

Askat Dukenbaev, American University in Kyrgyzstan (CEP Eastern Scholar)
Valimjan Tanyrykov, TACIS Coordinating Unit in Kyrgyzstan (National Expert)

POLITICO-ADMINISTRATIVE RELATIONS IN KYRGYZSTAN¹

1. INTRODUCTION

Ten years that have past since the fall of Communism in the Eastern and Central Europe and the collapse of the USSR caused the emergence not only hopes and challenges for many peoples around the world but also have led to the great transformation of all important parts of the ex-communist societies. This transformation not only destroys but also shapes, in place of old ones, new systems and patterns of social and economical as well as political and administrative relations in many states of the former Communist block.

The aim of this paper is to examine the politico-administrative relations in Kyrgyzstan - one of the newly independent states of the post-Soviet Central Asia² emerged on the fragments of the collapsed USSR. In spite of its own specific features, all Central Asian states inherited the same politico-administrative and socio-economical systems of the soviet period. Therefore, in many cases, the situation in Kyrgystan can be also applied to the other countries of Central Asia. Moreover, as it will be proved later, in case of political and administrative development, all these countries, except Kazakstan, are still far behind of Kyrgyzstan which is called «an island of democracy in Central Asia».

On becoming an independent state in August 1991, Kyrgyzstan mainly paid considerable attention to the solution, first of all, economical, political and social problems. All this period was dedicated to some attempts to reform the administrative system, mainly to secure manoeuvrability of economy during the transitional period. Although, the Constitution of the Kyrgyz Republic adopted in 1993 declared the well-known principles of the democratic state, i.e. the separation of state power into legislative, executive and judicial branches; the creation of the local-self government system, etc., in the reality the political and administrative system of the Kyrgyz Republic saved many features of the previous Communist (Soviet) regime. As a result, the administrative structure of Kyrgyzstan is still centralised and public administration and service are still highly politicised. The situation is complicated by presence of such a general and specific phenomenon in the administrative system and state service of Kyrgyzstan as corruption, nepotism, non-professionalism, tribalism and regionalism. So, despite the proclaimed aims and efforts to start public administration reform since 1996, there are still no visible significant changes in the

¹Authors would like to express their special thanks to Mr.Salih Murzaev, acting Head of the Public Administration Department of the Academy of Management under the President of the Kyrgyz Republic, for his comments and help in the preparation of this paper. Responsibility for statement of facts and judgments are authors' only.

²The terms «Central Asia» and «Central Asian states (countries)» in this paper refer to the following five countries of the former USSR: Kazakstan (capital city - Astana), Kyrgystan (Bishkek), Tadjikistan (Dushanbe), Turkmenistan (Ashgabad) and Uzbekistan (Toshkent).

administrative structure and state service in Kyrgyzstan as well as in the other Central Asian states.

The difficulties which faces Kyrgyzstan on the way to effective public administration and state service can be exemplified by the Law on State Service³ of the Kyrgyz Republic adopted late in 1999. This Law which outlines the legal basis of the state service, not only introduces internationally recognised principles of the effective civil service in Kyrgyzstan, but even does not clearly state ones!

Certainly, it is very difficult to expect that Kyrgyzstan will reach significant improvement in this field after only nine years of the post-communist independent development which is very short time for this Central Asian state. And it is clear that the further movement of Kyrgyz society towards democracy and economical prosperity will significantly depend on the success in the creation of an effective administrative and state service system. Taking into account the fact that this process will require some more years till it gives significant results, this paper will focus mainly on the analysis of the present politico-administrative system and relations in transforming Kyrgyzstan with some references to the other post-soviet Central Asian countries.

The structure of the paper based on the Research Protocol developed by Working Group on Politico-Administrative Relations (Co-ordinators: Tony Verheijen and Alexandra Rabrenovic). The only changes made by the authors are the following. Firstly, authors are intending to add one more section on the role of international organisations in the shaping of politico-administrative relations in Kyrgyzstan (Section 5: «International Organisations and Politico-Administrative Relations in Kyrgyzstan »)⁴. And, secondly, taking into account the similarity of historical and cultural heritage of all Central Asian countries, authors referred Section 6 on Political Culture and Attitudes not only to Kyrgyzstan but also to the other post-soviet states of Central Asia.

³ The name of the Law are often translated into English as the Law on Civil Service. This is not correct. In Russian the name of the Law is «О государственной службе» which should be correctly translated as Law on State Service. Meanwhile, the term «civil» has its own Russian equivalent - «гражданский». This specific confusion is caused by the problem of inadequate meanings and translations in Russian and English languages such words as «state», «public», «government», «governance» and others. So, English meaning of the word «public» do not coincide with that of Russian. In the contemporary Russian the word «public» is more close (but not exactly) to the meaning of English word «common». In Kyrgyzstan as well as in other post-soviet Russian speaking countries, due to the well-known historical and cultural reasons, the English word «public» may precisely be encompassed and can be replaced by the Russian word «государственный» that is similar to the English word «state». In turn, the English meaning of the word «state» in Russian can be expressed by word «government». In any case, the correct translation of all above mentioned words from English into Russian and vice versa depends on the context. So, the English word «public» can be translated into Russian (depending on the context) by the words «state», «government» and «public», and vice versa. The authors of the article were keeping in their mind the complexity of this problem and were trying to do their best to provide the right meanings of all the related words.

⁴ Now authors work on this section to finish it till the Conference begins.

Since this is not a final version of the paper, other suggestions and recommendations would be highly appreciated. Authors also hope that presentation and discussion of the paper during the meeting of the WG on Politico-Administrative Relations in Budapest will significantly contribute to the further improvement of the overall quality of the paper.

2. OVERVIEW OF THE ADMINISTRATIVE STRUCTURE OF THE STATE

Administrative structure of the Kyrgyz Republic still contains many features of the previous soviet system of administration. Although, the Constitution and other related laws and regulations declare some new and democratic principles, related to the central and local levels of administration, in the reality these principles do not work and remain just on the paper.

So, in this section, the administrative structure of Kyrgyzstan will be described by analysing the differences between declared principles and real practice.

The Constitution declares the following general principles of the state administration in Kyrgyzstan (article 7):

- division of state power into the legislative, executive and judicial branches, and of their co-ordinated functions and interaction;
- responsibility of state bodies to the people and execution by them their authorities in the interests of the people;
- separation of the functions of state power and local self-government.

According to the Constitution, the present political and administrative structure of the Kyrgyz Republic is as follows:

The legislative power is executed by bi-cameral parliament called «*Djogorku Kenesh*» which consists of the continuous Legislative Assembly consisting of 45 members (*deputats*) that receive government salaries and sit in permanent session and Assembly of People's Representatives consisting of 65 members (deputies) and working on session basis. The *deputats* of Legislative Assembly work on the professional basis, while the *deputats* of Assembly of People's Representatives work periodically.

Besides regular legislative functions, *Djogorku Kenesh* is empowered to introduce changes and amendments to the Constitution, define the general direction of internal and foreign policy (nominally; in practice, this function exercised by the Presidential Office), approve the budget of the republic and the report on its execution and form subordinate organs.

The executive power on the central level is implemented by the Government, nominally entrusted with day-to-day state management. In general, however, the Administration of the President has dominated policy making. The government head - the Prime-Minister - is appointed by the President with the consent of *Djogorku Kenesh* (The work of the Government is guided and controlled by the President and his Administration). The Government, besides Prime-minister, consists of Vice-Prime-Ministers, Ministers and the Chairmans of Republican State Committees and Agencies. Nominally, the Government has the right to exercise all issues of the governance, except those of allocated to the *Djogorku Kenesh* and President by the Constitution.

Judicial authority is held by the Constitutional Court, Supreme Court and Supreme Arbitration (Economical) Court, courts and lawyers of the judicial system.

According to the Constitution, judges of all levels are recruited and appointed by the President, subject to formal confirmation of the *Djogorku Kenesh*. The length of judges' tenure is seven years, but judges are subject to dismissal for violation of law by the decision of the President and Parliament.

