

## ADVOCACY AND THE LEGISLATIVE PROCESS IN KYRGYZSTAN

Effective advocacy strategy requires good knowledge of the legislative process of the Kyrgyz Republic. Important questions to ask about legislation are: “How does a bill get passed in Parliament? What is the process? Who makes key decisions? Who has power?” These pages summarize the key parts of the Rules of Procedure of the Legislative Assembly of Jogorku Kenesh of the Kyrgyz Republic<sup>1</sup>.

The information below will probably be enough to enable you to plan and carry out effective legislative advocacy.<sup>1</sup> However, should you have questions about the process, you can always contact NDI, the Legal Department of the Legislative Assembly (LA) at (312) 21-33-41, or Aziz Jusabekov at the Letters and Citizen Visits Department of LA at (312) 27-72-80.

### **I. INTRODUCING A BILL.**

**Who Can Introduce A Bill (Article 120).** According to Article 64 of the Constitution of the Kyrgyz Republic (KR), there are several people and groups that can introduce bills, or draft laws, to the Parliament:

- Citizens may collect a minimum of 30 thousand signatures in support of a draft law, which then gives them the right to introduce it for Parliament’s consideration. This is called “popular initiative” and Article 65 of the Constitution specifies the exact procedures citizens must follow.
- President of the KR.
- Deputies of the Legislative Assembly (LA) and the Peoples Representative Assembly (PRA).
- Ministries, offices under the President’s Administration, and other bodies of the national government of the KR.
- The Supreme Court of the KR and the High Court of Appeals.

**What You Can Do.** A bill should be sent to the appropriate department of the apparatus of the Legislative Assembly, from where they are forwarded to the Speaker of LA. However, the most direct way to introduce a bill is to convince a member of parliament to do it, and quicker still is to convince the chair of the committee with jurisdiction over your issue to introduce it, since bills introduced by committee chairs may be considered out of turn. It is important that your bill is properly formatted and has all the necessary attachments, which are listed in Articles 123 and 124 of the Rules of Procedure of the LA. Bills must be presented in both Russian and Kyrgyz languages, and if your bill is important to other ethnic groups, consider having it translated into additional languages.

### **II. PRELIMINARY COMMITTEE DISCUSSION.**

Committee are long-term working groups of deputies that consider bills and issues related to a specific topic. Committee consideration of a bill is a key point in the legislative process for effective advocacy, because committees are one of the “gatekeepers” of the legislative process.

**How A Bill Gets Assigned To A Committee.** The Speaker assigns the bill to the relevant committee. The Speaker of LA is elected by secret vote for unlimited term and can be dismissed on the vote of not less than 2/3 of the total number of deputies of LA. The committee holds a discussion at which members of the committee decide whether the bill should be introduced to the whole LA. If decided to do so, during the floor discussion deputies decide if the first reading of the bill should be held. After that the committee chairs and the Speaker set up the dates for the first reading. Thus it is

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<sup>1</sup> Please, refer to the Rules of Procedure of the Legislative Assembly of Jogorku Kenesh of the Kyrgyz Republic, LA Resolution # 770-1 as from June 1997 with amendments made starting November 3, 1997 to April 17, 2001 for more details on the legislative process and work of the Legislative Assembly of Jogorku Kenesh.

important to have the support of the Speaker and the committee chairs, since they make the most important decisions on your bill. Members of a committee with jurisdiction over your issue also tend to command influence on their issues with other members of parliament and might be able to convince their colleagues to vote in favor of your position more effectively than you could directly.

**Who May Participate (Article 129).** Discussions of bills in the committees of the LA are open, and mass media may cover them. An authorized proxy of the President, an authorized proxy of the Prime Minister, representatives of the government of the KR and other state organs, political parties, public unions, institutions, and organizations with an interest in the bill have a right to be present at the committee meetings, both during the consideration of the bill and when the committee decides whether it should be passed to the Speaker to be scheduled for a first reading.

**Committee Staff's Role (Article 130).** The staff of the relevant committee is responsible for introducing the bill and its attached materials to the full Legislative Assembly for consideration. They are also authorized to invite interested people to the session of the Assembly dedicated to the consideration of the project.

