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Institutional Reforms in Kyrgyzstan

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Since independence in 1991 Kyrgyzstan has been undergoing major institutional reforms emphasizing sustainable development, democratization and effective governance. This paper looks at potential effects of these reforms on the existing governance institutions through the lenses of past experiences and current trends.² Some of the assumptions underlying Kyrgyzstan's current development

strategy are questioned and, with due credit to its achievements, its limitations are suggested. The preliminary implications drawn from these observations may also apply to its Central Asian neighbors and other countries experiencing similar governance problems and reforms.

Background

Kyrgyzstan launched a structural adjustment program in the early 1990s following the International Monetary Fund's (IMF) "big-bang" strategy, which involved simultaneously initiating and implementing macroeconomic stabilization, price and market reforms, enterprise restructuring and privatization, and institutional reorganization.

¹ The author thanks professor Gerald Caiden of the University of Southern California and Jamilya Ukudeeva and Virginia Martin of CESR for their useful comments.

² A detailed analysis of some of the current institutional reforms in Kyrgyzstan will comprise the next step in this research.

However, increased levels of corruption, inequality and poverty, among other unintended consequences of these policies, undermined the prospects of economic development, and prompted donors to shift ground to stress the need for effective institutions to promote sustainable economic and social development (IMF 2000, World Bank [WB] 2002). Kyrgyzstan's current development strategy, as outlined in the national Comprehensive Development Framework (CDF),³ targets reducing poverty in the country through strengthening government institutions and emphasizing public administration reforms, in order to provide a more favorable environment for private sector development to generate jobs and income.

Lessons from Past Institutional Reforms

Effective government institutions are essential for reducing poverty, but the approach taken to strengthen those institutions in Kyrgyzstan could be questioned in light of past experiences of other countries. The first wave of institution-building reforms in the international development agenda was initiated for decolonized states in the early 1960s. The reforms showed that in these countries it was much easier to adopt laws and formal organizational structures than to institutionalize corresponding behavior, and formal administrative structures often served as façades while the actual behavior remained a latent function of other institutions (Riggs 1964). Reforms in Kyrgyzstan repeat this warning. Both the targets and outcomes stated in the official development policy documents are largely limited to regulative instruments with little regard to institutionalization. For example, the government has adopted extensive legislation against corruption; however, there is little evidence of its enforcement, but more of its growth and state capture (Cokgezen 2004, Transparency International [TI] 2003, Gray et al. 2004⁴).

³CDF is the World Bank's framework — a "holistic long-term strategy" based on the principles of cooperation and transparency — that puts "countries in the driver's seat" in owning and directing development, to strengthen governments' effectiveness in poverty reduction and to secure better coordination between stakeholders in the development process (World Bank 2004).

⁴In Gray et al.'s study for the World Bank Kyrgyzstan is ranked highest in the perception of administrative corruption, defined as "illicit and non-transparent provision of private benefits to public officials" to influence how the established rules are implemented (2004: 10).

The next wave of institutional reforms that reappeared in the 1980s was about adjusting governance institutions to new realities, including the increased role of the private sector and civil society organizations (Grindle 1997). In most Third World countries the efforts to strengthen their administrative capacities by adopting Western trends rarely benefited the public, which was overall excluded from the process. Administratively most things got worse, as these reforms strengthened, rather than transformed, the pre-existing administrative cultures with all their "bureaupathologies" and reinforced the pursuit of self-interest by bureaucratic elites (Caiden 1991: 244-247).

Decentralization, the fad of this wave, for example, did not deliver the promised empowerment to the people and more responsive administrative structures in most of the developing world, primarily because of mismatched financial authority and functional responsibility (McCarney 2000: 188). Decentralization programs in Kyrgyzstan also have not escaped these problems (Dukenbaev 2004). Moreover, scholars warn that in this context decentralization could even hinder establishment of the rule of law by contributing to corruption and strengthening the autonomy of regional elites (Jones Luong 2004a). The primary challenges to those reforms included political corruption and the absence in legislatures of moral authority and competence and their inability to undertake effective oversight of the bureaucracies (Baaklini 2002, Jreisat 2002). Unfortunately, all these factors are rather descriptive of Kyrgyzstan's current situation (International Crisis Group [ICG] 2001, Cooley 1999).

