

**ACQUIRING LEGITIMACY:
THE IMPACT OF CIS INTERPARLIAMENTARY
INSTITUTIONS ON POST-SOVIET
PARLIAMENTARIANISM**

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ABSTRACT

This article analyzes the institutional specifics of CIS interparliamentary institutions in the context of regime transformation. It examines the collective benefits from Kyrgyzstan's cooperation with the Interparliamentary Assembly of CIS

Member States (IA CIS). According to the author, the IA CIS directs its efforts toward upholding the standards of adaptive parliamentarianism in its member states. It initially aimed to coordinate a unified election

assessment among its member states, whereby it has managed to create the impression that it is a structure subordinated to the legitimization of authoritative regimes.

KEYWORDS: *parliamentary democracy, authoritarianism, Interparliamentary Assembly of CIS Member States (IA CIS), Russian interests, foreign policy, soft power, Kyrgyzstan, parliamentarianism, election assessment standards, international observers, legitimization of elections.*

Introduction

The IA CIS has been functioning for 22 years now. Analyses of the changes going on in the regimes and state institutions of the CIS often gloss over the role this organization plays. However, we believe it is a key channel for spreading the values of adaptive parliamentarianism and technology of political control. This gives rise to several questions: How does this happen? How are the changes impacting Kyrgyzstan's political development? What does this impact consist of, and what is the main result? This article aims to look for answers to these questions.

Analyses of the political regime changes in the post-Soviet countries place particular emphasis on internal factors. Little attention is given to the external impact that promotes the reproduction of particular political regimes.

The international environment beyond the CIS borders is usually considered an external factor. However, post-Soviet international organizations (and their bodies) rarely become a target of this kind of research, for which there are reasons.

For example, popular opinion has it that the development of international institutions in the post-Soviet countries depends exclusively on the position of the head of state.

At the same time, institutional support has been playing a growing role lately, laying the foundation of long-term stability of the ruling regimes. International institutions have begun taking an active part in this vector.

It is also worth noting that almost all important post-Soviet organizations have an interparliamentary component of cooperation (for example, the CSTO Parliamentary Assembly and the Interparliamentary Assembly of the EurAsEC). In this context, special mention should be made of the IA CIS, which stood at the fountainhead of the "parade of sovereignties" and the formation of the political systems of the post-Soviet states.

The impact of the interparliamentary institutions on the political regimes is rather difficult to trace, since we are dealing here with building a political discourse, forming an external environment, and the socialization of parliamentary deputies. At the same time, analyzing the functionality of interparliamentary institutions from this viewpoint provides a new perspective for assessing their activity.

Institutional Specifics of the CIS's Interparliamentary Institutions

The IA CIS, which was created in 1992, is a statutory body. In contrast to other CIS institutions, the IA has the right to enter international agreements in the name of its member states (when ratifying

the Convention on the IA CIS, only the parliament of Azerbaijan did not recognize this right). Most of the world's interparliamentary organizations (the PA OSCE and PACE) do not have the special function that the IA CIS possesses, i.e. adopting model laws for its member states. Throughout the history of its activity, the IA CIS has adopted more than 300 model laws that regulate practically all spheres—from defense and security to the foundations of library services.¹ They are drawn up by deputies who represent the IA CIS member states. After model laws are adopted at Assembly sessions, the deputies lobby them in the national parliaments.

We will note that interparliamentary institutions are a relatively young form of interstate cooperation. Acting as an instrument of interaction among member states, interparliamentary organizations perform several very important functions: regulation-creating (forming the organization's legislative base and unified legal space), control (parliamentary control over the executive power bodies and the decisions adopted), consultative (preparing and carrying out consultative work for the states and institutions concerned), operative (independent implementation by interparliamentary institutions of their assignments with the help of the available organizational, human, and financial means), and information (organizations acting as the receivers, transmitters, and channels for spreading information). So, these institutions could well be viewed as the main channels of parliamentary diplomacy.

Nevertheless, an interparliamentary organization cannot be seen as the simple sum of parliamentary deputies of the member states or a collective authorized body. Ideally, interparliamentary organizations should possess a certain level of autonomy with respect to their members. However, this could give rise to risks, since the decisions adopted by interparliamentary organizations do not always correspond to the will of the member states.

As was noted above, despite the fact that the CIS is an international organization, the countries belonging to it have a low level of decision-making autonomy. Moreover, throughout its entire history, the IA CIS has always been chaired by a Russian representative.