**What You Can Do.** Observing committee discussion is a good way to learn parliamentarians' initial points of view on an issue or bill, which will help you know to whom to target your advocacy efforts. Providing committee members with well-researched information about the issue and your position, summarized in a fact sheet with talking points, encourages them to consider your point of view and enables them to speak about it more effectively during discussion. Letters from your NGO's members and other citizens urging the deputies to consider your point of view demonstrate the strength of voters' support: support the legislator will need to win reelection. Committee staff are often effective secondary targets for advocacy, since they do the bulk of the work on a bill, control access to the legislator for whom they work, and often have a great deal of influence with him or her.

### **III. FIRST READING.**

The "first reading" is when the full Legislative Assembly considers a bill for the first time. Prior to and during the first reading, the bill's sponsor will have to argue in support of the bill to convince deputies either to pass it or to accept it for further consideration. If parliamentarians do not pass it or reject it immediately, it will be referred back to the relevant committee. Any bill needs majority of votes to be passed through the first reading.

**What You Can Do.** It is important that you get the support of the committee chair with jurisdiction over your bill, so that she/he also supports the bill during the first reading. If legislators decide to forward the bill for committee work and a second reading, you and your group will need to work hard to persuade the committee chair to assign it space in the legislative calendar; committees' schedules are very busy, and they cannot consider all the bills assigned to them. A committee chair can effectively kill a bill by refusing to schedule time to discuss it.

### **IV. HEARINGS.**

The committee working on your bill may decide to hold a hearing or hearings to facilitate broader discussion of the bill and to learn more about the issue the bill addresses. Hearings generally involve invited speakers, called witnesses, who have an interest or expertise in the subject matter of the bill. Committees, sub-committees, and the full parliament can hold hearings. The rules of conduct for hearings at the committee and sub-committee level are similar to those below for holding parliamentary hearings.

**What Kinds Of Issues Hearings Address (Article 106).** At parliamentary hearings, the following can be discussed: bills that require public discussions; international treaties presented for ratification; the republican (national) budget and reports on its implementation; and other important questions of internal and foreign policy.

**Publication Of The Hearing Date (Article 107).** Information on the topic of the parliamentary hearing and its time and location must be published in mass media not later than 10 days before the beginning of the hearing.

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**Who Initiates Hearings (Article 108).** Parliamentary hearings are held by the Legislative Assembly at the initiative of committees, commissions, which are created to consider a specific issue, and deputy “unions” or factions, which are groups of deputies united by shared political tendencies. Responsibilities for organizing and conducting the hearings are divided among the members of the committee working on the bill. Committees and commissions of LA can hold joint hearings.

**Open And Closed Hearings (Article 109).** Parliamentary hearings are generally open to mass media representatives and public bodies; however, the committee organizing the meeting may decide to hold a closed hearing if questions of confidential character or any legally protected state secrets will be discussed. The President or his/her authorized proxy, deputies of the LA, the Prime-Minister or an authorized proxy, the Prosecutor General, the Chair of the Accounting Chamber of the KR, and the judges of the Constitutional Court, Supreme Court and the High Court of Appeals have a right to participate in both open and closed parliamentary hearings. Mass media and public body representatives are not allowed to attend closed parliamentary hearings.

**What You Can Do.** You or your group may want to offer the committee chair or committee member help in organizing a hearing or, if it is already organized, you might offer to speak. Testifying at a hearing allows you to communicate your advocacy message to a powerful audience and to attempt to persuade deputies and the public to support your bill. Inviting mass media representatives to the hearing will encourage them to inform citizens about the bill so they can get involved in the process.

## **V. SECOND READING.**

The committee that works on your bill forwards the improved bill with the list of changes accepted or recommended for rejection to the Speaker of LA. The Speaker decides whether to include it in the calendar of bills to be reviewed by the deputies in the second reading. The committee working on your bill distributes it among all LA deputies, along with a list of existing laws to be canceled because they contradict the new bill not later than three days before the beginning for the second reading (Article 137). The Chair of the committee working on your bill presents the improved version of the bill to the Assembly with a report on the changes made to the bill. The initiator of the bill reports after the chair of the committee. The Speaker asks if there are any objections on the changes made to the bill. The Assembly votes on whether to have the bill as a basis for law. If the bill is accepted as a basis at the second reading, deputies vote to pass or not pass it though the second reading. If not passed, it is referred to the committee working on the bill for further improvement.