In general, the rule of law is not well established in the republic. The one area of the law that has flourished in Kyrgyzstan is libel law, which public figures have used widely to control the republic's press. By contrast, the observance of laws designed for the regulation of the economy is not uniform or consistent, even by government officials. The functioning of the State Arbitration Court, which has responsibility for economic and jurisdictional disputes within government agencies and between government agencies and private enterprises, has been extremely irregular and lacking in oversight by any other government institution.

The system of the local administration in Kyrgyztsan:

In Kyrgyzstan, the system of the basic territorial units which is the legacy of the soviet communist period are *oblusts* (provinces), *rayons* (districts), cities and *ails* (villages).

The territory of Kyrgyzstan is divided into eight administrative regions: seven provinces (*oblusts*) plus capital city of Bishkek, which are divided into districts (*rayons*)⁵, that, on their turn, are divided into municipalities, (*ayil okmotu*), cities, towns and settlements⁶.

There are two systems of government at the local level in Kyrgyzstan: 1) the system of the Local State Administrations and 2) that of the Local-Self Government.

1) The Local State Administration is the executive authority in provinces, districts and in some cities. The Local State Administration is a **supreme** executive body on the related territory. Heads (or *Gubernators*) of the Provincial State Administrations are appointed by the President of the country according to proposal of the Prime-minister

⁵ 39 in total

⁶ 478 in total

and with the formal consent of corresponding Provincial *Kenesh* - local representative (legislative) body. Heads (or *Akims*) of the District State Administrations and of some cities, situated in the related district, are also appointed by the President, nominally - with the consent of the Prime-Minister, related *Gubernator* and District *Kenesh*.

According to the Constitution, the Local State Administrations are inherent part of the Executive branch. It is also worth to mention that in the Constitution, the three short articles about the Local State Administration, placed within one section that, in turn, placed in the chapter related to the Executive Power⁷. But, in reality, the *Gubernator* became a powerful spokesman for regional interests, running the district with considerable autonomy.

2) Nominally, the Local Self-Government is a new type of the local administration in Kyrgyzstan. According to the Constitution (Article 91), «the local self-government shall be carried out by local associations, which manage affairs of a local character within the bounds of the law and under their own responsibility». Local self-government is exercised through the local *Keneshes* and other bodies which may be formed by the population itself «in the procedure established by law».

There are 5,655 deputies in the composition of local - provincial, district and city - *Keneshes*. On average, there are 12-13 deputies in district *Kenesh*, and 19-21 deputies in city *Kenesh*. The most numerous local *Kenesh* - 32 deputies, is the capital (Bishkek).

However, the system of Local Self-Administration represented mainly by local *Keneshes* still very weak and has not any important influence on the decisions made in the offices of the Heads of the Local State Administrations. So, using the systems developed by Leemans, we can say that the contemporary system of the government at the local level in Kyrgyzstan in theory is «dual» and in the reality is «fused».

The Presidential authority:

As the role and place of the President in the political and administrative system of Kyrgyzstan, although the Constitution calls for a government of three branches, in the reality the President remains as the most powerful political and administrative institution of the state, with a great and significant influence on the decisions of the Parliament, Government and even the Courts. This gives the president and his Office (*Administratsia*) a strategic role and tools to formulate, lead and implement economic, political and social policies.

The President of the state has some ambivalence position within the administrative structure. This ambiguity of his political and administrative role is demonstrated in the Constitution.

⁷ The contents of the Chapter Five called «Executive Power» of the Constitution is the following: «Section One: The Government» (four big articles with 3-6 notes within each article); «Section Two: Local State Administration» (three one-sentence articles); «Section Three: The Procuracy General» (one article).

The President is able to act as he does because under the Constitution the President stands outside the three-branch system in the capacity of guarantor of the constitutional functioning of all three branches. According to the Article 42 of the Constitution, the president of the Kyrgyz Republic shall:

- «be the head of state and highest state official of the Kyrgyz Republic»;
- «be the symbol of the unity of the people and state power, and shall be the guarantor of the Constitution of the Kyrgyz Republic and human rights and freedoms»;
- «define the fundamental directions of internal and external policy of the state, shall represent the Kyrgyz Republic within the country and in international relations, shall take measures to guard the sovereignty and territorial integrity of the Kyrgyz Republic, and shall ensure the unity and continuity of state and the coordinated functioning and interaction of state bodies and their responsibility to the people».

The President nominates the Prime-minister and the other ministers, subject to legislative confirmation.

According to the Constitution, the President is to be elected once every five years, for no more than two terms, from among citizens who are between thirty-five and sixty-five years of age, who have lived at least fifteen years in the republic, and who are fluent in the state language, which is Kyrgyz. There is no vice president. The President defied predictions that he would seek referendum approval of an extension of his term rather than stand for reelection in 1996 as mandated in the Constitution⁸. In the presidential election of December 1995, Akayev gained 71.6 percent of the vote against two communist challengers. Several other political figures protested that they had been prevented illegally from participating. International observers found the election free and fair. Earlier, newly elected deputies of the 1995 parliament had proposed that presidential elections be postponed until at least the year 2000, with Akayev to remain president in the interim. According to rumors, Akayev favored using a referendum to extend his own term of office, but he found acceptance of parliament's proposal unwise.

Summary:

The state administration in Kyrgyzstan is still concentrated in one place, namely, in the Office of the President. All main decisions in the state are made by President and his Office. It would be not an exaggeration to say that the Office of the President are becoming «the fourth» and the most powerful branch of the state power in Kyrgyzstan. These decisions made by the President and his office are implemented from top to bottom: at the central level - by Government and his ministries and agencies; at the local level - by Heads of the Local State Administrations and their offices which represent the state power in the *oblasts*, *rayons*, cities and *ails*.

⁸ The presidents of Kazakstan, Turkmenistan, and Uzbekistan had followed the former course in 1994 and 1995.

The a very little things has changed in the administrative structure and process in Kyrgyzstan since the collapse of the USSR and gaining independence by Kyrgyzstan in August 1991. It is just names of the state bodies that has changed:

- in the administrative process, the **President** and his **office** have been exercising the same functions of, respectively, the former **First Secretary** and the **Central Committee** of the Communist Party of Kyrgyzstan;
- the position and power of the **Government, Parliament**⁹ and **Courts** still similar, respectively, to those of the **Council of the Ministries, Supreme Soviet** and **Peoples' Courts** of the Soviet Kyrgyzstan;
- At the local level, the **Heads of the Local** (province, district and city) **State Administrations** and their **offices** occupy the same positions (and even buildings) of those of the former **First Secretaries and Apparatus of the Local** (province, district and city) **Committees** of the Communist Party of the soviet Kyrgyzstan; and local **Keneshes**¹⁰ now repeat the destiny of weak decorative local representative bodies - **Soviets**- of the Kyrgyz Soviet Socialist Republic.

In conclusion, the old (communist, centralized) style of management still related to the administrative bodies of Kyrgyzstan (with the same people from the communist era, continuing to occupy the same offices, especially on the middle and bottom levels of the state administrative system).

3. HISTORY, TRADITIONAL POSITION OF CIVIL SERVICE, VIS-A-VIS POLITICS

Kyrgyzstan as a separate territorial unit appeared in 1924. Before the territory of the present Kyrgyzstan was subsumed in the Turkistan Autonomous Republic of post-revolution Russia. In 1924 communists draw new borders in Turkistan and, on territory of the present Kyrgyz Republic, the Kara-Kyrgyz Autonomous Region was created with a local political, administrative and Communist party organisation. In 1926 Kara-Kyrgyz Autonomous Region was transformed into Kyrgyz Autonomous Soviet Socialist Republic (Kyrgyz ASSR) with its Government and separate Communist organisation. On the basis of the third Soviet constitution adopted in 1936, the Kyrgyz ASSR became the Kyrgyz Soviet Socialist Republic (Kyrgyz SSR) with a status equal to that of the Russian Soviet Federate Socialist Republic. The Communist Party of the Kyrgyz Soviet Socialist Republic - the local branch of the CPSU - was formed.

In the USSR the system of public administration and state service were highly politicized. So, the political and administrative system in Soviet Kyrgyzstan was organised in conformity with the structure prescribed for all the republics of the

⁹ Even the name of the national parliament - Djogorku Kenesh (now imposed into Russian and other foreign languages) - in Kyrgyz language are remaining the same as before («Djogoroku Kenesh» means «Supreme Soviet» which was the name of the central representative body both in the USSR and in its other republics).

