Public Advisory Boards in Kyrgyzstan: A Central Asian Experiment with Diagonal Accountability

SCHOLAR RESEARCH BRIEF

Scholars and policy-makers have traditionally viewed elections as the primary means for holding governments accountable. Yet elections have flaws as mechanisms of popular oversight and checks on state power. This is especially true in regimes in transition from authoritarianism, where the electoral playing field is highly uneven and the rapid pace of historical change makes the intervals between elections appear interminable to the opposition. A response to the natural democratic deficit implicit in episodic elections has been the creation of permanently-functioning popular institutions that influence policy-making and monitor government transparency and performance. This research examines one such experiment, in the young Central Asian state of Kyrgyzstan, where the April Revolution of 2010 led to the formation of public advisory boards (PABs) attached to the country's ministries.

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Research in Context

The Interim Government that assumed power in the wake of the removal of President Kurmanbek Bakiev in April 2010 inherited an executive bureaucracy that was corrupt, opaque, and resistant to direction from the country's new leadership. In order to modernize this bureaucracy and obtain more information about its operations, Kyrgyzstan's new President, Roza Otunbaeva, established public advisory boards [*obshchestvennye nabliudatel'nye sovety*], first on a pilot basis for ten key ministries and then for all executive agencies. Leaders of civil society, working with officials from the presidency, selected from 11 up to 21 members for each board. The PABs were designed to monitor the operations of ministries and other executive agencies as a means of identifying opportunities for enhancing transparency, reducing corruption, eliminating favoritism in hiring practices, and increasing efficiency. As civil society--and not state--institutions, the PABs were limited to reporting on, and recommending changes to, bureaucratic practices. Thus, their major lever of influence over the ministries was exposing inefficiencies or wrongdoing to the public through the media or to sympathetic leaders in the core executive. These public monitoring bodies have operated, therefore, as institutions of diagonal accountability, which supplement traditional forms of vertical and horizontal accountability.[1]

The PABs began their existence in a burst of post-revolutionary enthusiasm. In the initial months after their formation, most boards met faithfully and issued regular reports on their activities; some were successful in helping to reshape policies and procedures in the ministries. This initial stage in the development of public advisory boards in Kyrgyzstan ended with the election in October 2011 of a new President, Almazbek Atambaev. Early indications suggested that President Atambaev wished to dismantle the oversight institutions,[2] but this apparent hostility gave way to presidential indifference toward the PABs, which played into the hands of those ministerial officials and board members who were uninterested in supporting a robust form of diagonal accountability. Because the individual boards are self-governing bodies, which elect their own leadership and reach decisions by majority vote, the official de-emphasis on civil society oversight of the state produced widely divergent results across the country's 36 PABs.

"What have we been able to achieve in two years? I don't want to say that they began to fear us, but they had to reckon with our point of view."

Rita Karasartova

Former member, Public Advisory Board of the State Tax Service

When the initial two-year mandate of the PABs began expiring in the fall of 2012,[3] the future of the institution was in doubt. By the end of June 2013, however, the boards were again on solid legal and operational footing. In this interim period, leading members of the PABs formed a Coordinating Council that enhanced communications with the media and between the PABs themselves. The Coordinating Council, led by the anti-corruption activist, Nuripa Mukanova, also served as an advocate for the PABs in the halls of power. Together with other supporters of diagonal accountability, including the former President, Roza Otunbaeva, they succeeded in convincing President Atambaev to issue a decree in early June 2013 that extended the mandate of PAB members through December of that year. Less than three weeks later, the Zhogorku Kenesh [parliament] adopted new law on the PABs, in which stipulated that PABs will be selected every two years. But now President didn't sign this draft law yet.

Assessing the First Generation of Public Advisory Boards

This research offers an assessment of the first-generation of public advisory boards in Kyrgyzstan, which functioned from the fall of 2010 to the summer of 2013.[4] Three questions animated the project. First, how did the public advisory boards develop as institutions? Second, what were the backgrounds of members of PABs and what motivated them to devote time to this unpaid venture? Finally, to what extent did the public advisory boards succeed in enhancing the transparency, efficiency, and accountability of ministries?

Although the PABs originally included from 11 till 21 members each, most boards had no more than a dozen active members by their second year of existence.[5] Within this active cohort, a smaller core group--usually including the chair--gave direction and dynamism to the board's activities. Not surprisingly, where personal relations within the core group were close and consensus reigned, the PAB was more effective in helping to reshape the policies and practices of the ministries they oversaw. Those PABs with a poorer record of holding executive agencies accountable either lacked a vibrant core group or were divided between what might be termed accommodationist and activist members. This latter correlation of forces describes the Ministry of Social Development PAB, whose accommodationist chair and deputy chair discouraged younger and more vocal members from demanding information and action from the ministry.[6]

Even though the chairs of PABs usually played a decisive role in the operation of the boards, they remained accountable to the membership of the PAB. Not only were the officers elected by the members, but in some cases the rank-and-file had no hesitation in unseating a chair who had lost their confidence. One PAB had three chairs in the course of a single year. Because this local-level democracy created a diverse institutional landscape within the system of PABs, it is more appropriate to speak of behavioral clusters among the various PABs rather than a single pattern of operation or influence.

