

**Policies to Combat Corruption in Kyrgyzstan:
The Case of Higher Education**

by

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Abstract

This thesis discusses the problem of corruption in higher education in Kyrgyzstan and ineffectiveness of anti-corruption policies in combating this issue. It looks at the impact of educational and anti-corruption policies on the reduction of corruption in the universities in Kyrgyzstan. It used qualitative research, utilizing primary (interviews) and secondary sources in order to gain insight to the topic. The policies were ineffective in combating corruption: first because the issue is not addressed by policies, secondly because there are many contradictions and ambiguities within the policies themselves and third because the law enforcement bodies are not stable and their performance is not efficient. The rest of the causes of corruption are as: lack of political will, lack of legislative base and law enforcement bodies and contribution of socio-economic and political conditions played their own roles.

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List of Abbreviations

KR	Kyrgyz Republic
MOES	Ministry of Education, Science of Kyrgyz Republic
ACCELS	American Councils for International Education
OECD	Organization for Economic Cooperation and Development
HE	Higher Education
NST	National Scholarship Testing

Introduction

Central Asia is in the list of regions where corruption in education is prevalent (Heyneman, 15). Roots of this phenomenon go back to the time when they became independent. After the dissolution of the Soviet Union in 1991 corruption appeared to be a common feature for all of the Central Asian states (Kobonbaev 2008). It spread along different spheres: healthcare, police, business and education as well. Kyrgyzstan quickly was acknowledged for its democratic principles among all the Central Asian states (Baimyrzaeva, 2010, 22). Nevertheless, it faced many economic and political challenges that certainly bared influence on growing corruption in all spheres including the sphere of higher education. Although it is believed that in the Soviet times, corruption in universities of Kyrgyzstan was not such a big issue as today (Heyneman 2006, 25). The educational system was under tight Government control during the Soviet Union. Professors were receiving salaries which were sufficient for a good life (Heyneman, 2006, 25). Even if corruption in education was present it was not as evident and frequent as today. Exactly during the period of 1991 corruption started to grow. At that point the process of privatization started in Kyrgyzstan, and since there was no more such a strict process of control from Moscow anymore, government officials used this situation in order to improve their own positions (Baimyrzaeva, 2010, 42). Later, the government started to initiate policies with the aim of reforming the administration in order to pull down the level of corruption; this did not bring visible results (Baimyrzaeva, 2010, 42). As Baimyrzaeva explains, one of the main reasons for that was lack of interest in improving the situation by political leaders (Baimyrzaeva, 2010, 42). International donors tried to assist in reducing corruption, by privatizing the assets instead of concentrating on the improvement of bureaucracy and civil society. The result was such that “donors paid for policy changes, not for policy implementation” (Baimyrzaeva, 2010, 42). After 1991, the number of universities in Kyrgyzstan increased (DeYoung, 2008, 641). Because of the process of decentralization it became harder to regulate them. In addition there was lack of managerial skills in administering the universities.

Regarding the socio-economic and political situation of Kyrgyzstan there is a need to mention that corruption lead to a Tulip revolution in 2005, the old regime of Askar Akaev was overthrown and a new regime under the leadership of Kurmanbek Bakiev emerged. Five years later, in April, Bakiev's regime fell as a result of another revolution. Roza Otunbaeva became the next President. The new version of Constitution was adopted and presidential form of governance changed into parliamentary (OECD, 2012, 9). Despite such changes the socio economic problems as poverty, unemployment and others continued to prevail (Baimyrzaeva, 2010, 22). In June ethnic violence in Osh (city in the south of Kyrgyzstan) took place (Baimyrzaeva, 2010, 22). Certainly these events had strong influence on the social and political state of the country. Currently there are more than 50 higher education institutions in Kyrgyzstan (Sultanov 2012). 34 universities are public and 16 are private (EACEA, 2010, 2). The quality of education they provide differs from university to university, nevertheless corruption became a common feature almost for all of them appearing in the form of "informal payments" (Mertaugh, 2004, 24). The corruption in Kyrgyz universities has become a norm and turned into a massive phenomenon. Transparency International's Corruption Index 2010 indicates that Kyrgyzstan was ranked as 164th among 178 countries in corruption (Akmataliev, 3). This information shows that corruption has become one of the serious issues in Kyrgyzstan. Recent research conducted by Baltic Survey/Gallup Organization, 2012, universities appeared to be one of the most corrupted state agencies in Kyrgyzstan: "the police-95%, universities-92%, customs -90%, the courts-89%, attorney general-87%, the tax office-86%, financial police-83" (AkiPress 2012). ErKayim Mambetalieva, who used to be the head of National Corruption Prevention Agency, states that only 5-10 percent of graduates can be regarded as qualified (Toursunof 2009). These facts confirm that universities are not providing good quality education. There are cases when students simply put money in their record books before entering the exam. The grade depends on the amount of money they offer (Zaplatina 2012). Students keep paying money for the enrollment,

