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DEMOCRACY, HUMAN RIGHTS AND GOVERNANCE ASSESSMENT OF THE KYRGYZ REPUBLIC FINAL REPORT

MARCH 2013

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The authors' views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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ACRONYMS AND ABBREVIATIONS

AEECA	Assistance to Eastern Europe and Central Asia
APS	Annual Program Statement
CAR	Central Asian Republics
CCF	Complex Crisis Fund
CDCS	Country Development and Cooperation Strategy
CEC	Central Commission for Elections and Referenda
CPSU	Communist Party of the Soviet Union
CSO	Civil Society Organization
DCHA	USAID Bureau for Democracy, Conflict, and Humanitarian Assistance
DRG	Democracy, Human Rights and Governance
DRL	US State Department's Bureau of Democracy, Human Rights and Labor
EU	European Union
EXO	Executive Office
FMO	Financial Management Office
FSA	Freedom Support Act
FSN	Foreign Service National
GDP	Gross Domestic Product
GKNB	State Committee for National Security
GOK	Government of Kyrgyzstan
GIZ	German International Cooperation Agency
HDI	Human Development Index
IRI	International Republican Institute
ISAF	International Security Assistance Force (Afghanistan)
KGB	USSR Committee for State Security
KGS	Kyrgyz Som (about \$0.02)
KTR	Kyrgyzstan Public Television
LDP	Local Development Program
M&E	Monitoring and Evaluation
MVD	<i>Ministersvo vnutrennykh del</i> (Ministry of Interior)
NAMSU	National Presidential Agency for Local Self-Governance
NGO	Nongovernmental Organization
ORT	Russian Public Television
OSCE	Organization for Security and Cooperation in Europe
OAA	Office of Acquisition and Assistance
OTI	Office of Transition Initiatives
PRO	Program Office
SDPK	Social Democratic Party of Kyrgyzstan
TDY	Temporary Duty
UN	United Nations
UNDP	UN Development Programme
USAID	United States Agency for International Development
USG	United States Government
USPSC	U.S. Personal Services Contractor

EXECUTIVE SUMMARY

The Problem

Leading figures from the overthrow of President Kurmanbek Bakiyev in 2010 will say with pride that between then and now Kyrgyzstan has once and for all put in place a Constitution that is balanced and that will prevent the return of autocratic government. Indeed, there is now a basic consensus about the rules of the game that appears to have thus far successfully channeled conflict over resources, identity and meaning into the new institutional framework of a competitive democratic system. The separation of powers between the Executive and Legislative branch has been established on a firm foundation. Vibrant political competition is leading to adaptation and perhaps natural political selection. Many basic political and civic rights of citizens, such as freedom of speech, expression and assembly have been ensured. Compared to the situation in Kyrgyzstan in early 2010 this is an impressive and encouraging set of achievements.

Unfortunately political liberalization in Kyrgyzstan has made human rights problems worse. The nationalist narrative, which claims that the Kyrgyz identity is under threat and that measures should be taken to ensure that Kyrgyzstan remains for the Kyrgyz, is hardening over time. This has led to an inability of Kyrgyzstan's new democratic institutions to defend the rights of minorities and disenfranchised groups against the prejudice of the majority.

Kyrgyzstan is also still struggling with the legacy of an inherited Soviet welfare-state bureaucracy and police state apparatus. It is in large measure the parasitic and autonomous nature of these structures and ubiquitous corruption that makes it difficult for the new core institutions of Kyrgyzstan's democracy to effectively "deliver the goods." Parliament and President, not to mention the judicial branch, must depend on these same imperfect instruments of the security services and the bureaucracy to defend the State, carry out new policies and uphold new laws.

This assessment concludes that the primary problem of democracy, human rights and governance in Kyrgyzstan today is that **the impressive democratic breakthroughs of the last three years are threatened by ineffective, unaccountable and often predatory government and rule of law superstructures that fail to deliver for all citizens but especially fail to defend the human rights of the minority against the prejudice of the majority.**

Programmatic Recommendations

In areas of high impact and high political will we recommend **stand-alone, multiyear program commitments:**

- **Legislative Strengthening:** The capacity of the *Zhogorku Kenesh* to remain independent and carry out the core legislative functions of representation, oversight and law-making is the cornerstone of Kyrgyzstan's democracy. Political will on the part of the President and Parliament itself remains high. USAID should continue to robustly engage with a stand-alone program.
- **Judicial Reform:** Even partial progress on creating an independent and professional judiciary in Kyrgyzstan will lead to greater stability of the Constitutional order and improve the everyday experience of justice for ordinary citizens, entrepreneurs and foreign investors. Progress in this sector that matches the progress in the legislative branch would have a vast impact on human rights in Kyrgyzstan across the board, as well as the country political and economic stability. USAID should continue to robustly engage with a stand-alone program and even consider expanding its engagement as reform in the judicial branch proceeds.

- **Public Broadcasting:** The overwhelming market share of KTR, Kyrgyzstan Public Television and the on-again, off-again push to transform it into a true national public television company serving the public interest make support a high-risk, high-return intervention.
- **Civil Society:** While generalized capacity-building and grant support to NGOs has had limited long-term impact in Kyrgyzstan, experimental GOK support to CSOs for implementing social policy and the use of citizen oversight committees throughout the public sector are ground-breaking steps in increasing transparency. A new generation of civil society leaders and organizations will also require robust support given the almost non-existent domestic sources for supporting non-profit work.
- **The Defense Bar:** Creating a self-regulating, competent and independent defense bar is a key building block in a functional legal system and in protecting human rights. This is a long-term intervention that has only recently become possible in Kyrgyzstan.

In areas of potentially high impact but marginal political will, we recommend a **combination of diplomatic “D” engagement to increase political will combined with a flexible approach** that can deliver thematic conferences, short term technical assistance, study tours and limited in-kind support in areas where opportunity exists for as long as it exists.

- **Prosecutorial and Police Reform:** These two areas of reform are at the top of President Atambayev’s agenda and positive change would have an immense impact on the checks and balances of the political system, the administration of justice and on human rights. The level of resistance from within the institutions themselves, however, brings into question how far reform will proceed. Reform in these two areas is likely to come in fits and starts. USAID should be ready to engage windows of opportunity as they emerge through its own programming and through other USG and international donors.
- **Public Administration Reform:** Regularization and reform of public administration in Kyrgyzstan would have an immense impact on service delivery and government performance. Despite the myriad challenges confronting the executive branch in Kyrgyzstan, there are important opportunities for the USG to engage. On certain issues, such as the reform of the state civil service, there appears to be growing momentum under the State Personnel Agency’s new leadership to address lingering structural issues, which, if resolved, promise to unlock increased efficiency of executive branch operations throughout the entire government. A new civil service concept is currently being drafted, and expected in 2013, and may serve as a starting point for discussions on which reforms USAID may be well-positioned to support.
- **Decentralization:** Support for territorial reform and decentralization is strong at the local level and throughout the middle layers of the bureaucracy, but has no strong champion in the top leadership. Current Prime Minister Satybaldiyev appears to advocate recentralization. USAID should continue to work with dynamic local governments where opportunities exist, building on the work of LDP and OTI and be prepared to support more elaborate decentralization programs should the political will emerge.
- **Human Rights:** While reform of the judicial system and security sector would be the primary way to ensure civic and human rights for the entire population, the need to address the issues of ethnic minorities, reconciliation and the hardening nationalist narrative among the Kyrgyz requires more focused programming. There is some political will at the top of the system to address these problems, but a great deal of resistance and politics at various other levels, that makes the likely impact difficult to determine. Some focused programming in legal defense, detention monitoring, civic education, and continued support to the human right community and institutions should be considered. This can be done in parallel with a broader human rights approach that will mainstream human rights in all USAID programs. A rights-based approach to programming should be added to existing interventions where appropriate.

In areas where there is political will on the part of our partners in Kyrgyzstan's government and civil society, but the situation is either adequate to support democracy or inherently not central to solving the DRG problem we recommend that **targeted programming here could be considered, but not at the cost of higher impact programming.**

- **Election Administration:** Elections in Kyrgyzstan are imperfect, but the Election Commission has now repeatedly demonstrated the capacity to manage free and fair elections. After years of support, USAID should call this a success and plan an exit strategy with clear benchmarks, including clean and credible parliamentary elections in 2015. With abundant funding further incremental improvements to the electoral system could be achieved, but are not likely to play a crucial role in the success or failure of Kyrgyzstan's democracy.

In areas that are inherently not central to the DRG problem in Kyrgyzstan or areas in which the current situation in Kyrgyzstan suffices to support democratic stability **progress will be difficult, and largely marginal in impact.**

- **Political Party Assistance:** While political parties in Kyrgyzstan play a critical role in channeling political competition, our analysis suggests there is little political will among the parties themselves to address problems of internal party democracy. The political parties themselves for the most part have not shown a high level of interest in generic political party training or in learning from counterparts in other post-communist societies. There may be limited opportunities to engage new parties and work to increase the representation of women, youth and minorities, as well as work with parties in parliament and other elected officials. but progress here is likely to happen anyway through parties seeking new groups to mobilize.
- **General Media Programming:** Our analysis suggests that the media in Kyrgyzstan currently provide real, albeit highly partisan, diversity. The long record of programming in this sector in Kyrgyzstan does not suggest that additional USAID resources would have a substantial impact on the professionalism or viability of the media. There may be limited opportunities to support Uzbek-language media or new media, but progress is likely to happen anyway through market forces.

Other Observations

- The current large portfolio of DRG programs in Kyrgyzstan is not sustainable in the long run from the standpoint of USAID's ability to effectively manage the programs and the engagements with the GOK, other donors and other local stakeholders. It is also not sustainable from a funding perspective since the large influx of CCF, 1207 and DFID funding during 2010-2012 was a non-renewable one-time "Revolution dividend" that will not be repeated.
- At present, the staffing footprint for managing the DRG portfolio at USAID/Kyrgyz Republic is essentially the same as it was under President Bakiyev in 2009, before the 2010 Revolution and the programmatic "double-down" on democracy. In 2013 or 2014 the Mission is slated to welcome its first Foreign Service DRG officer, but the ratio of program funding and management units *per capita* will still be too high.

I.0 INTRODUCTION

This report summarizes the findings of a Democracy, Human Rights and Governance Assessment of the Kyrgyz Republic (known more simply as ‘Kyrgyzstan’) carried out in November and December 2012. The assessment comes at an opportune time for several reasons. Firstly, USAID throughout the world is in the process of developing new Country Development and Cooperation Strategies (CDCS) that will frame program interventions for the coming five years (2013-2017). As part of this process, USAID/Asia and USAID/Kyrgyz Republic will conduct mandated and appropriate assessments as a critical input into the development of this strategy. As will become clear in the narrative below, an assessment of the complex interaction of democracy, human rights and governance in Kyrgyzstan is critical not only to the traditional democracy and governance portfolio, but to appropriately targeting and sequencing interventions across the USAID program in Kyrgyzstan. Secondly, USG policy in the entire Central Asia region¹ makes the success of the democratic experiment in Kyrgyzstan one of its principal goals. The emergence of a parliamentary democracy in Central Asia will certainly be a model for the rest of the region – either a model of how democracy makes lives better, should it succeed, or a model of how democracy leads to violence and stalemate, should the experiment fail. If this emerging and fragile parliamentary democracy cannot deliver, the advocates of a more autocratic governmental system will not fail to exploit the failure to justify their own order. Thirdly and finally, the new constitutional political system of Kyrgyzstan is now largely complete and no longer a case of “provisional” or “transition.” The key transitional election events have passed as the Constitution (July 2010), the Parliament (October 2010), the President (October 2011) and local government (March and November 2012) have been peacefully stood up. The efforts of the USG to provide maximal support to the core institutions of a democratic system and support the stability of Kyrgyzstan through the transition have been substantial, but a review of the windows of opportunity to help make these democratic systems deliver going forward is critical to ensure that USG assistance will have maximal effect. The timing of this assessment in terms of the political evolution of Kyrgyzstan could not be better.

Most definitions of democracy include the notion of respect for basic human rights and civil liberties, such as freedom of speech, association, assembly, the right to *habeas corpus*, and others. Holding competitive elections with broad participation, in the absence of guarantees of civil liberties, does not make a country democratic. The inclusion of human rights in the analysis helps to clarify the depth of the democratic consolidation that the country is undergoing. It reflects not only an increased emphasis on the subject at USAID broadly (USAID’s Washington-based Democracy & Governance Office has recently been elevated to a Center for Excellence in Democracy, Human Rights and Governance), but is particularly important for Kyrgyzstan, with its complicated Soviet legacy of ethnic minorities, and its recent history of inter-communal violence. The political violence that ushered out the *Ancien Regime* in 2010 led to a cycle of follow-on violence that has left a mark on Kyrgyzstan’s democracy and in some cases on its institutions. Democracy by its own nature has also opened up new political and social space for traditionalist, nationalist and regionalist agendas and narratives that have in some cases made the human rights situation for ethnic minorities, women and others worse. It is this area that the distance between Kyrgyzstan’s new leaders and their international supporters is perhaps the greatest. Figuring out how to simultaneously support Kyrgyzstan’s emerging democracy while also holding it to international standards on human rights is a fine balancing act in designing a program that can credibly do both.² Kyrgyzstan represents an important case study for students of democratization on how to navigate

¹ There are many official statements on USG priorities in the Central Asia region, but take, for example, Assistant Secretary Robert O. Blake, Jr.’s recent [testimony before Congress](#).

² Kyrgyzstan is a party of many [UN HR treaties](#), including *inter alia*: the International Covenant on Civil and Political Rights and its two Optional Protocols, the International Covenant on Economic, Social and Cultural Rights, The Convention Against Torture and other Cruel, Inhuman

democratic transition and consolidation in a multiethnic, regionally divided, poor society with high corruption.

This assessment draws on consultation within the USG, extensive informant interviews and empirical data. In October 2012 the US Embassy Bishkek held a day-long strategy session that reviewed the history of USG democracy and governance assistance since April 2010 to Kyrgyzstan that helped frame the current assessment. The team met with dozens of key informants and common citizens in Bishkek and throughout the country during November and December 2012. Recent USAID-sponsored public opinion research conducted through the International Republican Institute (IRI) contributed a valuable reality check in determining what was important to different segments of Kyrgyzstan's population. A series of twenty-two focus group sessions were also held in Bishkek, Batken, Kzyl Kia, Isfana, Osh, Jalal-Abad, Bazar Korgan, Naryn, Talas, and Karakol prior to the team's arrival in November 2012 to more deeply explore what was behind some of the observations from the team's review of the survey data.

This DRG assessment has been based on USAID's latest DRG Assessment Framework.³ The assessment methodology proceeds through four steps. The first identifies the key problems of democracy, human rights, and governance in the country; the second conducts an analysis of the actors and institutions that are likely to support and/or obstruct the deepening of democratic reforms; the third considers the USG and USAID's interests and resources. The final step then offers strategic and programmatic recommendations given the problems, actors, and institutional constraints identified.

The assessment team consisted of serving USAID and DRL officers with a broad range of experience both in Kyrgyzstan and in other contexts, including some who were very familiar with the history of USG support to Kyrgyzstan and some who had never worked on the country or the region, and some who had worked in the region outside the USG. The team was led by Gavin Helf, Ph.D., Senior Democracy and Governance Advisor for Central and South Asia in USAID's Asia Bureau. Mark Goldenbaum, Democracy Specialist on the USAID/DCHA/DRG Human Rights team designed, led and summarized the findings of the focus groups across Kyrgyzstan. The other in-country team members were Alexious Butler, Director of the USAID/Bangladesh Democracy and Governance Office, David Hoffman, Ph.D., Director of the USAID/Central Asia Republics Democracy and Governance Office, Assia Ivantcheva, Ph.D., Democracy Officer on the USAID/DCHA/DRG Elections and Political Transitions team, and Sofia Javed, Central Asia Program Officer at DRL/SCA.

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or Degrading Treatment and Punishment and its Optional Protocol, the International Convention on the Elimination of All forms of discrimination against Women and others.

³ USAID, "Conducting a Democracy, Human Rights, and Governance (DRG) Assessment: A Framework for Strategy Development." (Washington, DC, 2011)

2.0 STEP ONE: DEFINING THE DRG PROBLEM

2.1 CONTEXTUAL FACTORS AND BRIEF POLITICAL HISTORY

There is something about Kyrgyzstan that sets it apart from the more politically stable yet autocratic neighbors that surround it. Since the collapse of the Soviet Union Kyrgyzstan has suffered from an unstable and sometimes explosive politics that has seen cycles of autocratic consolidation followed by unexpected democratic breakthroughs, often accompanied by ethnic violence. It has proven quite difficult to maintain democracy in Kyrgyzstan, but it also has proven equally difficult to sustain autocracy.

Kyrgyzstan is a land-locked mountainous post-Soviet republic near the geographic center of the continent of Asia. Its population of roughly 5.5 million is one third urban and two thirds rural. Unlike many of its neighbors, it has no hydrocarbon resources to draw on. Economically, it has largely depended on gold mining, which represents 12% of GDP and 26% of tax revenues, and remittances from roughly 500,000 labor migrants, mostly working in Russia, which represents up to 23% of GDP. The rest is largely subsistence agricultural. The physical, educational, medical and social services infrastructure of Kyrgyzstan is substantial and represents the legacy of seven decades of Soviet subsidy and investment, but is now, twenty one years after the collapse of the Soviet Union, largely crumbling and suffering from overuse, neglect and a lack of qualified talent.

The population is divided both ethnically and geographically. The Kyrgyz are majority nationality, making up some 65% of the population followed by Uzbeks (14%), Russian (12%) and small numbers of others.⁴ The Uzbek population is largely concentrated in the Ferghana Valley in the South. The Ferghana Valley is somewhat arbitrarily divided between Uzbekistan, Kyrgyzstan and Tajikistan, leaving a large Uzbek diaspora in Kyrgyzstan and Tajikistan. Large-scale ethnic violence has broken out twice in recent decades (1990 and 2010) in the South. The Kyrgyz themselves are sharply divided into “northerners” and “southerners” who have traded political dominance throughout the post-Soviet era. Political affiliation and coalition-building both in democratic and autocratic periods tend to revolve around the North-South split.

Kyrgyzstan’s regional context makes it highly dependent on the good will of its neighbors, who are in turn very wary of its democratic experiment and concerned about its stability. Thus far Uzbekistan, with a substantial military and economic advantage over Kyrgyzstan, has avoided intervention in the troubles of the Uzbek minority in Kyrgyzstan, but has a clear ability to intervene should its policies change.⁵ Kazakhstan has alternated between constructive engagement and attempted isolation of Kyrgyzstan. Russia plays a major role in both arbitrating Kyrgyz politics and in allowing the northward flow of migrant workers.

The first “surprise” breakthrough in the political history of independent Kyrgyzstan came quite early. Kyrgyzstan’s first President, Askar Akayev (1992-2005)⁶, was the only founding President in Central Asia not to come out of the Communist Party elite and indeed from its Politburo. After interethnic riots in the

⁴ [CIA World Factbook, Kyrgyzstan.](#)

⁵ Uzbekistan’s President Islam Karimov , who has avoided playing the nationalist card against Kyrgyzstan, is 74. It is widely anticipated that his successor will adopt a more nationalist tone.

⁶ Akayev was an academic and a star of Soviet President Mikhail Gorbachev’s Congress of People’s Deputies and a member of the ‘democratic’ opposition led by Boris Yeltsin and Andrei Sakharov in the late 1980s.

southern capital of Osh in 1990, the Kyrgyz Communist Party leader Absamat Masaliyev failed to gain the support of the republic's elite. Akayev was elected to lead the republic's new Supreme Soviet, much like Boris Yeltsin in Russia. Upon the collapse of the USSR, this position morphed into the office of President.

Under President Akayev's (1991-2005) early leadership Kyrgyzstan developed one of the more progressive political systems and the most open civic environment in the former USSR. The media and Parliament, while not always professional, were free and independent of the executive branch. Efforts to privatize land and the State economy were ahead of the other republics. Parliamentary elections in 1995 and 2000 were competitive and returned a multitude of opposition and independent parties. Yet maintaining balance within the political system was always a difficult juggle. Eventually, Akayev came to rely more and more on unofficial networks led by his immediate family and on increasing repression as his political coalition became thinner and thinner. Unconstructive relations with the Parliament led to Akayev attempting to reorganize it and limit its powers. Independent media increasingly came under pressure from the legal system. Political opponents were eventually jailed in attempts to sideline them. In 2002, protests in Jalal-Abad and Bishkek were violently repressed. While he attempted to be politically inclusive of Uzbeks and southerners, his period in power was largely seen as the domination of the North over the South.

By the time Parliamentary elections came around again in 2005, Akayev sought to manage the election results, including placing many of his family members and political cronies into a new unicameral Parliament with less ability to oppose Presidential rule. Protests erupted in the southern cities of Jalal-Abad and Osh and led to a very rapid downfall of the Akayev regime in a "Tulip Revolution," which was to be the last of the famous "color revolutions" of the middle of the decade.

Akayev's successor, President Kurmanbek Bakiyev (2005-2010), faced a similar dilemma when he came to power after the Tulip Revolution. Although he enjoyed more support in the restive South of the country than Akayev did, he faced the same essential political economic math. The loose coalition of political, economic and geographic interests that brought Bakiyev to power did not hold together for long. After the Tulip Revolution, Bakiyev systematically consolidated his power, marginalized his opponents, rid himself of opposition media and most parties, and generally moved Kyrgyzstan closer to the model of a Central Asian "Presidential Republic." By 2010 he too had come to rely heavily on his brothers and his son as the core of his political patronage network and represented the "southern" dominance in the political life of Kyrgyzstan.

In April 2010 forces representing some parts of the political elite of Kyrgyzstan and some parts of the population, mostly from the North of the country, combined to overthrow President Bakiyev. The violence took the lives of 88 people and injured many. Bakiyev fled to his native South, where other local forces in the elite (including the local ethnic Uzbek elite) combined in new, and now violent, ways to eventually force him into exile in Belarus. These changes upset the existing balance of power in the South between the Kyrgyz majority and the Uzbek minority and opened the door to political entrepreneurs, who attempted to exploit existing ethnic tensions. In June 2010, a series of targeted attacks in key southern cities provoked ethnic tensions across the region, wrought large-scale violence and destruction and led to over 400 deaths in Osh, Jalalabad, Bazar Kurgon and other cities and highlighted the inability of the Provisional Government in the northern capital of Bishkek to control the country. Behind this context lie simultaneous and cross-cutting realignments of power that are very much intertwined. There is a real transition from a corrupt, kleptocratic and authoritarian regime in which power and wealth were concentrated in the hands of one family towards the first serious effort at forming an elective parliamentary democracy with constitutional checks and balances that is a very conscious reaction to the previous order and a commitment on the part of those in power to make it work this time. Time will tell if it will be able to avoid the corruption and predation that has undermined all previous governments in Kyrgyzstan. There is a realignment of the role of the "titular" Kyrgyz nationality and what it means to be the majority that is taking place against a backdrop of increased interethnic tension and the trauma of a very violent transition. This includes not only the Kyrgyz relationship with the national minorities, but increasingly also involves their attitude towards foreign economic, political and military presence. There is a realignment of power between the northern and southern Kyrgyz, and a growing gap between the realities of northern and southern populations. There is also a steadily increasing

significance of the role of religion, especially Islam, against the backdrop of regional and international conflict as well as the legacy of a Soviet and sometimes post-independence State that has been hostile to any political expression of Islam whatsoever. There are other realignments in the world of drug trafficking from Afghanistan and the criminal and semi-criminal control over revenue flows which are instrumental in fueling tensions but are difficult to breakdown from an outsider's perspective. As it launches on another attempt to get the large question of what political system is the right fit, Kyrgyzstan, 21 years after being pushed into independence, does not have a unifying national idea, identity, or ideology.