¹⁰ The term «Kenesh» is the direct Kyrgyz translation of Russian term «Soviet»

USSR. The Communist Party of the Soviet Union (CPSU) and its local branches in the Soviet republics occupied the central position in the Soviet society and provided both the guidance and the personnel for the public administration system. The Communist party controlled the state administration by the system called «*nomenklatura*», a list of sensitive jobs in the government and other important organisations that could be filled only with party approval. The «*nomenklatura*» defined the Soviet ruling elite, and the people on the list were members of the CPSU only.

The vanguard role of the CPSU in the life of the soviet society and in the all parts of the soviet state was fixed in the Constitution of the USSR. Article 6 of the last Soviet Constitution adopted in 1977 fixed that «the leading and directing power of the soviet society, nucleus of its political system, state and public organizations was the Communist party of the Soviet Union».

Therefore, every field of the soviet society and public (state) administration was regarded as a «sphere of interests» of the CPSU, as a subject of Party's concern and a channel for the propaganda of the Party political course and the directives of the top leadership, mainly consisted of the members of Politburo.

As it was mentioned above, historically Kyrgyzstan appeared in 1924 when on the parts of the separated Turkistan, the Kara-Kyrgyz Autonomous Republic was created. So, the Kyrgyz statehood counts only 76 years (1924-2000). Thereat, from the very beginning of its statehood, namely 67 years (1924-1991), Kyrgyzstan belonged to the USSR and communist system. And only 9 years (1991-2000) Kyrgyzstan has been existing as an independent state. Thereby, many problems of the contemporary Kyrgyzstan are deeply rooted in its previous historical development. Certainly, it is impossible to remove all original features of the soviet (communist) system in Kyrgyzstan during 9 years of the independent development. Consequently, as it was mentioned before (in the section 2), public administration and state service, as the other spheres of the Kyrgyz society, still contain many characteristics of the communist style and system.

The first attempts of the de-politicisation of the public administration are regarded to divestiture of *communism* which was made during the last years of the USSR, when the constitutionally recognised principle of the Communist Party's monopoly to rule, fixed in the Article 6 of the Soviet Constitution, was removed not only from the Constitution of the USSR (in 1989), but also from the Constitutions of all Soviet Republics (1988-1989) and the posts of the presidents were introduced in all republics of the former USSR (1989-1990). Thereby, the attempt to separate the Communist Party from the state was made. This process formally finished in August 1991 when, due to the unsuccessful *coup de etate* in Moscow, the CPSU was dissolved in all republics of the collapsing USSR.¹¹ In Kyrgyzstan the Communist Party was prohibited and its real estates were confiscated by state¹².

¹¹ In Turkmenistan and Uzbekistan the communist parties were succeed by just re-named (respectively, into «Democratic Party» and «...») parties. Consisting of 90% of former communists, these parties continue to play the same role in the state and society as their communist predecessors...

¹² In 1992 this prohibition was removed, and now the Union of the Communists of Kyrgyzstan is the best organized and the most strong party among the other 28 parties in Kyrgyzstan.

The new Constitution of Kyrgyzstan, adopted in May 1993, declared a new name of the state - the Kyrgyz Republic. The first Constitution of the independent Kyrgyzstan (the Kyrgyz Republic) fixed the following commonly recognised democratic principles of the political power:

- separation of powers into legislative, executive and judicial branches;
- general election of the President as head of the state;
- division of state power and local self-government.

Besides, the Constitution fixed the principles of de-politicisation of the state administration (**please, see section 4**).

On becoming an independent state, Kyrgyzstan mainly paid considerable attention to the solution, first of all, of political, economical and social problems. During all these time the country had been facing serious challenges of creating appropriate state structures and determining new political and economic policies and practices. Some efforts to reform the administrative structure of the state was made, mainly, with an aim not to create a new modern civil service but to secure manoeuvrability of economy during the transitional period. But, the cumbersome structure, inflated and unprofessional staff, parallelism and overlapping became characteristic of the administrative system of Kyrgyzstan.

Only several years after the independence, it had become clear that not a single reform can be successfully developed without thoughtful and competent public administration and service. The state leadership gradually had come to the understanding the role and significance of the professional civil service (bureaucracy) as an effective instrument in the formulation and implementation of the declared governmental programs and tasks. In 1996 the President of the Kyrgyz Republic A.Akaev repeatedly highlighted the necessity of enhancing effectiveness of the state service, demands for the highly trained professionalism, competency, personal and performance qualities of the employees and staff of the state bodies.

The ultimate objectives of the administrative reform in Kyrgyzstan initiated in 1996 were declared as follows:

- to change the government structure in accordance with the principles of governance and democracy, rule of law and market economy;
- to increase quality and efficiency in the State Apparatus;
- to foster economic development during transition period;
- to bring the administrative structure of the state to the conformity with economic transformations taking place in the country.

It was clear that the reaching these goals would require a radical change in the mandate and functions of the state agencies, their structure and their inter-relations.

In November 1996 in his address to the joint session of the *Jogorku Kenesh*, the President stated that «the structural improvement of Government and the central organs of executive power should give a powerful impulse to better quality and efficiency of the Government's performance. ...Alongside with organisational changes

of executive power at the central level, local government needs also to be reorganised».

Simultaneously, new efforts in the reforming the local government and establishing local self-government organs were started.

4. FORMAL RELATIONS, CONSTITUTIONAL AND LEGAL NORMS, GUIDING RELATIONS BETWEEN ELECTED POLITICIANS AND APPOINTED OFFICIALS

For the first time in the history of Kyrgyzstan, the principles of de-politicisation of public administration were fixed in the Article 8 of the Constitution of the Kyrgyz Republic, adopted in May 1993.

Note 4 of the Article 8 declares: «in the Kyrgyz Republic shall not be allowed the following:

- the merge of state and party institutions, as well as subordination of state activity to party programs and decisions;
- the formation and activity of party organisations in state institutions and organisations. State servants shall have the right to exercise the party activity outside of their service activity;
- membership of parties and rendering support to any political party by military men, officials of the bodies of the internal affairs, national security, justice, procuracy and courts;
- organisation of political parties on religious basis. Religious organisation must not follow political purposes and tasks;
- interference of priests of religious organisations and sects into the activity of state bodies;
- activity of political parties of other states»

At the same time, the Constitution preserved the rights of ordinary citizens to organise «on the basis of free good will and common interests» political parties, trade unions and other public associations. The state shall insure respect of rights and legal interests of public associations. Political parties may take part in the public affairs only in the following forms:

- nominating their candidates to be elected to the *Djogorku Kenesh*, to be appointed to the public offices and to the bodies of local self-government¹³;
- forming factions in representative bodies».

Next step in de-politicisation of the state service was to be the adoption the State Service Law (hereinafter - Law). So, since the late 1993 the process of the preparation of the Law had been started under the support of the TACIS. (But it took all 6 years till finally the Law was adopted by *Djogorku Kenesh* and approved by the President of the Kyrgyz Republic in November 1999).

¹³ In contemporary Kyrgyzstan, «the bodies of local self-government» are mainly represented by local *Kenehes* - representative bodies of the self-government with elected *deputies*.

Finally, by June 1996 the draft of the State Service Law were put on the agenda of the *Djogorku Kenesh* which, then, rejected it (in fact, the draft was prepared by non-qualified experts from the Office of the President).

To fill somehow the legal vacuum, at once after the rejection of the drafts of the law by parliament, the President issued a Decree «On State Service of the Kyrgyz Republic» which approved the Provisional Regulations (until the adoption of the Civil Law) «On general principles of the State Service in the Kyrgyz Republic» (henceforth - **Regulations**) and officially started the administrative reform in Kyrgyzstan.