Current Institutional Realities

Despite the deliberate attempts to blur the boundaries between state and society (Jones Luong 2004b), the government laws have not penetrated deep enough in Kyrgyzstan to replace informal institutions that also evolved over time. During the Soviet era, the central government created the *kolkhoz* (collective farm), giving it economic and administrative roles. The government used the *kolkhoz* as an interface between the state and predominantly rural communities, while at the same time fostering the retention of the traditional social system based on kinship networks of families, where *kolkhoz* notables re-emerged in place of former tribal chiefs (Roy 2000: xii). Overall, officials

exercised both formal and informal authority over the people, but depended on and were accountable to Moscow.

Independence did not significantly change these elements of governance: the state retained much of the same external orientation but little responsiveness to the general public. Newly found external mentors (international development agencies) replaced Moscow with respect to funding, but less in terms of accountability (Cooley 1999). The formal governance framework — the constitution of the country — has been rewritten (and then changed a few times), resulting in significant concentration of formal authority in the executive's hands. But even this imbalanced formal structure does not fully account for the actual governance institutions and processes. It was not through the formal institutions alone that elites established their regulative and monitoring capacities; it is still the regional tendency that the ruling elites continue their efforts to "control and co-opt society" (Jones Luong 2004b: 274-275) through formal and informal means.

Hence, the prospects for building effective institutions through the current strategy, which primarily relies on formal institutions and the executive branch, are bleak. The reforms neglect the informal aspects of governance, and are carried out by state agencies, which themselves have not fully internalized formal institutions and remain detached from the public. The eroding legitimacy of formal institutions due to increasingly authoritarian governance, systemic corruption and public discontent with harsh socioeconomic conditions, reinforces these drawbacks (ICG 2001).

Meanwhile, institutional reforms actually seem to benefit officialdom more than the public, given the persistence of weak government accountability and a legislative process mostly closed to public. In addition, passing laws is good news to donors to whom the government feels somewhat accountable. Formal institutions also help to legalize private interests and to expand the authority of officials, as is illustrated by the constitutional and legislative initiatives of the executive branch.

In these conditions reforms instead could amplify the existing "formalism," i.e., increase the "incongruence between formally prescribed institutions and actual, informal behavior" (Riggs 1964: 21). The government is continuously expanding its formal authority, but not necessarily

its effective power through these reforms. The state apparatus is subordinated to the executive, which is rather ineffective when it comes to preventing dysfunctional administrative practices.⁵ A vicious circle resists reforms: the public largely refrains from cooperating with the government over law enforcement, which enables more misuse of formal institutions, and this results in increasing formalism and public distrust towards the government. This system confirms the formula of corruption defined as a function of monopoly, discretion, and lack of accountability (Klitgaard 1988: 75). Kyrgyzstan, unsurprisingly, thus emerges on top of the list of the most corrupt governments (Gray et al. 2004, TI 2003).

Perspectives on Governance Problems

In the era of globalization, some scholars maintain that "the traditional concept of government as a controlling and regulating organization for society" has become outmoded, and that "governance without government" is becoming more common in industrial democracies under pressures from international capital markets, supranational organizations, a growing private sector, civil society groups and individuals (Peters and Pierre 1998). The major global and regional organizations are also abandoning the illusion of the omnipotence of governments, and adopting the broader notion of governance that includes active participation of non-governmental forces where government is seen more as a responsive facilitator (UNPAN 2000, OECD 2001).