for receiving good marks and diplomas (Sekerina 2006). This is the reality of universities in Kyrgyzstan today.

The situation prevails and the problem of corruption in higher education is even worsening regardless of the fact that educational and the anti-corruption policies are there. Their effectiveness in combating is questionable. According to Musabaevs' analyses these policies were only on paper and simply changing titles, having no practical use and results (Institute of Public Policy, 2012). So looking at the existence of facts mentioned earlier one can see that policies did not have serious influence on combating corruption in general, moreover in the sphere of higher education. Unfortunately the impact of anti-corruption policies on the corruption in higher education is not deeply researched in the scholarly world; therefore the research of this topic is significant in order to make a contribution to the. In order to have a full scope and understanding of the problem there is a need to turn to the existing literature but before that it is necessary to clarify the research question and thesis statement of this work.

In this thesis corruption is studied in the frame of teacher- student relationship, accepting and giving bribes during admissions, during studies and graduation in the context of universities. The main research question is: *Why anti-corruption and educational policies were not helpful in combating corruption in higher education in Kyrgyzstan?* The hypothesis is that, *the policies were not helpful in reducing corruption in higher education due to that they were only on paper and were not rightly implemented in reality.* In order to gain insight into this question, qualitative methods of research were used including primary (18 interviews) and secondary source with. *This thesis will evaluate the effectiveness of educational and anti-corruption policies on combating corruption at universities, from 1991 till present times. It will be shown that policies were not effective (since corruption continues to flourish today) due to the lack of strong political will, vagueness of the policies, instability of law enforcement bodies, socio-economic and political conditions.* This work will try to draw a link between the theory and

practice and to analyze proposed recommendation in combating corruption and their impact in reducing corruption in higher education.

The structure of the thesis is as follows: below the literature review and the methodology will be discussed. First chapter presents the theoretical framework, covering the scholarly work on corruption in higher education and discussing the causes and consequences of corruption in general and ways to combat it. Chapter two is about corruption in higher education describing the case of Kyrgyzstan. It sheds light on the system of higher education in Kyrgyzstan, brings proof of corruption in universities and highlights the reasons of it. Chapter three is dedicated to the educational and anti-corruption policies and anti-corruption bodies (initiated since 1991 till today) and their impact. Chapter four is about analyses, further recommendations and conclusion follow.

Literature Review

Existing literature about corruption in education predominantly covers phenomenon of corruption, causes and impacts of it, combating corruption in general, bringing successful country cases and describing the role of international organizations in the process of eradication. Not much is available on the impact of national policies in combating corruption in higher education specifically in the case of Kyrgyzstan. However, accessible sources can be divided into three parts accordingly with the content of this thesis: 1) literature on the theoretical framework 2) literature on the evidences of the corruption at universities in Kyrgyzstan and 3) literature on anticorruption and educational policies adopted in Kyrgyzstan.