The Regulations were the first real attempt to draw the clear structure of the Kyrgyz civil service system and outline its main legal features. First of all, the Regulations defined the public bodies which are considered to be related to the state agencies (without separation these bodies into political and non-political ones). The basic criteria of separation of the state bodies from the other public ones set up by the state are those state bodies which exercise the power functions of the state. So, in accordance with the Constitution, the state bodies are:

- President of the Kyrgyz Republic and his Administration;
- Chambers of the *Djogorku Kenesh* and their committees;
- Government of the Kyrgyz Republic, ministries, state committees, local state administrations;
- Constitutional Court, Supreme Court, Supreme Arbitrary (Economical) Court, courts and judges of the judicial system;
- Control Chamber and Central Commission on election and referenda.

According to the Article 2 of the Regulation, the offices («*apparats*» in Russian) of all above said agencies also are included into the state bodies.

It is commonly believed, and it is true in the case of Kyrgyzstan, that the position of the President of the State and positions in the such following «state bodies» as the Office of the President, Chambers of the *Djogorku Kenesh* (parliament) and their committees; Government, ministries, state committees, local state administrations and Central Commission on election and referenda are highly politicised. At the same time, it is believed that the courts like the Constitutional Court, Supreme Court, Supreme Arbitrary (Economical) Court, courts and judges of the judicial system in Kyrgyzstan ought to avoid the politicisation and try to keep aloof from the political passions. However, in Kyrgyzstan all these public agencies representing the different branches of the state power are placed together in the one list of the «state bodies».

The Regulations does not also give the clear distinction between **civil** and **military** services¹⁴, though it separates **state** servants form other **public** servants. The first article of the Regulations defines the state service as «the labour activity of citizens of the Kyrgyz Republic in the state bodies and their offices related to the professional performance by them of the state powers established by the Constitution, laws and other legal normative acts of the Kyrgyz Republic».

According to the Regulations, the following public servants are not considered as the state servants:

- the managerial personnel and employees of the public bodies, agencies, enterprises and organisations, that are under the authority of government bodies and exercise scientific-research, educational, health care and other activities rendering service to the population, but funded by the state budget and not-connected with (i.e. do not exercise) the executive-administrative (i.e. power) functions of the state (e.g.: state enterprises, schools, hospitals, scientific-research institutes and so on including the management of these institutions and organisations);
- people of the technical and attendance service working in the state bodies and agencies.

Also, some contradictions in the Regulations related to de-politicisation of the Kyrgyz civil service can be explored. The article 5 that establishes the principle of «non-partisanship» («*non-partiness*») and declares that «no organisational structures of political parties, non-governmental social and religious organisation, except for trade unions and political groups in the Chambers of the *Djogorku Kenesh*, shall be established in government bodies». This article declares the principle of «non-partisanship». On the other hand, two things are very remarkable in this declared principle: firstly, it is the fact that creation of the trade-unions by civil servants are allowed, and, secondly, by allowing to the members of the parliament (*Djogorku Kenesh*) to create their party and political factions, the article implies that deputies of the parliament are also civil servants!

In Article 7 of the Regulations, the right «to participate in the activities of the [political] parties but out of the office time» is reserved for civil servants. But, according to the article 10, the state servant is not to be entitled «to participate in the activities of the political parties , non-governmental and religious organizations to the detriment of public service interests, and in cases, stipulated by the Constitution of the Kyrgyz Republic, be member of political parties or support any political party».

¹⁴ Relating to this problem: the official commentaries of the Regulations published in the pro-governmental newspaper has the following ambivalent declaration: «The Regulations shall apply to those individuals whose issues of service in the state service are regulated by the Constitution, laws of the Kyrgyz Republic and other regulative legal bills in the part not regulated by the above said regulative legal bills. So peculiarity of the state service connected with the legal status of the members of the *Djogorku Kenesh* (parliament) and Government, judges, military men, employees of the Ministry of Interior, National Security, procuracy, tax inspectorate, customs and other services also shall be defined by the corresponding laws of the Kyrgyz Republic».

The Regulations also declares other principles of the state service, defines the rights and duties of the state servants, and also the guarantees established by the related legal procedures.

By the same Decree, the President gave instructions to the Government of the Kyrgyz Republic, within tree-months period, to: 1) establish a list of state offices that do not belong to the governmental posts; 2) develop and approve the regulations on the contract form of filling government offices; 3) develop and approve the standard regulations on certification of state servants; 4) develop and approve the procedures, the conditions of assurance, and the amount of the insured sum to be paid in case of harm to life and limb of public servants caused in the course of their duties; 5) starting with 1997, allocate funds in the national budget to ensure a higher level of social security and material independence of the public servant; 6) bring all its normative acts in correspondence of the public servant; bring all its normative acts in correspondence with the provisions ensuring from this Decree.

By the same Decree, the President gave authority to the Presidential Office to develop A Law on the State Service on the basis of implementation and the practical use of the Regulation (by October-November 1996).

In May 1999, for first time in the history of Kyrgyzstan, the Law on the State Service (hereinafter - the Law) was adopted by *Djogorku Kenesh* and in November 1999 approved by the President of the state.

The present Law which establishes the legal framework for a state service in the Kyrgyz Republic, totally based on the above mentioned President's Regulations of 1996.

Accordingly, the Law contains many confusions and contradictions related to the internationally recognized principles of civil service. In our opinion, the basic reason of these contradictions is due to the following: the Law on the State Service in Kyrgyzstan is based on the concept of «state service» and versus to «civil service».

It becomes clear after reading the Article 1 of the Law which defines the state service as «the activity of the citizens of the Kyrgyz Republic in the state bodies and connected with executing on the professional basis, established by the Constitution, laws and other normative acts of the Kyrgyz Republic and authorities of the state power». Then, the Law explains what are the «state bodies»: «Article 2. State body. State bodies of the Kyrgyz Republic are the bodies established by the constitution of the Kyrgyz Republic, their apparatus and also other set ups on the basis of the laws of the Kyrgyz Republic, decrees of the President of the Kyrgyz Republic, authorized to execute the function of the state power». In accordance with the Constitution, the state bodies are President of the Kyrgyz Republic and his Office; Chambers of the Djogorku Kenesh and their committees; Government of the Kyrgyz Republic, ministries, state committees, local state administrations; Constitutional Court, Supreme Court, Supreme Arbitrary (Economical) Court, courts and judges of the judicial system; Counting Chamber and Central Commission on election and referenda (**compare with the Regulations; see above, p.11**).

On the basis of given definitions of the «state service» and «state body», the Law then defines the «state service office¹⁵», which is «a staff unit in state bodies and their apparatus with the established for it amount of authorities and responsibility for it to execute functions of the state body» (Article 3). According to the law the state offices (posts) are divided into the following 6 groups:

- 1) The President of the state;
- 2) The *deputies* of the *Djogorku Kenesh*;
- 3) Prime-minister, vice-prime-ministers, ministers, judges and other offices, «established by the Constitution for executing authorities of state bodies» and «appointed or nominated by the President or Jogorku Kenesh»;
- 4) Officials holding posts from above mentioned groups 1-3 (assistants, advisers, aides-de-camp and others) who are responsible for support in executing tasks;
- 5) Officials appointed by the state organs for executing and providing services to state organs;
- 6) Officials appointed by the state organs whose activities in the state service are regulated by special laws, - army personnel, prosecutors, internal affairs personnel, national security personnel, tax and customs inspection personnel.

Accordingly, the «state servant is a citizen of the Kyrgyz Republic, holding a permanent state post for money remuneration, executing the professional activity in accordance with authorities' position and holding responsibilities for their undertaking» (article 4).

The following public servants are not considered as «state servants» and are out of the Law on State Service:

«1) Employees involved in bodies, institutions, enterprises and organizations that are under the jurisdiction of state and government bodies undertaking research, creative activities, teaching, health-care and other activities in connection with rendering service to population, that is not connected with executive-commanding functions of the state, including the heads of those institutions and organizations»; 2) People in technical and auxiliary services working in state bodies». **(Compare with Regulations; see above, p.12).**

As it can be clear from all above said, the present Kyrgyz law on state service does not do any distinction between:

- political and non-political posts (offices) and state bodies;
- elected and appointed state (public) servants;
- civil and military services.

And, although, the Law declares the principles of «non-membership in any party» (article 8) and prohibits the civil servant to participate in the activities of the political parties and religion organizations (article 10)¹⁶, it does not establish the clear principles and policies of the real de-politicization and neutrality of the Kyrgyz state service.