In the Central Asian context, in contrast, governance seems to be increasingly about bargains among elites that largely exclude non-state forces. Ironically, although formal institutions of government are losing moral legitimacy, other social forces, particularly thriving non-governmental organizations (NGOs), have not become significant players in governance (McMann 2004, Weinthal 2004). This problem could be explained in part by the blurred boundaries between state and society and the monopoly of the "public" property by political-

⁵ In McMann's words, Kyrgyzstan, similar to its other Central Asian neighbors, is a "paradoxically strong-weak state" (2004: 214) — strong because of the state's monopoly of formal authority, political power, administrative institutions and economic resources, including foreign aid (Cooley 1999), and weak because formal institutions are losing popular (moral) legitimacy, which they misuse in pursuit of private interests.

economic elites (Jones Luong 2004b: 274-275), which limit the resources for development of civil society groups largely to donor assistance.

The Kyrgyz government can find many excuses for continuing its gate-keeping practices. Among them could be the position of international donors on the meaning of governance, where the weighty World Bank's government-centered approach prevails. The World Bank's operational manual states that its main purpose is to support government development programs, and "the Bank should *not* carry out activities with NGOs without government's knowledge and consent" (WB 2000, italics added). In addition, in the absence of other effective mechanisms for securing government accountability for the public, given the regional tendency for Central Asian leaders to "have little interest in legitimating their authority beyond a small group of elites" (Jones Luong 2004b: 280), the Kyrgyz government may feel more comfortable filtering in the loyal and excluding the critical voices (such as the so-called "opposition NGOs") from the governance process.

Conclusion

The current process of institution-building overlooks the complexity of key governance institutions in Kyrgyzstan in the same way as the initial macroeconomic policies had done. They oversimplify the task of overhauling and transforming time-honored institutions and building new ones, expecting that an institutional vacuum would be filled once the newly adopted laws and policies are implemented, and that government would fix itself through these reforms.

Development agencies put the unaccountable government in "the driver's seat," enabling it to expand its authority. But the reality of governance in Kyrgyzstan is that there was and still remains no neutral administrative apparatus (Dukenbaev and Tanyrykov n.d.) and no accountable political system (ICG 2001) to insure that government institutions serve the public and that reforms are directed at institutional problems. Instead, government institutions serve the elites and suffer from excessive formalism. Actual governance is exercised through hybrid institutions, viewed here as an evolving mixture of intertwined formal and informal institutions embedded in past and current political-administrative and cultural systems. Trying to promote government effectiveness without accounting for these actual institutions and

processes, and having little concern for *how* those formal institutions are to be institutionalized, the current development strategy may do more harm than good by furthering the existing power imbalance.

Ironically, this approach misses the important lesson from the half-century experience of international development: that the main distinction between the more effective democratic states and the rest is that the former are able to bring their administrative machines under effective control of responsible and representative political institutions, whereas in the latter the administrative machines often serve the ruling elites (Riggs 1996). Hence, institutional reforms in Kyrgyzstan need to promote internal government accountability.

Perhaps shifting emphasis from directly assisting the government to fostering grassroots initiatives and capacities could generate more functional internal pressures on government and officials, and more balanced governance. External support to government in the form of both direct aid and technical assistance projects can reinforce its dysfunctional elements (Cooley 1999). On the other hand, a shift in development strategy towards a more indirect approach may result in institutions that are more sustainable, enforceable and participatory, and a governance process and structure that is more balanced and effective. As seen from the experiences of other countries, when underlying governance problems such as accountability of state actors, institutionalization, legitimacy, and law enforcement are not addressed, the institution-building reforms may undermine the purposes of development.

Implications for Research

If the current institution-building approach to development in Kyrgyzstan is misguided, as argued above, it could be partly explained by the absence of comprehensive research on actual governance institutions in transitioning countries; donor strategies are thus based on prescriptive ideas and concepts rather removed from the reality of these societies (Jreisat 2002, Riggs 1964). While formal institutions have greater relevance in industrialized democracies, the focus of scholars and practitioners exclusively on formal institutions in the context of transitional societies with a high degree of formalism cannot provide sufficient understanding of the problem; it fails to account for the significant share of actual behavior that does not fall under formal constraints (Riggs 1964, Helmke and

Levitsky 2003, North 1994). Rather, it is more "likely to create a world in which there is both more law and less order" (Ellickson 1998: 286).