First group of the scholarly works, look at two theories. One discusses the reasons of occurrence of corruption in higher education and tells about the consequences and threats on society and development of the country. The second theory explains anti-corruption policies which were successful and factors that brought such results. Scholars as Heyneman (2006), De Young (2008), Hallak and Poisson (2002), Hunther and Shah (2000) present a theoretical background on the topic, explaining why corruption occurs and what are its consequences. The

inclusion of the mentioned authors into this thesis is important because they lay down the theoretical framework for the problem of corruption in education in general; moreover their research is relevant to the case of Kyrgyzstan and will help in further analyses. Heyneman presents the theory of principal- agent explaining the occurrence of corruption (2006). Moreover, Hallak points to the fact that corruption in higher education is a complex problem which involves diverse “external and internal factors” causes (Hallak, 2007, 62). Hunther and Shah give explanation of criteria’s to which effective policies must correspond (2000). This set of literature is important since along with presenting the causes, they also discuss solutions on combating corruption which can be useful in case of Kyrgyzstan. Therefore, after clarifying the theories, it is important to look at the literature which brings proof of corruption in universities in Kyrgyzstan.

The second part of the literature consists of academic papers and articles which prove existence of corruption at universities and ineffectiveness of anti-corruption laws. Michael Mertaugh in his work outlines the prevalence of corruption at universities in Kyrgyzstan and that bribes help students to enter the university or to receive good grades (Mertaugh, 2004, 24). Online newspaper articles (as Radio Free Europe, Central Asia.ru, AkiPress) openly discuss the cases of students or their parents paying bribes in order to be accepted to the university or to graduate from it. For instance, Farangis Najibullah in his article, mentions about Alymbek (father of a student applying to Kyrgyz Osh State University), who says, “I accept bribery as today's reality, and questioning the practice has never crossed my mind. Other parents who brought their children are paying bribes, and so do I. I'm not any different" (Radio Free Europe Radio Liberty 2009). This kind of literature which contains the truth about cases of corruption in universities is significant and helpful in clearly observing the scope of the problem and its urgency. Since there is an evidence of the fact that corruption occurs, it is important to look at the anti-corruption policies in general which were initiated to solve the issue.

The third group of sources is about the impact of policies on combating corruption in general and about the specific policies in fighting corruption in Kyrgyzstan. This part discusses anti-corruption policies (adopted since 1991 till today and which can be grouped in two groups: anti-corruption and educational policies) and their assessment. For instance the OECD monitoring report provides a review of the anti-corruption policies which were implemented since the first OECD monitoring in 2007 (OECD, 2012, 4). It provides economic, political picture of Kyrgyzstan, showing a correlation between the changes in socio-economic life and the adoption of anti-corruption policies (OECD, 2012, 4). Shah and Schaster state that that policies are ineffective because they use “one size fits all” techniques (2004, 1). They claim that in order for those strategies to function well there is a need to pay attention to “country-specific causes” (Shah and Schaster, 2004, 1). Phyllis Dininio, states: “To be effective anticorruption reforms must include prevention, education and enforcement. They must create incentives for good behavior, but also set up systems of external accountability, using citizen monitoring as well as government oversight institutions” (2005, 246). These sources are important because they help to assess policies. What is mentioned here is a small part of the literature. More detailed discussion will be presented further.

The main issue to underline is that the literature describes anti-corruption policies in general and the phenomenon of corruption in higher education, impact of the anti-corruption policies in general terms, however analyses of policy impact on corruption specifically in the sphere of higher education in Kyrgyzstan is overlooked. Therefore this thesis will try to contribute to the lack of literature on the role of policies on combating corruption in higher education in Kyrgyzstan.

Methodology

This thesis used qualitative methods of research, employing primary and secondary sources. The sample of the research consisted of researchers, professors, representatives of non-governmental organizations and international organizations, employees of law enforcement

bodies and representatives of Ministry of Education. The contacts were gathered with the help of Assamidinova Ainura (Program Manager at Tian Shan Policy Center) and Kydyrova Meerim (Chief specialist of administration of tests at the Center for Educational Assessment and Teaching Methods). The respondents were contacted by an e-mail, thereafter by the phone.

In sum 28 people were contacted and 18 interviews were conducted. In the end of the interview the respondents were asked to share contacts of other people who might be helpful to this research. Interviews continued from 15 to 45 minutes. One was conducted in English, the rest in Russian.

Following questions were asked: 1) about government and civil society being aware of corruption in higher education 2) about their familiarity with any anti-corruption policies 3) about their view upon the effectiveness of those policies in reducing the corruption in higher education 4) about their view upon the effectiveness/ ineffectiveness of those policies and reasons 5) about their view on the solution to combat corruption in higher education.