The PABs are civil society institutions but their members are not representative of the broader population. They are in almost every case residents of the capital of Bishkek with a higher education, and a majority have extensive experience in the sector they are monitoring. They do, however, come from diverse places of employment, with some drawn from the business world or academic institutions while others are leaders of NGOs.[7] Women and young professionals make up a surprisingly large percentage of PAB members.[8] Recognizing their social, geographic, and educational distance from the majority of the country's population, many PABs have developed mechanisms, such as regular "office hours" or occasional public meetings outside of Bishkek, to explain their functions to citizens and to receive feedback on issues relating to the ministries they monitor. Despite such efforts, however, the work of the PABs remains little known among ordinary citizens.

Three primary motivations encouraged persons to serve as PAB members. A large majority of the members interviewed saw themselves as patriots who were working to improve a weak and fledgling state by introducing in the ministries best practices garnered from the business world or international traditions of good governance. Second, many members, especially younger professionals, enjoyed the opportunities that membership on a PAB gave them for networking and socializing with other specialists in their sector. Finally, some members sought to gain financial benefits from having close ties to a ministry. In some cases, this took relatively benign forms, such as gaining access to information that could prove professionally useful. In other instances, however, PAB members attempted to procure contracts for their businesses from the ministry. According to



every respondent who spoke on this subject, a clampdown on such practices in the institution's early months led to the departure of a large number of members for whom self-aggrandizement had been their primary motivation for joining a PAB. There was a strong consensus among respondents that the winnowing of the membership over the first two years of the experiment had produced boards with more honest and devoted members.

The ability of a PAB to hold a ministry accountable depended on both the receptiveness of the individual minister to cooperation with the PAB and the mix of personnel in a board. Where some ministers were overtly hostile to attempts to enhance transparency and efficiency and to reduce corruption, other ministers viewed the PABs as partners in their efforts to modernize their bureaucracy. For example, the former head of the Tax Service worked closely with his PAB to revamp the tax code and reform the agency. This official was so enamored of the PABs that he asked that one be formed for the new state institution that he assumed responsibility for in 2013. In his words, a good PAB "will know when to praise and when to curse the minister."[9] In those cases where a recalcitrant minister encountered an activist PAB, the result could be a public confrontation, with the PAB using the media as the primary tool in its struggle to hold the ministry accountable.

Given its limited formal authority and absence of funding, the PAB system has an impressive record of achievement over its short life span. The success of the PABs is also remarkable because of the difficult political environment in which it has operated. Because of the instability of governments under Kyrgyzstan's new parliamentary system, it has been common for ministers to remain in office for less than a year.

Kyrgyzstan, like other developing societies, has pursued personnel policies that rely primarily on a spoils rather than merit system, but the inclusion of members of PABs on commissions that hire and review the performance of state workers has helped to limit favoritism. Numerous PABs have enhanced the transparency of ministries by encouraging the automization and increased accessibility of information on budgetary and civil registration matters. Thanks in part to the work of the Ministry of Finance PAB, citizens now have access to an e-government website [www.okmot.kg] that offers detailed information on the national budget, foreign assistance, and procurement matters. Although the MVD PAB has not been an especially active body, it convinced the ministry to grant PAB members 24-hour access to any place of detention in the country, a form of transparency that serves as a deterrent to abuse of the detained.

Besides heightening the overall accountability of the state by making it more legible to society, transparency in governance reduces opportunities for corruption. In addition to pushing transparency initiatives that limit the field for corrupt practices, some PABs have launched investigations of specific cases of corruption, which have resulted in changes in ministerial personnel and policy. A celebrated dispute between the Ministry of Transport and its PAB over corruption allegations led to the removal of the transport minister.

Complementing the work of individual advisory boards are inter-PAB working groups that assess common pathologies in the state bureaucracy and advance policies for eliminating them. Where individual boards serve as "firemen" answering the alarms raised in their particular areas, the working groups develop systematic approaches to problems of governance. They also assume at times responsibility for investigating large-scale corrupt practices identified by an individual PAB. Such was the case in November 2012, when the PAB of the State Property Committee discovered wrongdoing in the state-owned enterprise, *Agroprodkorporatsiia*.



Toward a Second Generation of Public Advisory Boards: Implications for the Policy Community

Advisory boards and other institutions of diagonal accountability are not substitutes for free and fair elections in transitional societies. However, as the Kyrgyzstani experience illustrates, they can be useful instruments for modernizing and legitimizing fledgling states as well as an important training ground for a rising generation of public managers. The question for the international policy community is how to assist the second generation of public advisory boards in Kyrgyzstan as they assume their mandates in the fall of 2013. Clearly, the transition from first to second-generation PABs represents a moment of risk for the institution.

