system be developed by the Central Electoral Commission for the political parties and candidates so that they may play an active and educative role in the process.

In order to regulate campaign ethics, the Central Electoral Commission should invite all political party leaders or their representatives to frame a code of conduct to be followed during the election campaign.

On Election Commissions

Institutional Memory of Election Commissions: It is quite likely that each Commission will only experience one nationwide parliamentary election during its term. Experienced election administrators would probably agree that a key ingredient for the uniform, efficient and accountable conduct of elections is continuity. And with each election, and as laws evolve and the new multi-party election system continues to mature, valuable lessons will be learned. In election management, as in anything else, nothing teaches like experience. However, with almost every CEC body having the opportunity to conduct only one major election, Kyrgyzstan may not be affording itself the benefit of such experience. Instead, each new CEC will have to "reinvent the wheel" without the benefit of institutional memory to rely upon.

In some established democracies, the conduct of elections relies on a permanent civil service election commission. In the present economic and social context in which Kyrgyzstan finds itself it may not be practical to envision such a bureaucracy, especially as government tries to pare itself down in size. However, consideration might be given to rotating the terms of the commission so that only some of the commissioners are replaced at any given time. The rotation of terms would provide a basis for continuity in the commission which would span transitions in government. At any given time, only some commissioners would be subject to appointment, while remaining members would be available to carry forward the institutional memory and experience contributing to the efficiency of future election management. The most

important element is that development of a professional election administrative entity would provide the continuity and expertise needed to maintain an efficient, accountable and consistent election system on an on-going basis.

Members of election commissions, as well as local councils and local government officials who play a major role in election administration, should be precluded from participating in any campaign activity whatsoever during the election period. They should be responsible for upholding a policy of absolute neutrality in the administrative duties associated with any aspect of the election. The election law should stipulate a very high standard of ethical behavior on the part of the officials entrusted with carrying out the democratic process and guaranteeing the fundamental right of franchise for the people of Kyrgyzstan. Election commissioners at the highest level should have to insure that an absolute policy of neutrality and accountability is well understood by all who serve, and that violations are dealt with in a manner that encourages and nurtures public trust in the process.

Local Officials and the Election Process: Local officials' role as de facto "election officials" should include a requirement to ensure that the playing field is level for all candidates, parties and voters alike. In virtually all established democracies, election officials are required by law to be neutral and are precluded from campaign activity altogether, even in those contexts where laws require cross-representation of political parties on the election commissions themselves.

It is not reasonable to assume that the parties, candidates and voters can have faith in the fairness of the election when the very officials responsible for its administration are at liberty to try to influence its outcome and are free to use the power and resources of their post to do so.

In the old context of the Soviet structure, strong Communist Party rule and the close inter-relation of party and government institutions, such activities had less impact. Elections, after all, were never political contests, above all because there was often only one candidate who was virtually assured of winning. Voting was not a form of voluntary participation through which interests and preferences were expressed but a ritual obligation.

Today, in the new multi-party environment, if elections are to be credible, then it becomes critical for all players entrusted with responsibilities of administering the fundamental process to be seen as neutral in the fulfillment of their duties. In developing the new election law, and in considering the role of local officials in the election process, consideration should be given to these issues. A concerted effort should be made to ensure that these expectations are not only the legal standards written on a piece of paper, but are also enforced with full commitment by those

responsible for implementation.

Adjudication of Grievances: It would be most helpful if detailed guidelines could be established that distinguish between solutions to technical errors on the one hand and treatment of intentional criminal violations on the other. It would also be helpful if remedies were developed in lieu of invalidating an election for those cases in which, despite acknowledged violations, the intent and outcome of the voters can be determined. Attention should be focussed on appropriate means of separating the interests of resolving election irregularities with a suitable administrative remedy from the issue of prosecuting individuals engaging in illegal election activities.

