



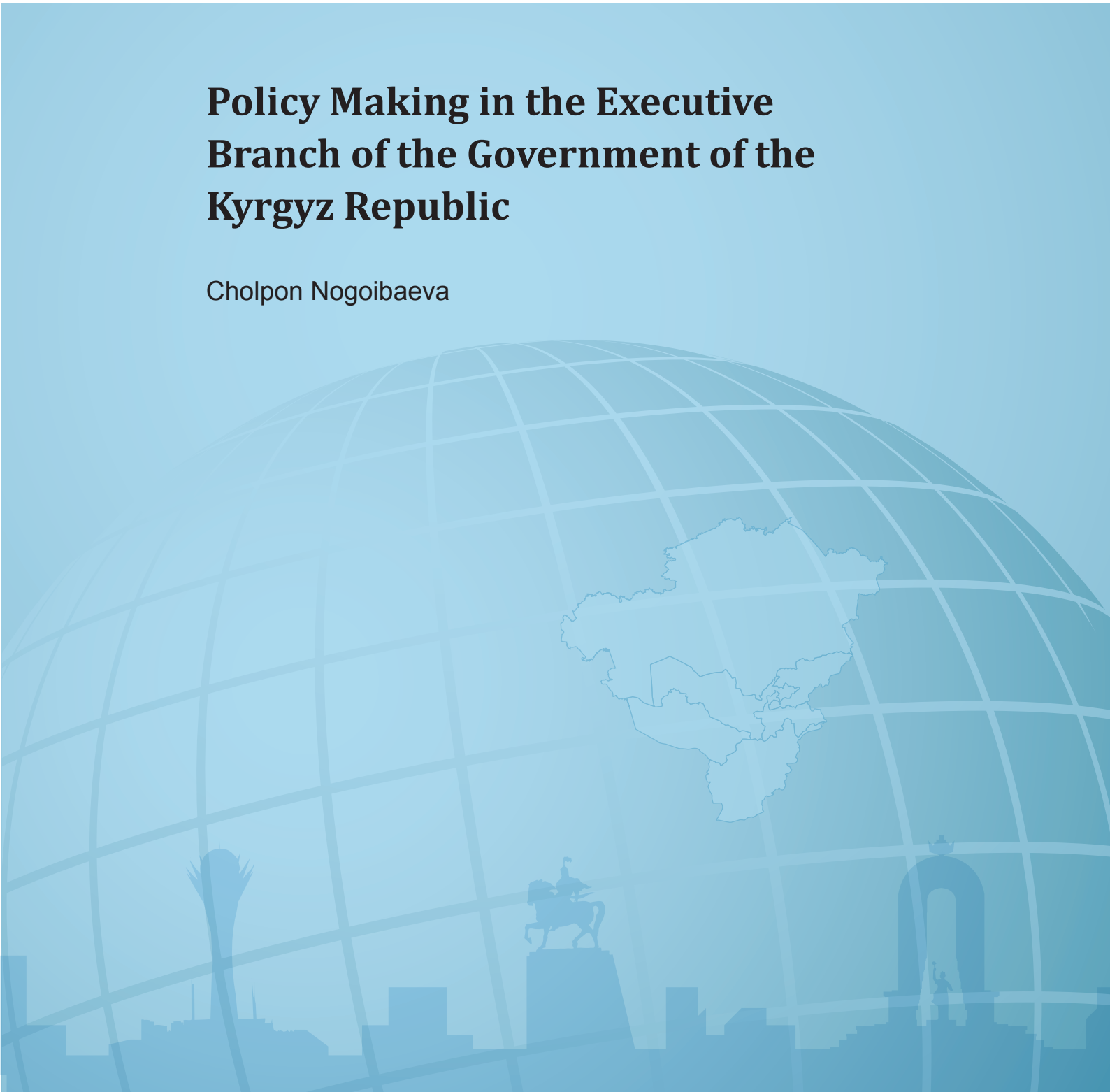
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Policy Making in the Executive Branch of the Government of the Kyrgyz Republic

Cholpon Nogoibaeva



WORKING PAPER NO.29, 2014



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Abstract

This study examines the practice of public policy decision-making by the central government and national regulatory and administrative authorities of the Kyrgyz Republic. Its main focus is the institutional framework of the public policy-making process in various ministries and government agencies of the Kyrgyz Republic, as well as in the government as a whole. The paper includes an analysis of a number of problems in policy making as well as recommendations to guide a transition in the system of government decision-making from opinion-based to evidence-based, which will improve the quality of public policy decisions made by the Government of the Kyrgyz Republic.

Keywords

policy process, institutional analysis, executive branch of the government, Kyrgyz Republic

JEL codes: H1, H8

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This paper is part of research being conducted for the «Research and Public Policy Initiative» (RPPI) project supported by International Development Research Centre and Aga Khan Foundation Canada

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1. Introduction

As in most post-Soviet countries, public administration in the Kyrgyz Republic today is a mixed model. It recognises the democratic principles of the rule of law and protection of human rights and that public authorities should act in the public interest. However, it also maintains the Soviet administrative paradigm of directive and administrative management serving the interests of the central leadership and superior bodies. The implementation of the rule of law and protection of human rights requires accountability of civil servants, as well as their responsiveness to the problems of people who should be viewed, not only as consumers of public services, but also as active partners of public authorities, through associations, representatives or on a direct basis. The mixed nature of the public administration system in the Kyrgyz Republic opened space for the recognition of non-government institutions, both public and private, as partners of the state. These institutions have had an impact, influencing a measure of change in the public policy decision-making process and the system as a whole.

In the last two decades, government and management reform efforts to decentralise political and administrative power in Kyrgyzstan have created conditions for the introduction of new approaches to political and administrative decision-making. This includes the development of policy analysis as a tool in making decisions and the accommodation of interests in the policy-making process. With the support of international organisations, local experts, analysts, non-governmental organisations (NGOs) and civil society activists became involved in elaborating government decisions. The government, parliament and the presidents had an important role in the institutionalisation of public policy by creating more favourable procedural frameworks, establishing and legitimizing public hearings, conducting regulatory impact analysis and, importantly, by implementing elements a public policy paradigm in the decision making process within the executive. Through the joint efforts of these institutions, the policy-making process in the Kyrgyz Republic has become more open to both civil society and business.

Important impetuses for these developments were changes in the political system brought about by the 2010 events. The adoption of a new constitution resulted in the transition from authoritarian presidential rule to a presidential-parliamentary form of government. This created new opportunities to disperse centres of power and extend reforms. The 2010 constitution identified the key role of executive authorities in making decision making more inclusive, and proclaimed openness, responsibility and accountability to citizens by all levels of government, creating a new impetus for the expansion of initiated reforms.

At this stage, the key role of public regulatory and administrative authorities is to become aware of changes in their functional imperatives by understanding that using purely administrative methods to tackle issues is an inadequate approach at a time when society and the state have become more sophisticated and complex. Central government bodies have first-hand experience of the “empty leverage effect”¹ in which limitations of the centre’s management tools create gaps that may be bridged by an organised public and state or non-governmental organisations acting in a coordinated way. The core role of government bodies in

¹ R.A.W. Rhodes, *The New Governance Without Government: Understanding Governance Policy Networks, Governance, Reflexivity and Accountability* (Maidenhead: Open University Press, 2003), 46-63.

this new configuration is recognised by all parties, but each side needs the other, since none individually possesses the full range of knowledge, skills and resources necessary to address existing social and economic problems. In these circumstances, the pressing task of authorities is to use the opportunity of the new environment to advance changes in public policy process to enrich decision-making.