¹⁵ Or «post»

¹⁶ Although, the Law allows the civil servants to create their trade-unions.

These legal contradictions and confusions related to the principles of the state service neutrality, stability and continuity deteriorated by the concentration of all decision-making powers, and namely, in the field of state personnel policy, in the hands of the President and its Office. This concentration of power leads to the situation when appointments on the central level usually lead to the same changes in the positions of all bureaucrats the mid- and local levels of the state administration chain. So, usually, the average term of a civil servant's office is about 2-3 years. Then he goes out of the office and state service. Consequently, this instability can be a cause of many abuses in the civil service, namely, a corruption.

The politicization of the (public) administration in Kyrgyzstan deteriorated by such unique feature of the Kyrgyz society as *tribalism* and *regionalism* (modern variant of *tribilism*)¹⁷.

Currently, the Kyrgyz version of tribalism and regionalism is the unofficial policy in many spheres of the state and society, in particular, in the selection of personnel for key positions in the public administration and the establishment of local allegiance.

In accordance with above said, the contemporary public administration and civil service in Kyrgyzstan needs de-tribalisation and de-regionalisation as well as de-politicization.

5. INTERNATIONAL ORGANISATIONS AND POLITICO-ADMINISTRATIVE RELATIONS IN KYRGYZSTAN¹⁸

6. POLITICAL CULTURE AND ATTITUDES IN KYRGYZSTAN AND CENTRAL ASIA

The following reasons have had the significant impact on the political culture of the contemporary Central Asian societies:

1. the legacy of the communist system;
2. the traditional social structure and mentality of Central Asian society and people.

1) The legacy of communism

Following the failure of the coup against the Gorbachev government in Moscow in August 1991, all Soviet Central Asian republics declared their independence¹⁹ and inherited the same politico-administrative systems of the communist period. At once after failed coup, the Communist Parties in all newly independent Central Asian states voted to cut its ties with the CPSU.

¹⁷ More about this specific case will be in section 6 of the paper

¹⁸ Will be prepared till the Conference begins and presented on the meeting of WG in Budapest.

¹⁹ Dates of announcing of political independence in 1991 by post-Soviet Central Asian states: Kyrgyzstan - August 31, Uzbekistan - September 1, Tadjikistan - September 8, Turkmenistan - October 27, Kazakstan - December 16.

In Turkmenistan and Uzbekistan three months later the Communist parties changed its names to Democratic Party of Turkmenistan (DPT) and People's Democratic Party of Uzbekistan (PDPU). But the party leadership remained in place (under the President Saparmurad Niyazov in Turkmenistan and President Islam Karimov in Uzbekistan). Within months the Democratic Party of Turkmenistan had a membership of nearly 52 000, of whom 48 000 were former communists²⁰. And these «democratic» parties in Turkmenistan and Uzbekistan have retained the dominant position in the executive and legislative branches of government. The situation in these two states reminds the single-party dominated system that the CPSU had enjoyed before²¹.

Additionally, in 1994, all heads of the provinces (12) in Uzbekistan had been previous *oblast*-(provincial) level Communist Party committee secretaries, and all were members of the PDPU, the party, as it was mentioned earlier, headed by president Islam Karimov²².

In Tadjikistan also one-party system dominated by Communist Party. However, although it was suspended after the the failure of the coup in Moscow in August 1991, the Communist party in Tadjikistan was able to retain its property during its suspension. Just before sanctions were imposed, the party changed (as in the other Central Asian countries) the adjective in its name from *communist* to *socialist*. In December 1991, the party reassumed its original name and began a vigorous campaign to recapture its earlier monopoly of power.

After the civil war in 1992-1993, the Communist party remained the country's largest party, although its membership was far smaller than it had been in the late Soviet era. And it is very remarkable that communists, taken 60 seats of 181 seats in Tadjik parliament in elections of 1995, gave President of Tadjikistan Rahmonov solid support (the majority of deputies had no declared party affiliation).

In Kazakstan and Kyrgyzstan, the Communist parties are declared illegal in September 1991, were allowed to re-register in 1993. In contemporary Kazakstan, the Communist party made poor showings in the 1994 elections²³. In Kyrgyzstan, among all 20 parties, the most well-organised party is the that of communists' which took 4 - th places of 15 seats in recent election in February 2000 to parliament.

²⁰ INTERFAX report of 27 February 1992

²¹ For example, although in Uzbekistan the constitution prescribed a new form of legislature, the PDPU-dominated Supreme Soviet remained in office for nearly two years until the first parliamentary election, which took place in December 1994 and January 1995. The parliamentary election, the first held under the new constitution's guarantee of universal suffrage to all citizens eighteen years of age or older, excluded all existed parties except the PDPU and the pro-government Progress of the Fatherland Party, despite earlier promises that all parties would be free to participate. The new, 250-seat parliament, called the Oly Majlis or Supreme Soviet, included only 69 candidates running for the PDPU, but an estimated 120 more deputies were PDPU members technically nominated to represent local councils rather than the PDPU.

²² Gregory Gleason. *The Central Asian States: Discovering Independence* (Westview Press, 1997), p.105

²³ However, two former communist organisations, the State Labour Union (Profsoyuz) and the Peasants' Union, managed to take eleven and four seats in the election in the 1994, respectively.

The President of Kazakhstan, Nursultan Nazarbayev, have also tried to create «presidential party» that would serve as a training ground for future officials, a tool for political and social mobilisation and a channel for the implementation of the state policy in the country. His first attempts to create such parties connected with the Socialists and the People's Congress Party (NKK) failed. The latter particularly, under the leadership of former Nazarbayev's ally Olzhas Suleymenov, became a centre of parliamentary opposition. Nazarbayev's third party, the People's Unity Party (SNEK), remained loyal to the president, although it was unable, even with considerable government help, to elect enough deputies to give Nazarbayev control of the 1994-95 parliament. SNEK formally incorporated itself as a political party in February 1995.

As to Kyrgyzstan, historically, the main part of the Kyrgyz statehood history (which begins with creation of the Kyrgyz Autonomous province subordinated to Russia in 1924) belongs to the history of the USSR and communist system. And although President Askar Akayev has not show his affiliation to any party (all attempts to create «official» (or «presidential») political party in Kyrgyzstan have failed), communist style of administration and system is still remaining in Kyrgyzstan.

2) The role of traditional social structure in contemporary Kyrgyzstan and Central Asia.

Beneath the surface of the established political and administrative institutions, political culture and life in Kyrgyzstan as well as in the other Central Asian states are influenced by a combination of tribal, regional and other kinship factors. Tribal and clan ties often are reflected in patterns of appointments and networks of power. Regional and clan ties have been identified as the bases for political struggle in Central Asia.

Until the twentieth century the peoples of Central Asia were socio-economic and cultural groups that had distinct styles of organisation and distinct cultural features. The nineteenth-century observer Eugene Schuyler noted that according to the native population, the whole society was divided into two classes, *nomad* and *settled*. The nomads were called Kazak, and settled people went by the name Sart. There were economic groups, not ethnic, much less «national» ones²⁴. By the late nineteenth century, the Tajik and Uzbek peoples, who had lived in proximity for centuries and often used each other's languages, did not perceive themselves as two distinct nationalities. Consequently, such labels were imposed artificially when Central Asia was divided into five Soviet republics in the 1920s.

Central Asian tribes remained relatively isolated and politically independent from one another in all pre-Russian and pre-Soviet period. The Turkmen rarely allied to campaign against sedentary neighbours, nor did they form a unified front against the Russian conquest. All tribes possessed specific distinguishing features. Their dialects differed greatly, and in terms of material culture each large tribe had a unique culture and brand of identification.

²⁴ Gregory Gleason. *The Central Asian States: Discovering Independence* (Westview Press, 1997), p.32

Additionally, in spite of all attempts of the Soviet nationality policy in diluting tribal consciousness and imposing new ethnic (national) identities, tribal identity always remained as a significant factor in social relations. For example, in Soviet Turkmenistan, the membership of collective and state farms often was formed according to clan and tribal affiliation. Up to day, virtually all Kazakh, Kyrgyz and Turkmen, except urban areas, have a knowledge of their parents' and consequently their own tribal affiliation. Tribal affiliation still is a reliable indicator of his or her birthplace.

