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Towards a Second Generation of Public Advisory Boards in Kyrgyzstan

By *Sebastian Wolf*^{*}

A. Introduction

The April Revolution of 2010 in Kyrgyzstan resulted in a new constitution¹ as well as new institutions to achieve good governance. While the former constitution had established a presidential democracy,² the current constitution provides for a stronger role of the national parliament. The Kyrgyz Republic is more democratic and liberal than its surrounding countries, e. g. according to Freedom House data.³ Nevertheless, the political system, economy, and society in Kyrgyzstan still suffer from a high level of corruption, clientelism, patronage, and public mismanagement, according to both qualitative findings⁴ and quantitative data.⁵

* Post-doctoral researcher and lecturer (*Privatdozent*) at the University of Konstanz (Konstanz, Germany) and senior researcher (*Forschungsbeauftragter*) at the Liechtenstein-Institut (Bendern, Liechtenstein); email: Sebastian.Wolf@uni-konstanz.de. The author thanks the Federal Government of Germany for financing his lecture tour on anti-corruption to Bishkek (Kyrgyzstan) in January 2014, Anders Lundgren of the German embassy in Bishkek for his support during the sojourn, and Susanne Warndorf of the *Institut für Auslandsbeziehungen* (Stuttgart, Germany) for organizing the journey.

- 1 English and Russian versions of the current Constitution of the Kyrgyz Republic are available at: <http://www.wipo.int/wipolex/en/details.jsp?id=10576> (last accessed on 2 April 2014).
- 2 See e. g. *Heinrich Scholler*, Die Grundstrukturen der kirgisischen Verfassung und ihre Bedeutung für Dezentralisierung und Selbstverwaltung, *Verfassung und Recht in Übersee* 41 (2008), p. 131.
- 3 Regarding the protection of civil liberties and political rights, Kyrgyzstan scores 5 (on a 1 to 7 scale). Thus, it is “partly free” according to the non-governmental organization Freedom House, whereas its neighbors China, Kazakhstan, Tajikistan, and Uzbekistan are seen as “not free”. The Freedom in the World 2013 scores are available at: http://freedomhouse.org/report/freedom-world/freedom-world-2013#.U3X_p6w4Rmo (last accessed on 16 May 2014).
- 4 See e. g. *Johan Engvall*, The State as Investment Market. An Analytical Framework for Interpreting Politics and Bureaucracy in Kyrgyzstan, Ph.D. dissertation, Uppsala 2011, available at: http://www.fergananews.com/archive/2011/kyrg_corruption.pdf (last accessed on 16 May 2014).
- 5 For example, in Transparency International’s Corruption Perception Index 2013, Kyrgyzstan ranks 150 out of 177 countries (or 24 points on a 1 to 100 points scale). According to Transparency International’s Global Corruption Barometer 2013, 45% of the population in Kyrgyzstan report to have paid a bribe in the past 12 months, 91% think that corruption is a serious or a very serious problem in the public sector, and 68% think that the Kyrgyz government’s actions in the fight against corruption are ineffective.

In order to foster good governance, anti-corruption, efficiency, and transparency in government and public administration, Public Advisory Boards [*obshchestvennye nablyudatel'nye sovety*]⁶ were established for all ministries and executive agencies under interim president Roza Otunbayeva in 2010 and 2011.⁷ PAB members come from civil society organizations, business or academia and work on a voluntary basis. They only have consultative competencies, which means that PABs may e.g. make recommendations, publish monitoring reports or call for practical or regulative changes. Since the initial mandate of the PABs has expired, a new legal basis is needed for a second generation of PABs. However, in early 2014 the president still vetoed a respective draft bill adopted by parliament in June 2013.

Against this background, the international conference “Social Accountability and Citizen Engagement in Good Governance”⁸ had a twofold aim: first, to evaluate the PABs’ work of the past; second, to identify and at best help to overcome obstacles for re-establishing effective PABs in the future. The following section summarizes some of the main issues discussed at this conference (B.). The concluding section consists of a short analysis and an outlook (C.).

B. On the past, present, and future of Public Advisory Boards

Daniyar Narynbaev⁹ stressed that due to the new constitution adopted in 2010, a second generation of PABs could not be established under the authority of the president. According to the constitution, it was primarily the government’s task to cooperate with civil society. Erkinbek Alymbekov¹⁰ said that the current president wanted the government to select PAB members and to reduce the PABs’ oversight functions. He assumed that such changes would significantly weaken the PABs’ functionality and impact. Roza Otunbayeva¹¹ sug-

tion are ineffective or very ineffective. Both studies are available at: <http://www.transparency.org/research/> (last accessed on 16 May 2014).