Process of Delimitation: While the concept of "gerrymandering" does not seem to be widely contemplated as a strategy to affect party politics at this point in the country's democratic development, it was clear to the team that the potential manipulation of district boundaries relates directly to ethnic and tribal divisions or personal power struggles among local officials, and is an important area of concern. In this regard, there seemed to be some interest in ensuring that the election law specifically provided for a level of oversight and approval of the CEC's plan before its formal adoption. Representatives of some groups favored debate and ratification in parliament. Others favored the appointment of a temporary independent commission charged with responsibility for the apportionment plan consisting of members representing a cross-section of government and non-government institutions, political parties and private interests. These options should be considered as proposals are being prepared for submission to parliament in the fall.

Ballot Security: The paper used in ballot printing is of average quality which could easily be duplicated. To inhibit the potential for fraudulent reproductions, the CEC may consider using paper which includes an exclusive watermark. As an alternative, a faint special ink screen could be applied as background for the text at the same time printing is accomplished. Some techniques would allow the security screen and the ballot text to be applied with one pass through by the printing house so that the cost would not be significantly increased.

The ballots are not padded or bound but are currently printed and trimmed so that the ballot papers are loose. Stacks of loose papers are counted manually and packaged for distribution to the various polling sites. Election officials should consider arranging for the ballots to be bound or padded in uniform quantities to provide greater ease in packaging for distribution purposes. Standard packages would also provide officials with better control over the ballots under their supervision.

The team would strongly suggest that each ballot in each pad or book be attached to sequentially numbered stubs or counterfoils from which an unnumbered ballot could

be separated at a perforation. The sequential numbering would allow the regional election commission to maintain a centralized accountability record which documents not only the number of ballots provided to each voting station, but also the numeric range assigned to each site. As an additional measure the list of ranges assigned to each site can remain secure until the ballots are actually distributed. The protocols used in accounting for the ballots used throughout the polling day could provide space to identify the sequence of numbers used, individual numbers of ballots which were damaged or otherwise unusable, and the sequence of numbers of the ballot counterfoils left on the pads unused. The numbered stubs of issued ballots would remain part of the formal documentation of activity at each of the polling stations in support of the overall results.

In some countries both the ballot and the counterfoil are numbered. A concern expressed by opponents of having the duplicated number appear on the ballot as well as the counterfoil is that an observer or official could potentially keep track of exactly which voter received a particular ballot number. During the counting process the official could determine how the voter voted. Because of these concerns, the team would recommend that the counterfoil or stub alone be numbered.

On Civic Education

A great deal of change has taken place in Kyrgyzstan in a very short period of time. The country has become independent with a popularly elected president, free press, and a new constitution. The political party activities that would have been considered criminal in the old Soviet days have now become a part of the daily political life of Kyrgyzstan. In order to preserve and consolidate these gains, the public needs to be educated about the impact and meaning of these changes and the roles and responsibilities of the citizens in a democratic system.

Successful civic education initiatives could focus on concepts of democracy and multi-party politics. It may be wise to test the message and delivery program in a pilot project before the actual launching of the mass program. Since the Kyrgyz voters are familiar with the existing electoral process of de facto compulsory voting there may be less of a need to trumpet the call to get out to vote. However, attention should be paid to the possibility of Kyrgyzstani voters reacting against this legacy of past elections and staying away from the polls.

The need is for a more conceptually-based education program, delivered on a local level, intended to reassure the voters that their input makes a difference. Explanations of concepts such as freedom of choice, pluralism, privatization, democratic political parties, voter initiative, and relationships between voters and their elected representatives can make a substantial contribution to the process of

democratization and institution building.

On Poll Worker Training

The main problem in developing a training program for poll workers in Kyrgyzstan is the ad hoc nature of the Central Election Commission itself. The election commissions at the local level are formed only at the time of election and are disbanded after the completion of elections. To ensure a greater degree of uniformity and consistency throughout the country, the IFES team recommends that the Central Election Commission, in close collaboration with political parties and movements, appoint a group of official trainers to provide primary training to all polling site chairman.