After finishing the interviews the recorded material was typed. Further each interview was analyzed; number of interviewees were counted and divided into the following groups: NGOs (7), Government representatives (6), law enforcement bodies (3), anti-corruption body (1), mass media representative (1) and independent experts (2). Similar answers in the form of key words were categorized and counted.

One of the challenges was to interview the workers of the law enforcement bodies, because they either did not want to give interviews, or they were providing very limited information explaining it by the fact that their work ethics do not allow to give full information publicly. Interestingly only few respondents were able to tell about the educational and anti-corruption policies and moreover about their impact. Most of them knew about the National Testing. Almost all the respondents were aware that corruption in higher education exists and that it is an undeniable fact. The limitation of the research is that the sample cannot be representative of the whole body of population in terms of their view regarding the anti-corruption policies.

Chapter I. Theoretical Background

This chapter provides the theoretical background on the problem of corruption in higher education and on the assessment of anti-corruption policies. It discusses the forms of corruption, the definition of bribing, main theories, major causes of corruption and ways to combat it. Corruption in higher education can occur in different forms. It is necessary to outline the forms of corruption first.

Regarding the forms of corruption there can be: “grand corruption” (occurs among those people who are placed on high posts) and “petty corruption” (small money transactions among low-ranking officials) (Bashir, 2006, 12). This was proved by the research done by Stapenhurst and Langseth (in 1997). David Chapman argues that corruption mostly occurs in the form of “petty corruption” which is as he says “day to day transactions at the classrooms school and district level” (2002, 3). This fact is applicable to the universities in Kyrgyzstan because mainly corruption occurs through day to day money dealings. Students give bribes to teachers for the grades and absences and professors accept them. According to Hallak and Poisson corruption in universities can take such forms as: “embezzlement, bribery, fraud, extortion” (2002, 57). In fact all types of corruption exist in Kyrgyz universities. But bribery is the most prevalent type of corruption which became a common activity at the universities taking place on a daily basis in the sphere of higher education in Kyrgyzstan. Further, there is a need to define the aspect of corruption which will be considered in this thesis –bribery. Moreover, corruption in higher education is a unique phenomenon because it brings benefits for both of the actors: (OECD, 2004, 87). There is a need for clarification of the definitions.

According to Arvis and Berenbeim, bribe is “the reward offered to a corrupt person to induce that person to act in the interest of the giver” (2003, 9). Bribes can be offered not only involuntary but voluntarily as well. Rumyantseva defines bribery as: “abuse of authority for personal gain, both material and others, exchange of power to give grades and other types of academic evaluations for material gifts and non-material favors” (Meier and Griffin, 2005, 4). At

the same time it always needs to be kept in mind that scope of corruption is very broad than just bribing (Bashir, 2006, 32). Regarding the theories on corruption in the sphere of education, there is no one common theory on corruption in education. There is no a generally acknowledged theory on assessment of anti-corruption policies too. Nevertheless a principal agent model and theory of Hunter and Shah will be used in this thesis. Principal agent model explains the appearance of phenomenon of corruption and Hunter and Shah's theory presents the evaluation criteria of anti-corruption policies (2000). Principal agent model was used by Shleifer and Vishny in explaining corruption in countries of former Soviet Union. In this model "officials serve as agents for the government in the sale of public goods and services" (Heyneman, 2006, 4). In the case of corruption in higher education, the buyer is the university and the seller of the bribe is the government. In terms of illegally entering the university, or paying for the grades, the student is in the role of the buyer and the seller is a faculty member. Different actors can be agents, teachers, professor, rectors etc. (Heyneman, 2006, 5). The occurrence of corruption in HE can be explained through the principal agent model.