Although two-thirds of the members of the selection commission forming the PABs will be drawn from civil society leaders--and only a third of the membership of individual PABs must be replaced by law--there is no guarantee that the new boards will be as competent or forward-looking as their predecessors. Given the small size of the active membership of each PAB, the introduction of only a few accommodationist members on each board could alter fundamentally the dynamics of the institution. Second, the new law transfers oversight authority for the PABs from the presidential bureaucracy to the apparatus of the Government. Some observers believe that staffers in the Government will be more susceptible to pressure from those ministers who view the PABs as an impediment to the smooth functioning of their ministry.

In the Kyrgyzstani context, international organizations and foreign governments may be able to help protect the gains of this experiment by a mere expression of interest in this successful example of diagonal accountability.[10] Should international organizations and foreign governments go further by assisting the PAB system with some form of financial aid or technical assistance? By limiting support for PABs to the traditional benefits proffered by the ministries--office space, phone, and computer--the law of June 2013 has the advantage of maintaining the institutions as volunteer bodies. However, to operate effectively, the PABs and their Coordinating Council must make modest expenditures for conferences, travel outside the capital, office supplies, and secretarial and computer assistance. In recent years, these expenditures have either come out of the pockets of PAB members or through small grants from organizations such as UNDP and USAID.

Given the record of the first-generation PABs, which have proved more adept at monitoring budgets than the parliament, itself the subject of large amounts of foreign funding, continued support for the public advisory boards appears to represent a low cost, low risk, and medium to high reward investment for international donors.

Assuming that the United States government wishes to include PABs in Kyrgyzstan as one of its public administration initiatives for Central Asia, it will need to find low-profile avenues for assistance that do not raise concerns among nationalist politicians about foreign-sourced expenditures. Paradoxically, one of the risks for the PABs is that they become too visible and successful. If that occurs, they will provoke suspicion not only from nationalist politicians or some of the executive agencies that the PABs oversee but from organizations engaged in horizontal accountability, such as the parliament, Procuracy, and Ombudsman's Office, which may view the PABs as unwelcome competitors.

Traditionally, PABs have served as monitors of activities of state institutions, but there is also the potential to employ them in certain conflict areas as a means of preventing or defusing tensions. For example, just as a citizen's advisory board was established in Alaska in the wake of the Exxon Valdez oil spill in the 1990s, a PAB devoted to the Canadian-run gold-mining enterprise at Kumtor could serve as a useful forum for monitoring and communication. In this case, a combination of experts and local citizens could investigate mishaps and rumors in order to avoid, or at least minimize the consequences of, unrest of the sort that occurred in the Issyk-Kul' region in May of this year. Such forums have numerous advantages over government-mandated commissions of officials, like the one established in the wake of the May violence at Issyk-Kul'. Where existing PABs encourage a state-society dialog, this type of public advisory board would advance a dialog among state, society, and economic enterprises and offer an especially valuable institutional presence in an environment where international companies arouse the suspicions of local inhabitants.

ENDNOTES

[1] For a discussion of the meaning of diagonal accountability, see World Bank, "Accountability in Governance." http://siteresources.worldbank.org/PUBLICSECTORANDGOVERNANCE/Resources/AccountabilityGovernance.pdf

[2] He considered for a time replacing them with a more traditional Committee for Popular Supervision [*Komitet narodnogo kontrolia*]. Interview with Rita Karasartova, former member of PAB Minergo, Bishkek, June 20, 2013.

[3]Not all mandates expired at once. Whereas the ten pilot PABs were established in the fall of 2010, most of the other boards were formed in the early months of 2011.

[4]The findings are based primarily on research conducted in Bishkek during May-June 2013, which included examining reports on the work of individual public advisory boards; conducting 30 semi-structured interviews with chairs and members of the PABs; speaking with officials in the parliament and presidency whose portfolio included state-civil society relations; attending a meeting of the PAB of the MVD; and participating in two training sessions with members of the Coordinating Council of the PABs, the first of which was led by former President Roza Otunbaeva.

[5]In the case of the PAB for the Ministry of Finance, the numbers had shrunk to such a level by the end of 2012 that they brought on a large group of new candidate members in order to achieve a quorum and revive the organization.

[6]In fact, when I interviewed the chair of this PAB, he admitted that the board had not met for six months, due in good measure to his lack of interest in summoning a meeting. Interview with Erik Orozaliev, Chair of Ministry of Social Development PAB, Bishkek, June 11, 2013.

[7] More than a few NGOs in Kyrgyzstan are critical of the PABs, which they regard as competitors and as organizations that work too closely with institutions of state.

[8] Of the approximately 400 members of the PABs at the end of 2012, one-third were women, though the sexes were not distributed evenly across ministries. PABs monitoring institutions like the ministries of foreign affairs, defense, KGB, and agriculture were dominated by men, while women were more prevalent in areas like youth and social development. Sostav obshchestvennykh nabliudatel'nykh sovetov (ONS) gosudarstvennykh organov Kyrgyzskoi Respubliki (December 1, 2012) [document in possession of the author]. One member of the MVD PAB, a law student, was only 21 years old.

[9] Interview with Baktybek Ashirov, Head of Committee for Fighting Economic Crimes, Bishkek, June 13, 2013.

[10] According to a source in the parliament, the ease with which the June 2013 law on the PABs passed reflected in part a belief by the deputies that the bill was supported by international donors.

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