Successful training programs have used groups of mobile trainers to travel across the country to provide the same instructions in a consistent manner. The training should involve visual displays and printed materials that workers can take with them for additional study and review. In addition to narrative lectures, the trainers should display actual samples of ballots and various forms which will be used on election day.

Poll workers should be informed clearly about voters' rights. They must be made aware of the sensitive nature of their assignment and should be warned that errors or mistakes by election workers will cause a voters' ballot to be invalidated.

A training program which would reach and assist all levels of election administration would be an important contribution to the conduct of a free and fair election and would contribute to developing institutional memory of the process.

On Election Observers

The presence of international as well as domestic observers at the next election is highly recommended. Observation of the electoral process constitutes a very positive contribution both to the likelihood and perception of free and fair elections in Kyrgyzstan. It is strongly recommended that free access to the polls be allowed and that the requirements for both domestic and international observation be developed and distributed as widely as possible.

On International Assistance

The IFES team believes that as the time for parliamentary elections approaches, the international community may be interested in supporting the Government of Kyrgyzstan in its preparations for elections. International loans and grants are, in

fact, beginning to pour into the country. Such grants and loans, however, are intended for the economic stabilization and development of Kyrgyzstan. Since political stability depends on successful implementation of democratic reforms, international donors will have good reason to support electoral activities, which is a primary condition for the success of democracy in any country. The team recommends that any assistance to Kyrgyzstan be coordinated not only with the Government of Kyrgyzstan but also among the various donors to minimize duplication.

Possible areas of international donor assistance may involve: technical assistance, assistance in consumable items, and assistance in capital equipment. The IFES team believes that all three types of assistance will be needed but should be provided in "packages" that include more than one type.

Technical Assistance: The IFES team suggests providing four technical consultants: an electoral law specialist, a computer/data system analyst, an election systems/organizational specialist, and a voter civic education specialist. Of the four recommended specialists, the one that is needed immediately is the electoral law specialist. The electoral law drafting committee which needs to submit the draft laws to the Supreme Soviet in the fall Session needs expert help in this field.

Another priority should be given to the voter and civic education specialist. An effective civic or voter education program requires a significant amount of money to purchase and produce consumable items such as posters, media programming, training seminars, and rentals/purchase of radio and television equipment.

Consumables: While in Bishkek, IFES team was told by several individuals that the country does not have enough paper to print books and newspapers. The shortage of paper, much less security paper, will definitely affect the election process. The Central Election Commission requires tons of paper to print an estimated 2.5 million ballots. In addition to ballots, the Central Election Commission would also need tons of paper to print voter's lists and a multitude of forms required for the election process.

Capital Items: A small computer network with a durable and a high speed printer adequate for data processing and production of voters' list is desirable, both for the short-term needs of the 1995 registration and for building the long-term capacity of the Central Election Commission.

The IFES team, however, recommends that consideration be given to establishing the computer network at one of the institutions of higher learning in Bishkek which in turn could provide on-going support to the ad hoc Central Election Commission.

The IFES team recommends funding to purchase a fax and a high-speed xerox machine for the office of the Central Election Commission. The IFES team believes that it would be cost effective for the Central Election Commission to have a fax machine for the duration of the election preparation period, to facilitate communication with media outlets and the donor community. The high-speed copying machine will enable the Central Election Commission to produce volumes of voters' lists whenever needed.

WASHINGTON, D.C. SEPTEMBER 7, 1993

IFES Interviews in Kyrgyzstan

Supreme Soviet Of Kyrgyzstan
Mikhail I. Logvinov, Deputy Chairman of the Supreme Soviet
Alikbek Djekshenkulov, Chairman of the Standing Commission for Inter-parliamentarian Relations of People's Deputies.