Hunter and Shah's framework provide an assessment of the anti-corruption policies build on the notion of "public officials' incentives for opportunistic behavior" (2000, 2). These scholars underline the fact that effective anti-corruption policies "lower the expected gains and raise the expected penalties of corrupt behavior" (2000, 3). Further, Hunter and Shah present two views on occurrence of corruption. First is when, anticipated benefits are more than anticipated expenses of the corrupted behavior, and it happens only when the persons anticipated benefits outweigh the anticipated punishments. Second, there is a small burden upon the anticipated costs of the corrupted behavior (Hunter and Shah, 2000, 2). Moreover, Hunter and Shah provide four criteria according to which the anti-corruption policy can be counted successful: relevance, efficacy, efficiency and sustainability (Hunter and Shah, 2000, 8). Policies are considered to be relevant if they indeed are able to reach their aims. Here authors state that there can be: technical and welfare relevance (Hunter and Shah, 2000, 8). Technical

relevancies as noted is: “impact of specific activities on the incidence of corruption” and welfare relevance is: “relative importance for growth and poverty reduction of particular type of corruption” (Hunther and Shah, 2000, 8). Efficacy is defined as: “the extent to which the project's objectives were achieved, or expected to be achieved, taking into account their relative importance” (Hunther and Shah, 2000, 10). It also mainly looks at the changes within corruption, in terms of: reduction, increase or was with no effect (Hunther and Shah, 2000, 10). Efficiency is when the policy brings “maximum” decrease in corruption (Hunther and Shah, 2000, 11). Lastly the policy counted to be sustainable if “it changes the expectations of accountability of public officials” (Hunther and Shah, 2000, 11). It is necessary to take into consideration: political, social and other factors in order to assess sustainability of the policy. There is a need to use both of the mentioned theories hence first approach helps to understand the causes of corruption in the sphere of education. The second helps to see which policies can be considered effective. Now after discussing theories, there is a need to turn into the causes of issue of corruption in higher education. This needs to be done in order to be able to relate them with them to the case further.

1.1 Causes of Corruption in Higher Education

This section presents and describes the causes of corruption in higher education. Corruption in education poses threats and has negative consequences: creating distrust among the public, decreasing the quality of education, bringing up wrong values in young people, uneducated and inexperienced specialists, issues with employment and absence of educated leaders (Chapman, 2005, Rummyantseva, 2005, Johnson 2007). Causes of this phenomenon are: weak governance, weak legislation and socio-economic factors. Hallak (2007) comparatively with other scholars provides combined causes.

Weak governance and leaders cause the spread of the corruption. Anvar Shah states that one of the main reasons for the corruption in general is “dysfunctionality of public sector governance” (2007, 1). Indeed if there is stable and effective governance then there is less possibility for corruption to occur. Strong leaders are able to take strong measures towards

combating corruption and making positive changes (Chapman, 2005, 71). Rumyantseva points to the ineffectiveness of the government in Kyrgyzstan (Rumyantseva, 4). Good governance shall come along with coherent and practical laws.

Weak legislation, law enforcement bodies and lack of a controlling independent institution cause corruption. In fact it appears whenever there are: “unclear, ambiguous and changing legislature, poorly qualified courts, lack of witnesses, protection programs” (Penkauskienne, 16, 2006). Often anti-corruption laws are at place, but not implemented in reality. McCusker states that, “better enforcement of rules and regulations will reduce corruption” (2006, 28). But this is impossible if the law enforcement bodies are too weak. The lack of anti-corruption independent body is additional issue. In the case of Kyrgyzstan weak legislation, weak law enforcement bodies are present, moreover lack of independent anti-corruption body (Mambetalieva 2012). The existence of laws and mentioned bodies are important for combating corruption. Further, the lack of stable socio-economic environment in the country is not least important cause.

Socio-economic factors are one of the causes of corruption. Socio-economic factors including: “weak economy, lack of jobs, poorly administered state budget, small salaries, and unclear purpose of organizations, weak management, weak control and accountability, lack of decision making procedures” brings more corruption (Penkauskienne, 16, 2006). Concentrating on salaries, it is important to outline that one of the main reasons of such high corruption in the sphere of higher education are: low salaries and low level of life in general (Akmataliev, 7).