In all Central Asian countries, regional and clan affiliation - not national affiliation - is the most important source of a person's identity.

The situation in all Central Asian states is as follows:

Kyrgyzstan:

The Kyrgyz as well as the Kazakhs and the Turkmens, still apply great significance to family and clan (tribal and region) origins. The majority of Kyrgyz continued a nomadic lifestyle until the Soviet campaigns of forcible collectivization compelled them first into transitional settlements and then into cities and towns or state and collective farms in the 1930s.

Kyrgyz identity in public and private life is said to be determined primarily by membership in one of three clan groupings known as "wings" (right - or *ong*, left - or *sol*, and *ichkilik* which is neither) and secondarily by membership in a particular tribe within a wing. The history of this grouping is unknown, although several legends explain the phenomenon. The left wing now includes seven clans in the north and west of the country. Each of the seven has a dominant characteristic, and all have fought each other for influence. The *Buguu* warrior clan provided the first administrators of the Kyrgyz Republic under the Soviet Union; when the purges of Stalin eradicated their leaders in the 1930s, their place was taken by a second northern warrior clan, the Sarybagysh, who have provided most Kyrgyz leaders since that time, including the contemporary President Akayev.

So, the representatives of the Northern clan groupings rule Kyrgyzstan now...

The right wing contains only one clan, the *Adygine*. Located in the south, the *Adygine* are considered the most genuinely Kyrgyz clan because of their legendary heritage. The southern *Ichkilik* is a group of many clans, some of which are not of Kyrgyz origin, but all of which claim Kyrgyz identity in the present.

Acutely awareness of the place of each of the clans traditionally has played great role, the Kyrgyz are still very conscious of clan membership in competing for social and economic advantage. Support for fellow clan members is especially strong in the northern provinces. Larger clans are subdivided by origin and by the nobility of their ancestors. Although there is no prohibition of advancement for those of non-noble descent, descent from a high-born extended family still is considered a social advantage.

As tribal communities in Kyrgyzstan affiliated to specific regions and provinces, regional factors also play significant role in the politico-administrative relations. The territory of Kyrgyzstan is divided into eight administrative regions: seven provinces (*oblasts*) and the capital city of Bishkek. The so-called northern provinces are Naryn, Ysyk-Kul, Chu, and Talas, and the southern provinces are Osh and Jalal-Abad. Jalal-Abad was formed out of Osh Province in 1991, largely to disperse the political strength of the south that had become centered in Osh.

The problem is, in some cases, the *Gubernators* run their provinces with considerable autonomy. Particularly notable in this regard was Jumagul Saadanbekov, the head of Ysyk-Köl Provincial State Administration. Although, the government re-organisation of early 1996 widened the *Gubernators'* responsibilities for tax collection, pensions, and a variety of other economic and social functions, they still have significant influence on the political, administrative and social and economical affairs in their provinces.

Akayev also has had difficulties in establishing control over the two southern provinces Osh and Djalal-Abad. Several southern politicians (the most important of whom was Sheraly Sydykov, son of an old Osh family that enjoyed great prominence in the Soviet era) have taken the lead in national opposition against Akayev. Sydykov headed the parliamentary corruption commission in 1994, and he headed the influential banking and ethics committees of the parliament elected in 1995.

When the *akim* of Osh resigned to run for the new parliament, Akayev appointed as his replacement Janysh Rustambekov, an Akayev protégé who had been state secretary. Rustambekov, the first northerner to head this southern province and a highly controversial appointment, was considered to be a direct surrogate of Akayev in improving control over the south. Rustambekov, who has fired large numbers of local administrators, is opposed chiefly by Osh Province Council head Bekamat Osmonov, who is one of the most skilled and influential politicians in the south. Osmonov, who also was a deputy in the lower house of the new legislature, emerged as a powerful critic of Akayev and a possible presidential rival if Akayev could not prevent the next election.

Tribal and regional kinship retains as significant factor in contemporary Kyrgyz society and politics. Some politicians in Kyrgyzstan attempt to use tribal affiliation as the determining factor in current politico-administrative relations.

In this sense, the case occurred in 1992, when throughout year the Kyrgyz parliament *Djogorku Kenesh* debated different versions of the new constitution is notable. Debates centred on relations between executive and legislature, language policies, and privatisation. One version of the constitution - preferred by President Akayev - provided for a presidential system with strong executive powers. The other version of the constitution, proposed by Akaev's opponents, favoured a strong legislature. In relation above said, Akaev's argumentation was very remarkable. He stated that parliamentary supremacy would spell disaster for the country, because it would lead to a struggle in parliament that would pit the country's clans and tribes against each

other. «As a result, the southerners would win because they are in the arithmetic majority. The northerners could not accept that, since the capital is in the north»²⁵.

Kazakstan:

Historically, the Kazaks identified themselves as belonging to one of three groups of clans and tribes, called *zhuz*, or hordes, each of which had traditional territories. ...

Because the Lesser Horde controlled western Kazakstan and the Middle Horde migrated across what today is northern and eastern Kazakstan, those groups came under Russian control first, when colonial policies were relatively benign. The traditional nobles of these hordes managed to retain many of their privileges and to educate their sons in Russian schools. These sons became the first Kazak nationalists, and in turn their sons were destroyed by Stalin, who tried to eradicate the Kazak intelligentsia during his purges of the 1930s.

The Large, or Great, Horde was dominant in the south, and hence did not fall under Russian control until colonialism was much harsher. Substantially fewer Great Horde Kazaks became involved in politics before the revolution, but those who did became socialists rather than nationalists. For that reason, the Great Horde members came to dominate once the Bolsheviks took power, especially after Kazakstan's capital was moved from the Lesser Horde town of Orenburg (now in Russia) to a Great Horde wintering spot, Almaty. Kunayev and Nazarbayev are said to have roots in clans of the Great Horde.

With the collapse of the Communist Party of Kazakstan and its patronage networks, and in the absence of any other functional equivalent, clan and *zhuz* membership has come to play an increasingly important role in the economic and political life of the republic at both the national and the province level. The power of clan politics has been visible in the dispute over moving the national capital to Aqmola (*now it is Astana*), which would bolster the prestige of the Middle Horde, on whose lands Aqmola is located. In general, members of the Lesser and Middle hordes are more Russified and, hence, more inclined to cooperate with Russian industrial and commercial interests than are the members of the Great Horde. Akezhan Kazhegeldin, prime minister in 1996, was a Middle Horder, as was the opposition leader Olzhas Suleymenov. Although mindful of Russia's strength, the Great Horders have less to lose to Russian separatism than do the Lesser and Middle horders, whose lands would be lost should the Russian-dominated provinces of northern Kazakstan become separated from the republic.

Tadjikistan:

Tadjikistan is one of sad examples of how inter-regional political conflicts can cause the bloody civil war occurred in this country in 1992-1993 which consequences have not disappeared till today.

²⁵ Russian newspaper «*Komsomolskaya Pravda*» from 19 October 1992

In politico-administrative sense, Tadjikistan divided into the following provinces: Khodjent (previously Leninobod) in the north (mostly populated by ethnic Uzbeks), Kurgan-Tiube and Kulob in the south, and the Gorno-Badakhshan Autonomous Province²⁶ in the southeast. Two *rayons* of Gorno-Badakhshan, namely *Jergetal* and *Murgab* are populated mainly by ethnic Kyrgyz up to 65-70 percent.

During the Soviet period, all the post-Stalin Communist party first secretaries came from Leninobod (now Khodjent), in keeping with a broader phenomenon of Tajikistani politics from 1940s till nowadays - the linkage between regional cliques and political power. Although certain cliques from Leninobod were dominant²⁷, they allowed allies from other provinces a lesser share of power.