The development of interparliamentary cooperation in the CIS is closely tied to the idea of liberal democracy that dominated in the 1990s and the establishment of institutions called upon to support it. Along with division of power, rule of law, and elections, a political system's level of parliamentarism is also a sign of how successfully it is moving toward democratic rule. Parliamentary representation is essentially the central element of present-day democracy. By virtue of being elected, parliamentary deputies act as the key link between society and government bodies. For this reason, they can be seen as a vital channel via which society realizes itself on the institutional arena of democracy.

However, as the practical development of political systems in the post-Soviet states shows, the methods and principles for forming parliamentary representation has turned the legislature into a "weak link" that often acts in tandem with the institution of president. In most post-Soviet states, it has become an institution that supports the reproduction of an authoritative political regime and ensures legislative support of its functioning.

Collective Benefits and Russian Interests in the CIS

Russia dominates in all the CIS institutions, the IA being no exception. It acts as a veto player that forms the agenda and sets the course of development. In order to retain its supremacy, Russia strives to make sure that these institutions produce at least the minimum amount of collective benefits for their members.

¹ See: A. Murzakulova, *Mezhparyamentskie instituty SNG: problemy ustoychivosti i integratsii na postsovetском prostreanstve*, Bishkek Humanitarian University Publishers, Bishkek, 2012.

These collective benefits are mainly formed by means of the international recognition of elections by observer missions from the IA CIS. It is worth noting that observers from the CIS and representatives of European institutions usually give opposing assessments of all the election processes in the post-Soviet area. This has produced two standards of external assessment of the national processes.

The regime transformation going on in this vein defines national preferences. At the end of the 1990s, the OSCE standards were considered to be the main reference point with respect to electoral rights for most of the post-Soviet countries; after the Convention on Democratic Elections was adopted in 2002, a new mechanism of election monitoring and assessment appeared.

Chairman of the Russian Central Election Commission Vladimir Churov addressed the election monitoring and assessment standards in one of his speeches. In so doing, he noted that the observer mission from the CIS “largely keeps in mind local and national specifics and customs and acts on the basis of respect of the principle of sovereign democracy;”² this was basically the opposite of the OSCE representatives’ approach.

The institution of international election monitoring (the activity of which is regulated by international law) came into being relatively recently. Its growing popularity is related to the fundamental changes in world practice launched by the Helsinki Final Act adopted in 1975 at the Conference for Security and Cooperation in Europe.

Like parliamentary diplomacy, this institution is closely related to the conceptual transfer from hard to soft security that presupposes the predominance of humanitarian criteria of cooperation in international relations.

However, it should be noted that the law of several European countries (including those with the status of political neutrality) prohibits the participation of international observers in the national election process.

Nevertheless, for most developing and post-Soviet countries, international observation has become a characteristic element of the election process in two areas—ideological and regulatory. The first makes it possible for the state institutions responsible for holding elections to declare their adherence to democratic values and willingness to receive an international assessment. The second promotes bringing national election legislation into harmony with international standards.

On the whole, international observation is called upon to perform the following main functions:

1. *Information function.* Observers provide the world community with information on election results that makes it possible to determine their correspondence to the international legal system of coordinates. In turn, the transparency of the election process makes it possible to determine the level of corruption of political institutions and can serve as an indicator of economic risks for potential investors.
2. *Coordination function.* International observers are usually representatives of international political and economic institutions. For developing countries, the assessments of observers can serve as a signal to coordinate international programs and projects aimed at developing civil society, a legal culture of voters, and support of the reform of institutions involved in the election process.
3. *Modernization function.* The assessments of international observers almost always contain practical recommendations for improving national election legislation.

The institution of international election monitoring began functioning in the post-Soviet space in conditions of growing geopolitical competition among world and regional powers for leadership in the former Soviet republics. We will note that analyses of the changes going on in the CIS have

² V. Churov, “Suverennaia demokratiia i vybory,” available at [www.iacis.ru], 9 July, 2013.

been making increasing use of the far from new paradigm of the Great Game. This is having a significant effect on cooperation of the CIS countries in security, the economy, and the advance of “sovereign” democracy.

After the events in Ukraine, Georgia, and Kyrgyzstan, elections to the higher institutions of power were viewed in close connection with the problems of security and sustainability of the political regimes. In 2004, when addressing his American colleague Colin Powell, Russian Minister of Foreign Affairs Sergey Lavrov said: “We must avoid the destructive practice of double standards when evaluating the electoral processes.”³ The matter concerned the status of Ukraine after the Orange Revolution.

In practice, however, everything turned out the exact opposite; this was essentially when the institutional foundations of the double standards practice began to emerge. This made the question of elections as a key element of democracy the central one on the IA CIS agenda. So we can say that at the current stage, the IA’s activity is being carried out in two overlapping contexts.