2.2 FIVE KEY ELEMENTS OF DEMOCRACY, HUMAN RIGHTS AND GOVERNANCE

2.2.1 CONSENSUS

Throughout the story of Kyrgyzstan since its independence from the Soviet Union political stability, peace and economic prosperity have been elusive. The political and social upheavals of 2005 and 2010 are symptomatic of a failure of political institutions, democratic or authoritarian, to peacefully channel political competition over resources and identity. Both authoritarian consolidators and democratic revolutionaries have consistently resorted to altering the rules of the game or using violence to achieve political goals. **The most significant achievement of the Provisional Government established after the 2010 fall of the Bakiyev regime has been to develop and launch a Constitution that provides a framework for containing political competition while also preventing autocratic reconsolidation.** There is accumulating evidence that a consensus has developed on the rules of the game in Kyrgyzstan over the last three years, which provided a sufficient period of stability for nascent political institutions to form, develop and interact. The new Parliament that came out of the October 2010 elections has seen its ruling coalition collapse twice and reconfigure without provoking an existential crisis. In one case, the Government fell and a new coalition emerged, asserting Parliamentary control over the executive branch. The Parliamentary (2010), Presidential (2011) and local (2012) elections, while imperfect, have been highly contested, peaceful and provided significant choice. Most of the key political actors who participated in the Revolution of 2010 as well as the former supporters of the ousted President have now become active participants in parliamentary, presidential and local politics. In a recent exceptional case, Kamchibek Tashiyev, an unsuccessful nationalist presidential candidate, made a rather inept demonstration of “storming the White House” where the Parliament sits (ironic since he is himself a member and his party has the largest faction). He has been largely abandoned by his own party since then. The case is being treated not as a political farce, but as an opportunity to make the point that calls for overthrowing the constitutional order will not be tolerated. The new democratically-elected President Almazbek Atambayev, himself one of the 2010 revolutionaries and a former prime minister under Bakiyev, has respected the new separation of powers and vowed that “as President I intend to support the development of the political system and political competition. You must all get used to the fact that the road to political power lies only through elections.”⁷

There also appears to be “revolution fatigue” in the population. There is a tension in Kyrgyzstan between the lofty ideals of a democratic revolution and progressive principles and a feeling of weakness in actually realizing those principles on a cultural landscape where tectonic trends are pulling in other, oftentimes regressive, directions. Focus group questions on democratic transitions show that the majority of responses seemed to equate those periods of transition with instability (often referencing public protests, demonstrations and revolutions), which most participants viewed as having a negative impact on their lives. Overall, most participants were extremely cynical about politics, especially street politics, with many of them viewing public protests as well-funded and organized charades that only benefit the elites. However, on a more positive note, in more than one focus group there did seem to be a sentiment that too much change is

⁷ Quoted from President Atambayev's [remarks at the presentation of his “Road Map”](#) for the next five years, 7 December 2012.

itself a bad thing and recognition that people must be more patient and give government a chance to actually do something. The most recent USAID-funded public opinion poll shows that 47% of the population feels the country is now moving in the right direction, up from a low of 28% in May 2010, just after the Revolution.⁸

There is no consensus about how the parts of Kyrgyzstan relate to the whole. Regionalism threatens to undermine consensus on what constitutes the state. The Soviet and post-Soviet autocratic legacy has left a bloated four-layer government that follows the Soviet model of unitary, top-down hierarchical control by officials who have mostly been appointed from above. The Communist Party once provided a political counterbalance to the governmental hierarchy, but that role is no longer being filled. Some rationalization and decentralization was carried out in the Akayev and Bakiyev eras, but it has now ground to a halt as different political actors pursue isolated and contradictory conceptions of reform. To this has been added the game changer of local elections, which now make municipal and rural officials answerable to their population, regardless of whether they have the means to solve their problems. But more fundamentally, one of the legacies of the 2010 Revolution and the violence that followed was the *de facto* seizure of substantial autonomy by the nationalistic and heavy-handed Mayor Melis Myrzakmatov in Osh, who, although popular and now legitimated through local elections, runs his town in a manner quite different than the free-ranging democratic politics in Bishkek. In other cities and regions there is also a high correlation between support for a top national political party and a specific location, often the home base of the party leader. This suggests not so much national-level parties that vie for support based on ideologically differentiated platforms as much as geographic patronage networks or regions that compete with one another for predominance. While the international community would, as has been done here, relate the post-Soviet history of Kyrgyzstan as a tale of alternating “democracy” and “autocracy,” clearly many Kyrgyz see alternations of a southerner (Masaliyev), northerner (Akayev), southerner (Bakiyev) and again a northerner (Atambayev) as perhaps a more relevant distinction. Survey data consistently shows that North-South split on nearly all attitudinal questions. In many ways the North and the South are living simply increasingly different stories, one of popular revolution and democracy in the North and one of fear, political exclusion and ethnic tension in the South.

2.2.2 RULE OF LAW

Kyrgyzstan suffers from a broad range of rule of law problems and it is not an exaggeration to say that addressing them will make or break not only its democratic experiment but also its viability as an independent state. The first rule of law problem is the Soviet legacy of political manipulation and the vestiges of a powerful police state. The Soviet system of justice was institutionally robust, with the KGB secret police looking out for internal dissent, while the Ministry of Internal Affairs and its large police (or ‘militia’) force responsible for keeping a tight lid on criminal activity. Judges, prosecutors and defense attorneys worked as agents of the State. Under Joseph Stalin this superstructure in fact defined the very prototype of the police state. With a 100 percent conviction rate, this system was never designed to impartially mete out justice, but rather to serve the political interests of the Communist Party of the Soviet Union and incidentally to ensure public order. Internal terror among the elite under Stalin largely kept this superstructure serving the State’s interest in maintaining total control over the population. But under later leaders, especially under Leonid Brezhnev (1964-1982), the easing of pressure on the political elite made it possible for large parts of this superstructure (with the exception of the KGB) to be captured for personal or group gain, leading to notorious, though mostly hidden, corruption and organized crime. In fact it was addressing this corruption that served as the initial impetus towards reform in the USSR in the early and middle 1980s

⁸ International Republican Institute, “Kyrgyzstan National Opinion Poll,” August 2012.

Kyrgyzstan, like the other post-Soviet republics, inherited this bloated police-state superstructure. Since independence criminal interests have often hijacked the elaborate security service infrastructure. The worst offenders are the militia, traffic police, the court, the prosecutor and customs service.⁹ Attempts to establish new “rule of law” instruments out of whole cloth have often gone astray, as in the case of the financial police, designed to combat corruption but largely becoming a chief agent of it. Wages in the security services and judicial system are implausibly low, implying that they are only the formal side of a civil servant’s income. **In essence the State’s tools for delivering justice represent a malignant and largely uncontrollable parasite on society** that only very superficially have provided much justice, law and order, or even traffic safety. This legacy has also made autocratic reconsolidation much easier under presidents Akayev and Bakiyev, since these institutions apparently have a vestigial genetic memory of original purpose under the Soviet system.¹⁰

A second problem, connected to the above, is the legacy of **criminal capture of the State and State-provided services as a whole during first two decades of Kyrgyzstan’s independence.** While presidents Akayev and Bakiyev were themselves complex and contradictory figures (and both tried to reform the justice system), they in practice stood at the apex of vast criminal networks that flowed from them through their immediate families and from there parasitically throughout the entire economy. Any successful economic enterprise was subject to at best informal taxation and often simply to naked confiscation. The Parliament and the sub-national legislative bodies were notoriously captured by criminal elements seeking the refuge of parliamentary immunity from prosecution. While westerners would likely characterize Akayev and Bakiyev as “dictators,” most Kyrgyz would find more of a problem with the fact that they were “crooks.” This grand corruption was matched by pervasive petty corruption that survey data and focus groups consistently identify as very high on the list of things the people of Kyrgyzstan would like to change about their country. Kyrgyzstan’s caricature of the Soviet welfare state, which still promises subsidized and universal access to medical care and education, stands on top of health and education systems that are in fact based on bribery and unofficial payments. This delivers neither equal access to health care or merit-based educational outcomes. As mentioned above, the daily and ubiquitous thievery of the traffic police does very little to improve road safety, since the traffic police are more concerned with farming income from innocent motorists or profiting from “catching and releasing” drunk drivers. The general police force also mostly engages in squeezing income out of both those who commit crimes and those who merely are unfortunate enough to interact with them. Reportedly, it is notoriously easier to bribe a judge than to hire a lawyer and criminal and civil cases are often more auctions for the highest bid rather than applications of law. There is also elaborate petty corruption in the issuance of documents from passports to marriage licenses. These make up the majority of the most basic interactions between the citizen and his or her government, and they are largely rotten.

A new rule of law problem that has emerged since the 2010 ethnic clashes in the South is of a different sort. **Increasingly the application of justice through the courts, the police and even the level of payment necessary to avoid them has become an ethnicity issue, especially in the South.** Jokes are made now about corrupt police taking KGS 1,000 bribes from Kyrgyz, but charging Uzbeks KGS 3,000. Cases of out and out kidnapping of Uzbeks for profit by security officials in the South have been committed under the cover of “investigation” of the Osh clashes of 2010.¹¹ More sinister even is the arrest, torture, detention and conviction on flimsy evidence of Uzbeks in the South and the lack of prosecution of Kyrgyz who are guilty of ethnically-motivated violence.¹² This phenomenon is more than just the already corrupt officials exploiting

⁹ Ibid.

¹⁰ Although anecdotally in researching a previous democracy and governance assessment in Kyrgyzstan at the end of the Bakiyev era (2009), high-ranking officials would often complain that the security services and justice system were corrupt and needed reform, suggesting they were not always very good as instruments of autocratic control either.

¹¹ See Human Rights Watch, [World Report 2012: Kyrgyzstan](#)

¹² Ibid.

heightened tensions with Uzbeks to line their pockets, with Uzbeks simply being the current target of opportunity. In the South mobs of ethnic Kyrgyz have been successful at using the threat and application of violence to affect the outcome of court cases (both “convicting” Uzbeks and freeing Kyrgyz). Judges, corrupt or honest, have no judicial police or bailiff force to protect them from direct pressure or enforce their decisions. One judge and prosecutor who found an Uzbek not guilty of beating a Kyrgyz man were themselves assaulted by an angry mob.¹³

Gender-based discrimination is also reflective of a lack of serious respect for the international legal and human rights conventions of which Kyrgyzstan is a signatory. While trafficking in persons for sex and labor often occurs, reporting is minimal because the traffickers are either relatives or community members. Rape, including spousal rape, is illegal, and yet the official number of rape cases is increasing, although it is unclear whether this is due primarily to increased reporting of attacks. Bride-kidnapping, largely suppressed in the Soviet era, is increasingly tolerated because of corruption and cultural indifference. Those who can afford to pay bribes tend to be the ones who enjoy the greatest amount of personal liberty, while those who cannot are subject to official and criminal abuse, which threatens to undermine the legitimacy of the state and new democratic system. While Kyrgyzstan is a signatory to multiple international conventions and treaties related to human and civil rights, there is a severe deficit of enforcement, protection and promotion of human rights regulations.

The situation since the April 2010 Revolution, however, has seen some critical and major strides in comparison to the Soviet or post-Soviet periods. The 2010 Constitution represents a major effort to set Kyrgyzstan’s political system on a law-based foundation. The Constitution establishes a solid legal basis for respecting human rights. Moreover, it was consciously designed to establish a real division of powers between the President, the Parliament and the judicial branch. Since 2010 there have been major improvements in key areas such as freedom of the press, freedom of expression, peaceful assembly, association, elections, and others.

2.2.3 COMPETITION AND POLITICAL ACCOUNTABILITY

Lack of clear consensus on the rules of the game since Kyrgyzstan’s independence have translated into the alternating pathologies of mobilized political violence against autocracy and the no less subtle use of creeping autocratic coercion against democracy. In both cases, autocrats and revolutionaries have been willing to go beyond the formal rules of the system in order to pursue political agendas. In addition to political assassination and violent revolution, autocrats have abused the electoral system, parliament, media and courts in ways largely perceived as illegitimate. **Since 2010 one of the primary achievements of the “founders” has been to set up a new constitutional arrangement which has largely served to channel political competition into legitimate, rule-based arenas** that have engaged and coopted both the supporters of the Bakiyev regime and those who until recently were prepared to use violent revolution to seek political power. The USG and USAID engagement during this time has sought to support this process, as expressed in a developmental hypothesis on DRG programming in 2011: “If democratic political institutions are better able to channel political competition and social grievances through regularized political processes, then the likelihood that political entrepreneurs and other actors will attempt to mobilize political violence again will diminish and existing grievances in the population will be more effectively addressed.”¹⁴

Since the April 2010 Revolution Kyrgyzstan has successfully held a series of national elections that have taken it from a Provisional Government with only the thinnest of claims to legitimacy to a now complete constitutional system. In June of 2010, in the wake of attempts by Bakiyev’s operatives to undermine the process through provoking violent ethnic clashes, the Provisional Government successfully held a

¹³ See RFE-RL Report, “[Kyrgyz Villagers Beat Up Prosecutor, Judge](#),” 25 September 2012.

¹⁴ USAID/Central Asian Republics, “Conflict Mitigation Activities in Kyrgyzstan” [Annual Program Statement](#), page 4.

referendum on the new Constitution.¹⁵ In October of 2010 elections were held for the new Parliament (*Jogorku Kenesh*), which were highly contested by twenty-three parties. The elections returned deputies from the parties most closely associated with the Provisional Government and its leading figures (*SDPK, Ata Meken, Ar Namys*), but also included a party of “young businessmen” (*Respublika*) and surprisingly resulted in the largest bloc of mandates going to a party (*Ata Jurt*) which more or less represented a coalition of former Bakiyev supporters who were for all intents and purposes the opposition to the Provisional Government throughout its existence. In other words, the Provisional Government *lost* this election and let the result stand. A year later in October 2011 Presidential elections were held that saw a high level of contestation and an unpredictable outcome, resulting in the election of Almazbek Atambayev. Finally in March and November of 2012 local elections were held, reversing the polarity of local politics from centrally-appointed local leaders to local mayors and rural officials selected by directly-elected councils. In some cases, the electorate “threw the bums out” and in other cases controversial local champions were retained. A number of new local parties with potential national-level appeal also contested these local elections, indicating new forces seeking political expression and power through the ballot box. Elections are now held according to timetables prescribed in the Constitution. They are hotly contested by parties providing meaningful choice. Women and minorities can vote freely and are included as candidates. Finally, the outcome of these elections is not only hotly contested, but very unpredictable, as the surprise *Ata Jurt* victory in the parliamentary elections or the loss of local power elites in the local elections shows. As will be discussed in the next chapter, the administration of elections is far from perfect, but they are free and have shown significant improvements over the last three years.

The one exception is perhaps the inclusion of ethnic Uzbeks in the electoral process. In parliamentary or presidential elections Uzbeks have few attractive choices, since the national parties are dominated by and appeal to ethnic Kyrgyz. In the presidential elections and in local elections, however, there has been an increasing attempt to appeal to and include the ethnic Uzbek voter. In the 2011 elections to local councils, major political parties ran slates heavily populated with Uzbek candidates in southern districts – a positive sign that at least some political parties understand the electoral costs of ethnic exclusion, and are acting accordingly.

Perhaps one of the more surprising developments in Kyrgyzstan’s politics over the last three years is the extent to which political enemies have been willing to reconfigure their interests in the Parliament and the Government to prevent a premature dissolution of the Parliament. Spoilers would have had many occasions on which to allow the democratic system to appear feckless and incompetent. Repeatedly individual parliamentarians and party caucuses have been willing to act in the interests of the institution and the legislative branch. President Atambayev has also been able to bridge some of the most important gaps in Kyrgyzstan’s politics by being inclusive of southerners and avoiding a winner-take-all approach.

Having established some meaningful division of power between the presidential executive and the legislative branch, President Atambayev has articulated a clear priority to build up and respect the independence of the judicial branch in the coming years of his presidency. The balance between central government and sub-national government is more problematic, and has lacked a coherent champion since the Revolution. Successive prime ministers under the new Constitution have adopted contradictory decentralization and re-centralization policies that have gained little traction.

2.2.4 INCLUSION

Like many emerging democracies in Eastern Europe and the former Soviet Union in the 1990s, **political liberalization in Kyrgyzstan has made problems of inclusion worse.** The integrative internationalism of

¹⁵ For the best overall succinct narrative of the April 2010 Revolution see International Crisis Group, “[Kyrgyzstan: A Hollow Regime Collapses](#),” Asia Briefing Number 102.

the Soviet Union has eroded over the past twenty-one years. The majority ethnic Kyrgyz have come to dominate political life and are largely vulnerable to autosympathetic political narratives that portray them as historical victims, justifying unequal access to political life and unequal access to justice for ethnic minorities, particularly Uzbeks. Russians, who represented the dominant technical and to some extent political class of the Soviet era, are still present but are increasingly excluded from meaningful participation in political and government life. Formally, of course, the Constitution recognizes ethnic equality and human rights, but bans the creation of parties based on ethnicity. Increasingly mastery of the Kyrgyz language has become a formal prerequisite to public office. Both interim President Roza Otunbayeva and current President Atambayev have been inclusive in their public rhetoric but largely ineffective in addressing the exclusion of ethnic minorities. Some parties have sought to tactically reach out to Uzbek voters and have included Uzbeks on their party lists in local elections, but the Parliament has no openly Uzbek members and no overt advocates for Uzbeks.

On the role of minorities, contrary to the rights postulated in the new constitution, there is a rising nationalist discourse and a hardening consensus among the ethnic Kyrgyz that Kyrgyzstan should be primarily a state for them. At long last, a clear, dynamic Kyrgyz identity is emerging, and it is not one that is inclusive or attractive. In focus groups across the country it was clear that nationalism runs extremely high in Kyrgyzstan, particularly in monoethnic areas furthest away from the 2010 violence. In areas that have traditionally been more mixed, there seems to be a greater likelihood for more tolerant views and optimism for multiethnic coexistence, though proximity to the violence also impacts those perspectives. In the North, and in monoethnic Kyrgyz focus groups in particular (Naryn, At Bashi, Kochkor and Bishkek), responses tended to be at best dismissive or uninformed of minority grievances, and equally as often aggressive in their advocacy for privileging Kyrgyz language, culture and status. While there were almost never direct references to Uzbeks or the ‘events,’ there were comments that openly questioned minority commitment to democracy and stability. In the South, in more mixed communities directly impacted by the violence (Osh, Jalalabad, Bazar Korgan), monoethnic Kyrgyz groups often had heated discussions and expressed diverse views on this issue. Though there was no shortage of cold, angry comments, the majority seemed to be a bit more conciliatory towards minorities, though they often took a tone that implied the Kyrgyz should take the high road and forgive the Uzbeks for their starting the violence. In most of these groups, however, it was often explicitly or implicitly stated that minorities in general – and Uzbeks in particular – live in Kyrgyzstan based on the good will of Kyrgyz. In the South, in mixed areas further away from where violence occurred (Batken, Kyzl-Kiya, Leilak), there were consistently high numbers of positive statements reflecting tolerance and a hope for a return to peaceful coexistence among the Kyrgyz. Among Uzbek focus groups, hope was consistently expressed that stability would be maintained, that ethnic tensions would recede, that the government would help address discrimination, harassment and rising nationalism across the country. Uzbeks appear to either have been forced to assimilate, hunker down or emigrate. As a result, Kyrgyzstan is increasingly turning into a majority-dominated state. Most Uzbek-language media have been closed and Uzbek-owned businesses have sharply diminished. This nationalistic narrative is at odds with the 2010 Constitution. It is also contrary to international documents that Kyrgyzstan has ratified. It is inconsistent with statements by the country’s leadership, which seems to promote a more inclusive narrative. President Atambayev declared in his Unity Pledge that his key task was national reconciliation and bringing the country together¹⁶ The Presidential Administration has been working on a new ethnic policy concept that has been debated in parliament by all major political parties. Currently, this concept is with the National Defense Council. The Head of the Committee on Constitutionalism, Legal Reform and Human Rights shared in an interview that he would be the first to leave the country if it turns from an “international” path of development into a closed nationalistic state. At the same time, the multiethnic concept of citizenship and the narrative for peace and reconciliation has not been championed sufficiently by leading politicians, who instead have allowed dangerous nationalistic and discriminatory discourse to take over public space.

¹⁶ BBC News, [“New Kyrgyz leader Almazbek Atambayev in unity pledge,”](#) 31 October 2011.

As in many traditional societies, **the role of women seems to depend on socio-economic status.** Under the Soviet system, women enjoyed a more mainstream role in political and social life. Since the country's independence twenty-one years ago, there has been a continual de-evolution of the value system that guaranteed women a substantive role in society. On the one hand, there are a number of positive signs indicating that Kyrgyzstan is moving in the right direction. The new Constitution declares men and women to be equal and prohibits discrimination.¹⁷ According to 2011 data, 81% of women over 25 have at least secondary education, and 54.8% of the labor force is women. Key “power” positions are occupied by women: the former Transitional President, the current Prosecutor-General, the Chief Justice of the Supreme Court, a Deputy Speaker of the Parliament, the Deputy Chair of the Central Election Commission. Many other high-profile GOK officials and civil society leaders are women. At the same time, women continue to be exposed to discrimination and violence. While domestic violence is prohibited by law, it still accounts for up to 60% of all crimes against women. The practice of bride kidnapping and the dowry system are becoming more prevalent. The Women's Parliamentary Caucus drafted a law imposing criminal penalties for men found guilty of bride kidnapping. However, the draft was rejected without debate when it was submitted to the plenary. For women inclusion in politics and public life is less problematic than their access to justice and fair treatment under the law. Individual women have been at the center of the politics of Kyrgyzstan since independence and have served at the highest levels of government throughout the independence period. Overall, both before and after the 2010 Revolution they have represented about one-fourth of the members of Parliament, the highest percentage in Central Asia. Women are very strongly represented in civil society and well represented in Government. The World Bank gives Kyrgyzstan a 4.5 of a possible 6.0 rating on gender equality.¹⁸

Decades of Soviet anti-religious propaganda have left a legacy of engrained and reflexive secularism in most of the urban and Kyrgyz population and certainly among the political elite which poses a serious problem for freedom of religion. Under Bakiyev any expression of politicized Islam was harshly treated, to the point of potentially radicalizing essentially non-political Muslims. Islam is undergoing a revival in Kyrgyzstan, especially in the South and especially among Uzbeks. The role of Islam in Kyrgyzstan's society is likely to become an increasingly relevant question over time. This is only exacerbated by the mistreatment of the generally more devout Uzbek minority and the portrayal of them as religious extremists. While the Constitution guarantees religious freedom, in practice political expression of Islam has largely been opposed by both Kyrgyzstan's autocratic regimes and to some extent the new democracy. The Constitution bans political parties based on religion.

The exclusion of Uzbeks and other minorities on an ethnic or religious basis is a serious problem for Kyrgyzstan's obligations under its international commitments as well as potentially destabilizing internally, as some segments of the minority population might be pushed towards other alternatives. It is also potentially destabilizing to the relationships between Kyrgyzstan and its neighbors, especially Uzbekistan and Russia. The response on the part of ethnic minorities inside Kyrgyzstan has thus far been limited to emigration, assimilation or avoidance. Polling data show that most Kyrgyz and most Uzbeks do not openly see ethnic relations as an important issue, although focus group data certainly show a different picture of frustration on the part of Uzbeks and increasing aggressive denial on the part of Kyrgyz, especially northerners.

2.2.5 GOVERNMENT EFFECTIVENESS

Kyrgyzstan's performance in “delivering the goods” since independence reflects its inherent poverty and the loss of subsidies and from the Soviet Union. In 2011, Kyrgyzstan scored a rate of 0.615 in the Human Development Index (HDI), a score below the Central Asia and European average of 0.751 and

¹⁷ [Constitution of the Kyrgyz Republic](#), Article 16.

¹⁸ For more see World Bank, [“Human Development Report 2012, Gender Equality and Development, Kyrgyzstan Country Case Study.”](#)

placing it 126th of 187 nations.¹⁹ It is steadily creeping from the range of “medium human development” to “low human development.” Economic growth has been sluggish and largely dependent on fluctuations in the income from the Kumtor gold mine and migrant labor remittances, both of which are income streams beyond the control of the Government.

As discussed above, Kyrgyzstan inherited the infrastructure of the Soviet police state. It also inherited Soviet bureaucratic machinery originally designed to regulate nearly all aspects of economic and political life and deliver a very broad range of public goods under the Soviet “developed Socialist” state. **While twenty-one years of post-Soviet privatization and erosion of state capacity have taken their toll, the bureaucracy in Kyrgyzstan is still highly centralized, bloated, inefficient, under-resourced and in some cases hijacked by rent-seekers.** The government is failing to deliver on its overly ambitious welfare-state mandates and unable to bring expectations and mandates in line with new realities in a post-Soviet world.

There have been various attempts at government restructuring over the years that have largely stalled or have been reversed when regimes collapse or governments fall. President Bakiyev had initiated a decentralization strategy and a consolidation of ministries and functions in late 2009 that were reversed after the Revolution in April 2010.²⁰ Many officials reported that current Prime Minister Jantoro Satybaldiyev is planning another sweeping governmental reform. At the core of any such reorganization there needs to be a reform of the civil service system and the basic conditions of hiring, assessment, compensation and accountability of central and municipal civil servants and a consolidation and rationalization of central state functions. The rationalization of the relationship between the central Government and sub-national government is also critical in “delivering the goods” in an accountable way. Kyrgyzstan, by Soviet standards, was a medium to small province that would have been divided into several rural districts and a provincial capital. Upon independence Kyrgyzstan created an extra layer of sub-national government, the province (*oblast'*) that has left an overly complex three layers of sub-national government with a complex set of decentralized and deconcentrated mandates. Many services of critical importance to the population (police, schools, health care, documents) are technically beyond the jurisdiction of now democratically-elected local officials and are managed by appointed (and largely unaccountable) representatives of central ministries and agencies. There is a potential collision now between the accountability of elected local leaders and the unaccountability of the representatives of central ministries who are technically responsible for service delivery.

At the heart of this process, as in other countries of the former Soviet Union and Eastern Europe, is the on-going redefinition of what the State does, what it reserves to itself, and what it allows to be managed outside of its control. Amidst the tumult of its political evolution, Kyrgyzstan lacks a consensus vision of what this division of labor should be, as well as a strategy on how to manage the contraction of the boundaries of the state. All legitimate (and most illegitimate) economic activity and all political life were dominated by the State in the Soviet Union. There was no non-state public sector, just the realm of the State and the realm of personal life. Most post-Soviet states quickly recognized the desirability (and profitability) of privatizing some economic activities and some states simply privatized by default when they no longer were capable of suppressing market economic forces. They were all slower to shed the social and political monopoly of the State or allow market forces to take over in areas where they have an advantage of greater efficiency. Most states shed some aspects of service delivery as the Soviet welfare state became impossible to maintain. The GOK, for example, is experimenting with state grants as a means of delivering certain social services more effectively by outsourcing them to NGOs. On a largely *ad hoc* basis, there is a redefinition underway in Kyrgyzstan of how such things as veterans' affairs, youth policy, trash collection, health care delivery, agricultural water management, housing management, education, business associations, bar associations and a great many other things are being carried out in Kyrgyzstan. Many of these arrangements will not fit well into Western categories.