- 6 These institutions are also sometimes referred to as Public Advisory Councils. This article only uses the term or translation Public Advisory Boards (hereinafter PABs).
- 7 *Eugene Huskey*, Public Advisory Boards in Kyrgyzstan: A Central Asian Experiment with Diagonal Accountability, IREX Scholar Research Brief (August 2013), available at: <http://www.irex.org/sites/default/files/EPS%20Scholar%20Research%20Brief%20Huskey.pdf> (last accessed on 16 May 2014).
- 8 The conference took place on 23-24 January 2014 in Bishkek and was organized by the Roza Otunbayeva Initiative, a Non-Governmental Organization (NGO) led by the former president of Kyrgyzstan. For more information, see <http://www.roza.kg/2014/01/24/bishkek-hosts-the-ons-conference-accountability-of-the-state-to-society-and-citizen-participation-in-good-governance> (last accessed on 16 May 2014).
- 9 Head of the Presidential Administration of the Kyrgyz Republic.
- 10 Member of the *Jogorku Kenesh* (Parliament of the Kyrgyz Republic), Chairman of the committee on human rights and constitutional issues.
- 11 Former interim president of Kyrgyzstan, head of the NGO Roza Otunbayeva Initiative.

gested that the PABs should focus on a particular topic each year and follow up this issue subsequently. Temir Sariev¹² appreciated the PABs in principle but criticized that some PABs had tried to give instructions to certain ministries. By doing this, they had exceeded their monitoring powers.

Uktomkhan Abdullaeva¹³ held that not all PABs were successful and that clear procedures of interaction between government bodies and PABs should be established. Nuripa Mukanova¹⁴ noted: “We are living under total corruption”. However, she believed that the situation was improving. In the last three years, 36 PABs with roughly 400 members had produced more than 1000 pages of assessments, recommendations, and monitoring reports. The PAB Coordinating Council established in 2012 represented 20 PABs and concentrated on (1) capacity building, (2) coordination, and (3) the provision of contact persons. Mukanova claimed that PAB members did not ask for remunerations or other resources, they just wanted the pending PAB draft law to be adopted. Nookat Idrisov¹⁵ pointed out that the commission for selecting and appointing PAB members did hardly work. Vacancies were a serious problem for several PABs. Therefore a new legal basis should establish a functioning recruiting mechanism. Azamat Akeleev¹⁶ also mentioned the problem to find and appoint qualified volunteers.

Ilim Karypbekov¹⁷ said that each PAB had to find its own measures, procedures and routines to work effectively. PAB members should be “selfless” and “patriots”, but many of them faced conflicts of interest. Talant Sadakbaev¹⁸ underlined that public hearings, supported by substantial media coverage, were the main activity of several PABs. They could be seen as a dialogue platform. Nurgul Dzhanaeva¹⁹ referred to Kyrgyzstan’s strong dependence on foreign aid. The respective PAB had developed a lot of methodology to improve budgeting and accounting regarding foreign aid. Joldosh Tumenbaev²⁰ suggested that PABs should more focus on preventive measures instead of just fighting negative consequences. He recommended that at least the travelling expenses of PAB members should be reimbursed.

12 Minister of Economy of the Kyrgyz Republic.

13 Auditor, Chamber of Accounts of the Kyrgyz Republic.

14 Chairwoman of the PAB Coordinating Council.

15 Member of the PAB at the Ministry of Economy.

16 Chairman of the PAB at the Ministry of Finance.

17 Chairman of the PAB at the Public TV and Radio Corporation.

18 Member of the PAB at the Ministry of Transport and Communications.

19 Member of the PAB at the Ministry of Economy.

20 Deputy Chairman of the PAB at the State Registration Service.

C. Conclusion

In Germany and other European countries, civil society involvement in anti-corruption and good governance follows a pluralist approach: Several freely established NGOs try to influence political and administrative institutions from the outside (and they cooperate but also compete with each other to some extent).²¹ The PABs established in Kyrgyzstan can be seen to represent more or less a corporatist model: Established by a presidential top-down measure, PABs canalize and somehow monopolize civil society monitoring of government bodies. Given that many civil society organizations in the Kyrgyz Republic tend to be rather weak, the PAB approach seems to raise the chances that national ministries and executive agencies regularly interact with civil society representatives and thus become more responsive to bottom-up concerns, initiatives, and suggestions.

The results of the international conference “Social Accountability and Citizen Engagement in Good Governance” support the finding that “the PAB system has an impressive record of achievement over its short life span”.²² As the conference discussions showed, several crucial points should be taken into account regarding the next generation of PABs: (1) In order to be effective, PABs need a strong legal basis that guarantees their independence in relation to both president and government; (2) it is important to establish a mechanism that ensures the unbiased selection and appointment of qualified persons as well as avoids long-lasting vacancies; (3) PAB members should receive a minimum of resources to be able to fulfil their tasks; (4) there should be clear rules on conflicts of interest for PAB members; (5) PABs should have the right to access all relevant documents or information of government bodies; (6) basic procedures of interaction between PABs and the executive branch should be laid down in the respective law; (7) PABs should be required to regularly publish reports regarding their own activities; (8) PABs should (still) have the right to freely publish and disseminate their findings, reports, and recommendations via the media. “There is no guarantee that the new boards will be as competent or forward-looking as their predecessors”.²³ However, an implementation of the abovementioned points will make a success more likely.

21 For Germany, see e. g. *Sebastian Wolf*, Korruption, Antikorruptionspolitik und öffentliche Verwaltung. Einführung und europapolitische Bezüge, Wiesbaden 2014, p. 48.

22 *Huskey*, note 7, p. 4.

23 *Huskey*, note 7, p. 5.