Ministry of Justice
Kurmanbek Osmonov, Deputy Minister of Justice
Anarbek Ismailov, Chief of International Law Department

Central Electoral Commission
Markil Ibraev, Chairman
Nurlan K. Chekirov, Chief of the Department

Pervomaiski District Administration, Bishkek
Djanish Sultankulovich Rustenbekov, Administration Head of May 1 Raion
Temirbek Abdyraevich Kanimetov, Chairman of May 1 Raion Council of People's Deputies
Absalbek Nurkulovich Nurkulov, Chairman of Precinct Election Commission
Nelli Ivanovna Vecalova, Secretary of Precinct Election Commission
Bakshygul Beyshemovina Akumova, Secretary of Precinct Election Commission
Zinaida Grigorievna Busaeva, Director of Apparatus of Head of Administration and Secretary of Raion Territorial Election Commission

Alamedin Raion
Erkin Mukhtarov, Deputy Akim of Alamedin Raion
Valery Nikolaevich Kim, Chairman of Alamedin Raion Soviet
Anatoly Grigorevich Prokhorov, Head of Administration
Omurbek Koshobekov, Director
Toko Mursolev, lawyer
Akgol Imanaliev, Deputy of Karagigach Supreme Soviet
Baty Tulekova, Secretary of Village Soviet

Balashagun Raion
Ormon Sh. Sharshenov, Aakim and People's Deputy of Supreme Soviet

The Asaba Party
Chaprashty Bazarbaev, Chairman
Chekir Majrambek Asanali-ulu, Deputy Chairman
Turat Karybai-ulu Duishe, Chief Specialist of Chui Region

Slavonic Fund
Larissa Demina, Secretary

Ata-Meken Party
Kamilya Kenenbaeva, Chairperson
Omurbek Tekebayev, Leader of Ata-Meken and Deputy of Supreme Soviet
Abdukadyr Orusbaev, Professor of Sociology, Vice-Rector of Kyrgyz-Russian University and one of leaders of Bishkek city organization of party
Jumabek Kenjebek, Member of Party and teacher of Kyrgyz State Pedagogical Institute
Rispek Apasov, Lecturer of Philosophy at Polytechnic Institute; one of the coordinator of the party

Communist Party of Kyrgyzstan

Jenish Tunushabiev, Central Committee Member (Previously Vice-President of banned party); Professor of History at the Academy of Sciences
Abulgazier Vladislav, Central Committee Member

Erkin Kyrgyzstan Party
Tursunbay Bakir-ulu, Vice-Chairman
Anarkol Alymbayev, Chief of Party at Karakul city

Republican Party
Jyanebek Sharshenaliev, President
Ms. Aripa Turdalieva, Vice-President

Democratic Movement of Kyrgyzstan
Jyspar Jeksheev, Chairman
Shamsidin Alahverdi Mamedov, Member
Kubanichbek Kasimbaev, Member
Temirkan Konkoshev, Member

Human Rights Movement of Kyrgyzstan
Tursunbek Akunov, Chairman

U.S. Embassy
Michael G. Wygant, Deputy Chief of Mission
Alex Martschenko, Political Officer
Others
Osken Dani, State Prize Laureate, People's Writer of Kyrgyzstan and President of the Peace Fund
Lisa Batey, American Bar Association, Central and East European Law Initiative Liaison

IFES Interviews In Kazakhstan

Central Election Commission
Kapar Bukenov, Chief Election Commissioner

Supreme Soviet
Murat K. Raev, Chairman of Committee on Human Rights
Vitaly I. Voronov, Vice-Chairman of Committee on Human Rights

President's Apparatus
Sabit Jusupov, Sociologist

Vice-President's Apparatus
Konstantin Kolpakov

U.S. Embassy, Almaty
Jim Bigus, Second Secretary

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13. Slovo Kyrgyzstana, May 1, 1993.

14. Svobonye Gori, May 1993.

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