¹⁹ United Nations [Human Development Indicators, Kyrgyzstan](#).

²⁰ See RFE-RL Report, “[Kyrgyz President Announces Structural Reforms](#),” | September 2009.

Finally it must be pointed out that there has been an inverse relationship between democracy and the political system's ability to take on difficult problems over the last three years. While the autocratic regimes of Akayev and Bakiyev could take bold initiatives, **the new politics between the President, Prime Minister and Parliament have created an inter-branch and inter-agency policy process more reminiscent of the compromise and give-and-take of democratic politics.** Democratic reform has increased the number and disaggregation of stakeholders *within* the state, thus impairing its ability to push forward with bold policy reforms. While this creates the basis for inclusiveness and participation that contribute to the legitimacy and sustainability of any political decisions, the way the process is managed creates inefficiency. Like in many other countries in the former Soviet Union or Eastern Europe, Kyrgyzstan's democratic process is quite "messy" since there is simply not a single office that has the initiative on any given area of policy reform and now there are a multitude of political and institutional interests manifested in policy formulation. This will become clear in the next chapter in the discussions of key actors and institutions. Some of this is the growing pains of a new democracy, but some of it is inherent in how democracies balance competing interests and agendas.

2.3 SUMMARY: THE MAIN DRG PROBLEM

Leading figures from the overthrow of Bakiyev in 2010 will say with pride that between then and now Kyrgyzstan has once and for all put in place a Constitution that is balanced and will prevent the return of autocratic government. Indeed, there is now a basic consensus about the rules of the game that appears to have thus far successfully channeled conflict over resources, identity and meaning into the new institutional framework of a competitive democratic system. The separation of powers between the Executive and Legislative branch has been established on a firm foundation. Vibrant political competition is leading to adaptation and perhaps natural political selection. Many basic political and civic rights of citizens, previously lacking, such as freedom of speech, expression and assembly have been ensured. A number of new laws and fundamental reforms have been launched. Compared to the situation in Kyrgyzstan in late 2009 this is an impressive and encouraging set of achievements.

It is in the areas of inclusion, rule of law and government effectiveness – where Kyrgyzstan is still struggling with the legacy of an inherited Soviet welfare-state bureaucracy and police state apparatus – that progress seems problematic. It is in large measure the parasitic and autonomous nature of these structures and ubiquitous corruption that makes it difficult for the new core institutions of Kyrgyzstan's democracy to effectively "deliver the goods." Parliament and President, not to mention the judicial branch, must depend on these same imperfect instruments of the security services and the bureaucracy to defend the State, carry out new policies and uphold new laws. Additionally, the severe problems of inclusion in Kyrgyzstan stem from toxic political narratives, popular attitudes as well as the impunity of some parts of the State in preying on those less able to defend themselves. This leads to an inability of Kyrgyzstan's new democratic institutions to defend the rights of minorities and disenfranchised groups against the prejudice of the majority.

This assessment concludes that the primary problem of democracy, human rights and governance in Kyrgyzstan today is that **the impressive democratic breakthroughs of the last three years are threatened by ineffective, unaccountable and often predatory government and rule of law superstructures that fail to deliver for all citizens but especially fail to defend the human rights of the minority against the prejudice of the majority.**

The following chapter examines how actors and institutions are (or are not) poised to address this problem.

3.0 STEP TWO: ANALYZING KEY ACTORS AND INSTITUTIONS

3.1 KEY ACTORS

Most key actors on both sides of the 2010 Revolution have accepted the new order and are pursuing their political interests through the new institutions it established. The mostly northern democratic revolutionaries of 2010 are largely satisfied with the outcome, both politically and geographically. The very independent Mayor of Osh in the South has seemingly found a *modus vivendi* with the new order. There is a political elite centered around the former Bakiyev home base of Jalal-Abad that is disaffected and increasingly repeating the patterns of oppositions past in calling for radical changes, but thus far has not found a compelling set of grievances to generate public support and certainly not on a national scale. Finally, and quite importantly, Russia's and Kazakhstan's leadership and business interests seem to have accepted the new relative stability of the democratic system, even if they are not ideologically friendly to it. These all point to the probability of systemic stability and legitimacy over the next five years, although serious public grievance could open the door to opponents of the current system and its division of the spoils. Paradoxically, Kyrgyzstan's parliamentary system is simultaneously weak generating reform, but politically durable. The cause of both is the same: its inclusive division of political spoils across almost all mainstream political parties.

3.1.1 THE 2010 REVOLUTIONARIES

The overthrow of President Bakiyev in April 2010 was carried out largely by the same group of political actors who had thrown out Askar Akayev in 2005, minus Bakiyev himself, of course. Throughout February and March of 2010, sporadic demonstrations led by or exploited by key opposition figures mobilized public resentment with Bakiyev's regime on a range of issues from salaries for teachers to recent price hikes for domestic heating and SMS texting on cellphones. Key opposition leaders organized themselves into a "People's *Kuraltai*" (traditional national assembly of the people). A demonstration in Talas led by opposition leaders protesting against government corruption and increased living expenses turned violent and spread nationwide. State of emergency was declared and many were arrested, protesters took control over the internal security headquarters (former KGB headquarters) and a state TV channel in the capital, Bishkek. Reports by Kyrgyzstan government officials indicated that 88 people were killed and 458 hospitalized in violent clashes with police in the capital. Bakiyev resigned on 15 April and found refuge in Belarus. The Central Executive Committee of the *Kuraltai* transformed itself into Provisional Government with a six-month mandate to compose and adopt a new Constitution and hold elections for a new Parliament.

Establishing a new legitimate political order is largely what the Provisional Government has achieved. Roza Otunbayeva, who led the Provisional Government and served as interim President until the end of 2011, has fulfilled the role of a Central Asian Cincinnatus. Her *a priori*, public declaration that she would not stand for election beyond her 18 month provisional term allowed her to serve as a true "honest broker" on the political stage – arguably, Central Asia's first. She refereed the adoption of a new Constitution and the election of a new Parliament and President and then walked off the political stage as the first President in Central Asia to

peacefully transfer power to a successor. Her role was critical and limited. The other key figures in the 2010 Provisional Government have aggressively engaged in staking territory in the new political landscape of Kyrgyzstan. Almazbek Atambayev continues to lead the *SDPK* and followed Otunbayeva as the first president elected under the new Constitution. Rhetorically he has remained true to Otunbayeva's precedent of acting as a referee. The political leaders who united in 2010 to overthrow Bakiyev and to help establish the new political order consisted of a coalition of convenience, drawing from several political parties that are normally electoral rivals. Omurbek Tekebayev realized his long-standing ambition to author a balanced Constitution and continues to lead the *Ata Meken* Party. The party itself has fallen on hard times, showing poorly in parliamentary, presidential and local elections but Tekebayev remains active in Parliamentary politics. Second-tier members of the Provisional Government have largely found their places either in Government or party politics. Temir Sariyev serves as the Minister of Economics, the role he fulfilled for the Provisional Government. One exception is Azimbek Beknazarov, the member of the Provisional Government responsible for security services, gaining control of the legal system and managing the South, who has become an active opponent of the current Government and a champion for the South. He now leads a "Voice of the People" movement and is aligned with arrested *Ata-Jurt* leader Kamchybek Tashiyev. There is some danger of the Southerners coalescing against the Northerners, or of seeking redress of their grievances outside the new political process. Beknazarov himself has begun using demonstrations and calling for a *Kurultai*, following old patterns of opposition. Thus far popular support for his calls for negotiation has not been evident, and the current system's "positive-sum game" division of power and policy authority makes it difficult for anti-systemic voices to rally support from political parties, even those based in the South.

3.1.2 THE MAYOR OF OSH

One of the initial public splits in the Provisional Government in 2010 was when Beknazarov, a member of the Government, sided with Osh Mayor Melis Myrzakmatov when President Otunbayeva attempted to remove Myrzakmatov in August of 2010 following the June events in the South. In large measure the independence that Myrzakmatov has enjoyed since 2010 (although he was fairly independent before that) stems from his role in supporting the Provisional Government against Bakiyev in April and May of 2010. After the June 2010 violence President Otunbayeva repeatedly attempted to remove him from office but was unable to. Secondly, Myrzakmatov appears to have sources of finance and influence that go well beyond his official status as Mayor of Osh and is generally considered to be involved with the illegal transit of heroin from Afghanistan. He has been effective at adapting as a politician as well, both seemingly delivering economic growth and playing to Kyrgyz nationalistic feelings in the wake of the Osh events of 2010. He has been careful to stay away from questioning the new political order directly, but has shown sometimes audacious independence in exercising local control over central agencies in Osh and has even gone as far as adopting a new flag and emblem for the city.

Myrzakmatov's complicity in the June 2010 violence against the city's Uzbek population is complicated but it is clear that his plans to transform the Osh landscape and his subsequent pro-Kyrgyz stance have at a minimum benefitted greatly from the displacement and emigration of the Uzbek population.²¹ His position as an independent actor was solidified greatly by the victory of his party in democratic local elections in 2012. As he was in 2010, Myrzakmatov remains a critical potential spoiler and kingmaker who cannot be easily managed by the leadership in Bishkek. So far he has not made overt common cause with Tashiev, Beknazarov and the other disaffected opponents of the Constitutional order.

²¹ See International Crisis Group, "[The Pogroms in Kyrgyzstan](#)" or "[Kyrgyzstan: Widening Ethnic Divisions in the South](#)" for an unfriendly review of the story. Myrzakmatov himself has written [his account](#) of the June 2010 events.

3.1.3 THE BAKIYEV FAMILY

The Bakiyev family very quickly lost their patronage network when they fled the country but retained the ability to act as spoilers. President Bakiyev himself seems to have largely accepted retirement in Belarus, but his son Maxim and his brother Janysh were reportedly behind efforts to destabilize the Provisional Government and likely the main instigators of the violence that spread through the South in June 2010.²² Janysh is in hiding in Belarus and requests by the new Government for his extradition have been refused. Maxim is being held in Great Britain and faces extradition to the United States. It is unlikely that, as time passes, they can play any kind of a serious initiating role in renewed political violence, but they presumably have some resources to contribute to the efforts of others should new conspiracies form. Two of the political party interlocutors that the team met with expressed interest in the Maxim Bakiyev's case and said it was being followed closely in Kyrgyzstan as a measure of how genuine "the West" is about promoting democracy in the country.

3.1.4 FORMER REGIME SUPPORTERS

The *Ata Jurt* Party (ironically founded by future President Roza Otunbayeva in 2004) was largely the place where supporters of President Bakiyev coalesced after his 2010 overthrow. Overt support for a Bakiyev comeback very quickly turned into opposition to the Provisional Government and later into representing the interests of the South, mainly Jalal-Abad, in opposition to the mostly northern Provisional Government. There was a rather unexpected and stunning turn around in October 2010 when *Ata-Jurt* received the most support of the five political parties that passed the five percent barrier in parliamentary elections. From late 2010 to late 2011 *Ata-Jurt* led a very uneasy parliamentary coalition, but showed itself increasingly more interested in winning under the new rules rather than changing the rules again. As time has passed, the common interests of those once close to Bakiyev have diverged and *Ata-Jurt* itself has broken into factions. It is safe to say that there are no parties or players in Kyrgyzstan who at this point advocate a return of the Bakiyev family. There are, however, politicians like Tashiev and Beknazarov, who are interested in elevating the position of the South, or of Bakiyev's former home base of Jalal-Abad, in the national division of power.

3.1.5 RUSSIA

Russia continues to play a rather direct role in the politics of Kyrgyzstan. Russia clearly had some hand in the events that led up to the overthrow of Bakiyev, although they may more have been looking to slap the Family on the wrist rather than topple the regime.²³ There is some evidence that the plans of the 2010 revolutionaries were known to the Russian leadership beforehand. Russia media overtly launched a campaign against Bakiyev just prior to his overthrow. The Russian leadership "interviewed" the Provisional Government in 2010, vetted serious presidential hopefuls in 2011 and may have provided financial support to its preferred candidates, according to many political observers in Kyrgyzstan. When Bakiyev family financial interests were being re-divided after the overthrow, Russian business interests carefully defended their prior arrangements and were involved in establishing a new division of assets. This all points to two things: firstly, overthrowing the system in Kyrgyzstan is something Russia can seemingly facilitate or prevent. Secondly, Russia seems now to have accepted the new order of things despite an ideological distaste for Kyrgyzstan's democratic experiments. President Atambayev has gone out of his way to show his fealty to Russian preeminence in Central Asia and argued for a "special relationship" with Russia over the long run. That being said, the same was true of Russia's relationship with the Bakiyev Family until disagreements over the

²² An [intercepted conversation](#) between the two appears to implicate them in the June violence as an effort to destabilize the June Constitutional referendum and pave the way for a Bakiyev family comeback.

²³ See ICG, "[A Hollow Regime Collapses.](#)"

presence of U.S. military forces at the Manas Transit Center were very poorly handled by the Bakiyevs. For now, Russia's business interests seem to take precedence over its geo-strategic distaste for a U.S. military presence on the territory of the former USSR.

3.2 KEY INSTITUTIONS

This stakeholder analysis examines the extent to which “ineffective, unaccountable and often predatory government and rule of law superstructures” *can* be reformed by the new democratic political institutions so that they will “deliver the goods” for “all citizens and defend the human rights of the minority against the prejudice of the majority” – the key DRG problem as defined above. This is a question of both the **level of political will and ability to change** the way Government delivers and interacts with its people and a question about **which of these different possible areas of chance will have the most impact** on the problem outlined above.

This section examines the executive branch, the Parliament, the judicial branch, prosecutor and the legal profession, the crosscutting issue of human rights, local government, political parties, electoral institutions, civil society, media and security services. Following the Strategic Assessment Framework guidance, each of these actors and institutions are analyzed in terms of their interests, resources, strategies, and the institutional arena in which they operate. The reform of an institution may potentially be very important in solving the problem of “delivering the goods” but may not be possible in the current political landscape. Steps Three and Four will address potential USAID interventions to address the key problems.

3.2.1 THE LEGISLATURE

Like most post-Soviet legislatures, Kyrgyzstan's Parliament evolved from the Supreme Soviet (*Jogorku soveti*) of the Kyrgyz Soviet Socialist Republic, a body which theoretically held complete sovereign power over the Council of Ministers (Government) in the republic and could amend the Constitution at will with a simple majority. In reality during the Soviet period, the Supreme Soviet was largely a token ceremonial organ that met twice a year and the supremacy of the Communist Party of the Soviet Union (CPSU) was guaranteed under Article Six of the Soviet Constitution. In March 1990, this radically changed; competitive multicandidate elections were held in all 15 union republics for new Supreme Soviets which would similarly displace the republican Communist Party organizations. In remote Kyrgyzstan, the new Supreme Soviet elected Absamat Masaliyev, the First Secretary of the Kyrgyz Communist Party as Chairman (Speaker) of the new body, but he very quickly faced a turbulent new political reality. Starting in May 1990, political opposition groups demonstrated in the capital. By June, ethnic riots broke out in the South. It took substantial, Soviet military forces months to restore order. In October, after the now-unpopular Masaliyev was unable to secure an electoral majority during two run-offs, Askar Akayev became first directly elected President, but was very much beholden to supporters in the Parliament.

From 1991-94, Akayev struggled with an independent, volatile and fractious Parliament. Kyrgyzstan's politics became increasingly dysfunctional and Akayev sought to increase the power of the executive at the expense of the legislature. By 1994, Parliament experienced numerous boycotts and the repeated prevention of quorums. In October 1994, Akayev held a referendum that enabled the Constitution to subsequently be modified by referendum and created a new, arguably weaker, bicameral Parliament renamed the *Jogorku Kenesh* (replacing the Russian word for ‘council’ (*soviet*) with the corresponding Kyrgyz word (*kenesh*)). Generally free and competitive parliamentary elections in 1995 returned mostly individual, unaffiliated deputies. During the tenure of this Parliament (1995-2000), Akayev again found himself struggling against a fractious legislature that repeatedly challenged his authority. In questionable referenda during this period the President secured the ability to dissolve Parliament, on two occasions changed the number of deputies in each legislative chamber, changed the electoral system from single-mandate to a mixed system, limited parliamentary

immunity, and changed the Parliament from bicameral to unicameral. By the 2000 legislative elections, Akayev had successfully managed to keep Parliament off balance long enough that heavily manipulated elections eliminated opposition from the legislature, resulting in a more compliant institution. By the time Parliamentary elections came around again in 2005, Akayev again sought to manage the election process, placing many of his family and political cronies into a once-again, smaller, unicameral Parliament, with less ability to oppose Presidential rule. These manipulated elections led directly to Akayev's overthrow in the Tulip Revolution.

The country's second President, Kurmanbek Bakiyev, in many ways repeated Akayev's record of seeking to expand executive power at the expense of the legislature. The Parliament that appointed him in the aftermath of the Tulip Revolution was led by Speaker Omurbek Tekebayev, who later was a principal player in the 2010 April Revolution and in writing the current Constitution. Bakiyev and Tekebayev fought throughout 2006, when Tekebayev resigned and took his opposition out into the street. Bakiyev held a referendum in October 2007, again changing the number of deputies and further reducing the powers of Parliament. In December, flawed parliamentary elections were held on a party-list basis, with the President's *Ak Zhol* Party winning 71 of the 90 seats in the Parliament. From 2008-2010 the Parliament became largely a rubber stamp for Bakiyev. After the second Kyrgyz Revolution in 2010, this Assembly was quickly dissolved by the Provisional Government.

The parliamentary legacy in Kyrgyzstan is thus rather rich. Until Bakiyev's flawed elections of 2008, Kyrgyzstan's Parliament posed a significant enough challenge to the executive that successive referenda were held to reduce legislative authority. In 1990, 2005 and late 2010 one version or another of the legislature found itself largely the repository of practical sovereignty when executive legitimacy collapsed. In each case, the Parliament had to find a way to establish control over a Soviet-style bureaucracy and security apparatus that was largely autonomous and unwieldy. With the legislative appointments of Akayev and Bakiyev, the Parliament's chosen champions were both eventually corrupted by the executive apparatus, leading to a further erosion of parliamentary power. This has all happened in the space of 23 years, a short enough time for some living principals to have personally taken part in the entire story. Omurbek Tekebayev himself was a deputy of the USSR Supreme Soviet in 1991 and was in and out of Kyrgyzstan's Parliament from 1992-2010. The hybrid constitutional separation of powers created in the 2010 Constitution, penned largely by Tekebayev, reflects this legacy. **A core task of the 2010 revolutionaries was to create a "parliamentary republic" in which "all power" would rest in the Parliament and would prevent a repeat of the backsliding under Akayev and Bakiyev.** Among the key safeguards to avoid the return to a dominant executive was prohibiting amendment of the Constitution for 10 years and procedurally raising the bar on amending the Constitution after that. The new Constitution called for a Prime Minister and Government comprised of Ministers and heads of agencies to be formed from and by the ruling coalition in Parliament; that coalition would answer to and be dissolved by the Parliament. In elections overseen by the Provisional Government, a President with truncated but still significant powers would be directly elected by popular vote a full year (2011) after the Parliament was established (2010), to give the new legislature and party system time to establish itself. The electoral system would be based on party list proportional representation in a single national mandate, strengthening the role of competitive parties across the entire political system. These two elections were held across 2010-2011, with few electoral flaws, and the interim government was subsequently replaced by its lawful successor.

One of the most remarkable accomplishments of the 2010 Revolution has been the creation of just such an independent legislative branch in Kyrgyzstan, even if in a way not anticipated by the authors of the Constitution. The elections, held in October 2010, under the new Constitution were a partial rejection by the voting public of the personalities and parties behind the overthrow of Bakiyev. The *Ata* Party of Tekebayev, who was considered a natural candidate for the speakership of the new Parliament he had designed, barely surpassed the five percent barrier. An eclectic mix of southerners and former Bakiyev supporters formed the new *Ata Jurt* Party and found themselves with the largest plurality of votes. So the advocates of a strong Parliament found themselves the minority opposition to the supporters of a banished autocratic president who had run on a platform of radically amending the Constitution to strengthen the executive.

An uneasy coalition formed in December 2010, between *Ata Jurt*, Almazbek Atambayev's SDPK and Omurbek Babanov's *Respublika*, elected Akhmatbek Keldibekov of *Ata Jurt* as Speaker, while retaining important committee posts for other parties in the coalition. The resulting, ruling coalition, though inexperienced in governing or coalition politics, very quickly adapted to supporting the further development of the legislative institution and maintaining its internal balance. Control over the critical Budget Committee and Legal Committee are reserved for the opposition parties on principle. Where possible the coalition tried to insure that Government Ministers were under the oversight of committee chairmen from a different party. Throughout 2011, the leadership and the members acted to maintain the stability of the coalition, with some *Ar Namys* opposition deputies coming over to the ruling coalition when it appeared to falter. This coalition finally broke up in the aftermath of Atambayev's election as President, with *Ata Jurt* taking on the role of opposition. The new president's SDPK faction elected Asylbek Jeenbekov as Speaker. In August 2012, two of the new coalition's minor parties, *Ata Meken* and *Ar Namys* withdrew, forcing Babanov's Government to be dissolved and a new Prime Minister to be appointed under a third coalition of SDPK, *Ar Namys* and *Ata Meken*, with *Respublika* and *Ata Jurt* in opposition. **The experience of the formation of three parliamentary ruling coalitions and three governments has demonstrated that the Parliament and its deputies are acting to preserve the institution and that the formerly violent political competition between them in 2010 has now largely been channeled into parliamentary politics.** Both Transitional President Otunbayeva during the first year of the Parliament's existence and President Atambayev during the second year have allowed the legislature adequate space and time to develop as an institution and work out its procedural kinks.

Key functions of a democratic legislature are representation, law-making and oversight of the executive. Kyrgyzstan's "parliamentary republic," as created in the 2010 Constitution, is a response largely to the country's aforementioned history of parliamentarianism and autocracy, and has begun to stabilize the country's heretofore crisis-driven political system since the 2010 Revolution. **There are signs that the parliamentary system is informally and formally evolving to meet the structural weaknesses of the Constitution through developing a history of problem solving and practice.**

Representation is problematic in a single-mandate party-list electoral system. Deputies are elected from a party list based on a national vote, which means they "represent" a party rather than a discrete geographic constituency. Informally, however, constituents seem instinctively know who "their" deputy is based on who campaigned in or is from their area, ethnic group or clan. Parties in parliament have intentionally divided the country into areas of responsibility which become the special concern of individual deputies from that party. Local officials – mayors and *akims* – have been able to identify which deputies in which parties are critical contact points in the national parliament and can increasingly rely on them for intervention with the Government apparatus (see Local Government section below). These legislative parties, which were all to some extent geographically based at least initially, have consciously attempted to increase their electoral appeal by including representatives from other geographic areas in their party lists. Each party caucus has members from both the North and the South. Members are also increasingly holding field trips and field committee hearings which include check-ins with local officials. While certainly imperfect, this shows a competitive adaptation among the parties to seek electoral advantage through becoming less leadership focused and more representative and inclusive.

Naturally, with the history of executive-legislative relations in Kyrgyzstan, legislative oversight of the executive branch is a high priority for the Parliament. Legislative hearings, especially on the judicial reform, economic issues and education have become substantive and increasingly professional and Committee Chairmen have been selected as much for their subject matter knowledge as their political affiliation. Government Ministers are increasingly responsive and accountable to the committees of Parliament. Parliament's ability to exercise control of the Government, which they are increasingly seeing as an extension of the ruling parliamentary coalition, is, however, limited. The limited tradition of parliamentary sovereignty in Kyrgyzstan may even lead parliamentarians to overreach in attempting to manage the Government. Parliamentarians complain that they currently have no ability to affect Government administrative regulations, either by repealing them or vetoing them when they contradict laws adopted by Parliament. Until

the Supreme Court and the Constitutional Chamber are stood up, judicial review of the constitutionality of Government administrative regulations does not seem possible. This has led the Parliament to propose allowing itself to be able to postpone the implementation of any administrative regulation for up to ninety days and to invalidate administrative regulations by a majority vote. This shows a back and forth about the interpretation of the respective roles of the Parliament and “its” Government that appears to be a healthy sign of the evolution of the constitutional order in Kyrgyzstan.

The key function of law-making in the Parliament of Kyrgyzstan is also evolving. In the last year, legislative initiative has been “about 50-50” between drafts created by the Government and drafts initiated by the Committees of the Parliament. As mentioned, Committee Chairmen are increasingly knowledgeable and able to stand up to and with their Government counterparts. Increasingly, parliamentary Committees are charging “their” Ministers and “their” Government apparatus with drafting detailed legislation based on the Committees’ agenda, rather than simply commenting on the proposals of an independent executive branch.

Taken as a whole, it is clear that the independence and indeed the predominance of the Parliament in Kyrgyzstan’s “parliamentary republic” has become a central fact of political life and will continue to evolve. The relative powers of the President, Parliament and the Government will be one of the key areas of struggle and development in Kyrgyzstan certainly over the coming five years, if not over the next generation.