Personal motivation influences on appearance of corruption in higher education. Penkauskienne states that one of the main reasons is “human’s egoism” (16, 2006). The desire to act in a corrupt manner comes from increasing needs that always matter more than other person’s needs (Penkauskienne, 16, 2006). As Mambetalieva mentioned: “Professors need to survive and to live for the amount of salaries they receive in Kyrgyzstan. Certainly if professors do not have an opportunity to work at several places at the same time, they start taking bribes, because that’s the only way to survive” (Mambetalieva 2012). Mutually beneficial process of corruption turned

into a normal activity both among the students and professors in Kyrgyz higher education institutions. Akmatyaliyev underlined that one of the major problems is that not only professors are interested in taking bribes, but students are willing to offer them (Akmatyaliyev, 6). This is a mutually beneficial process therefore neither of the sides is willing to report to the law enforcement bodies on the facts of bribery. Rumyantseva points to the existence of so called “professional culture”, among the members of the faculty for whom it is a norm to take bribes from students. There is even set “a price list” for the grades that some professors have. With its help students know the cost of the exam (AsiaNews. It 2009).

Hallak grouped causes of corruption in education into “external and internal factors” (Hallak, 2007, 62). To internal factors he refers, absence of rules, lack of transparency among the professors, lack of professors codes of conduct, absence of motivation and funds, ineffective management, poor access to information (2007, 62). External factors for Hallak are: absence of political will, economic and social conditions, diminishing of ethical principles, lack of auditing body and poor judiciary system (2007, 63). Factors mentioned by Hallak are applicable to the case of Kyrgyzstan because if to look at it causes of corruption are the same.

All of the factors which were mentioned are present in Kyrgyzstan letting the corruption in higher education to flourish. Scholars present different causes of corruption; Poisson and Hallak combine all of them into two major groups. After considering the causes of corruption it is necessary to observe the impacts of it.

1.2 Ways to Combat Corruption

This section covers ways to combat corruption underlining importance of combating it and steps towards success. Some of them are: improving governance, strengthening the enforcement bodies, increasing salaries, improving managerial skills and others. Poisson and Hallak agreed on that there is no possibility for one single strategy to work on combating corruption in education due to the complexity of the issue.

First the political system of the country must be improved. Horton and Williamson point to the importance of opening a closed political system. This can bring “accountability and transparency” (2006, 13). Strong leadership is necessary for good governance. Such leader can implement reforms quickly bringing success in combating corruption (Horton and Williamson, 2006, 13). Shah and Schaster argue that almost everywhere in the world corruption is “a symptom of fundamental governance failure” (2004, 5).

Changing the political system is not enough without laws that are effectively implemented by law enforcement bodies. If implementation of the laws is weak they will not bring visible results. Independent anti-corruption institutions are important for combating corruption. They help to improve transparency in government services (Bashir, 15, 2006). John Weidman state that strengthening the regulatory system (improving legal framework) and the management potential (making sure that they are put in force) can serve as good solutions for the improvement of the transparency in the educational sphere (2007,16). Horton and Williamson note that in the case of Kyrgyzstan, regardless of the fact that there were certain laws initiated still such aspects as “implementation, capacity building and upgrading of managerial skills” were overlooked (2006,12). Moreover Omar Azsfar, outlines that in most of the countries such “mechanisms of accountability” as: anticorruption commissions, legislative accountability committees and others are not effective because of “systemically corrupt government” (Azsfar, 260). Hence Johnson suggests combination of two tools for combating corruption: legal and ethical (Johnson, 2007, 25). Moreover changes in the curriculum could bring results (Poisson, 2010, 12).

Reforming the curriculum may reduce corruption. For instance, adding the anti-corruption course into the curriculum would nurture anti-corruption position and disrespect towards it among students (Penkauskienne, 2006, 18). Such kind of practice would be of great use in Kyrgyzstan. Now, in terms of solutions, different scholarly works propose different techniques.

Taking into account specific country features is important in adopting a policy. Many anti-corruption policies were implemented around the world. Nevertheless what is effective in one country might not have the same result in another. Corruption has to be considered specifically concentrating on the country features (Shah and Schaster, 2004, 2). One of the main issues is that such anti-corruption strategies as “decentralization, raising salaries, creating “watchdog” agencies” can bring successful results only in those countries where corruption is not widespread (Shah and Schaste, 2004, 5). Different scholars suggest diverse solutions on combating corruption. Further the case of Kyrgyzstan will be discussed.