However, the collapse of the USSR completely broke established balance of power. In late 1991s - early 1992s leaders from the eastern areas of Tadjikistan aligned with leaders from the Kurgan-Tiube region in a coalition that sought to unseat the ruling groups from the Khodjent and Kulob provinces. Finally, in November 1992 Uzbekistan (supplied a large amount of military assistance to the Khodjent faction) - with Russian military assistance - led the central Asian states in re-establishing the pro-communist Khodjent-Kuliab coalition to power, headed by contemporary President of Tadjikistan - Imamoli Rahmonov. In fact, Uzbekistan President Karimov, who reportedly took control over the appointment of Khodjent's *hakim* - executive chief of the province, became the protector of northern Tadjikistan.²⁸

Uzbekistan:

In Uzbekistan, experts identified five regions - the Tashkent region, the Fergana Valley, Samarqand and Bukhoro, the northwest territories of the Autonomous Republic of Karakalpakstan²⁹, and the southern region - that have played the role of a power base for individuals who rose to the position of first secretary of the Communist Party of Uzbekistan. Often clan-based, these regional allegiances remain important in both the politics and the social structure of post-Soviet Uzbekistan. And, in the struggle for political control or access to economic resources, for example, regional alliances often prevail over all-Uzbek ethnic identity.

²⁶ The precise status of this region is unclear because separatists have declared it an autonomous republic and even the government does not always call it a province

²⁷ From 1943-1991 75% of key top positions in Soviet Tadjikistan were dominated by Leninabad (Khodjent) province.

²⁸ Gregory Gleason. *The Central Asian States: Discovering Independence* (Westview Press, 1997), pp.105, 131

²⁹ The Autonomy of this republic is very limited and often just on paper. Although, the republic officially elects its own legislature (chairman of that serves as the republic's head of state), its government officials are generally powerless against central government in Tashkent.

Turkmenistan:

In Turkmenistan, it is said to be thirty-three major clans. The main clans are *Yomud*, located in the western and northern parts of the country; the *Teke*, located around the state capital - Ashgabad; the *Goklan*, located in the area west of Ashgabad; the *Sariq* and *Salor*, located in the *Tejen* and *Murgab* valleys; and the *Ersari*, located along the upper reaches of the Amu Darya river³⁰.

As to real cases, the early 1990s power bases pitted the Mary district chieftain Gurban Orazov against the Ashgabad millionaire and minister of agriculture Payzgeldi Meredov, and the Teke clan's hold on power through Niyazov conflicted with the Yomud clan's hold on the oil and gas industry through minister Nazar Soyunov. In July 1994, Niyazov removed both Meredov and Soyunov from office on the basis of evidence that the two ministers had misappropriated funds obtained from the sale of state-owned resources. To correct such problems, a Ministry of Foreign Economic Relations was formed to handle exports and imports, and a Control and Revision Commission was established to review contracts with foreign firms.

7. THE POLICY PROCESS IN PRACTICE

According to the Constitution, it is the executive branch that is responsible for policy-making in Kyrgyzstan. So, in practice, there are 3 main centers in the executive branch for policy-making on the central level: the Office of the President, Apparat of the Prime-Minister and ministries.

Although independence brought a series of institutional changes (mainly, nominal), the substance of the policy process in practice in Kyrgyzstan did not change. Whatever initial movement toward to democratic policy process existed in the post-Soviet Kyrgyzstan in the early days of independence seems to have been overcome by the inertia of the remaining Soviet-style strong centralised policy-making and state administration.

It is the Government that nominally entrusted with formulation and implementation of the state policies in Kyrgyzstan.

The main feature of the existing system of policy making process in Kyrgyzstan is the dominance of the President and his Office and duplication of functions of the Ministries with the Office the President and Secretariat of the Prime-Minister which have almost identical policy departments, so, in practice, the tasks of the Prime Minister and the President are not divided.

This situation fixed in the Constitution that provides the President of Kyrgyzstan with broad functions such as defining the fundamental directions and external policy of the state» (article 42), exercising «control over the work of the Government of the Kyrgyz

³⁰Gregory Gleason. *The Central Asian States: Discovering Independence* (Westview Press, 1997), p.46

Republic» (article 72). So, the President of the country now possesses all powers necessary to manage the state. According to the Constitution, he has the power to name a candidate for the Prime Minister to the House of the People's Representatives of the Parliament. If the *deputats* reject the candidate three times, the President has the right to dissolve the the House of the People's Representatives and call for early elections³¹. President also personally appoints the members of the Cabinet of Ministers and determines who serves in Government. The President also appoints *oblast* Governors, rayon *akims* and city mayors with the agreement of the local *Keneshes*. The Head of the state also has the power to appoint heads of state bodies under the executive branch with status as institutions «under the President of the Kyrgyz Republic» that are subordinate either to the Cabinet of Ministers, or to Parliament, judges, attorneys and sets up various commissions.

As to the functions of the Government, they are prescribed in the Constitution very concretely and limited by only executive job.

Additionally, according to Provisions on the President's Administration (hereinafter - Provisions) dated July 6, 1994, the Presidential Administration has controlling functions and the right to issue obligatory and compulsory instructions to other governmental bodies. For example, according to the article 5 of the Provision, to exercise its objects, Administration [Office] of the President of the Kyrgyz Republic, among others, provides the following functions:

- 1) the control by the President of the Kyrgyz Republic over the activities of the Government of the Kyrgyz Republic, national and local bodies of the executive power;
- 2) the implementation of the state personnel policy;
- 3) the informative-analytical and expert works on questions of the internal and external policies, problems of the socio-economic spheres, preparation of proposals and recommendations, prognosis on the strategy of the development of Kyrgyzstan;
- 4) the securing of the interrelations of the President with other states bodies,
- 5) and etc, including technical and logistic services for the President.

As we can see, the functions of the Presidential Administration include the wide rang of activities, from «the control by the President of the Kyrgyz Republic over the activities of the Government of the Kyrgyz Republic, national and local bodies of the executive power» to «preparation, registering and producing of the documents signed by the president of the Kyrgyz Republic».

As a result, neither the Prime Minister nor the Ministries simultaneously can influence *oblast* governors or district *akims* as they not directly subordinate to them. In addition, the management of a number of Ministries simultaneously falls under the jurisdiction of both the President and the Prime Minister. These include the Ministries of Defense, National Security, Internal and Foreign Affairs.

³¹ Since the introduction of this power to the Constitution in February 1996, the *deputats* have never rejected the four prime Ministers proposed by the President

This situation of overlapping control of Ministries by both Presidential Administration and Prime-Minister's Secretariat leads to a reality in which the Prime Minister is deprived of an opportunity to form his own Cabinet of Ministers. As professor Anders Aslund, advisor to the President of the Kyrgyz Republic, consultant UNDP, pointed out: «The current state of affairs [in Kyrgyzstan] naturally pits the presidential Administration against the prime Minister's apparatus and leaves the ministries in a distressing and confusing state of semi-responsibility. It is striking how Kyrgyzstan's ministers define themselves as the President's or the Prime Minister's ministers, but rarely as both»³².

Accordingly, Prime Minister's authority to appoint officials is for all practical purposes limited to the appointment of his own staff (Secretariat). For example, in 1998, Prime Minister were twice changed, yet the personnel of the cabinet was not renewed. Under such circumstances, it is difficult to speak about true teamwork among Ministries.

8. CLASSIFICATION ACCORDING TO THEORETICAL FRAMEWORK³³

9. CONCLUSIONS

The most parts of the present political, administrative, ideological, economical and social structure of Kyrgyzstani as well as Central Asian society was established during the communist period.

The movement toward political, social and economic reform in Kyrgyzstan as well as in the other post-Soviet Central Asian states has not been matched by movement toward real public administration reform. Although the names have changed, the institutions of the state administration remain similar to those that existed before the collapse of the Soviet Union. Therefore, the politico-administrative relations in Kyrgyzstan as well as in the other states of the post-Soviet Central Asia retain many of the characteristics of the Communist regime.