3.2.2 THE EXECUTIVE

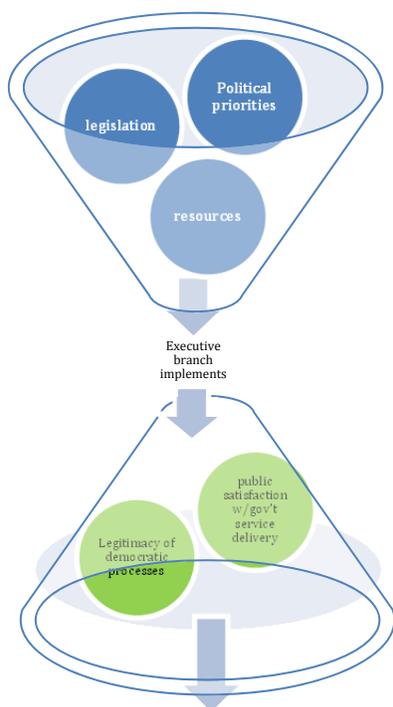
The executive branch in Kyrgyzstan in many ways represents the bottleneck between a vigorous, young parliamentary democracy on the one hand, and the grim-lived reality of the country’s citizens on the other. This is because the executive branch, comprising both national-level state bodies and local self-governance units, has the responsibility of transforming legislation, rhetoric and policy into tangible services for citizens, whether it is health care, heating, education, or security. Without an effective executive branch, even extremely progressive legislation and/or policies are unlikely to produce real results that improve people’s lives, thus damaging the linkage between reforms and public support for the government. The question of executive body competence in Kyrgyzstan thus becomes critical to the consolidation of the country’s nascent democracy.

In terms of historical trends, Kyrgyzstan is following a glide path common across most of post-Soviet space: having been ejected in 1991 from a Soviet system in which the state provided near-universal employment and services in exchange for a nearly omnipotent presence in citizens’ lives, the executive branch in Kyrgyzstan is inexorably contracting over time, shedding functions and responsibilities while bleeding capacity as the last Soviet-trained generation of bureaucrats and technicians retires. Unfortunately, populist politics and ideology continue to exert great pressure on state bodies to continue to provide for a level and scope of services that is unrealistic given Kyrgyzstan’s actual resource and revenue base. Periodic attempts to right-size the scale and functions of the executive branch over the years have been largely episodic, rather than systematic, and have failed to address key structural obstacles to a more efficient state bureaucracy. As a result, **Kyrgyzstan continues to suffer from the paradoxical ailment of being simultaneously over-governed, and badly governed.**

The ultimate measure of a government’s success lies with citizen satisfaction with and participation in governing processes. Recent research, including the focus groups conducted for this assessment, has shown that citizen expectations of government performance have a direct bearing on public satisfaction with the government – and, by extension, with Kyrgyzstan’s democratic “experiment.” This is particularly pronounced when it comes to local self-governance bodies (municipalities and rural *ayil okmotus*). While pervasive corruption and inefficiencies have driven many citizens to minimize contact with the state, there are five key “touch points” where these sorts of interactions are virtually inevitable, and where, disproportionately, citizens attitudes towards the government are formed. They are: 1) healthcare; 2) education; 3) law enforcement (particularly the traffic police); 4) the issuance of official documents (such as

passports, permits, etc.) and 5) the criminal justice system. While other branches of government and civil society play a part in moderating the relationship between citizen and the state in each of these institutional “laboratories,” it is the executive branch that is responsible for the quality of the experience in all but the last case.

Unfortunately, the executive branch of government in Kyrgyzstan suffers from key weaknesses that hobble its ability to implement policy and deliver services to the people. These are a low operational and administrative capacity and a confused and inconsistent legislative and regulatory environment;



The weakness of the executive branch directly hobbles the ability of the government to effectively implement reforms, even when proactive reformers are appointed to senior decision-making positions. Without an effective apparatus beneath them, a clear legislative and regulatory framework, and adequate financial and physical resources, potential “agents of change” are unlikely to be able to effect real democracy and governance reforms.

At its core, executive branch functions depend on individual bureaucrats executing government policy and legislation, as translated into subnormative implementation acts and regulations. In Kyrgyzstan, the executive branch suffers from low capacity to efficiently discharge its duties. This applies to both human capital and the support infrastructure that facilitates the daily work of government agencies.

The problem is not one of insufficient numbers - with 19,000 state service employees and an additional 7,000 officials with the municipal service (including *ajyl okmotu* staff), the government is by international standards slightly overstaffed.²⁴ Rather, the problem lies in the quality of the country’s bureaucrats, and how they are used. Incomplete efforts at civil service reform in the past have trimmed the overall number of civil servants in Kyrgyzstan; however, the percentage of political appointees has

simultaneously grow, now constituting an alarming 5.4 percent of state service administrative staff.²⁵ This clearly interferes with the executive branch’s ability to implement policy, both at the national and local levels, since the high proportion of political appointees makes state institutions particularly vulnerable to the vagaries of changes in political administrations. Kyrgyzstan’s three changes in government since the April 2010 election have kept many key executive branch bodies in a state of near-constant limbo, as a disproportionate number of key decision-making positions (department heads, senior technical specialists, etc.) have experienced debilitating turnover.

The Kyrgyz career civil service – comprising both the state (national) service, and the municipal (local) service – is the backbone of the executive branch, and suffers from difficulty recruiting and maintaining qualified cadres to staff key positions. A lack of competitive remuneration and adequate in-service training opportunities depress the quality of recruits on the front end of the system, conspire to encourage rent-seeking and corruption amongst those already in the service, and contribute to low morale and institutional *élan* among the ranks. A senior municipal official in Bishkek derisively refers to 40% of his own staff as

²⁴ At approximately 6%, Kyrgyzstan’s public sector employment is higher than the global average of 4.7%.

²⁵ While exact comparisons are problematic, in the United States political appointees comprise approximately 0.1% of the federal workforce.

“plankton” or “mail carriers” – ineffective, unmotivated officials – thus echoing a common observation across line ministries. The failure of the government to provide competitive salaries encourages internal migration and drift within the executive branch, as employees either seek out better opportunities for rent-seeking, or follow a patron from one institution to the next, thus hindering the accumulation of knowledge and expertise, in particular in mid-level management and technical specialists. In Bishkek, as a result, new recruits are openly encouraged to arrive with a second source of income (for example, in the form of a kiosk somewhere in the city or a revenue-generating plot of rural land), since the low official salary offered to municipal employees makes bribery and rent-seeking a near-irresistible temptation.

Salaries within the executive branch are not only low; they also lack standardization. In various executive bodies outside of Bishkek, employees from the state and municipal services work side by side, but with the latter making considerably less than the former. Even among state service officers employed by the national government, there is a wide divergence in compensation, with relatively “richer” ministries, such as the Ministry of Finance, able to offer a much stronger incentive package than relatively “poorer” ministries, such as the Ministry of Social Development. This further contributes to the two-tiered migratory pattern within the Kyrgyz executive branch: talent tends to either flow out of the government (into the private sector (or international organizations) or gravitate towards “richer” ministries.

In addition to being poorly paid, Kyrgyz bureaucrats tend to be poorly trained. The country possesses two training academies, in Bishkek and Osh, where state service employees are able to undergo in-service training. However, due to a lack of resources, many officials fail to meet established training standards for promotion or attestation purposes. The relative poverty of local executive bodies often means they are unable to send staff to Bishkek or Osh for training, thus further compounding the competency issue. One approach to overcoming the profound isolation of local government offices in remote areas – distance learning or virtual training – has been considered by the Kyrgyz State Personnel Service, but has not been implemented, due to a lack of resources. International training opportunities, sponsored by foreign donors or governments, are extremely sought-after, but are few and far between and thus no substitute for standardized, systemic institutionalized training. Furthermore, their widespread use by supervisors as either a reward or an incentive to motivate staff performance often means that those bureaucrats being sent abroad for training courses are not necessarily those who would benefit most from the training, or who would necessarily be best positioned to further disseminate the knowledge learned within their home offices. In the absence of a systematic approach to training, and dedicated resources to ensure that this training can be standardized across the executive branch, training is likely to remain a highly *ad hoc* affair within the Kyrgyz government, with some bodies (such as the customs service) dedicating sufficient time and resources to the issue (with positive results – the customs service has been identified as a center of competence within the executive branch), but many others allowing training requirements to lapse.

In addition to staff-related issues, Kyrgyz executive branch capacity also suffers from inefficient operations and internal systems. For example, staffing plans and organograms tend to reflect inherited patterns and *ad hoc* changes, rather than systematic functional analyses. This results in an asymmetric distribution of staff, with some offices suffering from over-staffing and under-utilization, while others are catastrophically understaffed. For example, in the Ministry of Social Development, the issue of adoptions (domestic and international) – a complicated, politically-sensitive topic sitting at the center of new government initiatives and ongoing international negotiations – has exactly one full-time specialist assigned to it, compared to dozens of foreign embassy and international organization specialists working on international adoptions, foster care issues, etc.

The executive branch in Kyrgyzstan has been caught in the middle of the country’s tumultuous transition to a parliamentary democracy. With two revolutions in the five years from 2005 to 2010, and another three changes in administration since, the country has generated a huge number of new policy and political initiatives. Unfortunately, many of these are either poorly thought-through, in contradiction with previously-existing legislation or initiatives, or under-resourced. Profile sector laws in the education and health sector, in particular, have created new obligations and responsibilities for executive branch bodies, without either

sufficient reconciliation with previously-existing laws already on the books, or clearly identified budget resources to cover new liabilities. The result is that the executive branch, which is charged with implementing government policy and laws, is often hamstrung by internal regulatory and legislative confusion. **With the Parliament and its Government severely constrained in actually implementing reforms (as opposed to declaring or legislating them), almost every major policy initiative of the post-2010 government has struggled to “find its place in the sun,” in delivering real change to the lives of Kyrgyzstan’s citizens.** If the executive branch is unable to translate legislation and policy into practical and realistic implementing regulations, and is not properly resourced to do so, then much of the lofty rhetoric of the country’s democratic transition may remain just that.

A major problem stems from the lack of sustained political will to fully implement new reform measures. The “reform cycle” in a democratic system is a deliberate, time-consuming affair, from the initial concept and design stage, through the necessary legislative work to draft and pass appropriate legislation, to socializing the idea with the public and political parties in order to consolidate a constituency for the initiative, to final implementation by executive branch bodies. Unfortunately, the flurry of political upheavals in Kyrgyzstan has occurred at such a rate as to trap a number of important initiatives in political limbo, somewhere in the middle of this process. Good governance reforms, such as civil service reform, the implementation of one-stop government service windows “Population Service Centers”), and the removal of predatory traffic police from the streets of Bishkek, all enjoyed wide popular support when launched, but withered once their political patrons were removed from power. Given that most governance reforms threaten the status quo and, thus, entrenched rent-seeking channels, there will always be embedded resistance to such initiatives. Flagging political will or capricious changes in the political agenda of the country thus leave the executive branch in a precarious situation, with an uncertain mandate and insufficient resources to execute policies orphaned as a result of political changes in Bishkek. Traffic police and Population Service Center reform initiatives were vigorously promoted by then Prime Minister Babanov, and progressed in the face of strong bureaucratic resistance, as the issuance of personal documents and licenses (the function consolidated under the service center model) and the presence of traffic police on the street were two extremely lucrative sources of rent-seeking in the government. Once Babanov was removed as Prime Minister, however, both initiatives floundered: residents reported that the despised traffic policemen were back on the streets of Bishkek “within days,” while only a handful of Population Service Centers were opened, and with an incomplete menu of services – a far cry from the robust, one-stop-shop originally envisioned. Meanwhile, the bureaucracies originally charged with implementing these now-abandoned reforms – the State Registration Service and Ministry of the Interior, respectively – suffer as a result of this political confusion.

3.2.3 THE JUDICIARY, PROSECUTOR AND THE LEGAL PROFESSION

The legacy of the Soviet police state and justice system described in Step One is one of the critical issues that Kyrgyzstan needs to address if democratic reforms are to succeed. This has been a point of agreement across Kyrgyzstan’s democratic and autocratic administrations since the separation of powers was established in the 1993 Constitution. **Every government in Kyrgyzstan since 1993 declared that it would strengthen the independence of the judiciary and the effectiveness of law enforcement agencies in order to reassure the public as well as foreign investors that the rule of law would prevail in Kyrgyzstan. Yet after almost twenty years of judicial reforms, the goals of having an independent and professional judiciary and efficient administration of justice remain elusive.** Public confidence in the judiciary remains low in spite of some positive steps that were taken since the early 1990s.²⁶ The Council of Judges, consisting of twenty-one judges, was created as a self-governing judicial organ responsible for considering the judicial system’s budget, training, and the disciplining of judges. Over the first two years of its existence it oversaw court administration; later, court administration was placed under various judicial bodies and

²⁶ IRI Poll.

President Akayev. The right of the public to participate in the administration of justice as jurors was constitutionally approved. Similarly under President Bakiyev, a number of reforms aimed at strengthening the judicial and legal systems were introduced. The harsh Soviet Criminal Code was reviewed and punitive sentences replaced with administrative punishment. The death penalty was abolished. Interference with the work of judges was given both criminal and administrative sanction. The payment of state fees for plaintiffs was abolished.

Despite these changes and real, though intermittent, political will to implement them, the political and economic interests of the ruling families and their clients conspired to keep the system of justice weak, controllable, and inefficient. The Soviet legacy of a justice system able to respond to political imperatives while also effectively maintain public order proved too useful to autocrats attempting to suppress dissent and too lucrative to criminal interests looking for favorable decisions.

The new Constitution of 2010 proclaimed the independence and autonomy of the judicial system, and defined its basic structure: the Supreme Court and local courts;²⁷ the Constitutional Chamber under the Supreme Court; the Judicial Selection Council, incorporated in the Constitution of the Kyrgyz Republic, dealing with the selection of candidate judges. The bodies of judicial self-government in the Kyrgyz Republic are the Congress of Judges and the Council of Judges. In accordance with Article 95, the Constitution included rules aimed at protecting the independence of the judges while allowing for them to be held accountable: the Supreme Court judges may be dismissed by a two-thirds vote of all deputies of the *Jogorku Kenesh*. Suspension and dismissal of judges of local courts is carried out by the President upon the recommendation of the Council of Judges. By the summer of 2011 all five laws of the judicial reform package were adopted by Parliament, bringing them into alignment with the new Constitution. Many of these laws contain elements praised by the international community. The Council of Judges includes judges and representatives of the civil society. One-third of the Council is selected by the parliamentary opposition.²⁸ While the passage of so many laws in such a short time is a laudable effort, many more laws of critical importance remain to be adopted, such as the Criminal Code, the Criminal Procedure Code, the Administrative Code and others.

The post-revolutionary Government represents a new surge in stated political will to tackle rule of law reforms. In addition to changes in the Constitution, the new president and Parliament have publicly declared the importance of establishing an independent judicial branch and of reforming the police. President Atambayev referred to democracy as “the dictatorship of law,” and in his “road map” for the period from 2013 to 2017 names rule of law as one of the three main conditions for establishing sustainable development in the country. In fact, an Action Plan to reform the judiciary was adopted in October 2012 by the Council on Judicial Reforms headed by the President with participation of the Supreme Court, Council of Judges, Judicial Selection Council, members of Parliament, and relevant Ministers. The activities described in the Action Plan mirror the reforms supported by the President in his August 2012 Judicial Reform Decree, establishing deadlines and assigning responsibilities to key organs, as well as creating working groups tasked with drafting laws, preparing budgets, increasing transparency, enforcing judicial decisions, promoting and protecting human rights, harmonizing legislation with international standards, and many other issues.

In consultations for this assessment, President Atambayev’s Chief of Staff emphasized that much more detailed work is needed to accomplish the outlined goals and requested assistance, especially support to the various thematic working groups. The Head of the Parliamentary Committee on Legal Reform and Constitutional Order explained that the government coalition had sided with the President to be able to push forward some difficult reforms aimed at establishing rule of law in the country against “revisionists and anti-

²⁷ The Chairperson of the Supreme Court and deputies (among the judges of the Supreme Court) are elected for a three-year term. Judges of local courts are appointed by the President upon the recommendation of the Judicial Selection Council initially for a period of 5 years, and in the future – until he/she reaches the maximum age limit.

²⁸ The more extended overview of the laws was based on a report from the USAID-funded Judicial Strengthening Project, “Judicial Overview,” November 2012.

reform-minded” forces.” He outlined three priorities: reform of the judiciary; reform of the Prosecutor General’s office, including sensitive issues such as dismissing prosecutors suspected of corruption; and reform of law enforcement agencies.

Nevertheless, this ambitious agenda fails to address the critical issue of “ethnic” bias in the delivery of justice. This seems to be entirely missing from the policy discussions taking place in Bishkek among judges, members of Parliament, or Presidential administration and executive branch staff. In fact the revolutionary events in April 2010 caused a serious crisis for many of the institutions of the state, including the judiciary and the law enforcement agencies. The Parliament and the Constitutional Court were dissolved. Several Supreme Court Justices and judges of local courts were released from their positions. The June 2010 inter-communal violence marked a sharp collapse of rule of law in the Southern part of the country. Law enforcement bodies were both the victims of mob violence, and in some cases the alleged perpetrators of crimes. Some courts in Osh and Jalal-Abad closed temporarily and when they re-opened, judges found themselves pressured by various interests that operated outside the law. The June violence eroded the already weak public confidence in the justice system, especially in the case of the Uzbek minority, which was disproportionately charged in the investigations into the June violence. While the ethnic bias in judicial proceedings has been acknowledged in private by many of the interlocutors, only prominent human rights groups and few media outlets are outspoken about it, often at risk to their own safety. This situation has made international democracy experts question the political will for rule of law reforms since it fails to address the basic premise of equality of all citizens before the law.²⁹

As with the executive branch, capacity and resources also severely limit the ability of the judiciary to manage the regular administration of justice. An evaluation conducted for the Millennium Challenge Corporation concluded that in spite of all the measures taken to reform the judicial system, public trust in the courts was quite low, and that “weak logistical support for the courts, an excessive number of cases assigned to a judge, inefficient mechanisms for distribution of cases among judges, limited access to court cases and proceedings (due to limited space), a lack of court personnel and clerks, a lack of public participation in the administration of justice and a lack of clear criteria for selection of judges do not allow for full implementation of functions assigned to them to protect constitutional human rights and freedoms, rights and property, security of contracts, monitoring the legality of administrative decisions”.³⁰ Many of these capacity and technical problems remain unaddressed.

Like the executive and legislative branches, the judiciary is critically underfunded. Article 98 of the Constitution of the Kyrgyz Republic states that “...the state provides funding and proper conditions for the functioning of the courts and judges... The budget of the judicial system shall be formed by the judicial system independently and, after coordination with executive and legislative branches of government, it shall be included in the state budget.” Indeed, the legislation outlines the process for preparing the budget and the judicial bodies responsible,³¹ which is then to be discussed with the government and presented to the Parliament. The government is to comply with the Council of Judges proposal if agreement cannot be reached. In reality, however, the process is inverted and fails to comply with the law. The Ministry of Finance dictates the budget to the courts, depriving them of the right to formulate their budgets and also of the needed resources to function independently. Given the level of corruption in the country, the low salaries for the judges and court personnel, insufficient and inadequate court buildings, the lack of court staff and lack of technical capabilities, it seems evident that the low budget needs to be increased. Currently the judicial system accounts for less than one percent of the overall state budget, much lower than established good

²⁹ Largely due to the human rights situation, especially in the South, Freedom House ranks Kyrgyzstan as “partly free” without any increase in the overall score of the country since 2010 to 2013.

³⁰ USAID Judicial Reform Assistance Project, “Functional Analysis of the Judicial System of the Kyrgyz Republic,” October 2008., page ii.

³¹ The Supreme Court, the Judicial Training Center under the Supreme Court, and the Court Department all submit the draft budgets for discussion to the Council of Judges, which reviews them and makes adjustments.

practices in other countries. Raising the budget of the judiciary will serve as a litmus test as to whether the parliament and the government are indeed serious about increasing both judicial independence and efficiency.

Along with the judiciary and law enforcement, the legal profession and defense bar are critical components of the legal system. The idea of creating a unified and self-regulating bar, which will be reflected in new legislation, has been championed by local organizations as well as USAID's partner ABA ROLI. A law on legal aid was adopted under President Bakiyev, yet without a unified bar it has been impossible to implement it. At the same time, a draft law unifying the legal profession into a single bar association has passed various stages of expert review, only to be blocked in the Parliament by the Chairman of the Committee on Legal Reform and Constitutional Order (ironically, one of the champions of judicial reform). While one would argue that the political will in the area of rule of law is indeed quite strong and the opportunities for reform and assistance are many, when it comes to the bar, it remains somewhat arbitrary. In many countries, democratic changes have been championed by independent-minded lawyers; the dearth of a unified and self-regulating bar has constrained the legal profession in Kyrgyzstan.

Lawyers both from the North and the South at their own risk took on the cases of defendants charged in the June 2010 violence, only to be rewarded with threats and physical attacks during 2010-11. A core group of lawyers committed to the protection of human rights exists, yet it needs to be supported and strengthened. In fact, in high profile cases the danger of intimidation and physical violence for lawyers and all parties involved in the proceedings remains. Ensuring security in the courtroom is yet another issue that calls for appropriate staff, budget, and proper procedures.³²

Staff in the Prosecutor General's office shared that it was extremely hard to carry out their functions when some of their own colleagues in the regions were heavily implicated in the June and post-June events and block reforms. According to them, until the Prosecutor's office is internally restructured, improvements are unlikely. At the same time, some important personnel changes have taken place at all levels, including the Prosecutor's office, now with a progressive-minded head. The Deputy Chief Prosecutor told the assessment team about planned reforms that will be consistent with the strategy on the institution's web site, but it was hard to assess if any internal reforms have in reality taken place.

Civil society representatives discussed a new openness among some regional prosecutors, as well as law enforcement when it comes to detention monitoring and public discussions of problems related to such a sensitive issue as torture. For example, in June 2012 a Memorandum of Understanding was signed between The Prosecutor General's office, several Ministries, including the Ministry of Internal Affairs, the OSCE Centre in Bishkek, Freedom House and thirteen Kyrgyz human rights and other organizations creating a framework for cooperation between government and civil society in combatting torture. The anti-torture coalition has published comprehensive reports that reflect the good cooperation between the human rights defender community and the authorities, and which have helped focus public attention on combating torture.

3.2.4 HUMAN RIGHTS

The overall human rights situation in Kyrgyzstan continues to adversely impact the quality and depth of the ongoing democratic reforms. After April 2010, there was a sharp deterioration during and after the June inter-communal violence. The government set up or invited in several commissions, both national and international, to investigate the June events. At the same time, the political will to find out what and who really caused the inter-communal violence and to ensure the delivery of justice to the victims of the events, both Uzbek and Kyrgyz, has been lacking. In May 2011 the Parliament declared Kimmo Kiljunen, the head of the Independent International Commission of Inquiry into the events in the Southern part of the Kyrgyz Republic, who was invited by the Transitional President Otunbayeva to carry out this investigation to be a

³² RFE-RL Report, "[Kyrgyz Courtroom Scenes Leave Justice In Jeopardy](#)," 22 October 2010.

“persona non grata.” Instead of debating the findings of the International Commission’s report and looking for solutions parliamentarians found it to be biased and one-sided, and declared it void. The report found that the June violence was an attempt at ethnic cleansing, and that certain attacks against Uzbek neighborhoods in Osh on 11-13 June would amount “to crimes against humanity” if proven beyond reasonable doubt in a court of law. As reflected in this assessment’s definition of the main democracy, rule of law and governance problem in Kyrgyzstan, **without serious investigation and prosecution of the real perpetrators of the June 2010 violence and radical measures to improve rule of law, especially in the South of the country, the legitimacy and stability of Kyrgyzstan’s democratic experiment will be significantly undermined.**

Presidential Administration representatives acknowledge continuing human rights problems but elide its ethnically-based aspects, suggesting that general rule of law reforms are the best way to improve human rights in the country. Without strong political leadership to address the persistence of exclusion and discrimination, any rule-of-law reforms will be incomplete and distorted. Focus group and survey responses indicate that the current nationalistic discourse continues to dominate public space and popular opinion, making it harder to ensure the equality of all citizens before the law. The results of the USAID-supported focus groups in the North, and in particular with monoethnic Kyrgyz groups (Naryn, At Bashi, Kochkor and Bishkek), showed that the respondents were at best dismissive or uninformed of minority grievances and aggressive in their advocacy for privileging the Kyrgyz language and culture. **The nationalist narrative, which claims that the Kyrgyz identity is under threat and that measures should be taken to ensure that Kyrgyzstan remains for the Kyrgyz, is hardening over time.** While there were almost never direct references to Uzbeks or the “events” of 2010, there were comments that openly questioned minority commitment to democracy and stability.

These beliefs have also been reflected in the treatment of minorities by judges and law enforcement agencies during and after the June events. Uzbek defendants are often presumed guilty, even in high profile cases such as the one of the prominent human rights defender Azimjan Askarov. According to the State Department’s Human Rights Report for 2011, “members of law enforcement continued to commit human rights violations, such as arbitrary arrest, mistreatment, torture, and extortion, against all demographic groups, but particularly against ethnic Uzbeks, who constituted more than 70 percent of June 2010 casualties but comprised 80 percent of those charged with crimes related to that violence. The central government’s inability to hold human rights violators accountable allowed security forces to act arbitrarily and emboldened law enforcement to prey on vulnerable citizens.”³³

Even such basic rights as the right to life and personal security for minority groups do not seem to be guaranteed in practice even in the North. The case of the brothers of Alisher Saipov, an Uzbek journalist who was killed in 2007, is just one example of a rising nationalism and culture of impunity that do not bode well for an improved human rights situation.³⁴

State-sponsored torture, another legacy of the Soviet Union, has become a more intractable issue since June 2010. The UN Special Rapporteur on Torture visited Kyrgyzstan in December 2011 and stated that he was encouraged by the concrete steps taken to curb torture, but remained concerned that the use of torture and ill-treatment to extract confessions remains widespread; that there is a serious lack of sufficiently quick and impartial investigations into allegations of torture and ill-treatment; that the general conditions in most places

³³ United States Department of State, Bureau of Democracy, Human Rights and Labor, [Country Reports on Human Rights Practices for 2011](#), p. 1.