The lack of focus on policy in the training of civil servants remains a challenge for the public administration system in the Kyrgyz Republic when seeking to improve the quality of analysis supporting decision-making. Short-term training on public policy decision-making is now available in the country, but institutions of higher education lack a cohesive programme on public policy, including methods of analysis.

An adequate response to current challenges will require the government and administration of the Kyrgyz Republic to create an institutional framework that sets higher standards in the policy making process and this requires structural and organisational changes within central government. Furthermore, changes should impact inter-agency coordination, and the mandate, responsibilities and training of civil servants will require reform.

This paper addresses these and other issues through an exploration of the practice of policy development and adoption by the executive branch of the government of the Kyrgyz Republic. Section 2 will describe the methodology used in the study. Section 3 will address regulatory support for policy and decision making. Section 4 will describe structural and organisational support for policy making. Section 5 will address various components of the policy making and implementation cycle in the country. Finally, Section 6 offers conclusions.

2. Research Methodology

This study utilised a range of research methods to analyse the policy-making process in the executive branch of government in the Kyrgyz Republic.

A literature review was conducted, focused on the analysis of the performance of individual government bodies. This involved an examination of analytical reports and appraisals of the implementation of national, state and government programmes and policies, and reports of international organisations, programmes and projects aimed at implementing reforms in economic and governance sectors.

Relevant official government documents and legislation were also reviewed, including the Constitution of the Kyrgyz Republic; Law on the Government of the Kyrgyz Republic; Law on Legislative instruments of the Kyrgyz Republic; decrees of the President of the Kyrgyz Republic; resolutions of the Government of the Kyrgyz Republic, including the Resolution on Procedures and Regulations of the Government of the Kyrgyz Republic; and resolutions of the Parliament of the Kyrgyz Republic. Internal documents of executive bodies of state administration were also analysed, including orders of the Prime Minister of the Kyrgyz Republic; instructions of the heads of departments of the Executive Office of the President of the Kyrgyz Republic and the Office of the Government of the Kyrgyz Republic; and orders of the heads of ministries and government agencies.

Online resources of public bodies were reviewed. Specifically, web sites of the Government of the Kyrgyz Republic (www.gov.kg), the President of the Kyrgyz Republic (www.president.kg), the Parliament of the Kyrgyz Republic (www.kenesh.kg), the Ministry of Economy (www.mineconom.kg), the Ministry of Finance (www.minfin.kg), the Ministry of Energy and Industry (www.energo.gov.kg), the Ministry of Justice (www.minjust.gov.kg), the Ministry of the Interior (www.mvd.kg), the Foreign Ministry (www.mfa.kg), the Ministry of Education and Science (www.edu.gov.kg), the Ministry of Labour, Employment and Youth (www.mz.kg), the Ministry of Social Development (www.mlsp.kg), the Ministry of Culture, Information and Tourism (www.minculture.gov.kg), the State Personnel Service of the Kyrgyz Republic (www.mkk.gov.kg), and web sites of other ministries and government agencies.

Other sources of information include electronic and printed resources provided by consulting firms, business associations and expert non-governmental organisations that have examined public administration in Kyrgyzstan. Government publications and departmental periodicals were also reviewed, as were teaching and learning resources developed by local experts for government managers and employees with funding from international organisations.

In-depth interviews were conducted with key informants, including current and former heads of ministries and government agencies, heads of departments of the Office ('apparat') of the Government and the Executive Office of the President of the Kyrgyz Republic, as well as public administration experts. This allowed for private conversations resulting in detailed answers and first-hand information; a focus on the personal experience of persons with unique insights; and the ability to address sensitive issues of the policy-making process and clarify controversial issues.

One of the main goals of the interviews was to obtain information about the attitude of key informants towards various policy-making issues and the problems faced by professionals directly involved in the preparation and adoption of a large number of government policy documents. By speaking directly with civil servants and experts who know the inner machinery of the policy preparation process and are an integral part of the decision-making system, the study was able to shed some light on the causes of existing problems and formulate proposals for the further development of a democratic approach to public policy formulation and decision making within the centre of the government of the Kyrgyz Republic.

3. Regulatory Support for Policy and Decision Making

The regulatory framework of policy development and decision making in the Kyrgyz Republic has undergone drastic changes in recent years. This is primarily due to the transformation of the state and political system of the Kyrgyz Republic, and the transition from authoritarian presidential rule to a presidential parliamentary system. The support of international organisations of public administration reform has impacted the preparation of strategic documents, and the drafting and adoption of laws and regulations governing the development of sectors of the economy and society and the country as a whole.

3.1. The Constitution of the Kyrgyz Republic

The Constitution of the Kyrgyz Republic, approved by referendum in June 2010, provides the key framework determining the role of the system of state power and administration, including procedures for policy making. The distinguishing feature of this fundamental act was the creation of real mechanisms to protect human rights and political diversity, and ensure the accountability of government authorities.

The Constitution of the Kyrgyz Republic establishes openness, responsibility and accountability to citizens at all levels of government. For example, Article 3 of Section I lists the main principles of the government, including “transparency and accountability of state bodies and local self-governing authorities to the people and the exercise of their powers in the interests of the people”. Paragraph 2 of the same article introduces the principle of separation of powers, which is the basis for all subsequent regulations that define the responsibilities of the executive branch.

Article 33 of Section II, Chapter 2, gives citizens access to information about the activities of state authorities and information possessed by government agencies. Paragraph 3 of this Article states that: “Everyone has the right to receive information about activities of government authorities, local self-governing authorities and their officials, legal entities with involvement of government and local self-governing authorities, and organisations financed from the national and local budgets.” Paragraph 4 states that: “Everyone shall be guaranteed access to information possessed by government authorities, local self-governing authorities and their officials. The procedure of the provision of such information is determined by the law.”

The first paragraph of Article 52, Chapter 3, establishes the right of citizens “to participate in the discussion and adoption of laws and decisions of national and local significance.” This law has become the fundamental basis for the democratisation of decision-making and opened up the possibility for representatives of civil society and business associations to be actively involved in the expression and preparation of policy solutions. Further ensuring transparency, the third paragraph of Article 52 states that “Citizens have the right to participate in the national and local budgeting, as well as receive information about funds actually expended from the budget.”

Section 5 on the executive branch of the Kyrgyz Republic, determines the process of preparing strategic documents, including the programme of the government, which should be reflected in subsequent actions of the key collegial executive organ of the state. Paragraphs 1 to 4 of Article 84 note that: “a candidate for the post of the Prime Minister shall submit to Parliament the programme, structure and composition of the Government.”

Paragraph 2 of Article 85 introduces a provision for government accountability to the national parliament by establishing that “the Prime Minister shall submit an annual report of the Government to the Parliament.” This provides opportunities for the practical application by executive authorities of the policy-making cycle which includes important steps such as monitoring and evaluation.

3.2. Relevant Legislation and Regulations

The provisions of the constitution have been further developed and refined in several laws of the Kyrgyz Republic, including the Constitutional Law on the Government of the Kyrgyz Republic. Article 4 of the law states that:

“1. In exercising its powers, the Government shall be guided by the action programme of activities approved by the Parliament.

2. The action programme of the Government (hereinafter referred to as the Programme) shall be the basis of public policy of the Government.

A programme submitted by a candidate for the position of the Prime Minister to the Parliament for approval identifies main directions of the domestic policy of the government. The programme reflects the current state, main priorities and problems of the country; goals and objectives; time frames and financial support for implementation of the programme; expected results.

3. Within 30 days prior to the official publication of the programme, the Government must clarify the financial requirements of the programme, and in the light of the implementation of the duties specified in Article 10 of the Constitutional Law how it has taken into account the electoral programmes of the parties that form the parliamentary majority, and develop a set of actions for its implementation.

