

Anti Corruption Reform under the Action Plan's 2nd Implementation Cycle (2005-2006):
Reform projects and implementation assessment

Kyrgyz Republic

Project 1: Design, Public Discussion and Approval of the State Strategy for Combating Corruption in the Kyrgyz Republic

1 Project Summary

Project Title:

Design, Public Discussion and Approval of the State Strategy for Combating Corruption in the Kyrgyz Republic

Priority Area for Reform:

Legislative framework for preventing and combating corruption

Implementing Institution:

Secretariat to the Consultative Council for Good Governance (CCGG Secretariat)

Contact Person:

Mr. Kuban Omuraliev, Head of the CCGG Secretariat

Beginning and End of the Project:

Beginning: January 2005

End: June 2005

2 Project Context

Which deficiencies and/or problems that allow corruption to proliferate does the project address and aim to resolve? Please outline the related current legal or institutional framework and its weaknesses or the exact circumstances that require improvement:

Absence, until recently, of a unifying strategic document on fighting corruption in the Kyrgyz Republic negatively influenced the creation and practical implementation of a system of measures against corruption. Various plans and programs that existed until 2005 were mainly of declaratory and formal character and were not fully implemented.

3 Expected Outcome of the Project

In relation to the above mentioned deficiencies and/or problems, which concrete improvements are expected to be achieved through the project? In which way does the project help to curb corruption?

Approval of the State Strategy for Combating Corruption in the Kyrgyz Republic will enable the establishment of an integrated and concrete system of measures in the field of prevention of and fight against corruption in the country.

4 Components – Main Activities – Method

What are the project's components, implementation steps, main activities and/or methods to achieve the above mentioned outcome and objectives?

The State Strategy for Combating Corruption in the Kyrgyz Republic defines the following main approaches to fighting corruption:

- Prevention of corruption
- Prosecution of corruption
- Corruption limitation mechanism
- Anticorruption body
- Public support

In turn, they determine the main objectives of the Strategy:

- To define a unified, consistent and long-range program of fighting corruption
- To indicate priorities in the fight against corruption
- To define activities and resources for achievement of the priorities, as well as the responsible institutions and the deadlines
- To set up a system of monitoring of the implementation of anticorruption measures
- To evaluate anticorruption measures undertaken earlier
- To create mechanisms for coordination of anticorruption efforts of the state institutions
- To develop criteria for assessment of corruption in the country

5 Involvement of non-governmental actors

In which way does the project involve civil society actors or other stakeholders and have they been consulted during the project development phase?

The developers of the Strategy actively cooperated with civil society and business representatives at all stages of the development of the Strategy. The latter were included in the working group on the development of the Strategy and its Implementation Plan. In addition, the draft Strategy took into account the comments and recommendations made by participants of round tables conducted with active involvement of the civil society.

For a successful implementation of the Strategy, it is crucial to develop and introduce a monitoring and evaluation system. Hence, all measures defined in the Strategy have in-built indicators for monitoring of the results. Besides governmental bodies, NGOs and independent institutions will be involved in the monitoring and evaluation, in order to maintain objectivity and impartiality.

6 Related Projects under the 1st Implementation Cycle

Is the project linked to reforms accomplished under the Action Plan's 1st Implementation Cycle? In which way does this project follow up previous activities?

The Strategy developers took all necessary steps to harmonize the existing anticorruption programs and plans, including civil service reform projects undertaken under the 1st implementation cycle.

7 Project Financing and Budget

Approved or estimated overall project budget:

N/A

Is external funding required?

N/A

If external funding is required, have donor organizations been approached yet, and have any commitments been made?

N/A

If external funding is required, what percentage of the total project costs requires external funding?

N/A

8 Technical Assistance

Is external technical assistance required? Have relevant agencies been approached and have they made any commitments?

Technical assistance to the project was rendered by the OSCE Center in Bishkek.

Implementation Assessment

9 Output Evaluation

Has the impact of the project on the identified deficiency (cf. item 2 above) been measured or evaluated? Please describe the evaluation method and the outcome.

On June 21, 2005, the State Strategy for Combating Corruption was approved by a decree of the acting President of the Kyrgyz Republic.