³⁴ According to media reports, the Saipov brothers were attacked in front of their apartment in Bishkek late on a December night because they spoke Uzbek. While the perpetrators were found, the case has not proceeded very far due to various forms of intimidation, starting with the inability of the Saipov brothers to properly document their injuries due to intimidation against their doctors. One of the team members was meeting with a prominent human rights defender when one of the Saipov brothers arrived, seeking legal assistance, obviously bruised, and told his story in Bishkek in December 2012.

of detention he visited amount to inhuman and degrading treatment.³⁵ As recently as November 2012, a Jalalabad-based NGO, *Spravedlivost*, and the local Ombudsperson visited the detention facility in Jalalabad. The Ombudsperson told the team that she had spoken with the 42 detainees at the facility at the time and that all of them with the exception of five had been beaten up. She submitted her findings to the regional prosecutor's office, asking it to investigate the detainees' claims. The Ministry of Internal Affairs denied police abuse and stated that their own representatives had visited the facility but found "no evidence of [police] beatings of detainees."³⁶

The human rights picture in Kyrgyzstan is not entirely bleak. There have been some areas of significant improvement since April 2010: media (except that in Uzbek language) is able to operate more freely than under Bakiyev or Akayev, and there is increased freedom of expression for citizens overall. There is greater freedom of association, both for both civil society groups and political parties. In fact, civil society interlocutors praised the level of their inclusion in drafting and discussing legislation, and monitoring and reporting on such important processes as the judicial selection. Election rights are also respected to a much greater extent than in the past. While gender discrimination remains a serious problem, at least the practice of "bride kidnapping" was criminalized in December 2012 through amending the Criminal Code. Of course, the actual application of the law remains still remains to be seen.

Some human rights institutions seem to be improving their function. The Parliament's Human Rights Committee has been merged into the Committee on Legal Reform and Constitutional Order, which arguably takes away the attention from human rights. Yet, according to others it is more important to review "the weight" of the Committee chair and members, and their willingness to bring up and defend human rights in parliamentary discussions than the actual committee structure. The new Constitution formulates and guarantees human rights in a manner that is consistent with international standards. The Action Plan on Judicial Reform has a whole section dedicated to providing judicial guarantees on protecting human rights. Freedom of assembly has been further ensured with the adoption of a new and improved Peaceful Assembly Law. In June 2012 the Parliament passed a law complying with the Optional Protocol to the UN Convention against Torture, establishing a national mechanism to prevent torture in detention facilities. The implementation of the law could lead to some real improvement in combating torture in Kyrgyzstani places of detention.

If Kyrgyzstan is to consolidate a democratic, law-based system and meet its international obligations, the Government must investigate and prosecute reported cases of arbitrary detention, torture, and violations of the standards of fair trial, which in turn will help limit such problems. While small steps of the Ministry of the Interior and the Prosecutor's office in this direction are encouraging much stronger political leadership is necessary for the trend to reverse. Any reform of the justice sector should be judged according to the trust that citizens have in the system and the extent to which their rights are protected. If authorities are perceived as unable to ensure justice and protect basic rights, further waves of destabilizing protests and, potentially, violent conflict are likely.

3.2.5 LOCAL GOVERNMENT

The Soviet system deconcentrated oversight power into the hands of the local committees of the CPSU, which represented central Party interests and provided political oversight in their local context. Actual service delivery and administration, however, were highly centralized in USSR and union republican ministries. The CPSU, organized on a territorial basis, played a critical role in defending local interests and applying the

³⁵ [Report of the Special Rapporteur](#) on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, Addendum, 21 February 2012 (Mission to Kyrgyzstan was conducted in December 2011).

³⁶ Human Rights Watch, "[Kyrgyzstan: Investigate, Prosecute Police Abuse](#)," 14 November 2012

political “big picture” perspective to the “narrow branch” actions of the Moscow-based ministries.³⁷ As in other areas, Kyrgyzstan inherited this centralized Soviet ministerial structure at the union republic level and Bishkek quickly replaced Moscow as the “center” that controls most aspects of local service delivery. In some ways the on-again, off-again history of decentralization and local elections in Kyrgyzstan has been motivated by the need to find an institutional replacement for the oversight role the CPSU played on the local level. Autocrats tended to do this by appointing local leaders as personal representatives. Democrats tended to do this by introducing popularly-elected leaders. But the fact remains that **the Soviet legacy has been a strong countervailing force to decentralization throughout the past twenty years, with centralized ministries largely dominating the decision-making in many critical areas of service delivery (education, health, energy, police, documents and civil registration, etc.), regardless of who gets to be the “mayor” and how s/he gets selected.** Despite twenty years of tinkering, there is a gap between expectations and authority at the local level.

Initially, under President Akayev, decentralization appeared to move rapidly. In 1993 the first post-Soviet Constitution established the legal basis for local governments which would govern local affairs democratically within the bounds of the law and on their own initiative. In 1994, Akayev established a Commission on Local Self-Governance Reform to design a concept for reorganizing administration at the municipal and rural levels. A 1996 presidential decree reorganized rural villages and the existing collective farm system into roughly 450 *aiyl okmotus* – rural administrative districts better able to achieve an effective and efficient scale of operation. In 1996 the Mayor of the capital Bishkek was elected by popular vote, and quickly became less attentive to the Parliament and the President. A series of strong and popular mayors in Bishkek continued to be thorns in the side of the President. In 1998 an amendment to the Constitution, followed by enabling legislation, established the legal basis for local public property as distinct from State or national property. The Law on Municipal Property Ownership adopted in 2002 consolidated this reform. In parallel to the process of privatization of the overall economy, a massive transfer of State property from the central to the local level was carried out, mostly of farm land and housing stock. A “municipal civil service” was established in parallel to the “State civil service” to work at the municipal and rural level. President Akayev adopted the “National strategy for further decentralization and local self-government development in the Kyrgyz Republic until 2010” by decree at the end of 2002. Three important laws followed – the Law on Local Self-government and Local State Administration, the Law on Financial and Economic Basis of Local Self-government and the Law on Basic Principles of the Budget, as amended in 2004. These laws authorized local councils to impose taxes on services provided to the population, on health resorts, on advertising, parking, garbage collection, hotel accommodation, vehicle registration, and a real property tax. By the time the 2005 Tulip Revolution overthrew his government, Akayev had set the basis for a system of viable local government with a clear (although limited) assignment of authority to perform specific functions, some degree of taxing and fee authority, ownership of the assets used to deliver public services, a local budget process that is independent of the central budget process and local accountability through the ballot box. The devil was in the timely implementation of these reforms and the limited nature of the mandate allowed to local self-government.

President Bakiyev’s administration slowly reversed many of these reforms or effectively delayed their implementation, especially the financial provisions. Local elections were replaced by White House appointment, recreating a vertical power structure that was largely oriented towards pleasing Bishkek. His vision was much more of a professional class of trained technocrats, based on the Soviet experience, who would effectively administer local-level services and represent the larger political “big picture.” He established a National Presidential Agency for Local Self-Governance (NAMSU) which was to both select and train local officials and to serve as the intervention point with national-level ministries, much as the Central Committee had done in the Soviet Union. Many Bakiyev appointees, especially in the North, were perceived as southern carpet-baggers and proved quite vulnerable to being ousted by the opposition forces in 2010.

³⁷ This is much like the role of an ambassador as representative of the president providing overall “big picture” leadership to the locally-based representatives of capital-based agencies with their own targets and agendas in an embassy.

The post-revolutionary 2010 Constitution establishes the Kyrgyz Republic as a unitary state and upholds the pre-existing “delineation of powers” between “the State” (meaning central government and the locally-based representatives of the central government) and “local self-governance” (meaning officials on the municipal and local rural level).³⁸ It affirms President Akayev’s two-level budget at the republican and local levels, bypassing the regional (*oblast*) and district (*raion*) levels, these becoming effectively representatives of the central executive government without independent budget functions. It reserves the right to establish new taxes to the *Jogorku Kenesh*.³⁹ It limits local governance to matters of “local significance,”⁴⁰ mandates direct local election of local councils and elections of local executives as mandated by law (which means either by the council, as is done now, or directly as may be established later by law).⁴¹ It forbids the interference of “State” authorities in local matters, and establishes the intriguing but confusing precedent that “Local self governance bodies may be assigned state powers, with the transfer of the material, financial and other means necessary for their implementation. State powers may be delegated to local self-government bodies on the basis of law or agreement. Local self-government bodies shall be accountable to state authorities in respect of delegated powers.”⁴² This is in large measure a reaffirmation of Akayev’s system.

Thus on paper, Kyrgyzstan has now pushed decentralization further than any other Central Asian country, with political power, representation, and fiscal authorities devolved down to local government units (municipalities and rural *ayil okmotus*). This, in and of itself, has been a huge accomplishment, making local executive bodies more accountable to residents and investing real oversight powers to local elected bodies, as the recent competitive elections to local councils (*keneshes*) testify.

Unfortunately, decentralization in Kyrgyzstan remains only half-finished, and, as such, a “ticking time bomb” that undermines long-term attempts to improve governance in the country. Legislatively, the law on local self-governance boldly establishes a system of local governance in Kyrgyzstan, and identifies 18 core services to be provided by local government. Unfortunately, legislators failed to fully harmonize the draft law with existing legislation, or to clean other sectoral laws of other responsibilities previously delegated to local government bodies. This has, undoubtedly, led to a confusing legal basis for those attempting to implement the law in the executive branch. The current decentralization program furthermore fails to clearly delineate how local government units are to transition from their current service provision model to the one mandated by legislation. Mayors, for example, are charged with “maintaining order,” yet police remain under the purview of the national Ministry of the Interior. As a result, in Bishkek the municipal budget is used to fund the salaries of an additional 775 police and 170 traffic police who do not appear on the Ministry of the Interior’s official rolls. Similarly, piecemeal, *ad hoc* hiring has led to the addition of 65 tax inspectors funded by the Bishkek municipality, despite revenue collection remaining the purview of the central government.⁴³ The lack of a clear delineation of responsibilities between local and central government units makes systematic analysis of executive bodies’ staffing needs practically impossible. As a result, no executive branch bodies have been able to undergo systematic right-sizing exercises, at either the national or local government level.

The dissolution of the dedicated Local Government agency in 2011 has further undermined the momentum behind decentralization in Kyrgyzstan. Local governance issues are now buried within the State Agency for Construction and Architecture, thus depriving the process of a champion at the national government level to advance policy, coordinate legislation, and provide support to local executive bodies struggling to understand

³⁸ [Constitution](#), Article 3.

³⁹ *Ibid.*, Article 13.

⁴⁰ *Ibid.*, Article 110.

⁴¹ *Ibid.*, Article 112.

⁴² *Ibid.*, Article 113.

⁴³ The tax inspectors funded by the Municipality work side by side with those employed by the central Ministry of Finance Tax Service, yet do not enjoy the same salaries, benefits, or rights.

and execute their duties in a shifting environment. This has also contributed to increasingly chaotic, *ad hoc* links between municipal/local government bodies and national-level ministries and agencies, with negative repercussions across government operations, personnel management, training, budgeting and other internal systems. Given that local government is the proximate “face” of the state for most Kyrgyz citizens, and the one in which greatest expectations are invested, this is a troubling trend indeed.

An important unfinished task for Kyrgyzstan’s decentralization effort is to definitively clarify what, actually, constitutes “local government,” and how many levels of government are there in the country. Kyrgyzstan currently uses a two-tiered budgeting system, introduced in 2007 but only fully executed in the 2012 national budget. It allows for national-level government bodies, and “local self-government units” in the form of municipalities or rural villages (*ayils*). In contrast to its more centralized neighbors such as Kazakhstan and Uzbekistan, Kyrgyzstan allows local administrations to generate, keep and allocate local revenues. Unfortunately, the actual structure of government reflects the four-tiered system inherited from the Soviet Union, with government organized on the national (republican), *oblast* (province), *raion* (district) and local levels. A full functional analysis has not been adopted by the country’s political leadership, and thus a large number of government bodies at the *oblast* and *raion* level, not only government offices, but over 9,000 objects of social infrastructure (health clinics, etc.), remain in a state of bureaucratic, budgetary and legal limbo. Some experts have criticized the current system as unwieldy, as the basic unit of local government – the *ayil okmotus* – are both too numerous (there are 472 in the country), and financially unviable (only approximately 11% are financially self-sufficient). In their place, some critics have proposed creating a new level of government – the “aimak,” between the *ayil okmotu* and *raion* level. Regardless of how this debate plays out, the fact remains that, without clear policy and stable political will from the central government on the future of local governance, executive branch bodies in Kyrgyzstan will continue to struggle amidst this uncertainty. The political success of introducing representative democracy at the local government level is imperiled if local executive bodies are unable to implement decisions made by elected representatives.

In practice since 2010 there has also been a clear divide between larger cities that have been able to take some advantage of these provisions and of the political weakness of the central government and smaller cities, towns and rural *ayil okmotus* that have not been able to carry out their basic “local” functions, much less take on the more difficult delegated “State” functions. Osh Mayor Melis Myrzakmatov effectively bargained for a very high level of autonomy from the Provisional Government in 2010 in exchange for his refusal to support the fleeing President Bakiyev and his agents. He effectively resisted at least one attempt by Transitional President Otunbayeva to remove him from power after his city erupted in ethnic violence in June 2010 and has been able to rally local popular support to his side when threatened by the central government. Reports clearly show him exercising a high level of “oversight” to “State” agencies in Osh, including the secret and civilian police. The tax authorities and the financial police have been ineffective in taking him on as well. He has, as one interviewee described it, “decentralized himself.” With somewhat less panache, Bishkek Mayor Isa Omurkulov has been able to strike agreements with the Ministry of Education and the Ministry of Internal Affairs to take on delegated control of the schools and the police force in Bishkek, largely out of the city budget.

For local leaders in much of the rest of the country, however, the story is largely one of neglect at best and predation at worst. In early 2012, as part of the un-reorganization of Bakiyev’s governmental reforms after the Revolution, NAMSU was abolished and its functions transferred to the State Committee on Architecture and Construction, a second-rate agency under the Prime Minister. This committee is not positioned to either support local government or provide “political” oversight in the work of the central ministries. Similarly, the Local Self-Governance Committee in the pre-revolutionary *Jogorku Kenesh* was abolished and the mandate transferred to the Agriculture Committee in the new Parliament, hardly an elegant solution. Under Prime Ministers Almaz Atambayev and Omurbek Babanov in 2010-2012, this has largely left local leaders without effective advocates in the capital. Bakytbek Adylov, Mayor of Jalal-Abad, Kyrgyzstan’s third largest city, complained that he has been examined and audited by central authorities under guise of anti-corruption activities to the point of distraction. He began his conversation with the assessment team complaining that he had no control over police, schools or healthcare facilities since these were managed by “State” authorities.

He was especially concerned since he had just recently squeaked by in local elections and felt he was being held responsible for things over which he had little leverage.

In March and November of 2012 the first local elections under the new Constitution were held. Centrally-appointed mayors and local executives would again be elected by local councils, which would themselves be elected by the people. The competition was fierce and involved national-level parties with well-financed campaigns. Local leaders, including Myrzakmatov in Osh and Adylov in Jalal-Abad, the two leading southern cities, obtained the strong support of newly-formed localist parties which successfully defeated the national parties, including President Atambayev's SDPK. In Bishkek middle and upper class youth and young professionals banded together in a campaign to contest local elections that mobilized new, largely Internet-based constituencies. In several cases, including in Batken, the "bums" were voted out of office.

Focus groups conducted for this assessment show that unlike general cynicism towards the role of the President and Parliament, there are higher expectations for sub-national government structures, and groups expressed that a number of entities are currently meeting or viewed as capable of meeting public expectations. Respondents seem to universally expect a number of perhaps more superficial services from local government, including keeping general order in their towns and cities, making sure the street lights stay on, that beautification efforts are ongoing, among others. In terms of more challenging issues, there were concerns about local officials' ability to issue land and titles to those with legitimate requests or to maintain roads. Respondents also seem to expect a certain level of democratic openness and accountability, often commenting that citizens requests be heard, even if they cannot always be addressed.

A number of focus groups had strong praise for their local leaders in terms of meeting expectations above, including the Mayor of Isfana, the Governor of Naryn and the Mayor of Osh (though primarily among Kyrgyz). And while there were certainly leaders widely criticized by focus groups (the Mayor of Batken, the Mayor of Jalalabad and the Governor of Jalalabad), in some places where there was clear frustration, there also seemed to be a sense that they could continue to demand more of their local officials and optimism that people could find a way to get things done. While there was a wide range of satisfaction with *aiyl okmotus*, they did come across as being viewed as legitimate, generally well-intending problem-solvers or conduits to higher levels of government.

This dynamic – a constrained central government, partial legal decentralization, and citizen expectations – indicates that more effective service delivery at the sub-national level is relatively low-hanging fruit for making Kyrgyzstan's democracy deliver. Even within the existing institutional context there are clear performers and non-performers who are now subject to accountability at the ballot box. Unfortunately, these differences appear to largely be the product of the inherent wealth of a location or the initiative and capabilities of the local leadership, or both, not part of a larger national effort to reform local government. There is no single champion of decentralization inside the current leadership. The President is largely silent on the issue and current Prime Minister Satybaldiyev has hinted that he might support recentralization and the reintroduction of four-level budgets, an agenda which would largely undo the Akayev era reforms. In some ways, the central government has been trying to re-establish central control in the South, especially in Osh, since April of 2010, somewhat unsuccessfully. This makes a plan for decentralization low on their agenda.

In the absence of presidential leadership, the issue of decentralization has largely fallen victim to the new democratic politics of the "interagency" in Kyrgyzstan, with scattered mid-level initiatives across agencies and branches and among civil society and a strong international donor interest, but with no strong prospects for imminent breakthrough. As one international donor pointed out, Akayev's decentralization "Action Plan" expired at the end of 2010 and there is no current national strategy on the issue. The UNDP is leading the creation of Human Development National Report on decentralization which will measure municipal level effectiveness and promote a dialogue among the various parts of the GOK and Parliament.

3.2.6 POLITICAL PARTIES

As in many post-Soviet countries, single-party supremacy was quickly replaced by a multi-party system in post-1992 Kyrgyzstan. Under both Akayev and Bakiyev, freedom of political association and participation initially increased, then decreased as corruption and the centralization of power in the hands of the “ruling family” rose. This dynamic is particularly stark between the Tulip Revolution in 2005 and its promises of an authentic, competitive multi-party system and the April 2010 overthrow of President Bakiyev, when he ordered the arrest of the leaders of the ‘United People’s Movement’ (the union of main opposition parties) in the midst of mass protests.

While the revolutionary changes in 2010 brought new freedom for parties to function and campaign, it also posed new kinds of challenges. In a competitive political environment, parties are able to create efficient and sustainable organizations. They also adhere to certain principles of transparency and accountability to be able to attract and mobilize voters. **In open and democratic environments, parties need to be more democratic themselves.** The very existence of parties that follow some, if not all, of the same democratic principles which they promote publically is one of the defining characteristics of the depth and quality of democracy.

Since 2010 party leaders in Kyrgyzstan have faced a newer challenge: building coalitions and alliances. The 2010 Constitution introduced a controversial clause forbidding any political party from controlling more than 65 seats in the 120-seat parliament. While potentially discriminatory, this rule is a clear result of the country’s repeated experience of authoritarian backsliding and single-party control over Parliament. In the past two years, three governing coalitions have been formed. While such a pace of coalition-building does not bode well for the stability of the country, it does indicate that the major parties in Kyrgyzstan are capable of reaching agreements without pre-term elections. In fact, the first coalition led by Prime Minister Atambayev remained stable and governed effectively until the October 2011 presidential election.

While there have been a number of positive trends in the external environment for political parties since 2010, internally parties continue to face many of the “old” issues, well known to most familiar to countries undergoing democratic transition or consolidation. The assessment team met with “key informants” from four of the five political parties that are represented in Parliament, and with several smaller. All of them said that “their” party was undergoing major reforms, such as establishing internal elections or instituting democratic ways of decision making, where the interests of all party members were taken into consideration, and that they were very interested in party building, as well as partnerships with USAID and other international actors in the field. All interlocutors underlined that their parties had nationwide representation; they were planning to strengthen their branch offices all over the country; their members included various ethnic minorities; and that women were well-represented at all levels of the parties.

There is little evidence that these internal reforms have significantly changed the ways parties operate. Notably, no interlocutor could provide any information on how the parties fundraise and manage their resources. As in many countries, the richer members of the party seemed to be the source of any financial resources. Should the parties begin to splinter and align themselves along issues rather than personalities, there would be concurrent opportunity for them to restructure their resource base (along with development of their strategic planning) to ensure long-term stability. In Kyrgyzstan, **despite changes to electoral and political party legislation, there is still a structural incentive for parties to rely on opaque sources of fundraising, to “sell” political patronage to business interests in exchange for support. This fundamental fact has not changed, and it is difficult even for well-meaning parties to overcome it. Financial and administrative resources are still the key to running competitively and winning elections.** This status quo will likely remain until a party with a clear identity, articulated platform, and transparent finances demonstrates that it can win elections.

While parties are obliged to have national representation, and claim to have achieved it, in reality party leaders continue to maintain clientelistic relationships with large families based in the regions and rely on particular party members’ ability to mobilize voters locally. For example, Ata Jurt received most of its support from the

South. The major national political parties are largely personality based and often rooted in and supported by particular geographic bases or patronage groups. When their messages differ, they often differ more on the issues of identity and meaning rather than economics, foreign policy or ideology. In the 2011 presidential race especially, parties demonstrated clear North/South alignments and comprised a spectrum of messages on ethnic inclusion (Atambayev's campaign used a "United Colors of Kyrgyzstan" motif; Tashiyev demonstratively wore only traditional ethnic Kyrgyz headwear and promoted a "Kyrgyzstan for Kyrgyz" message).

In fact when it comes to formulating a clear platform, most interlocutors found it to be a challenging task. In the Presidential campaign the candidates and parties generally stood for elaborate social programs, alignment with Russia, a secular state, and Kyrgyzstan's control over foreign exploitation of natural resources. Presidential candidates who tried to raise more subtle economic or foreign policy issues during televised debates largely fell flat. During the assessment team's meetings, the party representatives did not dwell on ideology, but turned to describing the profile of their membership base, making statements such as: "We are the party of modern, educated middle class" or the party "of traditional, family-oriented voters from rural areas." A new party "Life without Barriers" was somewhat of an exception, with compelling trailers and short videos about their party. This promotional material had limited distribution (mostly online) due to the lack of resources to buy air time on broadcast media, which made reaching anyone beyond like-minded supporters impossible. A newly-reformed party under the old name *Zamandach* was able to formulate a brief but clear platform message. It also presented an interesting model of a party managed by several "partners" versus one leader. The interlocutors from *Zamandash* seemed genuinely interested in broad national outreach, multiethnic representation, and inclusion. Each party identified aspects that could be considered a contribution to an overall strategy, but none of them described a strategic plan that laid out where the party members and leadership wanted to see the party in the next 5-10 years.

Broad representation and inclusion remains a challenge for nearly all parties in Kyrgyzstan. All of the party representatives were men of Kyrgyz nationality, with the exception of one ethnic Russian from the *Zamandash* party. The responses to the question of women's representation in political parties and in Parliament displayed a lack of understanding of the issues that women in politics face. In several cases, a patronizing and discriminatory attitude was evident. For example, the *Ata Jurt* representatives told the team that they had no problem with including women since there were "a lot of good patriotic women in Kyrgyzstan that loved their families and their country." The *SDPK* faction leader expressed concern with women politicians who, according to him, "were supposed to take care of their families and not embarrass themselves in public like some women parliamentarians do." He also added that "fortunately, *SDPK* women were behaving themselves appropriately." These conversations underscored the need to empower women to fully participate in the political process, but also the need to educate and train men in party leadership positions on gender inequality issues.

While the political party system allows for pluralism and political competition, it also reflects Kyrgyzstan's highly-fragmented society, which is still divided along regional, ethnic, and gender lines. Although highly imperfect, political parties remain an important vehicle which allows citizens to exercise their right to elect a government and participate in political life. The single-mandate proportional representation basis of the current election law has removed direct linkages between individual candidates and discrete, identifiable constituencies. Even without any dramatic changes to the current system the highly unstable, personalized political competition among corrupt, non-transparent political party leaders will certainly erode citizens' trust in the system over time. **If the parties fail to introduce internal democratic reforms that help increase the trust of the Kyrgyzstani public in the parties' ability to represent them and govern in an accountable manner, they risk undermining their own existence and with it the future of peaceful democratic consolidation.**

On the positive side, the parties are well aware that it is in their own best interest to reform. The recent local elections seem to have served as a wake-up call to some who have been conducting "business as usual" and lost a significant number of seats. New parties are emerging and old parties are splintering, which creates

fluidity and unpredictability but also provides hope for a positive change. This is indeed a very welcome development since most of the leading generation of politicians has been part of the governments of Akayev and Bakiyev, adding to broad public skepticism about parties and politicians. Furthermore, the nature of the parliamentary system emits a strong magnetic pull on parties towards consolidation, in order to remain relevant and competitive in national elections. This has helped to limit the profusion of small, ill thought-out “personality project” parties.