4. The programme may be changed in the course of activities of the Government. A proposal to change the programme is initiated by the Prime Minister, considered and approved by a resolution of the Parliament.”

Article 10 of the law stipulates that the “development of concepts and programmes for implementation of the programme of the Government” is the right and obligation of the supreme executive body.

Article 15 of the law also allows the government to take a consultative policy-making approach: “Committees and task groups of the Government may be established for the preparation of proposals related to the development of economic sectors or areas of public administration, drafting resolutions of the Government and consideration of disagreements on them, as well as for implementation of individual instructions of the Government”.

Article 25 of the Law provides a definition of the ministries and state committees as the main bodies responsible for the implementation of public policy in various areas:

“2. Ministry is a state executive body that implements state policy and exercises administration in a corresponding area.

3. State Committee is a state executive body that implements state policy and exercises cross-sector coordination in a corresponding area of activity”.

The article also introduces a number of regulatory mechanisms to improve the transparency of decision-making in executive bodies and provide opportunities for non-governmental organisations and individuals to gain access to discussions on upcoming decisions. Paragraph 6 states that “public oversight boards may be created in the ministries, state committees, for the purposes of cooperation between a public authority and the civil society with a view to improve transparency of the decision making and implementing process. A public oversight board consists of representatives of the academia, business associations, professional and industrial associations, expert community from the areas associated with activities of a public authority”. An account of public opinion “in the making of decisions that affect the rights and freedoms of a man and citizen” is imputed by Article 40. This provision is already being used by Kyrgyz human rights and other civil society organisations actively involved in the development of policy papers.

The Law on Legislative Instruments of the Kyrgyz Republic plays an important role in ensuring regulatory support of policy and decision making. Article 19 makes regulatory impact analysis, an important component of the policy analysis tool kit, obligatory in considering measures that affect the private sector. The Article stipulates that:

- “1. Draft regulations aimed at regulating business activities shall be subject to regulatory impact analysis in accordance with the methodology approved by the Government.
2. Regulatory impact analysis shall be carried out by those who are developing the regulatory act.
3. Draft regulation shall be rejected in case of a failure of the drafter to provide rationale prepared on the basis of the regulatory impact analysis”.

Article 19 has formalized analysis as a requirement prior to making decisions, although the scope of application is currently limited to business regulations. Nevertheless, paragraph 3 of the article explicitly prohibits consideration of a draft regulation prepared without regulatory impact analysis, and has encouraged ministries and government agencies to look at methods of policy analysis, which should affect the quality of their decisions.

Article 22 of the Law on Legislative Instruments facilitates public discussion in the policy-making process by requiring posting of a draft regulation on electronic resources or in print media; “Draft regulations that directly affect interests of citizens and legal entities, as well as draft regulations governing business activities, shall be subject to public discussion by posting on the official website of a rulemaking authority. By decision of a rulemaking authority, in case of absence of the official site, as well as in cases specified in the law, regulations shall be published in the media”. Moreover, while Article 19 provides for the analysis of the business environment, Article 22 refers to public engagement in a broader range of government decisions that affect the public. Due to the extensive application of this provision in Kyrgyzstan, there is now an established practice of the publication of draft regulations on the websites of government agencies. However, it is still difficult to get feedback from a rulemaking authority because the law does not oblige policy makers to inform the population about acceptance or

non-acceptance of their recommendations. Article 23 determines the length of public discussion of draft regulations for at least one month.

Rules of the Government of the Kyrgyz Republic approved by the Decree of the Government of the Kyrgyz Republic No.28 on 26 January 2011 is the instrument that regulates the organisation of activities of the government as the supreme executive body of state authority responsible for the vast majority of public policy decisions. The regulation includes a detailed description of the process of preparing and making decisions by a collegiate body. This includes the procedure for introducing draft regulations to the government, the execution of decisions taken at government meetings, the order of execution of the orders of the government and the Prime Minister, and procedures to monitor the implementation of decisions.

Paragraph 67 of the regulation stipulates the need for policy analysis in the preparation of draft decisions; “Draft decisions submitted to the Government shall contain an exhaustive analysis and objective assessment of the situation on the matter; set clearly defined goals and objectives for the implementers taking into account available human, material and financial resources; be stated precisely, consistently and concisely, with specification, if necessary, of the deadlines for submission of information and reports...A new draft decision on the same issue may only be introduced when previously made decisions have been implemented or any additional circumstances have emerged”.

The Regulation also defines the functions of units of the Government of the Kyrgyz Republic in the preparation of decisions, once they are assigned the duty of carrying out the examination of draft documents. Paragraph 98 states that: “The preparation of draft regulations for consideration involves preparation of an expert opinion of the corresponding units, preparation of the draft minutes of consideration of an issue (if necessary), as well as preparation of documents for the signing. Expert opinion of a corresponding structural unit of the Office of the Government on a draft regulation should include evaluation of compliance with requirements of this Regulation in case of submission of a draft regulation, compliance with the body of laws of the Kyrgyz Republic and prior decisions of the Government, completeness of the provided calculations, rationale, as well as estimated social and economic, financial and other impacts of the proposed decision”. It should be noted that, to be capable of conducting an appraisal of estimates and an analysis of the social and economic impact of a proposed decision, members of the Office of the Government and the ministries should have policy analysis knowledge and skills.

3.3. Presidential Decrees

Decrees of the President of the Kyrgyz Republic have made a considerable contribution to the development of public policy standards in the country, as well as to their use in the preparation and making of public decisions. These decrees played a particularly important role before the adoption of the 2010 Constitution, which changed the balance of power between the president, the parliament and the government.

Presidential Decree No.236, dated 11 May 2006, issued an order to “further reform public administration, expand, legitimise and put into practice forms of cooperation among state agencies, local government authorities and civil society institutions (public policy forms and

procedures) in the Kyrgyz Republic, as well as improve the system of preparing and making decisions in public administration, taking into account interests of all sectors of the society". This instrument was repealed in September 2011 with the introduction of amendments to other above-mentioned regulations, but it had served its purpose in expanding access of non-governmental organisations to discussions on draft public decisions. Presidential Decree No.240, issued on 8 May 2007 "On implementation of the Law of the Kyrgyz Republic on access to information of public and local self-governing authorities of the Kyrgyz Republic" served the same purpose. This Decree reinforced provisions of the law and obliged executive authorities to inform the public about upcoming public policy decisions, and provide information on the implementation of government and state policies, strategies and plans.

Presidential Decree No.435, dated 9 December 2008, "On improvement of the public policy in business regulation" formalised the use of regulatory impact analysis, a technique approved by Resolution No.603 of the Government of the Kyrgyz Republic, dated 20 December 2007, "On the methodology of analysis of regulatory impact (RIA) of laws and regulations on activities of businesses."

Presidential Decree No.56 of 5 March 2011, "On amendments to the Decree of the President of the Kyrgyz Republic on improving the interaction of the government with the civil society" (dated 29 September 2010) introduced public oversight boards at central bodies of the public administration. Although decision-makers and representatives of public organisations find the activities of such boards to be rather contradictory, these oversight bodies have contributed to raising public awareness about the performance of government, and could become an effective tool promoting transparency in the future.