The first context is understood as the reciprocal influence of the electoral processes and problems of ensuring security, while the second infers election assessment that acts as a kind of resource. It makes it possible to include the IA in the system of institutions of international election legitimacy and in the discussion about election assessment standards.

Seen from this viewpoint, cooperation with the IA is appealing in that election assessment and the corresponding recommendations are given by the state bodies of the country in which the elections are held. From this it follows that the assessments of the observer mission will always coincide with the opinion of the authorities; this creates the impression that the elections are internationally recognized.

This international legitimacy forms the backbone of the collective benefits produced by the CIS’s interparliamentary institutions; most countries take advantage of it and it correlates with the interests of the main player.

Interparliamentary Cooperation: Kyrgyzstan’s Experience

Kyrgyzstan marked the beginning of its sovereignty by declaring that it was a democratic country; at that time it was called “an island of democracy” in Central Asia (CA). During the first half of the 1990s, the republic’s leaders took active steps toward developing parliamentary diplomacy and peacekeeping.

A significant event during this period was the first sitting of the IA CIS held in Bishkek in September 1992. It is worth noting the contribution Kyrgyzstan’s parliamentary deputies made to the peacekeeping mission in Nagorno-Karabakh and the efforts that they exerted to sign the Bishkek Protocol (in May 1994) on reconciliation and a ceasefire between Armenia and Azerbaijan. This document paved the way to peaceful settlement of the conflict. In addition, Kyrgyzstan joined the Agreement on Joint Peacekeeping Forces signed by CIS participants in September 1993. The country’s armed forces became part of the joint peacekeeping forces in Tajikistan where a civil war had been going on since 1992.

During the first decade of Kyrgyzstan’s independence, interparliamentary relations developed evenly and smoothly (both in the post-Soviet organizations and in the European structures); active

³ A. Taylor, “Sergey Lavrov: The Russian Foreign Minister the U.S. Loves to Hate,” *The Washington Post*, 14 March, 2014.

cooperation with the PA OSCE and PACE was carried out within the framework of state programs and civil society institutions.

However, movement of President Askar Akaev's political regime toward intensification of authoritarian rule led to the country's leadership turning away from the European parliamentary organizations toward the IA CIS. The reason for this change in course was criticism of the electoral processes in Kyrgyzstan by the European institutions, particularly the OSCE ODIHR.

The 2005 (parliamentary) and 2009 (presidential) elections became key aspects of post-Soviet state-building in Kyrgyzstan.

During the 2005 parliamentary elections, significant violations were identified, which caused the opposition to reject their results. Observers from both the IA CIS and the OSCE ODIHR were invited to monitor these elections; as was to be expected, their evaluations proved to be directly opposite.⁴

Non-recognition of the results of the 2005 parliamentary elections gave the opposition a chance to garner wide social support of its demands. Despite this, no long-awaited reforms were forthcoming; on the contrary, the country's political system became increasingly authoritarian.

Another vivid example of the difference in observer assessments is the 2009 presidential election held while changes in the political regime were going on. For example, the IA CIS observers deemed them legitimate and in full keeping with international election standards. The report of the OSCE ODIHR and OSCE PA observers, on the other hand, contained information about mass violations of election legislation, which could potentially serve as grounds for contesting the election results and their legitimacy as a whole.

This makes us wonder why the assessments were so opposite. Several factors should be kept in mind when addressing this quandary.

- First, the inclination of the CIS institutions to support post-Soviet regimes loyal to the Russian Federation. One such regime was Kurmanbek Bakiev's, who was elected to a second presidential term in 2009.
- Second, methodological problems. Long-term election monitoring by the IA CIS and OSCE ODIHR is built on different methodological approaches.

The IA CIS focuses attention on direct inclusion of observers in the monitoring process by talking to the participants in the election process and visiting polling stations on voting day. How transparent and legitimate the elections are is essentially based on the assessments of a group of 7-30 parliamentary deputies who understand the special features of the political culture of the CIS countries.

In turn, the election monitoring practice of the OSCE ODIHR is based on principles that presume the mandatory inclusion of national institutions of civil society in it. These efforts also include holding meetings, seminars, etc. with the main actors in the election process, as well as long-term media monitoring.

However, it is hard to say that the OSCE ODIHR observers, who hold a diametrically opposite position, are entirely objective either. Despite the rather wide range of methodological principles used by the OSCE ODIHR, it is "guilty" of stereotypes regarding the CIS states. The legitimacy of every election held in them is automatically subjected to doubt, while the level of political culture and law awareness of the citizens is not taken into account at all.