3.2.7 ELECTORAL INSTITUTIONS

Post-revolution electoral events have shown a marked improvement over the Bakiyev-era balloting. High turnout showed a keen interest on the part of citizens to participate and also a certain trust in the electoral system: 72% voted in for the constitutional referendum and 61.29% in the presidential election. The parliamentary elections were characterized by a high level of competition among parties and proceeded in a calm, peaceful atmosphere, in spite of the recent communal violence in the South that many predicted would be reignited by an election. The presidential election in 2011 marked another step forward in the quality of electoral administration with an inclusive candidate registration process that provided voters with a wide choice and a campaign that was open and respectful of human rights and fundamental freedoms.

The 2010 election legislation was heavily debated leading to significant changes in 2011. The drafts were assessed by the OSCE and the Council of Europe’s Venice Commission before and after their adoption.⁴⁴ Many of these recommendations were incorporated in the new electoral legislation, but the legislation still remains deficient in the areas of freedom of expression, campaign finance disclosure, as well as in the limitation of candidate rights and the inclusion of numerous broad grounds for revoking a candidate’s registration, including after the election itself.

Historically, the Central Commission for Elections and Referenda (CEC) was accused of corruption and manipulation. During the 2012 local elections, the staff of the CEC were also accused of taking bribes to manipulate the polling station results. These cases appeared to be rather isolated and did not indicate a systemic issue. In fact, the CEC has displayed a remarkable efficiency in managing a rapid succession of national elections in spite of being short-staffed. International observers praised the CEC after the parliamentary elections for being transparent and independent from government and partisan interests, and for making the effort to replicate these standards in lower-level election administration. In fact, for the parliamentary elections, the CEC was commended for introducing additional safeguards, including the inking of voters’ thumbs, to strengthen the integrity of the elections.⁴⁵ Unfortunately, the team was told that the same procedure did not work so well during the local elections as the ink could be easily erased, allowing for “carousel” voting. For the national level elections in 2010-2011, the CEC was also praised for the timely uploading of preliminary results, broken down by polling station, on its website throughout election night.⁴⁶ International observers have identified a broad range of areas needing improvement, including ensuring better quality of information for voters, increasing transparency in the work of lower level election commissions, addressing systematic problems with voter registration and election-dispute resolution, ensuring the integrity of voting, counting and tabulation of votes and fostering greater participation in national minority areas.⁴⁷

⁴⁴ The OSCE/ODIHR and Venice Commission [Joint Opinion on the Draft Laws](#).

⁴⁵ Kyrgyz Republic, Parliamentary Elections, 10 October 2010, [OSCE/ODIHR Election Observation Mission Final Report](#), p. 2;

⁴⁶ *Ibid.*, page 3.

⁴⁷ Kyrgyz Republic, 30 October 2011, [OSCE/ODIHR Election Observation Mission Final Report](#).

In the 2010 parliamentary elections, while all party lists initially met the legal requirements for the inclusion of women, national minorities, and age groups, political parties predominantly allocated their most visible campaign activities to male Kyrgyz candidates. Although parties and candidates could campaign in their preferred language, Kyrgyz and Russian languages were almost exclusively used, even in predominantly ethnic Uzbek areas. Indeed, all CEC materials were produced solely in these two languages. Minority participation did not seem to improve during the presidential elections. According to OSCE/ODIHR's report, "the involvement of national minorities in election campaign activities was rather limited." Minority voters avoided participating in rallies and public events. The Uzbek language was "invisible," with candidates restricting themselves to distributing printed campaign materials only through Uzbek community leaders.⁴⁸ This reflects both the issue of basic political culture, which cedes politics to Kyrgyz men as well as the lingering fear in the South of any public acknowledgment of Uzbek empowerment.

An issue identified by all the informed observers as the primary problem is the flawed voter registration list, which contains many duplicates and excludes many eligible voters. In the 2010 parliamentary elections, the deficient voter registration resulted in the disenfranchisement of thousands of citizens, including internal migrants displaced after the June violence. Current discussion over the new voter registry is tied to the proposed plan for developing a unified civic registry. Both have received ample international attention and have generated expert concern and recommendations. Yet, in the end it is a matter of political will and prioritization on the part of the authorities to advance these processes expeditiously and in time for the next elections.

In spite of the many areas that could be improved, from legislation to election administration to polling day operations, overall the CEC has proven its ability to independently organize elections that are competitive, free, and arguably fair and offer meaningful choice to the voting public.

3.2.8 CIVIL SOCIETY

More than anywhere else in Central Asia, Kyrgyzstan boasts a strong civil society, capable both of grassroots service provision and macro-level advocacy around key policy issues. However, strength and sustainability in the sector is highly unevenly distributed, with a small number of national CSOs demonstrating high levels of organizational development, and commanding a strong voice in national policy debates, while a mass of small organizations in the regions and rural areas lead an ephemeral, hand-to-mouth existence.

On numerous occasions since independence, Kyrgyz civil society has mobilized against autocracy, be it in the form of regressive legislation, media crackdowns, or electoral fraud. The 2010 revolution led to the migration of a number of civil society leaders into key government positions, in particular in the presidential administration and parliament. In contrast to the Akayev and Bakiyev presidencies, over the past three years **civil society organizations have been able to work independently, openly and generally free from government interference.** One of the Provisional Government's innovations was to introduce citizen oversight committees throughout public institutions high and low to act as a kind of institutional watchdog. These have had mixed, though real success. Under the Provisional Government, local NGOs were active and influential in initiatives on ethnic reconciliation, the promotion of religious rights and the reform of the judicial system. The CSO sector has shown increased consolidation, with a growth of formal and informal coalitions building platforms for quick reaction on key issues including human rights, gender and children's issues.

With the authoritarian practices of the Bakiyev era receding into the background, the role of civil society in Kyrgyzstan is also changing. However, not all CSOs have proven capable or willing to adjust their stance towards the government. Some former civil society leaders who are now in Government complain that the

⁴⁸ Ibid., page 14.

over-personalized and at times sensationalistic criticism emanating from certain civil society activists is not only counterproductive, but contributes to a backlash against civil society in general. Some in the Government, in particular those affiliated with the *Ata Jurt* political party, remain highly suspicious of civil society, and in particular foreign funding of democracy-oriented groups. This wariness is further heightened by the Kyrgyz public and polity's general endorsement of a Russia-centric geopolitical worldview.

Civil society actors note a growing distance between the administration and themselves since 2010. Among civil society organizations, there is a strong desire to become more active in strengthening and engaging Parliament and political parties, but there is a lack of knowledge about how to do it. Lacking cooperation from the parties themselves, civil society leaders do not know how else to work with the relevant actors.

Financial sustainability for CSOs remains an elusive goal in Kyrgyzstan. Specific legislation encouraging philanthropy and CSO revenue generation has been in existence for some years, and the tax code allows for tax deductions for contributions made to certain types of CSOs. However, this has not translated thus far into widespread financial support for civil society from either the business community or the population at large. To a large extent, this is likely due to the population's relative poverty, the business community's reluctance to expose their revenues to scrutiny and the lack of faith both have for traditional CSOs. For example, the laws allow for social enterprises but prescribe the same taxes as those for businesses. Thus, businesses have no financial incentive to partner with civil society organizations. And while there is ample opportunity and demand for private-social partnerships, businesses are hesitant to invest long-term in civil society initiatives because they perceive a lack of stability in the organizations.

In 2012, the government allocated KGS 13 million (about \$276,595) to CSOs through State Social Procurement, an increase from KGS 12 million (approximately \$270,000) in 2011 and KGS 5 million (around \$111,100) in 2009 and 2010. While increasing, these amounts pale in comparison to neighboring oil-rich Kazakhstan or historic funding levels for the sector from international donors and should still be considered experimental. Donor funding is largely focused on project budgets and – apart from overhead funding provided by USAID and the EU – does not often provide for development of organizational capacity. This, in turn, contributes to a general lack of confidence in civil society organizations that lack transparency in their daily functioning and management practices.

Internal governance of CSOs in Kyrgyzstan remains a problem for the broader growth of the sector. Many CSOs are dominated by either a single individual (usually, the founder), or a small coterie, with minimal oversight and participation of formal boards. Leadership turnover is low, generally reflecting the unhealthy tendency in some quarters to view civil society as primarily a revenue-generating opportunity to interface with international donor organizations. Additionally, CSOs face increasing challenges demonstrating transparency in their own operations, and living up to the same standards of accountability and transparency that they themselves are demanding from the Government. When combined, these two factors leave some organizations vulnerable to charges of demagoguery, and of serving merely as a soapbox for an individual, rather than representing the interests of true constituencies. A few larger CSOs and CSO networks, such as the Association of Civil Society Support Centers, and the Coalition for Democracy, represent exceptions to this trend, and are able to boast stronger internal governance mechanisms, transparency in operations, and successful succession in leadership positions.

Civil society in Kyrgyzstan finds itself in a time of transition, as the civil society “old guard” – anchored primarily by urban, Russian-speaking intelligentsia – is slowly replaced by a new, younger generation of activists that is more likely to be Kyrgyz speaking, and bereft of Soviet traditions and worldviews. Since the June 2010 events, a regional imbalance has merged as a large portion of donor aid was directed to the South, and CSOs in the Naryn, Talas, Issyk-Kul and Chui regions have begun to dwindle from lack of financial support. The core of civil society actors is made up of mostly women with higher education. The environment for young activists, especially in the cities, is encouraging, but there is a profound need for institutional support, mentorship and capacity building. Basic organizational capacity of Kyrgyz CSOs may in fact have atrophied in recent years, as large, donor-funded flagship organizational development programs have closed out. There is ample opportunity for marginalized groups to participate in civil society, with

strong organizations and coalitions for the disabled, children’s rights, victims of gender-based violence, drug users, HIV infected and LGBT populations. While the opportunity exists for these groups to exert influence on politics and popular opinion, many of them – except for election monitors and human rights defenders – do not consider themselves central to the political process. This exposes an important paradox in the relationship between civil society and historically marginalized groups, and a challenge for Kyrgyzstan’s development partners: while these groups can successfully register in Kyrgyzstan and receive foreign funding, they run the risk of isolating themselves into a “donor ghetto,” with only tenuous links to the broader Kyrgyz population.

3.2.9 MEDIA

Kyrgyzstan is the only country in Central Asia where television and radio stations can openly criticize the highest levels of government, including the President. Indeed, Kyrgyzstan’s challenge is not one of media scarcity, but indeed media over-proliferation, with far more media outlets than can be supported by the advertising market. The media in Kyrgyzstan exist largely to support politics. Most stations and newspapers are owned by political actors, and international observers say truly independent television stations do not exist. All stations are politically influenced, and their budgets and activities balloon every year before elections. Media managers and analysts agree that for most media outlets, there is little hope for sustainability from advertising revenues alone. In the South, newspapers are still an important source of information, but many are now lacking the good management of the business-savvy Uzbeks who owned them before the June 2010 events. With better financial management, they may again find opportunities to sustain themselves through advertising. Russian newspapers – older, more established, with better educated journalists – attract more money from advertising, while Kyrgyz newspapers often have no business models and are simply a resource of influence for politicians that businesses don’t consider for advertising potential.

Yet, **media in Kyrgyzstan provide significantly diverse, albeit partisan, voices.** Television thoroughly dominates over other forms of media as a source of information in Kyrgyzstan.⁴⁹ Russian-language coverage is dominated by the Russian ORT (formerly Soviet “All-Union” Channel One), which provides a powerful voice outside the control of the GOK and is and has been critical of both the current system and the autocrats who came before. Its investigative reporting has been used as a political weapon, but it does regularly subject the GOK and the Kyrgyz conventional wisdom to regular scrutiny and offers an alternative narrative of what is happening in the country.⁵⁰ As the only other outlet with near-universal national reach, Kyrgyzstan’s formerly state-controlled television, KTR, has been struggling to successfully transform itself from state-controlled television to a truly national public television,⁵¹ as in other post-communist transitions. Recently, it has shown some increasing signs of independence despite a great deal of pressure from the Parliament, the Government and public opinion. Other media that is not focused on commerce or entertainment is largely dominated by the same economic and political interests behind the political parties. While highly partisan, they do provide something of a “circular firing squad” that contributes to a diversity of information and interpretations.

Kyrgyzstan’s media outlets continue to suffer from **language** dynamics, a challenging **business** environment, and the general low professional quality of the country’s journalists and media outlets. **Online and social media**, as they continue to grow in popularity and influence, may prove to bypass these challenges, although their reach and penetration thus far are concentrated in urban, educated demographics.

⁴⁹ According to a [USAID/OTI Audience Survey](#), 97.9% still watch television, while radio (59.9%), print media (46.9%) and Internet (19.6%) are quite far behind.

⁵⁰ Although not the subject of this assessment, it also explains the highly pro-Russian foreign policy orientation of the elites and population in Kyrgyzstan, as well as their skepticism towards other powers, especially the United States. ORT dominates the audience in covering international news.

⁵¹ The distinction being that public television, while funded by the state budget, is overseen by a board not controlled by the government.

Since the 2010 ethnic conflagration in the South, a poisonous undertow of Kyrgyz nationalism has insinuated itself into much of the Kyrgyz-language media. In fact, in its most recent *Freedom of the Press* report, Freedom House ranked Kyrgyzstan “Not Free,” citing continued challenges for Uzbek-language media in the South and the lack of observance of media rights written into the 2010 constitution.⁵² This has both contributed to and benefitted from the silencing of the country’s previously robust Uzbek-language media. Efforts to bring back Uzbek-language programming or content have been slow, but a few radio and television stations are beginning again to rediscover their Uzbek-speaking audiences. Donor-funded *Radio Yntymak* in Osh broadcasts news and entertainment in Uzbek, along with Kyrgyz and Russian, and produces television programming that some local stations around the South are airing. Ultimately, the enduring presence of a large Uzbek audience of potential consumers and viewers/listeners in the South of the country provides a structural incentive for private media outlets to re-engage with Uzbek language programming.

However, stations or publications that wish to produce original Uzbek-language news are finding it difficult to staff their outlets with educated, qualified Uzbek journalists or young people wishing to train in journalism. Older, experienced Uzbek-speaking journalists have either left the South or stopped working as journalists, because they feel vulnerable and afraid and no longer see a future for themselves as journalists in Kyrgyzstan. Journalism training programs for youth, even those with the specific goal of multi-ethnic recruitment, are finding it more difficult to recruit Uzbek students than Kyrgyz students, as the families of young Uzbeks do not see journalism as a viable and safe profession. One popular young Uzbek DJ at *Radio Yntymak* quit after receiving threatening messages from Kyrgyz listeners. He returned to work after the station increased security measures.

Language is also a factor in judging the quality and influence of the existing media. Generally, the work of Russian-language journalists is considered to be of higher quality than that of their Kyrgyz-language counterparts, as the former – often participants in donor-funded trainings, which are conducted in Russian, and graduates of higher-quality Russian-language schools – are more likely to follow international standards of balanced, objective reporting. Kyrgyz-language reporters tend to write mostly on opinions and allegations and seldom rely on credible sources.

The Internet is the one area where media agencies can earn money from advertising and develop viable business plans. News agencies that rely on the Internet, such as *Akipress*, *24.kg*, and *Kloop*, are growing their audiences and influence among Internet users. Unlike radio and television stations, for which no standard ratings system exists in Kyrgyzstan, the Internet-based agencies can point to online analytics to present advertisers with proof of website traffic. However, the government often attempts to regulate the Internet – the result of a combination of lingering suspicions in some security ministries over the internet’s unregulated nature, and the lingering legal ambiguity over whether the internet should be regulated as traditional media outlets, as public space, or as something else entirely. Kyrgyz authorities blocked *Ferghana.ru*, an independent Central Asia news website, but did so without any legal action or court decision. Journalists also fear the government is considering copying Internet-restriction measures from Kazakhstan and Russia, such as a law on Internet regulations for the defense of children. Such a highly subjective and vague measure could cast a wide net of restrictions on what news and information can be published online.

3.2.10 THE SECURITY SERVICES

As in most post-Soviet countries, the military and intelligence services, while sometimes deployed against internal opposition under autocratic leaders, are largely focused on external threats. The professional military, following the tradition of the Soviet Armed Forces, has largely stayed out of politics and internal political

⁵² Freedom House, [Kyrgyzstan Report](#).

conflict. In general the military has not played a significant role in the politics of Kyrgyzstan, either as a king-maker or a spoiler, or even as a bureaucratic constituency seeking a larger piece of the budgetary pie.⁵³

In the 1990s President Akayev proposed large scale reforms to change the military and increase civilian oversight. The military reform plan envisioned an eight-year period (2002-2010) restructuring of the Army into a smaller, more mobile professionally-trained and well-equipped force. The Army was to be converted into all-volunteer force. Despite international assistance these reforms did not produce much result. President Akayev notably did not draw the military into internal affairs and when he was ousted in March 2005, the military did not take sides and quickly offered its allegiance to President Bakiyev. President Bakiyev turned to the military to increase his own power and respond to national security threats thus politicizing instead of democratizing the military as an institution. In 2008-09, Bakiyev appointed his former bodyguard Bakytbek Kalyev as Defense Minister. Under Bakiyev, according to experts “the military in Kyrgyzstan has changed from occupying a marginal role in state politics during the first few years of post-Soviet independence into being the primary coercive instrument of the Bakiyev regime.”⁵⁴ In this respect, Kyrgyzstan is no exception in the region, where Presidents turn “the security sector into an institution that serves a presidential regime that has scant legitimacy.”⁵⁵ This is the legacy that the Provisional Government and the Parliament inherited from the past.

The State Committee for National Security (GKNB), local successor to the Soviet KGB, was used for surveillance, intimidation and repression of opposition politicians, human rights activists and media under President Bakiyev. It was also increasingly used to exercise “civilian” control over the military under Bakiyev and became increasingly politicized, eventually assuming a level of autonomy from Bakiyev himself under his thuggish brother Janysh Bakiyev. Janysh took direct control over military institutions and security services and accumulated enormous political power, rivaling his brother in some ways. Janysh became the tip of a criminal pyramid, including control over drug trafficking. Many of those in power today were targets of this activity, as were human rights activists and especially journalists. In 2010 some units of the military refused to take action to support the Bakiyev administration and some units appear to have taken part in the ethnic violence in the South. The extreme violence used against protesters in Bishkek in April 2010 is now largely attributed to foreign mercenary units under the command of Janysh. Similarly, the Bakiyevs used the police forces under the Minister of Interior for what they were indeed designed to do under Stalin – suppress dissent and insure a minimum of public order. In all cases the police, secret police and the military have proven at best ill-prepared or incompetent when faced with all kinds of internal disorder or external threat. At their worst, they have become autonomous and predatory.

The problems in Kyrgyzstan’s police force have been recognized by successive governments and police reforms efforts date back to 2001. In 2002-2003, the Ministry of the Interior (*MVD*) underwent a structural reform that decreased its staff in an attempt to increase its operational ability. A major step forward was moving the penitentiary system from the *MVD* to the Ministry of Justice. In 2005, a five-year police reform strategy was adopted. While it aimed at ensuring better protection of the rights of citizens and increasing trust in the police, it was quite weak when it came to specific implementation mechanisms. Ironically, by the time the concept became a Presidential decree, the 2005 Tulip Revolution ousted the president and the implementation of police reform stalled. President Bakiyev remained committed to the reform plan rhetorically, although in his time corruption and lawlessness within law enforcement increased.

After the 2010 Revolution, Prime Minister Babanov tasked an inter-agency commission with drafting a new police reform concept. This turned out to be a rather controversial issue, on which civil society and the *MVD* disagreed, and the end result was a concept that combined three different and somewhat contradictory

⁵³ For a more comprehensive history of the security services under Akayev and Bakiyev see Erica Marat, “[Kyrgyzstan’s Fragmented Police and Armed Forces](#).”

⁵⁴ Erica Marat, “[Sector Reform in Kyrgyzstan](#).”

⁵⁵ *Ibid.*

visions, despite of the efforts of the inter-agency commission. The final version was submitted to the Government in summer 2012.

In 2012 under the new Prime Minister Satybaldiyev and Interior Minister Sahimil Atakhanov, the Ministry developed a new reform concept for 2013-2014, which aims at strengthening the competencies of “neighborhood inspectors,” improving conditions for staff and enhancing capacity through training. This concept was presented to the public in February 2013. Civil society reform advocates disagreed with the official *MVD* concept and submitted an alternate police reform concept directly to Parliament. The position of the Government on the two concepts is unclear and indicates that there are many internal splits on how this process should go forward. Ongoing power struggles within the *MVD* led to the resignation of Minister Atakhanov in late February 2013, making the prospects of further police reform even less clear, at least at the time of writing this assessment.

While there is some progress made by acknowledging the issue of torture as a major problem, and starting investigations into allegations of torture by police officers, there have hardly been any convictions. In the USAID-funded IRI poll in August 2012,⁵⁶ corruption looms large as a very important issue for all citizens. Police and especially the traffic police were named as the two institutions that respondents regarded as most corrupt, with more than ninety percent of respondents qualifying the structure as “highly corrupt” or “corrupt.”

Finally, since the interethnic violence in June 2010 there is a significant issue when it comes to the relations between the police and ethnic minorities, who are often the subject of police brutality and remain under-represented in the police force. Following the June events, and with the support of the USG, the OSCE deployed police advisors in the South of the country under the Community Security Initiative (CSI). They have been advising the local police force at the community level. CSI introduced mobile police stations to increase the visibility of the police locally, as well as to increase the trust of the population into local law enforcement. CSI does not participate in any significant police reform efforts.

President Atambayev has placed at the head of these organizations a series of loyal caretakers who are tasked with ensuring that these core institutions of the Soviet police state adapt to a democratic system. He has also emphasized over and over that police reform is part of his rule of law reform agenda. Taken together with the opportunities outlined above in the section on the judiciary and prosecutor, the assessment team believes that **a window of opportunity for national-level security sector reform may open during the Atambayev presidency, although it is too early to tell how far it will go in the face of entrenched resistance.**

⁵⁶ IRI Poll.

4.0 STEP THREE: USAID INTERESTS AND USG PRIORITIES

4.1 US FOREIGN POLICY AND BROADER USAID DEVELOPMENT INTERESTS

Kyrgyzstan's role for the United States in realizing its foreign policy goals in the South and Central Asian region goes beyond its affinity as one of the few functioning fellow democracies in the neighborhood. Since the initiation of Operation Enduring Freedom in October 2001, **supporting U.S. and coalition military operations in Afghanistan** has been a critical U.S. national priority and one in which the U.S. has been able to rely on Kyrgyzstan as an ally. Since December 2001 Kyrgyzstan – under Akayev, Bakiyev and then under the new democratic government – has offered the use of Bishkek's airport as first a U.S. Airbase and then as the Manas Transit Center, a critical facility in moving men and materiel in and out of Afghanistan. Indeed, stability in Kyrgyzstan during the overthrow of President Bakiyev in April 2010 was a concern for flight operations, causing a temporary rerouting through Kuwait.⁵⁷ Kyrgyzstan also plays a role along with the other Central Asian states in the long alternate supply route to Afghanistan known as the “Northern Distribution Network” that has allowed ISAF forces to resupply from Europe as well as through Pakistan. As U.S. and coalition military operations come to an end in Afghanistan, **Kyrgyzstan, along with the other Central Asia countries, will play an important role in the economic, political and infrastructural reintegration of Afghanistan into the broader region of South and Central Asia.** Secretary of State Hillary Clinton referred to this long term engagement as a ‘New Silk Road,’ the success of which will depend on the continued engagement of Afghanistan's neighbors in Central Asia.

The U.S. is also interested in tracking the **potential for both indigenous and imported violent extremism in Central Asia broadly as coalition military operations end in Afghanistan after 2014.** The ongoing human rights and inter-ethnic problems described above in Kyrgyzstan undermine democratic reform but may also serve as “push” factors for some segments of the population to seek alternatives to waiting for the situation to change.⁵⁸ An analysis of the “pull” factors from outside Kyrgyzstan that might exploit these grievances would help determine the extent to which a case could be made for a developmental response to target these drivers.

The USG also tracks Kyrgyzstan's capacity to **interdict trafficking in persons, narcotics, nuclear materials and other threats.** Kyrgyzstan faces problems in monitoring its borders because of its mountainous terrain. The U.S. Department of Justice and the State Department provide technical assistance to the Ministry of Interior, State Customs Service and Border Guards on these issues. These interventions provide a potential entry point for work on professionalization, reform and anticorruption in these institutions which could very easily compliment the ability of the USG to address the main DRG problem described above.

⁵⁷ *Marine Corps Times*, “[Flights Diverted from Manas amid Turmoil](#),” 4 April 2010.

⁵⁸ USAID, “[The Development Response to Violent Extremism and Insurgency Policy](#).”