3.4. Government Resolutions

The following resolutions of the Government of the Kyrgyz Republic detail statutory provisions, determine the sequence of the process of passage of draft decisions, and stipulate areas of responsibility of various executive bodies and their structural units: Resolution No.603 of 20 December 2007, "On the methodology of analysis of regulatory impact (RIA) of laws and regulations on activities of businesses"; Resolution No.281-p of 13 June 2008, "On formation of the Interdepartmental Commission for the optimisation of the legal and regulatory framework of entrepreneurial activities"; and Resolution No.28 of 26 January 2011, "On the Rules of the Government of the Kyrgyz Republic". Also relevant are Resolution of the Prime Minister of the Kyrgyz Republic No.432 of 20 September 2011, and "Rules and regulations of work with documents of the Office of the Government of the Kyrgyz Republic."

The Government Resolution of dated 9 July 9 2013, "On approval of the model rules of interaction of executive government agencies in implementation of complementary functions", introduces into the policy decision-making system rules of accommodating opinions of different government authorities in the preparation of policy papers, which are then approved by regulations or resolutions of the government or submitted to the parliament as draft laws. The existence and regulation of such a mechanism is all the more important, since in practice most government decisions are discussed through written communication rather than direct discussion at meetings of government members.

3.5. Strengthening the Regulatory Framework

In general, all of the legislative instruments described above establish requirements for decision and policy making processes, and set standards and procedures for the development of policy of the Kyrgyz Republic. In fact, the existing regulatory support can serve as the sufficient minimum for the further development of an integrated system of drafting, adoption, implementation, monitoring and evaluation of policy that includes all phases of the process. This will require amendments to a number of laws and regulations, most likely government resolutions, and raises the need for additional training of civil servants functionally involved in the preparation of public policy decisions.

Changes should also be made to procedural aspects of the decision-making process. Specifically, the terms of preparation of draft decisions specified in paragraph 98 of the Rules of the Government of the Kyrgyz Republic should be increased to allow drafters to engage in cost-benefit analysis themselves or to engage experts. The existing rules allow for 10 business days or less per draft government resolution, 14 business days or less per draft regulation, and 20 business days or less per draft law, leave virtually no time for quality analysis to support optimum solutions.

Expanding the use of cost-benefit analysis may require amendments to paragraph 114 of the Rules of the Government of the Kyrgyz Republic that limited its use to regulatory impact analysis techniques and the business sector. The same paragraph may require an explanatory note attached to draft decisions mandating the inclusion of policy analysis instruments in drafting other documents.

The introduction of improved policy-making techniques could also be done by drafting by-laws for regulations or resolutions such as the Implementation of the Law on Legislative Instruments of the Kyrgyz Republic, which already includes a requirement for scientific examination, but does not explain the methodology (Article 20). A manual on “Methods of Public Policy Analysis” developed by the University of Central Asia based on existing materials and adapted for use in a review of national legislation could be proposed as a measure to improve the quality of scientific examination.²

Amendments to Article 20 of the law introduced by the parliament in February 2014 provide opportunities for the accreditation of “independent experts (individuals and legal entities) to carry out specialised types of examinations” conducted by authorised state bodies, which increases the prospects of using both methods of policy analysis and monitoring and evaluation in the adoption and implementation of policies.

However, legal amendments should not be solely relied on to further improvements in the complex processes of public policy, since they have their own inherent limitations. In interviews, government officials and independent experts emphasised that regulations may govern the procedural and aspects of the policy paper preparation process, but not the content. Quality, depth of analysis and the scope of the problem definition will be shaped by the

² The Institute of Public Policy and Administration has recently published a Russian translation of the Canadian Treasury Board manual on benefit-cost analysis.

professional knowledge and skills of civil servants, and the habits and traditions they absorb in their academic and professional training.

4. Structural and Organisational Support for Policy Development

Any study of the modern decision-making process in the public administration system of the Kyrgyz Republic must pay attention to policy-making structures, including both persons and entities. Kyrgyz law has identified participants of the decision-making process by vesting them with powers, defining their basic functions and establishing the process of passing draft decisions. Depending on a type of decision made, the legislation specifies what level of government is authorized to approve the measure: for example, an individual ministry or the Cabinet as whole.

The role of the national government has increased manifold since the adoption of the 2010 Constitution. The government has become the leading decision-making authority with greater independence in policy and decision making. However, some dependence on the president and his staff remains. This is particularly true when the president, prime minister and speaker of parliament are of the same political party.

As the supreme executive body of state power, the government heads an integrated system of executive authorities and supervises their activities. The government consists of the prime minister, the first deputy prime minister, deputy prime ministers, ministers and chairmen of state committees. Currently, the government consists of 22 members, comprised of the prime minister and first deputy prime minister, three deputy prime ministers and the head of the Office ('apparatus') of the Government (a ministerial rank position), 15 ministers and one chairman of a state committee. Under the government, there are seven government agencies, ten national services, two foundations and three state inspectorates. There are plenipotentiary representatives acting on behalf of the government in the seven oblasts of the country. The government is a collegial body that determines the order of passage of policy papers and decision-making procedures.

In Kyrgyzstan, strategic documents or policy papers, such as national, state, cross-sectoral concept and programme papers, are drafted by the government, cleared with the Office of the President and then approved by presidential decree. Sectoral or industrial policies, strategies and concepts are developed by the government on a collegial basis and approved, as a rule, by government resolution. Government regulations also guide the implementation of plans or measures, priority action plans and other steps required for the implementation of policy decisions.

The strengthening of the role of the government in decision-making has highlighted the need for changes in procedures in order to focus efforts public policy decisions. According to the current and former heads of state authorities interviewed, the Government of the Kyrgyz Republic passes approximately 1,000 resolutions annually, as well as additional orders on a broad range of issues. Government bodies are the main authors of draft legislation submitted to the parliament for consideration; it is estimated that up to 70 percent of all draft legislation is submitted to parliament by the government. Given the enormous output of regulatory documents and draft legislation, it is not surprising that the quality of draft documents is often compromised.

For example, experiencing a chronic shortage of time, the government is increasingly using the mechanism of written approval by members of the government in making policy decisions. This mechanism, the “approval sheet”, is regulated by a number of procedural documents, including the rules of the Government of the Kyrgyz Republic, and has its advantages. However, the lack of face to face discussions, during which members of the government can debate a proposed decision, consider alternative decisions or implementation methods, deprives not only the drafters policy, but also the government, of a more rigorous and dynamic process that can result in better quality outputs. Another problem with the approval sheet is the dilution of responsibility for decisions made. In the absence of personal ownership of the subject matter and, importantly, recorded vote by roll call, members of government can more easily distance themselves from decisions made, based on pro forma and non-committal replies and uncritical written comments on draft documents. This reduces the quality of decisions made by the government. In more developed democracies, these challenges are addressed through the creation of permanent inter-ministerial committees responsible for the preparation of the vast majority of draft decisions and for the process of clearing decisions with central government authorities.

The practice of transferring decision-making power to a higher level by lower levels of authority remains a complex issue within the government. Local self-government bodies are accountable to state authorities for issues within the scope of their authority. However, very often they forward to higher authorities, right up to the level of the national government, issues for decision-making that are of secondary importance. Thus, the Government of the Kyrgyz Republic ends up making decisions, issuing resolutions and orders on things such as the statutes of specialized healthcare service providers, the allocation of vehicles, the renaming of schools, etc. A significant portion of Government documents have no policy implications and the questions they address are of a routine nature that could be dealt with at lower levels. However, the transfer of decision-making authority from the executive branch to lower levels would have to be accompanied by amendments to regulations currently vesting authority in various government entities.