The Strategy's Implementation Plan was also approved and defined concrete measures, their implementation sequence and indicators, responsible institutions and their partners.

10 Overall Project Assessment

Did the project meet the defined goal (cf. item 3 above)? Did the project remedy the deficiency identified (cf. item 2 above)? Has the project been fully implemented in the foreseen timeframe (cf. item 1 above)?

The main objectives were attained. Now, the Strategy is a unifying platform integrating all anticorruption measures in logical sequence, what allows substantially increase their effectiveness. The anticipated measures are targeted at effective and efficient prevention, detection and suppression of corruption, organization of an effective fight against it. The Strategy also anticipates active international cooperation and coordination of anticorruption activities with international organizations.

The Implementation Plan of the Strategy has been consistently implemented: the UN Convention against Corruption was ratified; the National Agency of the Kyrgyz Republic for Preventing

Corruption and its supervising body – the National Council of the Kyrgyz Republic for Combating Corruption – were created; some amendments to anticorruption legislation were developed, etc.

11 Project Design Changes (if any)

Have any modifications to the project been made in the course of its implementation compared to the initial design of the project (cf. item 4 above)? What circumstances made these changes advisable or necessary?

It is noteworthy that implementation of some of the Strategy's measures was postponed due to the political situation in the country, namely formation of the Kyrgyz government and the delayed creation of the anticorruption body.

12 Major Lessons Learned

Given the assessment of the project above, what experience can be drawn from the implementation of this project for future reform projects under the Anti-Corruption Action Plan?

A wide public discussion of the draft of such an important document enabled the development of a better document targeted at resolution of most important problems.

13 Follow-Up

Is it planned to continue or extend this project or to continue a linked reform project? Which measures have been taken to ensure the sustainability of the outcome and the future assessment of the project's impact

In order to ensure consistency and systematic character of the undertaken measures, the Strategy includes short- (until the end of 2005) and medium-term (2005-2007) measures, as well as long-term measures (2008 and later). As for the directions, preventive measures and public support are clear priorities, as the most effective.

It is noteworthy that the Strategy is being constantly updated and its content should be modified and supplemented according to priorities of the country and the new data available on corruption.

Project 2: Feasibility Study of Creation of a Single Anticorruption Body in the Kyrgyz Republic

1 Project Summary

Project Title:

Feasibility study of creation of a single anticorruption body in the Kyrgyz Republic

Priority Area for Reform:

Institutional framework for preventing and combating corruption

Implementing Institution:

Secretariat to the Consultative Council for Good Governance (CCGG Secretariat)

Contact Person:

Mr. Kuban Omuraliev, Head of the Secretariat

Beginning and End of the Project:

Beginning: June 2005

End: January 2006

2 Project Context

Which deficiencies and/or problems that allow corruption to proliferate does the project address and aim to resolve? Please outline the related current legal or institutional framework and its weaknesses or the exact circumstances that require improvement

Analysis of corruption in the Kyrgyz Republic makes it clear that the efforts of the law-enforcement bodies to increase the number of investigations of corruption related crimes does not reduce the extent of corruption, because the sources generating corruption still exist. Fight against corruption lacks consistency, systemic character and in-depth analysis of corruption prerequisites, what should be amended by creating a single anticorruption body. At the same time, for the fight against corruption to be effective, repressive measures ought to be sensibly combined with preventive measures in the field of politics and propaganda, and those should be implemented by the anticorruption service in cooperation with the law-enforcement bodies, public administration institutions and with support from the public.

3 Expected Outcome of the Project

In relation to the above mentioned deficiencies and/or problems, which concrete improvements are expected to be achieved through the project? In which way does the project help to curb corruption?

Creation of a single anticorruption body is aimed at realization of a unified public policy in the fight against corruption. The anticorruption body will be charged with the task to develop and implement measures targeted at elimination and prevention of conditions that cause, provoke and uphold corruption, as well as to ensure proper coordination, monitoring and evaluation of the state anticorruption policy, to form an atmosphere of intolerance against corruption in the society and to assist in the self-organization in the fight against corruption.