The USG and USAID development engagement in Kyrgyzstan is robust and complimentary to the democracy, rights and governance program. In some ways democracy, human rights and governance are already integrated into other sector programs as a legacy of the Bakiyev era, when the USG had to be creative and careful about how it spent democracy funds. For instance, economic growth programs address the lack of economic dynamism which will be a key factor in the success or failure of the Kyrgyzstan democratic experiment. It is not unreasonable to say that the very best democracy program for Kyrgyzstan would be a dynamic economy. USAID focuses its economic programs on enhancing local economic opportunity and working with local governments to better use the authorities they already have in cooperation with the DRG program in an early effort at cross-sectorial integration which includes a mingling of economic growth and democracy and governance funds. Much of the ethnic nationalism that is now so pervasive among the Kyrgyz is a product of the displacement of rural Kyrgyz from the Soviet-era collective farms (*kollektivy*) and State farms (*sovkhosy*) into shanty sub-urban dwellings, where resentments towards the mostly Uzbek commercial elite have aggravated existing tensions. USAID's agricultural programs thus also impact peace and security.

These U.S. foreign policy goals complement each other. Before the 2010 Revolution, there were tensions and competing priorities between these foreign policy goals. Standing up for our principals and supporting democratic change at times pulled in a different direction than ensuring access to Afghanistan through the Manas Transit Center. Augmenting the capacity of the security organs to interdict terrorists also gave them increased ability potentially to suppress their own people. With the democratic breakthrough since 2010, these foreign policy goals now might create opportunities and synergies not previously possible.

4.2 USAID'S DRG PROGRAM

USAID has invested heavily over the past twenty years in democracy programs in Kyrgyzstan across a broad spectrum of sub-sectors:

- **Civil Society Support** to NGOs from 1995-2007 through Counterpart International and **Strengthening Civil Society Advocacy** through PACT from 2007-2010;
- **Legal Support to Civil Society** through ICNL since 2009;
- **Kyrgyzstan Constitutional Reform Program** through Freedom House – 2006-2008;
- **Strengthening Human Rights** in Kyrgyzstan (Freedom House) since 2002;
- **Media Support Initiative** that helped first to create independent media in Kyrgyzstan and then providing support to independent mass media including support to creating a public TV from (Internews) since 1995;
- Conflict mitigation by strengthening local government and sponsoring community initiatives through **Community Action Investment Program (CAIP)/ACDI/VOCA**, **Collaborative Development Initiative (CDI)/Mercy Corps**, **Peaceful Communities Initiative (PCI)/Mercy Corps** and **Office of Transition Initiatives (OTI)/IRG**;
- **Political Processes and Political Party Development** by strengthening political party responsiveness and promoting an active citizenry (NDI, IRI, IFES) since 1992;
- Local government and community development support including land reform with open land auctions and zoning initiatives through **Local Government Initiative** and **Decentralization and Local Government Program (DLGP)**, Urban Institute, 2000-2008 and **Local Development Program**, Chemonics since 2010;
- **Kyrgyzstan Legislative Strengthening Program** through MSI from 2002-2007 and **Kyrgyzstan Parliamentary Strengthening Program** through DAI since 2010;
- **Central Asia Rule of Law Program (Chemonics)**, 1993-1994; **ABA/CEELI Rule of Law Programming**, 1993-2003; **Legal Education Reform in Central Asia Program** from 2004-2007

and **Expanding Education and Legal Support Program** from 2007-2010; and **Support to Legal Defense Community**, ABA/ROLI since 2012;

- Support of reforms in the country’s judiciary, law enforcement, and criminal justice system is aimed at creating a more independent court system through the **Millennium Challenge Account Threshold Program** (MCATP) from 2008-2010.
- The **Judicial Strengthening Program** seeks to increase the independence, effectiveness, and integrity of the Kyrgyz judicial system by encouraging a fairer and more open system of trials and court processes. International Development Law Organization since 2011;
- **Civic Education** and Extra Curricular Work with Youth, IFES from 2000-2012;
- Eurasia Foundation Central Asia implemented the project **Integration of Islamic Education** into Civil Society in Kyrgyzstan. The two-year project reinforced international religious freedom standards while promoting the integration of Islamic education institutions and their students into wider civil society. 2008-2010
- The **Internet Access and Training Program** (IATP) implemented by IREX in 2008-2009. USAID funded it directly from Washington. In Kyrgyzstan IATP reached out to disadvantaged populations throughout the country, bringing the benefits of new technologies to marginalized groups, rather than leaving them behind.
- **Election Support** in Kyrgyzstan including election legislation improvement, training and support to Central Election Committee and public awareness materials for electorate, IFES since 1996;
- International Youth Foundation, implemented through “Jasa.kg” **Youth Program**. The goal of the Jasa.kg program is to catalyze a generation of young people to actively engage in building a stable, prosperous, and democratic country, since 2011.

USAID currently has a robustly-funded and complex DRG program in the Kyrgyz Republic which represents three phases of programming. The first set of programs (green in Figure 1 below) existed or were designed before the April 2010 Revolution. Elections assistance, political party development, human rights, media programming and legal support to civil society have been in country since even before the 2005 Tulip Revolution, in some cases back to the early 1990s. While they have certainly shifted focus through the tumult of two revolutions and two autocratic regimes, these programs have not been designed to specifically take advantage of the opportunities or address the challenges presented by Kyrgyzstan’s complex democracy problem.⁵⁹ The youth programs and the Local Development Program were both conceptualized explicitly during the last year of the Bakiyev presidency to attempt to make a long-term investment in local economic development and youth while avoiding engagement of increasingly corrupt and stagnant central institutions. In this case the “developmental hypothesis” was to, firstly, “do no harm” in an environment that was becoming increasingly dangerous for civil society activists, journalists and reformers while trying to make an investment in a more liberalized future which at the time did not exist yet. The next set of programs (orange in Figure 1) represents the initial programmatic response to the 2010 Revolution. Here the effort was to engage critical democratic institutions (the new Parliament and the judicial branch) as quickly and robustly as possible. USAID/OTI, using Complex Crisis Fund funding, engaged with a flexible and robust engagement designed to support the legitimacy of the Provisional Government which later also aimed to stabilize the situation in the South after the widespread violence of mid-2010. In 2011 USAID programmed a robust influx of Section 1207 funding through an Annual Program Statement on conflict mitigation, media, legal advocacy, financial transparency and public policy analysis under the assumption that “if democratic political institutions are better able to channel political competition and social grievances through regularized political processes, then the likelihood that political entrepreneurs and other actors will attempt to mobilize political violence again will diminish and existing grievances in the population will be more effectively addressed.” Finally, with support from the United Kingdom’s DFID, USAID was able to complete the “post-

⁵⁹ For example, a recent evaluation of the USAID Human Rights program argues that it was insufficiently adapted to the new problems presented by the ethnic conflict in the South in June 2010.

Revolutionary” programs in the design of the Collaborative Governance Program, which supports the GOK effort to pilot state support of civil society through social services procurement and supports civil society oversight of public institutions through the newly established civilian oversight boards.

While with unlimited funding and human resources more certainly could be done, the current DRG program in Kyrgyzstan represents a robust, broad spectrum response to the political opportunity that reflects the surge in funding after the 2010 Revolution. The portfolio consists of some twenty individual awards. The next section examines how sustainable this engagement is moving forward.

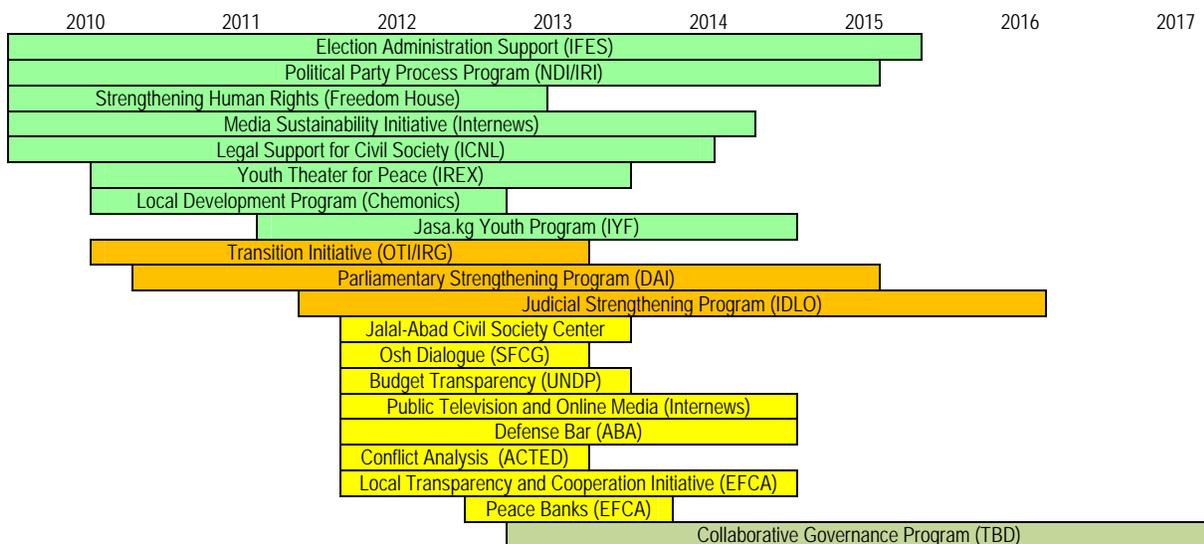


Figure I: USAID/Kyrgyz Republic Democracy, Human Rights and Governance Programs

4.3 USAID’S RESOURCES

During the period of Kyrgyzstan’s political transition, USAID’s presence in Kyrgyzstan has also undergone an as yet incomplete transition from a satellite office of the USAID/CAR Mission based in Almaty with a mid-level representative into an independent USAID Mission with a senior-level mission director. While the transition *de jure* is complete, the transition *de facto* has a long way to go. Unlike most USAID missions, USAID/Kyrgyz Republic does not have a structure of standard support offices (PRO, EXO, OAA, FMO) and still relies on Almaty for these functions, often adding greatly to the transaction cost and time necessary for everyday management and procurement actions.

At present, the staffing footprint for managing the DRG portfolio at USAID/Kyrgyz Republic is essentially the same as it was under President Bakiyev in 2009, before the 2010 Revolution and the programmatic “double-down” on democracy. These twenty programs are managed by one USPSC American democracy advisor in cooperation with several FSN program managers and regular TDY support from USAID/CAR in Almaty. The team struggles to keep up with basic reporting and oversight functions for such a large portfolio. The result is that it is exceedingly difficult for USAID staff to consistently maintain and truly “own” the important relationships with the GOK, the Parliament, political parties, civil society, etc. as well as serve the function of democracy go-to resource for the Embassy country team. As a contrast, in most missions a USPSC advisor might manage a portfolio of one or two large programs and a small local program or two, be on a team with several other advisors and be managed by a mid-level Foreign Service office director and perhaps a deputy, who would fill the role of democracy resource for the Embassy and ensure

that the outside relationships in the DRG sector with GOK and other donors were not stovepiped into the perspective of any single program. In Kyrgyzstan currently USAID and the U.S. Embassy often by default rely on very capable implementing partners to maintain these relationships, but in doing so lose the larger policy perspective. In 2013 or 2014 the Mission is slated to welcome its first Foreign Service DRG officer, but the ratio of program funding and management units *per capita* will still be too high.

Figure 2 represents USAID funding available for democracy, human rights and governance programming in Kyrgyzstan since 2005. FSA/AEECA, the Agency’s main bilateral accounts, shows increases in support for both the 2005 Tulip Revolution and the 2010 Revolution with a delay of about one year, reflecting the U.S. budget cycle. In both cases the third year out from a revolutionary change settled into the \$9 million range, despite overall regional and global decreases in foreign assistance spending. With Bakiyev’s consolidation of power the figure dipped down to around \$5 million. A best case scenario assumption moving forward would be that requests for DRG funding for Kyrgyzstan will remain flat-lined at roughly the \$9 million level in the out years if Kyrgyzstan’s democracy continues to make progress. A more pessimistic assumption would be that even if Kyrgyzstan continues to move forward, overall budget stringency and the decreasing policy significance of the Central Asia region after 2014 will lead to lower numbers. The “Revolution dividend” that swelled DRG funding in 2010, 2011 and 2012 will be gradually spent out in the programs in Figure 1 over the lifetime of the new USAID/Kyrgyz Republic CDCS.

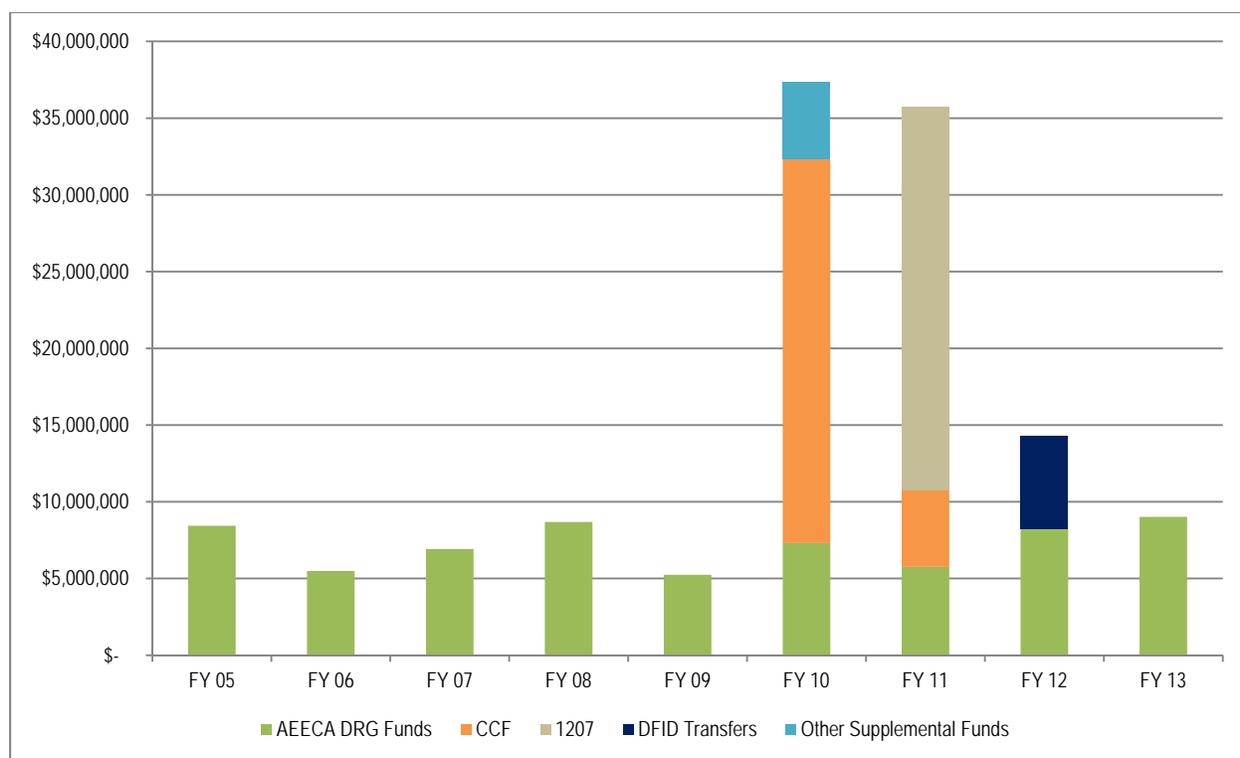


Figure 2: USAID Democracy and Governance Funding Envelope, 2005-2013

The current large portfolio of legacy programs and new post-Revolutionary programs is not sustainable in the long run from the standpoint of USAID’s ability to effectively manage the programs and the engagements with the GOK, other donors and other local stakeholders. It is also not sustainable from a funding perspective since the large influx of CCF, 1207 and DFID funding during 2010-2012 was a non-renewable one-time “Revolution dividend” that will not be repeated. This implies that by the time the

current programs expire in 2013 and 2014 (see Figure 1) they should be replaced by fewer management units. As they expire, new programs that are smaller and more focused will have to replace them. Any follow-on programming will have to fit into the \$5 million to \$9 million budget envelope by calendar year 2015. The recommendations in Step Four will be informed by this need to focus and concentrate.

4.4 DONOR COORDINATION

The international donor community is very active in Kyrgyzstan. As a rule coordination is good and for the most part donors avoid duplication and cooperate on filling gaps. More importantly, donors are willing to support each other's programs rather than duplicate interventions where comparative advantage suggests combining resources. For instance, USAID funds UNDP's budgetary transparency program under its 1207 APS and OSCE's detention monitoring under its human rights program, while DFID has largely programmed its democracy and governance money through USAID to support on-going legislative strengthening programming and to support civil society, areas in which USAID has a proven track record.

4.5 PRACTICAL CONSTRAINTS ON THE RECIPIENT SIDE

Many if not all of the institutions with which USAID works (Parliament, the Supreme Court, Election Commission, bar associations, etc.) are critically underfunded and understaffed (see "Executive Branch" section above, for instance). This often means that in areas of high priority international donors may in fact be better equipped with more and better paid staff than the GOK. Over the last two decades, it has also been common that GOK or CSO staff that receive extensive training or opportunities to travel through donor support have their qualifications improved beyond what the public sector can afford and either wind up working in international institutions, the private sector or emigrate. Low salaries also contribute to systemic dysfunction in the form of corruption or poor job performance and low motivation. Chronic underfunding of state-provided services also simply makes institutional performance difficult. Often GOK and CSO partners are looking for operating or investment funds more than they are for technical assistance.

CSOs in Kyrgyzstan are vibrant. They have played significant roles in transitional democracy. Elite CSOs (mostly at the national level) normally have better organizational capacity and internal governance. CSOs outside of big cities, however, have lower capacity to manage and implement donor-funded programs.

5.0 STEP 4: OUTLINING THE PROPOSED STRATEGY

“The impressive democratic breakthroughs of the last three years are threatened by ineffective, unaccountable and often predatory government and rule of law superstructures that fail to deliver for all citizens but especially fail to defend the human rights of the minority against the prejudice of the majority.”

This is the main DRG problem as we defined it in Step One. It suggests a simple set of logical, high impact DRG objectives and solutions:

- Create effective and accountable government...
 - A limited, professional Executive;
 - An effective and independent Parliament;
 - An effective and independent Judiciary;
 - Effective and empowered sub-national government;
 - Media and Civil Society ensuring transparency and accountability;
- ... and rule of law structures
 - A professional and incorrupt Procuracy;
 - Police that protect, serve and uphold the law;
 - A legal profession that can empower citizens in court;
- ...that deliver to all and defend the rights of all citizens including minorities.
 - With appropriate laws, rational budget allocations, improved service delivery;
 - And with an improving climate of tolerance and legal recourse when tolerance fails.

As we have seen, Kyrgyzstan has come a long way in some of these areas and less in others. Political will and strategic sequencing have played a key role in these successes and in what has not been done yet. The political agenda of the 2010 revolutionaries, then the Provisional Government and now of the Parliament and President have consciously prioritized the Constitutional process and the creation of a “Parliamentary Republic” as well as general economic growth. President Atambayev and the Parliament have now turned their rhetoric and their political capital to reform of the Judiciary, Police and Procuracy. In this they are seeking to consolidate and make irreversible the changes that have hopefully broken the political dynamics that have dominated politics in Kyrgyzstan since independence. They have not yet prioritized decentralization and administrative-territorial reform or public administration reform, although they have acknowledged that eventually these must be dealt with. The Provisional Government and now President Atambayev have acknowledged the problem of human rights and ethnic reconciliation, but have largely not acted on the issue because of the toxic political nature around the problem.

Figure 3 summarizes the opportunities for meaningful developmental and diplomatic intervention in promoting democratic consolidation in Kyrgyzstan. On the horizontal scale we track possible DRG interventions based on their potential impact on the key DRG problem as defined at the end of Step One. Changes that would

substantially improve the effectiveness and accountability of the new democratic system in comparison with the autocratic past and Kyrgyzstan’s autocratic neighbors in the present and increase the extent to which democracy “delivers” in the lives of all of Kyrgyzstan’s citizens are rated as “high” impact. Changes that would only improve the situation at the margins are rated as “low” impact. On the vertical axis, we track the balance of political will to produce these changes in the national leadership and the level of entrenched resistance to changes at present based on demonstrated commitment and rhetorical priority. With arrows, we try to guess the current direction of movement in political will. Tiles in green represent areas of current USAID programming. Tiles in orange represent program areas currently not in the USAID portfolio. The four quadrants that this table produces can help us sort and clarify the recommendations that follow.

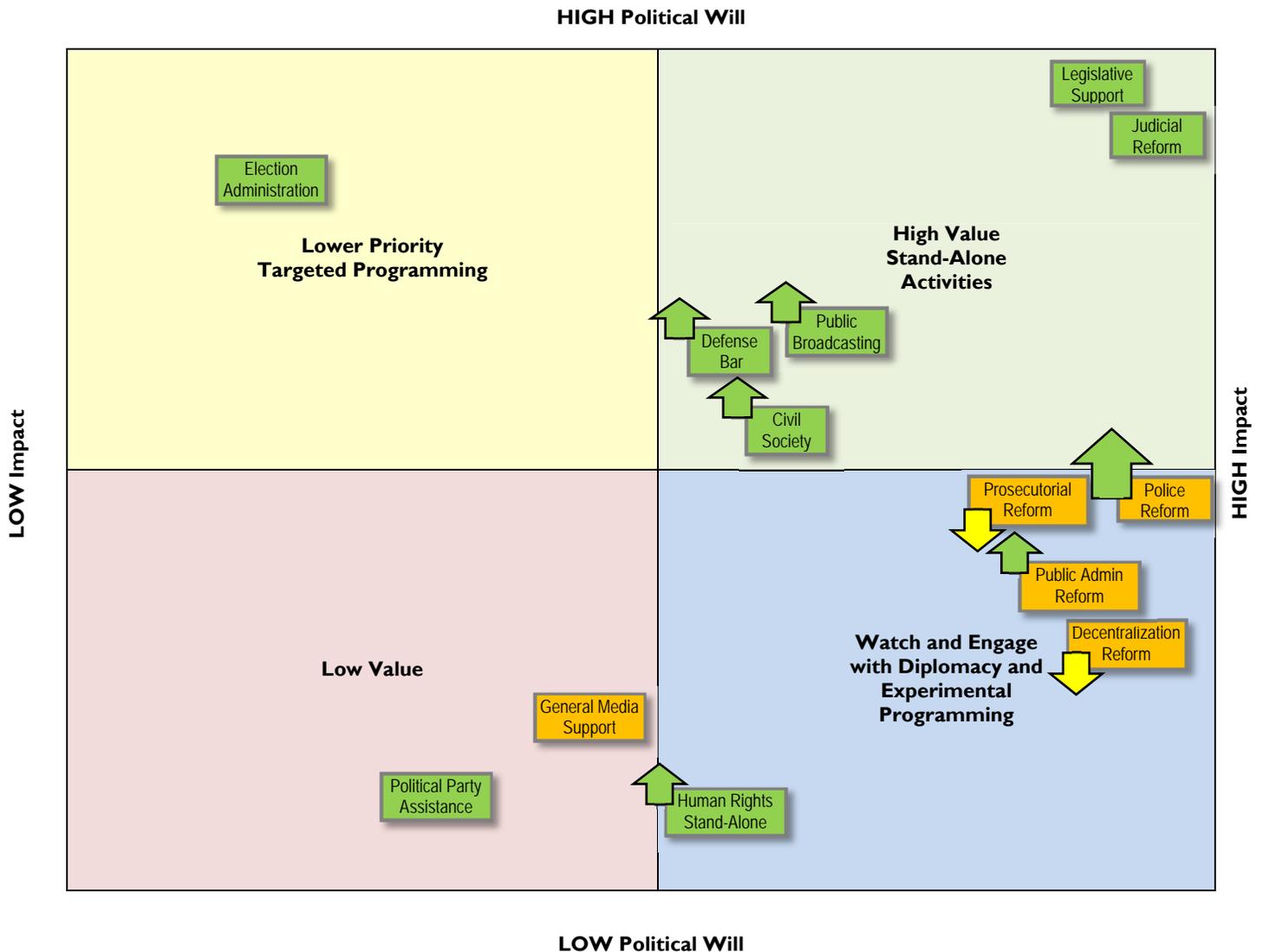


Figure 3: Impact and Political Will Mapping of the DRG Sector in the Kyrgyz Republic

HIGH Political Will, HIGH Impact

In this quadrant interventions directly affect the resolution of the core DRG problem and show demonstrated, long term commitment that is likely to be sustained. Reforms here are well beyond the “concept” stage and are

well on the way to being implemented. **Interventions in this quadrant deserve stand-alone, multiyear program commitments.** Filling gaps in programming here should be considered first, and reductions in funding should impact programs in this quadrant last.

- **Legislative Strengthening:** The capacity of the *Zhogorku Kenesh* to remain independent and carry out the core legislative functions of representation, oversight and law-making is the cornerstone of Kyrgyzstan's democracy. Political will on the part of the President and Parliament itself remains high. USAID should continue to robustly engage with a stand-alone program unless circumstances change drastically.
- **Judicial Reform:** Even partial progress on creating an independent and professional judiciary in Kyrgyzstan will lead to greater stability of the Constitutional order and improve the everyday experience of justice. Progress in this sector that matches the progress in the legislative branch would have a vast impact on human rights in Kyrgyzstan across the board. USAID should continue to robustly engage with a stand-alone program and even consider expanding its engagement as reform in the judicial branch proceeds.
- **Public Broadcasting:** The overwhelming market share of KTR, Kyrgyzstan Public Television and the on-again, off-again push to transform it into a true national public television company serving the public interest make support a high-risk, high-return intervention.
- **Civil Society:** While generalized capacity-building and grant support to NGOs has had limited long-term impact in Kyrgyzstan, experimental State support to CSOs for implementing social policy and the use of citizen oversight committees throughout the public sector are ground-breaking steps in increasing transparency.
- **The Defense Bar:** Creating a self-regulating, competent and independent defense bar is a key building block in a functional legal system and in protecting human rights. This is a long-term intervention that has only recently become possible in Kyrgyzstan.