The devolution of decision-making power in this way would allow the government to focus on more complex social and economic issues. However, it should be noted that the desire of the government to continue to centralize decision-making as much as possible is related to fear of losing local control. This fear is a response to the transformation of the political system of the country, which in 2010, resulted in a polycentric state, with new objectives for the government, such as the provision of “opportunities of social and political interaction, encouragement of multiple and various coping mechanisms, and distribution of the service delivery function among multiple actors”.³

Ministries of the Kyrgyz Republic, government agencies, national services and foundations, constitute a system of central government and play a key role in drafting policy papers. In addition to their function of drafting sectoral policies and laws, a number of ministries, such as the Ministry of Finance, the Ministry of Justice and the Ministry of Economy, are mandated to perform internal expert reviews of proposals from other government bodies. In preparing

³ N. Luhmann, *The Differentiation of Society* (New York: Columbia University Press, 2003).

programmes and plans, the drafting authority is required to coordinate with the Ministry of Finance on issues regarding the financial implications of measures proposed and secure its approval. The Ministry of Justice conducts a legal review of all draft policy proposed by the Government. The Ministry of Economy is responsible for coordinating draft policy on programmes that require the support of international organisations.

Ministries take different approaches to their role in public decision making, as reflected in their tasks, functions and the structure of their central offices. Some ministries describe themselves as sectoral policy makers. For example, the Ministry of Economy describes its primary objective as “making economic policy”. The Ministry performs over 40 functions related to sectoral policy development and implementation, such as the development and implementation of the integrated economic development policy of the state, including methods and means to achieve macroeconomic stabilisation; direct investment policy making; business regulation policy making; foreign and domestic trade development policy making; and the promotion of domestic products to foreign markets. Two thirds of all 15 departments of the ministry are directly involved in policy-making, including the anticorruption policy department, which is directly subordinate to the minister.

Other ministries simply describe themselves as government agencies implementing state policy. Their representatives describe policy making as the prerogative of government. Ministries that do not have structural units dealing with policy development include the Ministry of Social Development, the Ministry of Labour, Migration and Youth, the Ministry of Culture, Information and Tourism and the Ministry of Energy and Industry. Such positioning may, among other things, be related to the lack of human resources capable of conducting full-fledged analysis in the development of policy papers. It may also reflect the downsizing trend within the Kyrgyz government that is based not on an analysis confirming the need to reduce the number of civil servants, but rather as a result of populist political campaigns in anticipation of the frequent parliamentary and presidential elections in the country that play on the common perception that a bloated bureaucracy is a critical factor in explaining poor government performance.

With regard to professional training of ministry personnel, it should be noted that not a single higher educational institution in the country offers a comprehensive course on public policy that would provide theoretical knowledge and practical skills in drafting policy papers, cost and benefit analysis, engagement with stakeholders, and programme and policy evaluation.⁴ High-ranking government officials and experts that were interviewed noted with concern the deterioration of the quality of policy papers over the last decade and associated this problem primarily with a decline in the professional competence of civil servants. That is certainly the case but it is significant that those interviewed were themselves unaware of the need for specialized training in policy analysis.

Consulting and advisory bodies under ministries and other administrative authorities play an integral role in the decision-making process in the Kyrgyz Republic. These bodies are supposed to support government authorities in the formulation and discussion of upcoming decisions.

⁴ The exception is the Certificate in Policy Analysis four-module programme launched in 2014 by the University of Central Asia’s Institute of Public Policy and Administration.

Public authorities do have a fairly wide, extensive network of temporary and permanent non-governmental advisory boards, groups, meetings providing them with substantial assistance. For example, the Ministry of Economy has a team of local experienced consultants working under it on a project basis to help prepare proposals for reforms in various sectors of the economy and business regulation. An advisory council under the Ministry, comprised of representatives of research centres, business associations and independent experts, provides analytical support to the ministry in policy development. Drawing on external expertise, the ministry also creates interim task groups to develop proposals and recommendations to address specific and systemic problems in industry. The ministry also actively engages business associations advocating the interests of their sectors. Finally, the ministry has had a public oversight board established by presidential decree in 2010.

Similar public oversight boards have been created at all ministries. Although their efficiency in fulfilling their mandate varies from ministry to ministry, generally the boards have the potential to become an important voice in policy discussions. The Government and members of parliament have legitimised these boards through changes in the constitutional Law on the Government of the Kyrgyz Republic in the hope that public oversight boards will become permanent fixtures of the government system.

The vast majority of central administrative authorities in the Kyrgyz Republic are undertaking consultations to accommodation of various interests. They hold discussions, in one form or another, of draft decisions with community organisations, independent experts and civil society activists. Ministries and government agencies also cooperate extensively with international organisations that provide technical assistance to the Kyrgyz Republic; a considerable share of which is implemented through direct cooperation with public authorities.

Inter-ministerial task forces are the mechanisms used to develop cross-sectoral policies. They combine the efforts and capacity of two or more administrative agencies or ministries to assess and determine the best option of addressing issues. Inter-ministerial task groups are usually led by one of the deputy prime ministers responsible for the relevant sector or ministries. For example, the coordinating role within an inter-ministerial task force focusing on the formulation of national development strategies is assigned to the Ministry of Economy. This cross-sectoral mechanism has an important role in policy decision making, and its further development could positively impact the quality of decisions made.

In the hierarchy of the Kyrgyz Republic and most post-Soviet countries, the Office of the Government (that functions as a cabinet office) plays an important role, serving as the key institution legally obliged to carry out expert review of decisions prepared by ministries and government agencies and follow up on decisions already made.⁵ The structure of the central secretariat includes several positions related to expert review, such as advisers to the Prime Minister and the First Deputy Prime Minister, heads of secretariat's departments that are structured according to broad policy areas (e.g. economic policy) and their deputies and de-

⁵ The Office of the Government resembles the cabinet secretariats commonly found in Western government structures that play a critical role in coordinating the activity and policies of the government as a whole to ensure policy coherence, and in making sure that what is being submitted for decision meets established cabinet document requirements.

partmental experts. Fluctuations in staff numbers that is a major issue in ministries is less of a problem in the central secretariat since nearly 40 percent of the staff have or should have (according to their job descriptions) the technical skills to carry out an expert review of policy documents.

According to respondents interviewed for this study, the Legal Department of the secretariat, the Department of Credit Policy and Finance, and the Department of Economics and Investment play the most important roles in reviewing impending government decisions. While many staff is involved in expert review, some respondents describe a general deterioration in performance within the government secretariat, which, in their opinion, is increasingly relying on ministry proposals without properly reviewing them, or recommending serious improvements in the draft decisions. Others think the staffs view their function as largely technical in nature. This has a significant impact on the content and advancement of draft documents submitted for consideration; innovative proposals or alternatives are often unable to find advocates amongst the staff of the central secretariat.

Within the government secretariat there is no dedicated unit focused on the formulation, assessment, monitoring and evaluation of the implementation of both sectoral and cross-sectoral policies. In fact, the sectoral approach inherent to the organization's structure makes expert review of cross-sectoral policies difficult. For example, issues related to inter-ethnic relations are assigned to the Office of the Government's Department of Education, Culture and Sports, which actually does not have sufficient capacity in this area and is forced to rely on the opinion of the various ministries and government agencies. In all fairness, it should be noted that the Office of the President of the Kyrgyz Republic attempted to create cross-sectoral structures, by creating the Comprehensive Development Plan Secretariat and the Department of Expertise and Analysis, which had the potential to become prototypes of analytic units.

5. The Policy Making and Implementation Cycle in the Kyrgyz Republic

The policy formulation, implementation and evaluation process is driven by the continuity of the political and administrative process as a whole, and by considerations specific to the tasks at each stage in the process. The process is cyclical in nature that allows for a focus on features of each step. Disaggregating the process into different steps is not simply an analytical exercise. It offers government an approach and tools that make each facet of the policy and implementation cycle more robust.