Some researchers have suggested that effective formal institutions are often those that were able to coalesce with pre-existing informal institutions in an accommodating and complementary mode (Helmke and Levitsky 2003). However, only a few scholars have looked at the changing nature, process and outcomes of dynamic interactions between formal and informal elements of key governance institutions in Central Asia. In particular, while reforms affect and are affected by both formal and informal elements of institutions, these "feedback loops," especially those concerning non-formal aspects, have enjoyed little attention among scholars even in other world regions (Ellickson 1991: 282; see also Kubicek 2000), and even less among policy makers. Those rare works addressing these concerns in the social realm suggest that certain government practices and policies are among the factors contributing to the reinforcement of discriminatory practices through informal and hybrid institutions.⁶

Comparative interdisciplinary research integrating anthropological and sociological approaches with a more holistic stance could be instrumental in addressing the limitations of disciplinary fragmentation and the dominant methodologies in policy studies (Riggs 1964, Kubicek 2000). For example, Scott's conceptual framework of institutions indicates that current institution-building reforms clearly overemphasize the *regulative* pillar and overlook *normative* and *cultural-cognitive* aspects of institutions (2001). The latter could be areas for research on pressing governance problems.

⁶ Werner's (2004) research on changing informal norms of marriage in Kazakhstan concluded that nationalist policies, corruption, and economic conditions contributed to increased non-consensual bride-kidnapping. Kamp (2004), through her study of *mahallas* (neighborhood communities) in Uzbekistan, provides another example of such insightful work that calls attention to the changing functions of previously informal institutions. Kamp observes that although formally more empowered through the devolution policy, *mahallas* have become means for the government to exercise greater social control over individuals' lives, thereby supporting authoritarianism in a context where competitive procedures and open information flows are absent.

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Reports on Research Findings

The Keir *Mi'raj*: Islamic Storytelling and the Picturing of Tales

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In the Fall of 2002, I began my dissertation research on "The Prophet Muhammad's Ascension [*Mi'raj*] in Islamic Art and Literature, 14th-17th Centuries" in museums and libraries in the United States, Europe, Egypt, Iran, and Turkey. I am interested in the various junctures between texts and images related to the Prophet's biography and, in particular, his miraculous ascension to the Heavens on the back of Buraq, his winged, human-headed horse, guided by the Angel Gabriel. My research addresses issues of iconography, the development of fully illustrated narratives of the ascension (so-called *Mi'rajnamas* [Books of Ascension]),² the use of the ascension as a

spiritual catalyst in illustrated Sufi poetry (al-^cAzma 1973: 93-104, 1982), and the impact of literary tropes on visual language and vice versa. As a result of materials that I have discovered over the past two years, new points of interest have emerged.

Two concerns that have come to light revolve around orality and storytelling, the supple and unwritten documents of collective memory and resilient forces behind various arenas of cultural and visual production. Many of the paintings and texts of the Prophet's *mi'raj* vary to such an extent that, despite many efforts by Muslim thinkers and writers to codify the story and delineate its exact narrative elements, a great variety of ascension narratives nonetheless thrived within the spheres of Islamic storytelling, preaching, and the visual arts. Although oral stories and their variations from the premodern period rarely survive today, it appears that a fruitful way to begin discussing and reconstructing lost tales lies in examining the evidence provided by paintings and other visual materials.

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² For illustrated *Mi'rajnamas*, see Ettinghausen 1957: 360-83; and Séguy 1977; for *Mi'rajnama* texts, see Pavet de Courteille 1975; and Thackston 1994: 263-99.