LOW Political Will, HIGH Impact

This quadrant represents a most critical set of developmental interventions and should be a very high priority for USAID leadership. More importantly, however, is the potential role of the diplomatic 'D' at all levels in trying to encourage and increase political will among Kyrgyzstani elites for meaningful change in these areas. USAID can opportunistically support experimentation here and attempt to socialize successful reforms in other country contexts. Programming here should be flexible, conditional, and escalatory to reward movement. In fact, OTI with its flexibility in programming has already shown how this could work in Kyrgyzstan.⁶⁰ Progress is likely to come in fits and starts, so fully articulated and dedicated programs may be premature. **We recommend a flexible approach that can deliver thematic conferences, short term technical assistance, study tours and limited in-kind support in areas where opportunity exists for as long as it exists.** Program resources can be shifted between opportunity areas without the deployment of a fully articulated program. Should political will change substantially, a flexible approach can provide for early engagement while dedicated programs are in development and procurement.

- **Prosecutorial and Police Reform:** These two areas of reform are at the top of President Atambayev's agenda and positive change would have an immense impact on the checks and balances of the political system, the administration of justice and on human rights. The level of resistance from within the institutions themselves, however, brings into question how far reform will proceed. Reform in these two areas is likely to come in fits and starts. USAID should be ready to engage windows of

⁶⁰ OTI has experimented with support to all branches of government and worked with many local governments. It has also worked with or on traffic police, the Prosecutor General and other critical institutions discussed here on an experimental basis.

opportunity as they emerge through its own programming and through other USG and international donors.

- **Public Administration Reform:** Regularization and reform of public administration in Kyrgyzstan would have an immense impact on service delivery and government performance. Despite the myriad challenges confronting the executive branch in Kyrgyzstan, there are important opportunities for the USG to engage. On certain issues, such as the reform of the state civil service, there appears to be growing momentum under the State Personnel Agency’s new leadership to address lingering structural issues⁶¹, which, if resolved, promise to unlock increased efficiency of executive branch operations throughout the entire government. The creation of the “State Secretary” position within the government – a senior career civil servant in each ministry who will have authority over staffing, thus insulating cadre issues from the vagaries of political changes – is a positive step in this direction. A new civil service concept is currently being drafted, and expected in 2013, and may serve as a starting point for discussions on which reforms USAID may be well-positioned to support.
- **Decentralization:** Support for territorial reform and decentralization is strong at the local level and throughout the middle layers of the bureaucracy, but has no strong champion in the top leadership. Current Prime Minister Satybaldiyev appears to advocate recentralization. USAID should continue to work with dynamic local governments where opportunities exist, building on the work of LDP and OTI and be prepared to support more elaborate decentralization programs should the political will emerge.
- **Human Rights:** While reform of the judicial system and security sector would be the primary way to ensure civic and human rights for the entire population, the need to address the issues of ethnic minorities, reconciliation and the hardening narratives among the Kyrgyz requires more focused programming. There is some political will at the top of the system to address these problems, but a great deal of resistance and politics at lower levels that makes the likely impact difficult to determine. Some focused programming in legal defense, detention monitoring and civic education should be considered. This can be done in parallel with a broader human rights approach that will mainstream human rights in all USAID programs, and make it consistent with the new USAID DRG strategy. A rights-based approach to programming can be added to existing interventions.

HIGH Political Will, LOW Impact

In this quadrant there is political will on the part of our partners in Kyrgyzstan’s government and civil society, but the situation is either adequate to support democracy or inherently not central to solving the DRG problem. With robust funding **targeted programming here could be considered, but not at the cost of higher impact programming.**

- **Election Administration:** Elections in Kyrgyzstan are imperfect, but the Election Commission has now repeatedly demonstrated the capacity to manage free and fair elections. After years of support, USAID should call this a success and plan an exit strategy with clear benchmarks, including clean and credible parliamentary elections in 2015. With abundant funding further incremental improvements to the electoral system could be achieved, but are not likely to play a crucial role in the success or failure of Kyrgyzstan’s democracy.

⁶¹ These issues include such key constraints as a lack of a new, unified civil service concept for the government to clarifying the relationship between local and nation-level civil services, to reducing the number of political appointees.

LOW Political Will, LOW Impact

Needless to say, this quadrant represents areas that are inherently not central to the DRG problem in Kyrgyzstan or areas in which the current situation in Kyrgyzstan suffices to support democratic stability. It also represents areas of low priority to the recipients themselves. **Progress here will be difficult, and largely marginal in impact.**

- **Political Party Assistance:** While political parties in Kyrgyzstan play a critical role in channeling political competition, our analysis suggests there is little political will among the parties themselves to address the problems identified in Step Two. The political parties themselves for the most part have not shown a high level of interest in generic political party training or in learning from counterparts in other post-communist societies. There may be limited opportunities to engage new parties and work to increase the representation of women, youth and minorities, but progress here is likely to happen anyway through parties seeking new groups to mobilize.
- **General Media Programming:** Our analysis suggests that the media in Kyrgyzstan currently provide real, albeit highly partisan, diversity. The long record of programming in this sector in Kyrgyzstan does not suggest that additional USAID resources would have a substantial impact on the professionalism or viability of the media. There may be limited opportunities to support Uzbek-language media or new media, but progress here is likely to happen anyway through market forces.

ANNEX A: REVIEW OF “DEMOCRACY, HUMAN RIGHTS, AND GOVERNANCE ASSESSMENT OF KYRGYZ REPUBLIC”

As part of the DRG Assessment process, USAID commissions an independent expert on the democratic transition in the subject country or region to undertake a peer review of the Final Report. The purpose of the peer review is to provide an external commentary on how well the DRG Assessment captures the essential political dynamics of the subject country and the soundness of its analysis and recommendations. The review offers an expert opinion on the overall quality of the report; it identifies any innovative findings that may have emerged in the up-to-date DRG Assessment; it points out any key gaps in the analysis as well as noting differences of political interpretation; it evaluates the extent to which the recommendations are logically derived from the analysis; and provides an occasion for the reviewer to comment on the overall appropriateness of USAID’s DRG methodology for elaborating a DRG strategic approach that is rooted in a clear and compelling understanding of a country’s political dynamic.

Review submitted by Kathleen Collins, Associate Professor, Department of Political Science, University of Minnesota, July 2013

The DRG Assessment of Kyrgyz Republic is a very insightful and thorough analysis of the status of democracy in Kyrgyzstan about three years after the April 2010 revolution. I largely agree with the report’s discussion of the major problems, especially with its core assessment that the “impressive democratic breakthroughs of the last three years are threatened by ineffective, unaccountable, and often predatory government and rule of law superstructures,” which particularly fail in defending the human rights of the (mostly ethnic Uzbek) minority. Below I review the report’s discussion of the DRG problem and offer additional analysis, assess the report’s policy recommendations; suggest areas needing more attention; and offer brief comments on the DRG methodology.

1. COMMENTS ON THE REPORT’S ASSESSMENT OF THE DRG PROBLEM

The Kyrgyz Republic (Kyrgyzstan) is by most indicators one of the least likely cases for democratization in the former communist sphere. Yet, Kyrgyzstan is currently in the process of its third democratic transition in 25 years. The first democratization effort began in the late perestroika period and lasted for roughly four years after independence in 1991, before corruption and clan politics increasingly undermined both horizontal accountability and good governance and vertical accountability through corrupted elections. After a slow but steady slide toward greater authoritarianism, the Tulip Revolution of 2005 ended Askar Akayev’s clannish regime. However, this second democratization movement was quickly hijacked by Akayev’s successor as president, Kurmanbek Bakiyev, who likewise established a corrupt and clannish regime, but this time using more brutal tactics to maintain power. Another regime overthrow in April 2010 initiated yet a third process of democratization. The Provisional Government in 2010 made significant steps in political liberalization and its major achievements included the fairest, most competitive, and least predictable elections in Central Asia’s

modern history. Electoral achievements were followed by high hopes in the international community and certain sectors of Kyrgyz society that democratization will succeed this time. Yet, Kyrgyzstan today faces over two decades of accumulated political and economic problems, including ethno-nationalism and ineffective and often predatory post-Soviet governance, in addition to longstanding Soviet legacies. Decisions by the government and its agents have at times exacerbated these deep-seated problems, most notably with regard to the ethnic clashes of 2010. Hence, as the DRG report appropriately stresses, democratization is progressing, but the prospect of democratic instability and even reversal remains high. I focus on several critical areas here, some of which are highlighted in the DRG assessment.

- 1) The report rightly puts focus on the connection between minority human rights (especially of ethnic Uzbeks) and predatory government as a major, if not the major, threat to the consolidation of democracy in Kyrgyzstan. After the violence of June 2010, it is clear that ethnic minority rights—*de facto* as well as *de jure*—are too critical a human security and even regional or international issue for the international community to ignore in Kyrgyzstan. The political will to deal with the issue of rising nationalism and potential ethnic violence is fairly low overall, but there is still some opportunity for addressing the issue. The political will varies from northern to southern leaders; certainly in Osh, Mayor Myrzakmatov has benefited greatly from nationalist rhetoric and policies. Some political parties, especially those backed by former Bakiyev supporters, have also played the nationalist card in the recent parliamentary elections. There is more political recognition that nationalism is a serious threat by leaders in the north, including the president and former president. They have needed and continue to need strong international backing in adopting state policies and in promoting civil society programs that are likely to have a deterrent effect on further nationalist violence. As the report points out, focus groups show that ethnic nationalism is now not limited to the rhetoric of a few power-hungry elites, it is becoming widespread among the population.

Measures to address this problem should include stronger legal protections for ethnic minorities, the reform of those government institutions that have preyed on or abused minorities (especially the police, procuracy, and judiciary), the facilitation of inter-ethnic civic associations and ties (in schools, mosques, business associations, civil society organizations), and the fostering of a media that promotes a civic nationalism, not ethno-nationalism. None of these areas has yet been adequately addressed by Kyrgyzstan's government. Another key piece of the rise in ethnic nationalism is addressing economic problems. As the report critically notes, the rural migrants who have created shantytowns around Bishkek and other urban areas since the early 1990s are a major source of ethnic nationalism and political instability. Improving the economic prospects, especially of the youth, is critical to undercutting the societal support for nationalist politicians.

- 2) Although the economy is not a central focus of the DRG assessment or its policy recommendations, it is nonetheless important to consider the broad implications of the economic status of Kyrgyzstan since the 2010 revolution. Kyrgyzstan continues to suffer from a lack of broad and sustained economic growth. The DRG points out that Kyrgyzstan has been slowly and steadily falling from a medium to low level of human development (as measured by UNDP indicators and rankings). Despite what appears to be a boom in central Bishkek and Osh, in most of the country—even on the outskirts of Bishkek—the economy is stagnant or declining. The staggering disparity between a small, elite rich and the mass poor continues to be apparent. Moreover, the country is largely dependent on revenues from labor migrants who work in Russia under very difficult conditions, where they are subject to regular anti-Muslim racism. Scholars of democracy and democratic consolidation have largely agreed for decades that there is a very strong relationship between moderate to high levels of economic growth and development and successful democratization, or democratic stability; there is also a relationship between economic crisis and democratic reversal in transitional or new democracies. While economic growth does not trigger

democratization, it does matter for democratic stability, especially in new democracies.⁶² Although scholars continue to debate how to measure the process of “democratization” and “consolidation,” at a minimum, we know that a serious decline in living standards is not conducive to democratic stability and consolidation; it fosters political and social unrest, rural-urban migration and related social problems, and nationalism (especially when one ethnic groups is perceived as being more successful economically than another). A full assessment of Kyrgyzstan’s democratic progress and prospects, therefore, should carefully consider the political implications of the country’s economic conditions.

- 3) Closely related to issues of economic conditions and political stability is the problem of corruption, a problem that the DRG assessment stresses in the context of the need to strengthen the rule of law, and improve governance and accountability. In short, corruption pervades all elements of governance at all levels, and affects all citizens (while exacerbating the situation of the Uzbek minority). It is arguably an issue of equal importance for evaluating the quality and sustainability of Kyrgyzstan’s new democracy. Although frustration with corruption is unlikely to trigger sudden mass or inter-communal violence on the scale of ethno-nationalism, corruption’s effects should not be underestimated. Corruption within the Akaev and Bakiev regimes was the major issue that led to both the 2005 and 2010 protests and revolutions. Recent research on the latter twentieth century “third wave” of democratization has also shown that corruption is cross-nationally one of the major triggers of democratic decline and reversal, especially when it takes place in conditions of economic stagnation or crisis.⁶³ Even more startling is the finding that corruption often triggers a democracy’s overthrow even when the overall economy is growing.⁶⁴ I agree with the report’s assessment that President Atambayev has limited political will to deal with the corruption, in part because he fears repercussions of political elites. Nonetheless, it is important to place greater emphasis on this issue in the interest of promoting better governance, economic growth, and greater citizen satisfaction with democracy, as well as ethnic minority protection by the courts and police. Most importantly, corruption threatens the survival of democracy to the next national election and beyond.⁶⁵
- 4) In Kyrgyzstan, especially since independence, the problem of clan politics has been closely linked to the problem of corruption and ineffective or predatory governance. The DRG assessment spends little time discussing clans and their implications for democracy. Clans— networks of kin, fictive kin, and close friends (including long-term business alliances, marriage connections, and village or school relationships)—are a longstanding cleavage in Kyrgyz society.⁶⁶ They are also key informal institution through which economic and political favors, appointments, resources, and other forms of state patronage were distributed during much of the Soviet era and under both Akaev and Bakiev. Clans thus exacerbated ineffective governance, and undermined rule of law.

The DRG assessment does not offer a sustained discussion of clan politics, perhaps because they share my assessment that the Provisional Government and President Atambayev’s government have attempted to keep the presidency and administration largely clan-free. Interim President Roza Otunbayeva and many members of the Provisional Government and current administration called explicitly for an end to clan politics; they made the exposure and removal of the Bakiyev clan network a priority of their first few months in power. Omurbek Tekebayev, a main drafter of the new constitution, recently stated that

⁶² Adam Przeworski, Sustainable Democracy (Cambridge: Cambridge University Press 1995); Adam Przeworski, Michael E. Alvarez, Jose Antonio Cheibub, Fernando Limongi, Democracy and Development: Political Institutions and Well-Being in the World, 1950–1990 (Cambridge University Press, 2000).

⁶³ Larry Diamond, “Why Democracies Survive,” Journal of Democracy Vol. 22, no 1, p.18-19.

⁶⁴ *Ibid*, p.20-21.

⁶⁵ For more detail on this issue, see Kathleen Collins, “After the Kyrgyz Spring,” Brown Journal of World Affairs (Winter 2012).

⁶⁶ Kathleen Collins, Clan Politics and Regime Transition in Central Asia (New York: Cambridge University Press, 2006)

removing the Bakiyev clan was a major accomplishment. Although some human rights figures note that clan networks are still playing a role at lower levels of politics and in the parliament, the absence of a major clan competition or monopoly of power, as under the previous presidential regimes, does suggest one area of great progress since 2010. Nonetheless, the report perhaps underemphasizes the strength of clan and larger regional, networks in many areas of the country. The frequent protests in Jalalabad, for example, have very likely been instigated by the remaining Bakiyev clan. Close attention should be given to laws that would further institutionalize the current government's commitment to prevent a reversion to clan-based patronage and governance. Revamping the civil service and increasing transparency of government agencies are also critical elements of preventing a return to clan-based rule.

- 5) The DRG assessment is perhaps too optimistic both about public satisfaction with governance and conditions, and the general acceptance of democratic rules of the game. While public satisfaction (in the IRI survey cited) is higher than in 2010, it is still under 50%. Regular protests suggest ongoing instability and potential for increasing instability as a result of the economic situation. Such instability could again take an ethnic form, leading to further ethno-nationalism and ethnic conflict, an area that the report covers well; however, other forms of protest throughout the country have been ongoing and also have potential to take a non-democratic turn and destabilization of the political system. One recent example is the May 2013 protests surrounding the Kumtor gold mining facility in Issyk-Kul region, which is operated by Centerra Gold group. Such protests have very negative implications for attracting foreign direct investment. The government's response indicated inability to effectively deal with the situation. Ultimately the government declared a state of emergency around the mine and sent in police using tear gas; clashes with police have caused injuries on both sides, according to news reports.⁶⁷ As in the past, one major protest may trigger protests in other regions as well; protests have also taken place recently in Naryn, Batken, and Jalalabad. These events are only the most recent and widely covered of such incidences. Other protests have included the seizure of local or regional government buildings. These ongoing events are evidence of major social discontent with the economy, with the effectiveness of government and the availability of government services (especially outside the capital city), and especially with corruption that—at least in public perception—has not declined, and may have increased, since 2010.⁶⁸
- 6) The DRG assessment that the judiciary is a critical area for reform is astute. I am, however, somewhat less sanguine about the judiciary's willingness to reform. There has been minimal judicial turnover since 2010. The Supreme Court is widely known for incompetency and corruption, and there has been no new Constitutional chamber appointed three years after the 2010 revolution, when the Constitutional Court was abolished. Human Rights Watch reports that “courtroom attacks have been a persistent feature of law enforcement response to the June 2010 violence. Human Rights Watch documented in a 2011 report, ‘Distorted Justice,’ that courtroom observers at trials frequently threatened, harassed, intimidated, and even physically attacked ethnic Uzbek defendants, their relatives, lawyers, and other observers before, during, and after court sessions. This hostile atmosphere has been particularly evident in high-profile trials, such as murder cases.”^{69,70} According to an HRW researcher in Kyrgyzstan, the Supreme Court completely failed to maintain order and a fair proceeding during an April 2013 appeals case. She said: “Courtroom violence—whether in Kyrgyzstan’s Supreme Court or in a provincial district courtroom—needs to stop now... The government needs to send an unambiguous message to people trying to disrupt

⁶⁷ BBC May 31, <http://www.bbc.co.uk/news/world-asia-22726891>.

⁶⁸ Collins, “After the Kyrgyz Spring”. Pp.26-30.

⁶⁹ <http://www.hrw.org/reports/2011/06/08/distorted-justice-0>

⁷⁰ Human Rights Watch, “[Kyrgyzstan: Violence Mars Supreme Court Hearing](#): Condemn Violence, Scrupulously Protect Due Process,” April 5, 2013, <http://www.hrw.org/news/2013/04/04/kyrgyzstan-violence-mars-supreme-court-hearing>.

these trials that they will be held to account.”⁷¹ The April case exemplified at least three severe judicial problems at the highest level: 1) the questionable treatment of ethnic minorities, especially Uzbeks after the June 2010 Osh violence, and the widespread perception that most judges are biased in favor of ethnic Kyrgyz; 2) the inability of the defense team to have a fair hearing; and 3) the complete lack of order and even basic safety during a trial. In short, democracy demands judicial reform, though one must carefully think about how to incentivize the actors to implement real reform.

2. COMMENTS ON USAID PROGRAMMATIC RECOMMENDATIONS AND STRATEGY

- 1) The DRG assessment makes many sound policy recommendations, and I largely agree with the strategic need to focus on high-impact areas where there is high political will. I also argue that there is a need to press ahead with programs that will address major security and human rights issues, especially the ethnic tensions in the south, even when there is less political will. I applaud the focus on legislative strengthening, public broadcasting, judicial reform, the defense bar, and civil society development. Moreover, each of these areas should be utilized to also address the problem of nationalism and human rights violations against ethnic minorities. For example, use of public broadcasting to foster a civic nationalist discourse is essential, and judicial reform should include raising the salaries, independence, and security of judges who are committed to defending the rights of all, irrespective of ethnicity. Thus, rather than addressing the ethnic human rights issue head on (since there is “low political will” in this area), specific programs in these other areas could target this issue and incentivize better protection of ethnic minorities.
- 2) My first cautionary note regarding the recommendations is that police reform and reform of the Prosecutor General’s office are essential to both the major human rights and nationalist issues in the country, and to addressing a core element of corruption and the ineffectiveness of the state and public administration. Despite low political will to address these areas, it is critical to the stability of democracy that reform take place in these areas. Reform of both agencies might take place through the mechanism of civil service reform which is beginning and does have broader political backing. Furthermore, any reform of the police that involves U.S. assistance should concentrate on anti-corruption policies and human rights training. The consequence of further aid to police (such as security training) are risky; should police abuses occur, the consequences could include a significant loss of public faith in the U.S. government and democracy-promotion.
- 3) On another cautionary note, USAID needs to consider carefully the unintended consequences of fostering each type of reform, such as, for example, a decentralization program, which the DRG report recommends. Many policies and shifts have had unintended consequences in the past two decades; for example, agricultural restructuring and privatization in the 1990s—arguably a needed economic reform—led to high rural displacement and out-migration from the rural areas and the creation of shanty towns outside the major cities. Indeed, the report astutely notes (p. 43) that rural migration to the cities has been a major contributing factor to the growth of ethnic nationalism. Likewise, while decentralization would likely bring better governance at the local level and less corruption, the consequences for education, health, ethnic discrimination, and potential secessionism in the south should be carefully studied.
- 4) Sustained electoral support to the CEC need no longer be a high priority, for the reasons the report enumerates, but I do caution that USAID not give the appearance of withdrawing its focus on elections too soon. The “fallacy of electoralism” is now well-known in the international community. One round of free elections (parliamentary, presidential, and local) can easily be undone, and Kyrgyzstan’s post-1991 history has demonstrated this to be the case. The next set of parliamentary and presidential elections will

⁷¹ *Ibid.*

be a real test as to whether Kyrgyzstan's democratization path will continue, and whether politicians will accept a turnover in government should the election results call for one.

- 5) The report's overview of the budgetary shifts from 2010 through the present is sobering. Although outside the scope of the assessment, the report identifies a number of important points with regard to USAID's budget and staffing levels in Kyrgyzstan that might be useful to consider in terms of lessons learned. For example, the report critiques the failure of USAID to add additional personnel in the 2010–2012 period when the scope and number of projects in Kyrgyzstan were dramatically increasing; the assessment seems to suggest that insufficient staffing is still a significant problem, indirectly recommending that this problem be addressed. Yet given the anticipated steep decline in funding (from \$35 million in FY 2010 and \$14 million in FY 2011, to about \$9 million in FY 2013), it would seem that staffing levels should be reviewed in the context of the immediate problem of cutting programs. Again, while this is not explicitly part of the Strategic Assessment Framework (SAF), the assessment might have benefitted from providing some guidance about how to go about this difficult task of program reduction.
- 6) Finally, USAID needs to carefully monitor the recent discussion by some Members of Parliament on the possibility of adopting a law on NGOs as foreign agents, a law that might mirror the legislation that Russia has used to shut down or impede the work of many nongovernmental, research, and academic organizations that receive foreign funding. My own research partner in Kyrgyzstan made me aware of such discussion in Parliament in May 2013.

3. POLICY AREAS NEEDING MORE ATTENTION

Below I concisely list several areas (some of which I have already partly addressed in the context of my above assessment) that have been given little or no attention in the programmatic recommendations, and that may go beyond typical USAID programming, but that I would argue are critical areas for USAID attention:

- 1) *Corruption:* As noted in the DRG assessment and in my comments above (Section 1), corruption is one of the central problems for democracy in Kyrgyzstan. An anti-corruption program—together with judicial, prosecutorial, police, and public administrative reform—is essential. At present, Kyrgyzstan has limited political will and limited expertise to wage a real war on corruption, but the impact would be high. Further, there is little expertise on how to best address corruption, and USAID assistance in this area might be very beneficial, especially if it could foster useful institutional models (such as introducing anti-corruption measures that had a positive impact in Georgia, a country plagued by similar problems, or offering technical expertise in drafting better legislation against conflict of interest and promoting transparency).
- 2) *General media support:* The media is downplayed in the report's recommendations. One issue to consider, however, is that most Kyrgyzstanis get their news through the Russian media. This fact is very likely a major contributor to the growing anti-Americanism in the country. Whether on ORT or YouTube, most Russian media has been increasingly portraying U.S. foreign policy and democracy initiatives in a negative light. The country lacks alternative sources that cover the U.S. role in the region, its treatment of Muslims, and its democracy and economic initiatives in a positive light. The implications of such negative views of the U.S. may make U.S. interests in the region much harder to achieve and by facilitating anti-Americanism and extremism over the longer-term.
- 3) *Cross-sectoral initiatives:* Finally, cross-sectoral initiatives that support both economic development and education would have a beneficial effect on increasing broader societal support for democracy. Increased democratic legitimacy will increase the possibility that it survives the various threats to its stability discussed already.

COMMENTS ON DRG METHODOLOGY

1. The team has used a thorough and appropriate mix of multiple methods to address the broad task at hand. This included dozens of interviews, multiple focus groups, and references to survey data that

resulted from USAID projects (IRI), which are analyzed within a careful discussion of the historical context.

2. More precise incorporation of focus group data in the text and analysis would be beneficial, as would a discussion of the methodology of focus groups.

In sum, the DRG Assessment of Kyrgyzstan is a well-written, thorough, and substantive document that critically analyzes the historical context and current problems for democratization in Kyrgyzstan. It makes important recommendations, and my comments here generally support those ideas, while qualifying some and adding other areas that might warrant more attention.

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