Researchers of the decision-making process identify different stages within the policy-making cycle. Lasswell, for example, identifies seven main phases; intelligence, promotion, prescription, invocation, application, termination and appraisal.⁶ Brewer, whose analytic approach to the policy development process has been used extensively, identified the main phases as initiation, estimation, selection, implementation, evaluation and termination.⁷ Both approaches identify the specific characteristics of various stages and the existence of

⁶ Harold D. Lasswell, *The Decision Process* (College Park: University of Maryland Press, 1956).

⁷ Garry D. Brewer, "The Policy Sciences Emerge: To Nurture and Structure a Discipline," *Policy Sciences* vol. 5, no. 3, 239-244.

complementary interdependence between them. Moreover, the organic link between various stages of policy formulation, implementation and evaluation of policies makes it possible to adjust goals and objectives, identify the most efficient ways to implement the policy or find arguments to change the selected options.

Studying public policy development and implementation process of the Kyrgyz Republic one could identify nine phases:

1. Identifying problems and developing an agenda for the government.
2. Formulating policy issues and objectives.
3. Analysing and justifying policy options.
4. Accommodating policy options with interest groups.
5. Making a decision and signing a regulation.
6. Implementing a policy.
7. Monitoring and evaluating policy implementation.
8. Adjusting policy implementation.
9. Terminating a policy or revoking a regulation.

5.1. Identifying Problems and Developing an Agenda for the Government

Kyrgyzstan uses three ways to identify issues for the development of national and sectoral policies. First, specialists from ministries and government agencies receive information on a regular basis about the state of various sectors and areas of public life. As part of their professional responsibilities, they identify problems and propose measures to address them in the work plans of government authorities. This method of policy problem identification reflects international practice.

Boards of experts made up of representatives of business and civil society organisations, created by the government are the second important source of identifying public priorities. These include the Business Development and Investment Board, the Information and Communication Technology Board and the Board for Reform of Law Enforcement Agencies under the Government of the Kyrgyz Republic. Analytical products of expert boards of the Ministry of Economy and the State Personnel Service of the Kyrgyz Republic contribute considerably in identifying issues to be placed on the policy agenda. Community councils and public oversight boards created by most ministries and government agencies also make their contribution.

5.2. Formulating Policy Issues and Objectives

According to the independent experts interviewed, one of the most significant challenges in policy development in this early stage is that of delineation of policy goals. Goal setting is methodologically complex under any circumstances. In the case of Kyrgyzstan it is even more challenging because the overall vision of the country's development pathway is amorphous. This makes setting sectoral policy goals very difficult. Another challenge, especially given the paucity of financial resources, is the widespread belief that ministries and agencies think that their main objective should be tackling a myriad of problems that arise in their spheres paying scant attention to overall strategic goals.

In Kyrgyzstan, as in most post-Soviet countries, national programmes and strategies are adopted by Presidential decrees. These supra-sectoral documents serve as guidelines for subsequent government and ministry-level decisions. The office of the President thus has a critical voice in for setting the government's policy agenda with diminished responsibility for its outcome. In 2013, after the adoption of the National Strategy for Sustainable Development of the Kyrgyz Republic for 2013-2017, the government adopted its own programme for the transition of the Kyrgyz Republic to sustainable development based on the goals and objectives of the national strategy. In turn, the Ministry of Energy and Industry developed, and the government subsequently adopted, the Medium-Term Kyrgyz Power Sector Development Strategy until 2017 in line with the sustainable development objectives set forth in the national strategy.

5.3. Analysing and Justifying Policy Options

Policy option analysis and justification is the most challenging policy development stage for regulatory and administrative authorities. It is not by coincidence that the analytical reflection of this stage is most often reduced to estimating the costs of implementation. Important in this regard are the lack of capacity and the absence of training of specialists. As previously noted, apart from the University of Central Asia's part-time certificate programme in policy analysis launched in 2014, no higher educational institution in the Kyrgyz Republic, including those engaged in training civil servants offer a specialized curriculum or even courses on public policy analysis. Short-term workshops have been held by international organisations supporting government reform. However, these courses are not systematic and do not offer anything resembling the kind of rigorous training need to build the analytical capacity of specialists of central regulatory and administrative authorities.

The high turnover of government staff, including operations managers responsible for policy development, contributes to a growing shortage of specialists capable of proposing and assessing alternative options and making and justifying policy choices. According to civil servants interviewed for this study, the situation is also compounded by the fact that the older generation of civil servants which was educated and trained more extensively in the Soviet era is retiring and being replaced by more recent graduates with less rigorous training.

Cost-benefit analysis is a critical tool in assessing policy options and justifying policy choices. Unfortunately, information currently used in cost-benefit analysis is often incomplete and comes from a limited number of sources, primarily the ministry's subordinate organisations. To effectively engage in cost-benefit analysis and determine the social and economic implications of government decisions, it is important to consider a variety of factors that may affect implementation and outcomes. Often, for the analysis of a proposed policy authorities engage independent national experts or experts from international organisations and business associations who have information about the situation in various areas. Kyrgyz civil servants do demonstrate competency in analysis of the regulatory and normative acts required to implement a specific policy. However, this is only but one aspect of appraising policy options.

5.4. Accommodating Policy Options with Interest Groups

The Kyrgyz Republic is second to none in Central Asia when it comes to the openness of public authorities in the formulation of policies and decision-making. The country surpasses

others in the region in the number of drafts of pending decisions it publishes; an important step in the introduction of democratic mechanisms and the coordination of policy papers with stakeholders such as non-governmental organisations, citizens and businesses.

This approach developed over the past decade has been formalised in legal instruments, including the Constitution, the Constitutional Law on the Government of the Kyrgyz Republic, laws on legislative instruments and access to information, the Rules of the Government of the Kyrgyz Republic and bylaws. The government and ministries also make extensive use of statutory regulations, keeping the public informed about draft laws, resolutions and orders.

The official website of the Government of the Kyrgyz Republic (www.gov.kg) and ministry and government agency websites are updated regularly with drafts of pending decisions. Citizens can express their opinions, and make suggestions and comments via email to designated ministry employees. However, this practice, which is used widely, should be qualified as a tool that raises public awareness of pending decisions, rather than as a serious process of public engagement with stakeholders and interest groups. Moreover, civil servants that were interviewed noted that authorities rarely review and engage with the feedback they receive from citizens. They prefer to move directly to publishing the document officially, thereby legitimising it.

Public authorities do engage in public consultations around pending solutions. However, consultations are often characterised by deficiencies that affect the entire policy making process. For example, in most cases, consultations are done with non-governmental organisations or so-called “civil society”, which may not be directly involved with the problems addressed by decisions, have no expertise in these areas, and are incapable of proposing or defending alternative solutions competently. In most cases, consultations do not involve clear procedures that enable further accommodation of interests of different groups. Additionally, there are no criteria for accepting or rejecting recommendations of consulted stakeholders by the drafting ministry. The lack of feedback and accounting for the results of the consultation process often results in proposals received from stakeholders being put aside and not impacting the quality or content of decisions made.

In terms of inter-governmental agency consultation and accommodation of potentially different options, given the very large number of documents that require government decisions, this process is done mostly in written form. Without this option, the government would be forced to hold daily meetings and make an average of three decisions a day.

5.5. Making a Decision and Signing a Regulation.

Policy decision making and the approval of policy papers by the Government of the Kyrgyz Republic is regulated by a number of laws and regulations and discussed in detail in Section 3 of this study (‘Regulatory Support for Policy and Decision Making’).