Chapter II. Corruption in Higher Education: Case Kyrgyzstan

This chapter elaborates on corruption in higher education bringing the case of corruption in universities in Kyrgyzstan. Before discussing the impact of anti-corruption policies in higher education (which will come in the next chapter) current picture of higher education in Kyrgyzstan: system of higher education itself evidences of corruption and causes of it will be discussed. The topic of corruption in higher education became widely discussed nowadays. There is a need to review the educational system of the country first.

2.1 System of Higher Education in Kyrgyzstan

This section describes the system of higher education in Kyrgyzstan. Educational system in Kyrgyzstan was build under a strong influence of the soviet education system, because the country was part of the Soviet Union until 1991 (Tolbaeva and McLean, 48). After the collapse of the Soviet Union the quality of education became worse (Shamatov and Sainazarov). When Kyrgyzstan received its independence only 9 higher education institutions existed. In 1999 there were already 114 (Tolbaeva and McLean, 48). There was an increase in the number of students too. According to De Young during the Soviet time only -14% of graduates applied to the universities, while today their numbers increased to 50% (OECD, 311). This is quite interesting because education was free during the Soviet Union, but later it became paid (Tolbaeva and McGlen, 48). According to Tolekan Ismailova, this motivated many people (even those who were far from the educational sector) to create their own universities and colleges, in order to earn money (Ismailova 2012). The period starting from 1991 became time of reforms in the sphere of higher education. One of the main goals was to achieve: quality, efficiency and accessibility (Ismailova 2012).

Today there are four types of higher education institutions in the educational system of Kyrgyzstan, those are: “universities(universitet), academies (akademia), specialized higher education institutions (for example, Kyrgyz National Conservatory, Bishkek Higher military specialized schools (Uchilische) and institutes (institut)” (EACEA, 2010, 2). There are also

different levels as: bachelors, masters, specialist programs and also post-graduate programs (aspirantura and doctarantura). MOES in Kyrgyzstan carries responsibility upon the mentioned institutions, developing policies, holding trainings for the professors and many others (EACEA, 2010, 3). Public institutions receive money from the state budget. In terms of admissions, earlier universities were given number of quotas and then distributed them among students. This kind of system became famous for its unfairness towards those students who are from rural areas; therefore in 2002 National scholarship Testing (NST) was introduced. In which students from regions of Kyrgyzstan could take part. This eased and cleared up the process of admissions. Tuition fees differ from university to university, but private universities charge more than public universities. Two types of funding appeared in higher education institutions: funded by the state (“budget students”) and by the payments of the students (“contract students”). 100% of the budget of the private universities comes from the private payments; 20-30% of the state universities is the state’s contribution. Professors who teach at private universities have better salaries (Tolbaeva and McGlen, 49). Students can attend the university full or part time. Full time students obligated to attend all of the courses, part time students attend the courses only two times a year (for the period of winter and summer exams) (Shamatov and Sainazarov, 6).

The next section will bring evidences of corruption in higher education institutions. Before discussing the impact of anti-corruption policies anti-corruption at universities there is a need to know to what extent the phenomenon has spread.

2.2 Proof of Corruption (Bribing) at the Higher Education Sector in Kyrgyzstan

This section provides proof of that corruption exists in higher education in Kyrgyzstan by providing results of the surveys, of the secondary sources and interview responses. As mentioned earlier corruption in the sphere of higher education indeed became a serious issue. There are ample evidences illustrating students offering money during the admissions, studies and graduation. Currently there are more than 50 universities in Kyrgyzstan (Sultanov 2012). The quality of education they provide differs among them; nevertheless corruption in the form of

“informal payments” became their common feature (Mertaugh, 24). This is excluding those few universities who have strict rules and good funding. Only two: Manas Kyrgyz Turkish University and American University of Central Asia are counted to be not corrupted among current 52 universities (K-News 2012).