All Constitutions of the post-Soviet Central Asian states, adopted in 1992-1994 years, characterise its countries as a democracies with separation of powers among the executive, legislative, and judicial branches which operate independently, checking and balancing one another. Nevertheless, the Constitutions provide for strong presidency, with power to appoint government and dissolve legislature. In practise, it have led to the transition of the Soviet authoritarian ruling system into that of the newly independent states of the region where all power is concentrated in the executive branch, namely, in the hands of presidents and its offices. The governments of these states, especially those of Turkmenistan and Uzbekistan, receive substantial

³² Anders Aslund, «From Budget Crisis to Sustained Economic Growth and Welfare: A Vision for Kyrgyzstan», UNDP Publication, [2000], p.17

³³ Now authors work on this section to finish it till the Conference begins

international criticism as an authoritarian regimes with dominant power positions of the Presidents.

Additionally, in Turkmenistan and Uzbekistan successors to Communist Party, Democratic Party and People's Democratic Party, respectively, dominate the politico-administrative system and society. All other major legal parties, as ... in Turkeminstan and Fatherland Progress Party in Uzbekistan are very pro-governmental and have no opposition role. Opposition parties weak, fragmented, many excluded by government, their leaders physically discouraged, repressed, exiled or jailed.

In all Central Asian states local governments have little independence. The chief executives' jurisdictions in all these states are essentially those of the former *oblast* (provincial) Communist party secretaries. The chief executives of each provinces and of cities are appointed directly by the presidents. Although these appointments must be confirmed by local legislative (representative) bodies that are elected by popular vote, the will and power of the presidents are dominant. (In Uzbekistan all chief executives of the provinces are members of the «presidential» - formerly Communist - party - People's Democratic Party of Uzbekistan. In Tadjikistan the chief executive of the province is the chairman of a council of people's deputies - representative body - whose members are elected to five-year terms. The chairman is appointed by the president of the republic). All chief executives of the provinces in the all Central Asian states administer their territories as emissaries of the president.

As to tribal, regional or clan ties, they play more significant role even superseding specifically ethnic identifications in the region.

Historically, many of the contemporary Central Asian ethnic groups were artificially created and delineated by Soviet fiat in the first place. Before the Bolshevik Revolution, there was little sense of such nationhood as Kazakh, Kyrgyz, Tadjik, Turkmen and Uzbek. Instead, life in the region was organised around the tribe or clan. Until the mid of ninetieth century, the population of what is today Kyrgyzstan, Tadjikistan, Turkmenistan and Uzbekistan (Kazakstan till twentieth century) was ruled by the various khans who had conquered the region in the sixteenth century.

The Soviet rule, and the creation of the Kazakh, Kyrgyz, Tadjik, Turkmen and Uzbek Soviet Socialist Republics in Central Asia in 1924-1936, ultimately created and solidified a new kind of identities. At the same time, the Soviet policy of cutting across existing tribal, regional, ethnic, cultural and linguistic lines in the region to create above said new republics also sowed tension and strife among the Central Asian groups that inhabited the region. For example, the territory of the Uzbek Soviet Socialist Republic, or Uzbekistan, was drawn to include the two main Tajik cultural centers, Bukhoro and Samarqand, as well as parts of the Fergana Valley to which other ethnic groups could lay claim. This readjustment of ethnic politics caused animosity and territorial claims among Uzbeks, Tajiks, Kyrgyz, and others through much of the Soviet era, but conflicts grew especially sharp after the collapse of central Soviet rule.

GLOSSARY OF THE SPECIAL KYRGYZ TERMS:

1. **Administratsia** - the official name of the Office of the President of the Kyrgyz Republic
2. **Ayil** – the smallest administrative and territorial unit of the Kyrgyz Republic; village, rural area
3. **Ayil Okmotu** – verbally «rural government» - officially: an executive and administrative body under *ayil* (village) or *Ayil Kenesh*, whose responsibilities include management of local social activities and social services for a given community; in practice: nominal local self-government (municipal) body formed by local (rural) representative body – *Ail Kenesh* with the consent of the head (*Akim*) of the District State Administration.
4. **Ail Keneshi** – local (rural) representative body of the self-government (nominally)
5. **Akim** - the head of an executive body called «District State Administration»; in practice, real center of political and administrative power in *rayon*
6. **Apparat** - office of the state bodies of the Kyrgyz Republic
7. **Deputat** – member of the national parliament (*Djogorku Kenesh*) and local representative bodies (*Keneshes*); deputy.
8. **Djogorku Kenesh** - the National bicameral Parliament
9. **Gubernator** - the head of an executive body (called «Provincial State Administration»), governor; real center of political and administrative power in province (*oblast*).
10. **Kenesh** - local representative body; consisting of 10-30 elected members (*deputats*) each territorial unit, i.e. the *oblast*, *rayon*, *shaar* and *ail*, has its own *Kenesh*.
11. **Mayor** - the head of the municipal administration.
12. **Oblast** - the largest administrative and territorial unit in the Kyrgyz Republic (adequate to the province or region).
13. **Rayon** - basic administrative and territorial unit under *oblast* adequate to the district
14. **Shaar** - city

BIBLIOGRAPHY:**In English:**

1. Civil Service reform and Training in Kyrgyzstan
2. Code on State Service in the Kyrgyz Republic (A Parliamentary version)
3. Constitution of the Kyrgyz Republic
4. Dutch General Administrative Law Act
5. Gregory Gleason. The Central Asian States: Discovering Independence (Westview Press, 1997)
6. Law of the Kyrgyz Republic on Basics of State Service in the Kyrgyz Republic
7. Local Administration in Kyrgyzstan
8. Regulations (On Department of State Service and etc.)
9. Russian Federation State Service Law
10. State Service Law of the Republic of Kazakhstan
11. State Service Law of the Republic of Moldova
12. The National Ombudsman of the Netherlands
13. Promoting Government Information Systems

In Russian:

1. Государственная служба основных капиталистических стран
2. Закон о Государственной Службе (Новых Прибалтийских стран. Сравнительный анализ)
3. Закон о Государственной Службе Республики Казахстан
4. Закон о Государственной службе Республики Молдова
5. Местная Государственная Служба во Франции
6. Обеспечение рациональности государственного управления
7. Предложения по совершенствованию структуры органов исполнителей власти
8. Федеральный Закон о Государственной Службы Российской Федерации

Attachment 1: Brief history of the Kyrgyz Republic:

The history of the kyrgyz people begins long before the creation of Kyrgyzstan in 1924. According to the teaching history of the kyrgyz people, although the first written evidence of Kyrgyz appeared in 201 B.C. in Chinese chronicles, the ancient history of Kyrgyz people mainly is connected with the first Kyrgyz state («Kyrgyz Khanate») formed in the 4th-5th centuries A.D. along the Enisey river of Southern Siberia. According to the historical records, in the period of «Great Power» (9th-10th centuries A.D.) the Kyrgyz Khanate, the boundaries of which extended from the Lake Baikal to the Irtish River and from the present Krasnoyarsk City to the Great Chinese Wall, encompassed many non-Kyrgyz nations. The empire, however, did not last long: by 13th century the state splintered into a number of feudal estates that were conquered by Chengiz Khan in 1207. The Enisey Kyrgyz state was completely destroyed by 1293.

In 14th-15th century the Kyrgyz tribes moved to the western Mongolia and eastern Turkestan. It is believed that by the 16th century, the Kyrgyz nationality came into full existence in its modern form within present borders of the Kyrgyz Republic.

In 18-19th centuries the Kyrgyz tribes were under the rule of the Kokand.

From the middle of the 19th century, with the Russian conquest of Turkestan, the Kyrgyz tribes were also gradually incorporated into the Russian empire (in 1855-1876 some Kyrgyz tribes entered the empire voluntarily, the rest were taken by force).

On the whole, in spite of some negative moments, the incorporation to the Russian Empire had a great progressive influence on the social and economical development of the Kyrgyz tribes. Some tribes in the northern part of Kyrgyzstan began to turn away from nomadic way of living, the tribes in the south of the country were already engaged in land cultivation. At the same time, an attempt to form an independent Kyrgyz state was put down and the Kyrgyz remained part of the Russian empire.

After the 1917 Bolshevik Revolution a new stage in the historical development of Kyrgyz began. Recent history has recorded the end of the reign of communism, but for underdeveloped countries at a certain historical moment, it offered a constructive historical alternative to colonial backwardness and an opportunity for social, economic and political development.

On 31 August 1991 the Kyrgyzstan declared its independence and started to integrated into world community.