4 Components – Main Activities – Method

What are the project's components, implementation steps, main activities and/or methods to achieve the above mentioned outcome and objectives?

- Analysis of the work of the law-enforcement bodies of the Kyrgyz Republic in preventing and fighting corruption
- Study of the international best practice related to the work of anticorruption bodies
- Development of the normative and legal basis that regulates the work of the anticorruption body
- Public discussion of the draft documents, with involvement of the civil society
- Creation of the National Agency for Preventing Corruption and its supervising body – the National Council for Combating Corruption- by a decree of the President of Kyrgyz Republic
- Tackling of organizational issues linked to the formation of the National Council and the Agency's apparatus, finding premises for the Agency and creation of necessary infrastructure for its work

5 Involvement of non-governmental actors

In which way does the project involve civil society actors or other stakeholders and have they been consulted during the project development phase?

An active exchange of views with NGOs, business and academic circles was taking place at all stages of the feasibility study of creation of a single anticorruption body in the Kyrgyz Republic. Representatives of civil society institutions were included in the working group on development of the Agency's Regulations.

A number of round tables, TV programs and seminars on the aims, objectives and terms of reference of the Agency was conducted with wide public participation. As a result, it was suggested to make the Council a means of civil society participation in the decision making on anticorruption measures and in the monitoring of undertaken actions. The Council is formed on a parity basis and includes representatives of all branches of state power and civil society, since the effectiveness of the anticorruption work largely depends on cooperation and joint responsibility of state authorities and the public for the process of recovery of the state and society.

6 Related Projects under the 1st Implementation Cycle

Is the project linked to reforms accomplished under the Action Plan's 1st Implementation Cycle? In which way does this project follow up previous activities?

N/A

7 Project Financing and Budget

Approved or estimated overall project budget:

N/A

Is external funding required?

N/A

If external funding is required, have donor organizations been approached yet, and have any commitments been made?

N/A

If external funding is required, what percentage of the total project costs requires external funding?

N/A

8 Technical Assistance

Is external technical assistance required? Have relevant agencies been approached and have they made any commitments?

Technical assistance to the project was rendered by the OSCE Center in Bishkek

Implementation Assessment

9 Output Evaluation

Has the impact of the project on the identified deficiency (cf. item 2 above) been measured or evaluated? Please describe the evaluation method and the outcome.

On October 21, 2005, the National Agency of the Kyrgyz Republic for Preventing Corruption and its supervising body – the National Council for Combating Corruption – were created by a decree of the President of Kyrgyz Republic.

The National Council for Combating Corruption was formed and Head of National Agency of the Kyrgyz Republic for Preventing Corruption appointed. Organizational problems related to the placement and work of the Agency are being tackled

10 Overall Project Assessment

Did the project meet the defined goal (cf. item 3 above)? Did the project remedy the deficiency identified (cf. item 2 above)? Has the project been fully implemented in the foreseen timeframe (cf. item 1 above)?

Main objectives were attained. The National Agency for Preventing Corruption was established and necessary funding for its work was earmarked in the state budget for 2006. The National Council for Combating Corruption was formed.

It is noteworthy that out of 11 members of the Council, 6 people represent the civil society and this enables its decisions to become more objective and independent.

11 Project Design Changes (if any)

Have any modifications to the project been made in the course of its implementation compared to the initial design of the project (cf. item 4 above)? What circumstances made these changes advisable or necessary?

None

12 Major Lessons Learned

Given the assessment of the project above, what experience can be drawn from the implementation of this project for future reform projects under the Anti-Corruption Action Plan?

A careful spadework is required, including study of the international best practice.

Wide consultations should be held both with the state institutions – in order to avoid duplication of functions – and with the civil society, in order to determine the most relevant directions for work.

13 Follow-Up

Is it planned to continue or extend this project or to continue a linked reform project? Which measures have been taken to ensure the sustainability of the outcome and the future assessment of the project's impact?

Further development and strengthening of the institutional basis for fighting corruption is planned.

Moreover, if at the first stage of its work the National Agency for Preventing Corruption will focus on developing and implementing preventive anticorruption measures, the second stage – after necessary amendments to the legislation – implies creation within the Agency of a department for investigation of corruption related crimes.