**What You Can Do.** In addition to the support of the members of the committee with jurisdiction over your bill, you will need support on the floor from the other deputies, who may not be familiar with the particular issue, because they have not taken part in committee discussion or hearings. Effective legislative advocacy includes educating parliamentarians with letters, written materials, phone calls, and visits. You should make sure that all your information is distributed both to supporters and to undecided members of Parliament before the debate on the floor starts. It is important to keep your best arguments for the debate between your friends and not divulge them to any of your opponents. The Speaker can be an effective target, because he/she must decide whether your issue is important enough, compared to other issues vying for floor time, to be brought up for consideration by the full legislative body.

## **VI. FINAL VOTING: THE THIRD READING.**

After the second reading and committee work to improve and clarify the bill, the committee submits it a final time to the full LA to be included in the calendar of questions to be discussed and voted on for a third reading. The dates of the third reading should be determined within a 7-day period. The third reading allows LA to hold a final discussion and to vote whether or not to pass the bill into law. Deputies may not make any changes in the bill in the third reading.

**What You Can Do.** Convincing deputies to make floor speeches in favor of the bill you support is an extremely effective lobbying tactic that can swing votes in your issue’s favor. If they agree, you will need to provide them with persuasive and informative talking points about the bill and your position long before the scheduled discussion in the LA. You should also continue lobbying the committee

members with jurisdiction over your bill, because they will have special influence in the floor debates. Lobbying tactics include sending letters and arranging face-to-face meetings with key deputies.

## **VII. SUPPORT IN THE PEOPLE'S REPRESENTATIVE ASSEMBLY.**

According to the Constitution, a bill passed by LA that requires approval of the People's Representative Assembly must be sent there no later than five business days after the LA passed it. These bills become official laws only after the PRA approves them. If the bill does not require the PRA's approval, it is sent directly to the President for consideration. If the President approves the bill, he or she signs it and announces the signing within a five-day period (Article 142).

**Bills That Need 2/3 Approval Of Both Houses (Article 143).** According to point 6 of Article 65 of the Constitution, the following kinds of bills become laws after two readings, if not less than 2/3 of the total number of deputies of each of the chambers of Jogorku Kenesh vote for them:

- Amendments and additions to the Constitution of KR;
- Constitutional laws;
- Demarcation of the state borders and interpretation of the Kyrgyz Constitution

**Bills That Need Simple Majority Approval Of Both Houses (Article 144).** According to point 2 of Article 59 of the Constitution, the following kinds of bills, passed by the LA, become official law only if more than a half of the total number of PRA deputies vote for them:

- Taxes and fees;
- Financial and customs regulations;
- Bank activity;
- Ratification and denunciation of international treaties of KR;
- Amnesty

Draft legislation on questions related to the above points is automatically approved if the PRA does not consider them within 60 days of the date the LA passed them.

**Bills That The PRA Considers First (Article 145).** According to point 3 of Article 59 of the Constitution, the PRA must consider and adopt the following bills before the LA can consider them:

- Approval of republican budget and report on its implementation;
- Questions of administrative-territorial structure of KR

These bills become laws either if more than a half of the total number of LA deputies vote for them or, by default, if the LA does not consider them within 60 days of the date the PRA passed them.

## **VIII. ADMINISTRATION SUPPORT AND OVERRIDING A VETO.**

You will need to lobby the Administration to support your issue, help move the bill through the legislative process, and prevent a veto. If the President vetoes the bill, you need to develop enough support among the LA deputies, 2/3 of votes, for your bill to override the veto. If the President vetoes the bill for the second time, 3/4 votes are needed to override it. The President cannot veto the same bill for third time.

## **IX. PASSING THE BILL.**

Your bill becomes a law after it is passed by the legislature and signed by the President of the Kyrgyz Republic. Once it has reached this point, the basic legislative process ends, unless you, deputies, a state body or an initiative group decides to make changes to the law. Nevertheless, it is still important to stay involved.

**What You Can Do.** Remember to thank deputies, their staffs, and anyone from the executive branch who has helped you or supported your position. You will still have to fight for funding and will probably have to keep lobbying the President's Administration to be sure that your program is considered in the annual budget presented to Parliament. You will also need to lobby the relevant ministry(ies) to be sure that they draft appropriate regulations.

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