The Constitutional Law on the Government of the Kyrgyz Republic defines sessions of the Government held at least once a month to provide members of the government the opportunity to discuss proposed policy options as the primary forum for decision-making. A session is deemed valid if it is attended by at least two thirds of all members of the Government, who

each vote on items of the agenda determined by the Prime Minister: “Decisions in government sessions shall be made by a majority vote of all members of the Government. In case of a tie vote, decision voted for by the Prime Minister shall be taken.” Government sessions may be either closed or open, with representatives of public, private and non-governmental organisations, experts and journalists invited. Government decisions are formalised by regulations or orders, while policy decisions and policy papers are normally formalised by orders (*razporiazhenie*).

The advantage of this process is that it allows the government to fully exercise its right of collective decision-making. It is only at these sessions that members of the government have the opportunity to personally make their arguments in support or against a proposed decision. Heads of ministries and government agencies have an opportunity to answer questions from their colleagues, provide additional information and clarify ambiguities, thereby impacting approval or rejection of a decision. Draft policy papers are also amended and improved during these sessions.

However, in the Kyrgyz Republic, the vast majority of policy decisions are made through the practice of “concurrency” that takes place outside of government sessions. This is due to several reasons, including the exorbitant number of issues submitted to the government. Unfortunately, the executive branch of the Kyrgyz Republic retains the Soviet model of governance, characterised by excessively centralised decision-making, lack of delegation of authority and non-delineation of strategic and operational issues, which results in the government dealing with matters such as the renaming of schools or the approval of charters of health centres.

According to the data published by the Ministry of Economy, in the first three months of 2014 alone 134 regulations were prepared and submitted to the government, including 19 draft laws, 95 draft government orders and 20 draft resolutions. Only 5 of the 19 draft laws were adopted; 15 of the 95 draft orders approved; and 15 out of 20 draft resolutions were signed. This data published by the Ministry could be considered evidence of an empirically determined threshold of the government’s ability to absorb large quantities of documents, which ranges from 15 to 25 percent of the existing document flow.

The disadvantages of this decision-making process include blurred accountability, lack of clarity, low levels of interest in the quality of the proposed decision, lack of debate within government and little promotion of policy alternatives. It is not surprising that attempts have been made over the years to change existing practice, so that meetings of the Government consider only significant, strategic matters. However, these initiatives have not been adopted to any significant degree since a move to a new focus in shaping the agenda of government meetings would require a more fundamental change of the entire decision-making process as such.

5.6. Implementing a Policy

The implementation of decisions or policies includes the realisation of long- and short-term programmes and plans of the government and of individual departments and agencies. The government and ministries approve their plans and report annually in government meetings and to the parliament. Public authorities have a limited set of tools for implementing decisions, due to the denationalisation and liberalisation of the economy in the early nineties.

However, they retain command and control methods that are not relevant to the changing conditions. The gap between the objectives set in programmes, policies and plans, on the one hand, and available management tools results in chronic underperformance of strategic documents, which is reflected in the overall development process in the country.

A study by a consortium of experts, published in the magazine of the International Business Council, involved an analysis of the eight development programmes of the Kyrgyz Republic, including the Comprehensive Development Framework of the Kyrgyz Republic until 2010, the National Poverty Reduction Strategy, the first and second National Development Strategies and the National Strategy for Sustainable Development of the Kyrgyz Republic until 2017. The study found that, instead of growth of GDP targeted in these documents, there was actually “a slowdown.” Experts also believe that the impact of the approved development programmes and policies on the actual state of the economy was negligible. For example: “The export situation is even more pessimistic. Ambitious goals, especially in the recent programmes, have not encouraged the relative growth of exports, and by 2011 they were only 33.4 percent of GDP, as compared to 37.3 percent in 2000, which is evidence of failure... of the export policy of Kyrgyzstan”.⁸ Experts also have a negative opinion of the implementation of strategic development programmes in the priority agricultural sector of the national economy. The reason for this situation is the failure of planned policy measures, including the laws and regulations that were adopted.

5.7. Monitoring and Evaluating Policy Implementation

The Office of the Government of the Kyrgyz Republic has a control function at the policy implementation stage; it is usually responsible for monitoring the implementation of sectoral programmes and strategies. The Secretariat exercises two types of supervision: external supervision aimed at monitoring performance of ministries, committees, agencies, services, foundations and other government agencies; and internal supervision designed to monitor the performance of relevant departments of the central government’s Office responsible for the supervision of ministries and government agencies.

The application of controls without an effective system to monitor and evaluate the implementation of policy is a significant disadvantage of the policy decision making system of the Kyrgyz Republic. Of course, the monitoring and evaluation stage is the largest challenge in view of complexity and cost involved. Regular data collection requires the precise definition of indicators and a clearly established system of collecting information corresponding to selected priorities and specified objectives. Another challenge is that in the process of developing various sectoral, cross-sectoral and national programmes, drafters do not take into account the limited capacity of the National Statistics Committee of the Kyrgyz Republic to collect data needed for monitoring, as well as the limited capacity of ministries to collect and process information. Special emphasis should be placed on deepening the knowledge and skills of civil servants in development of indicators of achievement of goals and objectives.

⁸ T. Koychumanov and R. Khassanov, “Strategic Planning: Strength and Weakness,” *Investment Today*, no.2, 2013, 3-8.

The introduction of monitoring and evaluation of the policy implementation is closely linked with the technical assistance programmes of international organisations that, over the past two decades, have provided extensive support for implementation of reforms in the Kyrgyz Republic. The donor community had long advocated the importance of monitoring and evaluation, and with their support the government has incorporated this component in the implementation plans of national policies and programmes. However, the government still does not pay due attention to appraisal as the final stage of the policy cycle and, at the same time, the possibility of adjusting decisions. This is due to, among other things, the continued existence of the Soviet governance model where control replaces monitoring and evaluation; the insufficient number of ministry employees capable of doing appraisal; and the lack of formalisation of this important stage in the decision-making process.

Currently, regulations contain references to monitoring and evaluation as a part of the policy-making process, but their implementation is pro forma. All too often it is sufficient to list this as an activity in the work plan of an agency rather than to provide evidence that indicators are being tracked. Better quality assessment of the real impact of a particular policy initiative will be an important step in the reform of public administration, especially at the central level.

5.8. Adjusting Policy Implementation

One of the last stages in the policy decision-making process involves the modification of a policy as well as the completion of its implementation. In practice, while the plans of ministries and government agencies are modified, these adjustments are made not in response to deficiencies identified during the monitoring and evaluation, but rather as a result of changes in financial performance and allocations. From the point of the formal procedures, adjustments to adopted policies and programmes require new justifications from a number of ministries, the preparation of a modified draft decision and putting a draft revised resolution or other regulation on the agenda of the government. All of this makes adjustments so costly for ministries in terms of time and effort that government agencies prefer to confine themselves to small ongoing modifications.

5.9. Terminating a Policy or Revoking a Regulation

The termination of a policy or revocation of a regulation is the final stage in the policy process. Abandoning the implementation of decisions is most often made due to political reasons, such as resignation of the government. This is not uncommon for Kyrgyzstan, which currently has its third cabinet in less than two years. In most cases, no continuity is maintained when the supreme executive body of state is replaced, leading to a halt in the implementation of programmes, strategies and other policy initiatives, regardless of their effectiveness and efficiency. As for the revocation of orders, the most common practice is submission by relevant government departments or ministries and agencies of proposals to the government on the expediency of revoking particular orders and resolutions. The usual justification used in these proposals is that implementation time period has expired and the initiative has to be abandoned or that that new documents are needed for it to continue.