In our opinion, it is extremely inexpedient to apply principles to the "new" states that have stood the test of time in countries with a developed democracy. The CIS countries will always be striving

⁴ It is worth noting that 2005 parliamentary elections never did receive a final assessment from the IA CIS observer mission. The report on observer monitoring and assessment was removed from the Organization's website shortly after the state coup on 24 March.

to “catch up,” and they will have to develop their own understanding of the basic rights and freedoms expressed during citizen declaration of will based on reactive logic.

The history of holding elections in Kyrgyzstan has undoubtedly shown the wisdom of turning to international experience. However, keeping pace with the best world achievements in election legislation in no way guarantees modernized changes.

The selectorate is still a critically important element. Unfortunately, we cannot yet talk about a wide and mass civil movement in the country (despite the experience of overcoming political crises and creating the first parliamentary-presidential republic). Contemporary civil activism within the framework of NGO activity, the opposition, or members of unofficial organizations continues to be concentrated exclusively on politics; problems of security, social development, and the economy remain in the background.

The principles of civil education are being introduced at an extremely slow pace into curriculums of all levels. So far it concentrates on history and the meaning of the official state symbols, without attempting to instill skills of independent political choice or cultivate civil responsibility.

It is entirely obvious that widespread awareness campaigns must be carried out and civil education development programs introduced in the “new” states. Ideally, the selectorate should be replenished with people whose competence is formed along with efforts aimed to develop civil culture as a whole.

After the Tulip Revolution in 2005, the problem of election legitimacy in Kyrgyzstan began to be viewed as a key issue for ensuring internal stability. This gave rise to the political choice of official Bishkek, which increasingly tends toward Russia-centric organizations that are a kind of platform for creating regional branches of the IA CIS.

For example, in 2008, the IA CIS opened the first branch of its structural subdivision in Bishkek—the International Institute for Monitoring the Development of Democracy, Parliamentarianism, and Observation of the Election Rights of Citizens of the IA CIS Member States. Later another branch was opened in Baku.

One of the tasks of the regional IA CIS structures is monitoring the political processes going on in the Central Asian and Caucasian regions, as well as efforts to reform the election legislation of the countries that belong to them.

The Bishkek branch particularly focuses on assisting to draw up national programs for raising the legal culture of voters, election organizers, local observers, and representatives of political parties and the media. However, the awareness efforts of the IA CIS Bishkek branch has still not reached a level that places it in the ranks of the OSCE and civil society institutions. It should be noted that trust is a key obstacle to cooperation between the interstate CIS structures and civil society institutions financed largely by Western countries.

The impact of the IA CIS on the development of parliamentarianism in Kyrgyzstan is also related to its socialization function. It is extremely significant that joint parliamentary sittings are held in the Tauride Palace where the State Duma of the Russian Empire was once housed. This symbolically emphasizes the status of Russian parliamentarianism as an example of the “proper combination” of its components—a strong president and obedient parliament.

The fact that in post-Soviet times, Russia has ceased to be the main reference point for other CIS countries in terms of successful economic reforms and efficient state governance draws attention to itself. Nevertheless, the post-Soviet political regimes are still very interested in Russian political control techniques.

In this context, we must mention the mutual cooperation among the ruling parties that have formed in most CIS countries; the numerous agreements they have entered with the United Russia party presume joint exchange of information and carrying out of measures aimed at training parliamentary deputies.

At the same time, the attitude toward the institution of the IA CIS in the post-Soviet countries is far from unequivocal. For Kyrgyzstan, the IA CIS is a main partner when the ruling regime needs electoral support. On the other hand, some reticence is seen, which is manifested in lack of political trust in the IA as a prototype of Russian dominance. In the end, this significantly reduces the effectiveness of the IA CIS as a multilateral organization.

Despite the fact that the IA CIS parliamentary control functions are extremely weak, this does not lessen its impact with respect to soft power. It is obvious that the IA is producing a symbolic space for forming and confirming the adaptive values of parliamentarianism in conditions of authoritative political regimes. It goes without saying that the Assembly is not so much providing ways to bypass the liberal-democratic procedures as strengthening the sovereign interpretations of democracy, debates about which are still going on in the post-Soviet countries.

Conclusion

Major changes occurred after the Belovezh Agreement was signed on 8 December, 1991 in the former Soviet Union. The situation in Abkhazia, Ossetia, and the Crimea has shown that the contours of the CIS are dynamically changing, and that this is being affected by both external and internal players.

Institutional support of the new era of international relations in the post-Soviet countries will be accompanied by a strengthening of the role and expansion of the functions of the CIS institutions.

This regional interstate organization and its founding bodies are quite often criticized for their low level of efficiency. However, we think the functional activity of the CIS institutions lies more in the area of soft rather than hard power.

As this article has shown, the IA CIS is an example of upholding the standards of adaptive parliamentarianism in most CIS states, the authoritative governments of which are imitating elections. The main function of the IA CIS lies in coordinating the formation a unified election assessment by the member states; it has already managed to create the image of being a structure subordinated to authoritative processes and incapable of criticizing the action of the executive power.

At the same time, we must not lose sight of several internal factors, which, as we know, are always primary. For example, the activity of the IA CIS in Kyrgyzstan shows that the politicians of this country are still harboring certain expectations (possibly inherited from the past) relating to Russia's support and assistance, as well the institutions it dominated in, with respect to solving the problems of the regime's sustainability. In our opinion, these expectations are residual in nature, since they are look back to the past and are not directed toward the future. However, despite this, it is absolutely clear that the impact of the IA CIS on the post-Soviet countries with respect to soft power has long-term potential. This impact rests on the structure of the state power bodies of Kyrgyzstan and the other "new" states.

Interparliamentary assemblies in the post-Soviet countries are positioning themselves as elite structures of civil society, which is largely preventing a dialog with a wide range of participants, information exchange, and building alternative approaches to solving development problems. One of the main vectors of cooperation is forming communication platforms, including with the participation of European organizations. At the same time, there is very limited horizontal communication among the civil society organizations of the CIS member states.

In this context, it is difficult to expect an increase in interparliamentary efforts from CIS member states whose legislature is not efficient enough due to its powers being sapped by including the head of state among the legislators. It is also difficult to find institutions endowed with greater powers

than parliaments (or organizations of parliamentary deputies) capable of more fully identifying the requirements of society and serving as a link between citizens and the key figures of state governance.

Keeping in mind the role of the legislative bodies in developing and strengthening regional cooperation, their political significance must be raised. More efficient use must be made of parliamentary diplomacy. This requires establishing strong ties among the corresponding organizations, which should strive for more intensive cooperation within the region and beyond it.

In this respect, Kyrgyzstan can position itself as a center of parliamentarianism and parliamentary diplomacy in the region. The priority position the country assumed as early as the beginning of the 1990s must be retained; this will allow it to obtain several advantages. The main one is enhancing the development of civil society and accumulating the experience of joint law-making efforts of parliamentary deputies and public institutions.

The wide practice of parliamentary hearings with the participation of civil society institutions, as well as joint educational and social projects implemented in partnership with public institutions and international organizations can pave the way to developing interparliamentary cooperation between Kyrgyzstan and other CIS countries.

It would be a very good idea to form an information hub in Kyrgyzstan that specializes in the research of parliamentarianism and the development of parliamentary diplomacy, or a center for exchanging information with the parliamentary deputies of both neighboring and other countries, spearheaded by the current problems in international relations. The activity of such a center (or information hub) might include offering services to conduct monitoring studies and provide information storage and collation (at the Central Asian level for starters). This will gradually involve Kyrgyzstan in resolving the regional problems of the post-Soviet countries.

When addressing the current problems existing in relations among the regional states, first mention should go to regulating CA's hydropower resources, the key to resolving which is held by the executive power branch. In our opinion, it is critically important to include the parliamentary component when discussing this question. The participation of parliamentary deputies will make negotiations to settle the crisis situation more positive, open, and confidential (the experience of developing parliamentary democracy in the world and in the CIS has already repeatedly shown its effectiveness).

Small states can participate in regional political cooperation by offering international services performed through mediation, making use of the results produced by information hubs, carrying out value interpretation, and organizing international communication platforms on contemporary development problems. In this respect, Kyrgyzstan has made significant progress: practically all the international organizations have offices in its territory. Moreover, the Near and Far Abroad think of Kyrgyzstan as a country that is friendly toward many different international organizations.

We will note that the participation of small countries in interparliamentary organizations is promoting the establishment of their full-fledged and equal interaction with the largest players on the world arena. This is giving them access to global communication platforms and the possibility of positioning themselves in a positive light in the eyes of the international community.

All of these prospects will only come to fruition in Kyrgyzstan if national parliamentarianism can survive the vicissitudes of state transformation.

Kyrgyzstan's participation in interparliamentary institutions has already had a positive impact on the functioning of the parliamentary-presidential form of rule, which is something new for the republic and region.