6. Conclusions

The integration of public policy as an approach to decision-making system in the Kyrgyz Republic remains a challenge, despite efforts over the last 15 years by public authorities, independent experts and international organisations supporting the reform of public administration and local self-governance in the country. The challenges are underpinned by issues that go beyond the boundaries of the policy-making process itself, and are related to the incomparability and tensions that arise between elements of the Soviet administrative system that remain and an emerging democratic system of governance, an inseparable part of which is public policy.

The survey of existing public policy practice shows that the many formal rules on the use of various public policy mechanisms are already included in the legislative instruments of the Kyrgyz Republic. They are ready to be applied in policy making, and indeed, the government and ministries apply some of them quite extensively, including the steps of policy formulation, and the use of public engagement mechanisms as boards of experts, interagency task forces and public consultations with various stakeholders. There are also attempts to monitor and assess national and sectoral policies and strategies by international and local experts.

The democratic rhetoric prevalent in the Kyrgyz Republic on the adoption of public policies reflects at least the intention of decision makers to take into account political and economic changes since independence. The introduction of private ownership, liberalisation of the economy and the devolution of power after the 2010 constitution has created a new environment that requires government to use new tools and approaches in influencing the development of the country. However, in the Kyrgyz Republic, as in most post-Soviet countries, the interests of political and bureaucratic groups continue to prevail over the interests of citizens, contributing to a pro forma approach to the policy-making instruments. Despite the fact that interests of the elite may sometimes coincide with the interests of the general public, the organic link between public policy and institutional changes in public administration that advance an informed and inclusive process reflecting the interests of all citizens will continue to be regarded as a potential risk for the post-Soviet administrative system.

At the same time, the potential of public policy analysis as an approach to addressing social and economic challenges faced by public authorities is far from exhausted. A logical step in this direction would be to move away from the widespread approach based on opinions of decision-makers, their cronies or “public opinion” (opinion-based policy), to a fundamentally different approach based on facts and empirical evidence. This approach (evidence based policy) relies on a rigorous analysis of facts, the classification and analysis of data. Of course, such a transition will require effort on the part of government bodies such as the State Personnel Service of the Kyrgyz Republic, responsible for capacity building and training of civil servants. Civil servants need professional training to work in an environment where there are multiple demands being made a plethora of actors at a time when the state has limited financial and administrative capacity to respond to needs. In this context choices have to be made. Public policy is all about helping to ensure that these choices are made in a transparent manner and informed by the best possible available evidence to make the most efficient use of scarce resources.

Along with the (re)training of civil servants, the transition to evidence-based public policy will require strengthening the institutional capacity of ministries and government agencies, as well as the Office of the Government. One way to build this institutional capacity could be to develop dedicated units or departments focused exclusively on the formulation of public policy decisions, as well as monitoring and evaluating the implementation of national, regional and sectoral policies, strategies and plans. Changes in management processes within government agencies are also necessary, particularly in the areas of target-setting, decision-making, the search for mutually beneficial options accommodating broad groups of interests, efficiency in workflow and communication and access to information.

Such an approach will positively impact the quality of policy papers. According to experts interviewed in this study, one of the main problems in strategic documents is the absence of sections devoted to cost-benefit analysis, which can serve as the main source of evidence used in decision making. The complexity of accounting for the social and economic components of analysis remains a professional challenge for public policy decision makers. However, this does not mean that this tool in policy analysis should be avoided. Implementing evidence-based policy will also provide new opportunities to develop criteria for monitoring the implementation of decisions made, which in turn will be the basis for evaluating the implementation of programmes and policies based on the monitoring data.

It should also be noted that this approach to policy based on empirical evidence will also help reduce the possibility of ignoring the needs of the population, and force political groups in power to give greater consideration to the interests of citizens. This change will reflect provisions already embodied in the laws of the Kyrgyz Republic, such as Article 20 of the Law on Legislative Instruments of the Kyrgyz Republic, which includes a requirement of serious analysis before a policy is adopted. As this study has demonstrated, normative and legal frameworks to support the development of all phases of the policy process informed by evidence already exist in the Kyrgyz Republic. The focus should therefore not be on amendments to the regulations, but on the robust application of existing provisions, including provisions regarding control and responsibility for the failure to comply with standards.

References

- James E. Anderson. *Public Policy Making*. 8th Edition. Stanford, CT: Cengage Learning, 2011.
- Garry D. Brewer. "The Policy Sciences Emerge: To Nurture and Structure a Discipline." *Policy Sciences*, vol.5, no. 3, 239–244.
- Hal K. Colebatch. *Policy*. Minneapolis: University of Minnesota Press, 1998,
- N.Y. Daniloff et al. *Public Policy: From Theory to Practice*. St. Petersburg, 2008.
- T. Koychumanov and R. Khassanov. "Strategic Planning: Strength and Weakness." *Investment Today*. No.2, 2013, 3-8.
- Harold D. Lasswel. *The Decision Process*. College Park: University of Maryland Press, 1956.
- N. Luhmann. *The Differentiation of Society*. New York: Columbia University Press, 2003.
- Management Challenges at the Centre of Government: Coalition Situations and Government Transition *SIGMA Papers* No.22. (OECD)
- Public Administration and Management Reforms in CEE: Main Trajectories and Results. *The NIS-PAcee Journal of Public Administration and Policy*, vol 4, no.1, 2011.
- R.A.W. Rhodes. *The New Governance without Government: Understanding Governance Policy Networks, Governance, Reflexivity and Accountability*. Maidenhead: Open University Press, 2003, 46-63.

Government Documents

- Constitutional Law No.85 of the Kyrgyz Republic on the Government of the Kyrgyz Republic. Bishkek: Government of the Kyrgyz Republic, 18 June 2012.
- Constitution of the Kyrgyz Republic*. Bishkek: Government of the Kyrgyz Republic, 2010.
- Country Development Strategy (2009-2011). Bishkek: Government of the Kyrgyz Republic, 2009.
- Decree of the President of the Kyrgyz Republic on measures for improvement, legitimization and practical application of forms of collaboration between state agencies, local governments and the civil society in the Kyrgyz Republic. Bishkek: Office of the President of the Kyrgyz Republic, 11 May, 2006.
- Decree No.24 of the President of the Kyrgyz Republic on approval of the Regulations on the procedure of preparing for gender-based appraisal of draft laws and regulations, and making corresponding conclusions. Bishkek: Office of the President of the Kyrgyz Republic, 5 February 2007.
- Decree No.3240 of the President of the Kyrgyz Republic on implementation of the Law of the Kyrgyz Republic on access to information held by public bodies and local self-governing authorities of the Kyrgyz Republic. Bishkek: Office of the President of the Kyrgyz Republic, 8 May 2007.
- Decree No.56 of the President of the Kyrgyz Republic on amendments to the Decree of the President of the Kyrgyz Republic on improving the interaction of government authorities with the civil society dated September 29, 2010. Bishkek: Office of the President of the Kyrgyz Republic, 5 March 2011.
- Law No.241 of the Kyrgyz Republic on Legislative Instruments of the Kyrgyz Republic. Bishkek: Government of the Kyrgyz Republic, 20 July 2009.
- Law No.40 of the Kyrgyz Republic on the Regulation of the Parliament of the Kyrgyz Republic. Bishkek: Government of the Kyrgyz Republic, 16 April 2012.
- Resolution No.28 of the Government of the Kyrgyz Republic on Procedures and Regulations of the Government of the Kyrgyz Republic. Bishkek: Government of the Kyrgyz Republic, 26 January 2011.

Produced by UCA Communications Department
Copy Edited by Sia Nowrojee
Printed by VRS, Bishkek, Kyrgyz Republic