There were number of surveys conducted revealing the scope of corruption in universities in Kyrgyzstan. For example, survey of the Institute of Ombudsmen interviewed 520 people, 262 stated that their universities are corrupted, 261 people said that students themselves are willing to give bribes, 54 thought that there is corruption at the universities because professors lack ethical values, 203 stated that corruption occurs because of low salaries. Moreover 54% of respondents claimed that professors take bribes in the form of money, 14% in the form of groceries, 3% of students invite their professors to restaurants and cafes. Most of the students thought that the heads of the universities do not want to fight with the issues, because they themselves are corrupt (Bakir uulu 2012).

Istanbul Corruption Plan revealed high level of corruption in the post soviet region; according to the results the corruption was not reduced in last five years. Georgia was a single case with some improvements (OECD, 2008, 26). As Erkayim Mambetalieva notes corruption at the universities start with the admissions and last till the graduation. According to Todd Drummond, post soviet states started to reform admission procedures by bringing standardized tests instead of oral exams. Bribing takes place during the process of studying and that’s a whole separate mechanism. During the interviews it was mentioned by one of the respondents (who did not want for his/her name to be mention) that the money is gathered among the group mates to “starosta” the leader of the group, who further gives that money to the professor.

Emil Sarybaev, student of Osh university stated that some students even do not attend the university and instead pay for the exams (about \$500-600). Moreover, professors have set certain level of fees that students can pay for the exams, attendance, quizzes etc., and as a result students

graduate by buying a diploma but not by writing a thesis or passing exams. Students, choose an easier way of giving bribes and solving all of their issues.

This is the reality of the Kyrgyz universities today. The next section will bring the main causes of corruption in higher education in Kyrgyzstan. This is necessary for the analyses of the policies further in order to see if they were able to address the right causes.

2.3 Causes of Corruption in Higher Education in Kyrgyzstan

This section presents the causes of corruption in higher education in Kyrgyzstan. Causes of corruption in Kyrgyzstan are diverse. One of the main causes of corruption in Kyrgyzstan are: clan relationships and regionalism, weak governance and political will, weak legislation, weak enforcement and lack of controlling body and socio-economic reasons. From 1991 interestingly enough the number of students started to increase. As De Young, pointed out that this happened regardless of the fact that educational expenses were left on the shoulders of parents not only the state as it used to be during the Soviet Union (De Young, 2008, 14). This lead to that all students regardless of their performance at school wanted to enter the university and were able to do so, which at the same time increased chances of corruption (De Young, 2008, 14).

Clan relationships and regionalism persist in Kyrgyzstan being one of the major causes of corruption. According to Kathleen Collins clan politics were always important in political, economic and social life of Central Asian states (2002, 4). Collins defines clans as: “an informal social institution in which actual or notional kinship based on blood or marriage forms the central bond among members” (Collins, 2002, 4). It is hard to identify clans because they are informal groups (Biryukov, 56). This goes back to 1990’s ruling of the first president of Kyrgyzstan, Askar Akaev. Since that time clan based relations become very strong and it started to dominate in all spheres (Berdikeeva, 2). It has been important for these informal groups to be able to share the benefit among each other (Biryukov, 2). Berdikeeva states: “They remain to be everyday reality” (2002, 4). The members of the clan groups do not trust formal rules and institutions. They are divided into two big groups: ong kanat (right wing) and sol kanat (left

wing) (Dukembaev and Haansen, 2003, 22). Depending on the leader of the country and his/her belonging to certain clan, members of that clan take a leading position in society. Regionalism is dominant, people dividing into northerners and southerners (Dukembaev and Haansen, 2003, 22). For instance, if a student is from the same clan or region as professor, he/she might get the professor's support.

“Mentality” (way of thinking) of giving gifts prevails being one of the major causes of corruption in universities in Kyrgyzstan (Temple and Petrov, 2004, 91). It comes from the Soviet times when so called “blat”, which is a type of petty corruption existed. The sphere of higher education was under government control and universities were told how to act by higher officials. This is still prevalent in Kyrgyzstan. The ceremony of gift giving plays a very important role in Kyrgyz culture and has become a part of Kyrgyz “mentality” (Saralaeva 2012). Some people do not perceive bribing “as something shameful and unacceptable” (Taksanov). Gift offering and accepting them became part of life of Kyrgyz people (Akmatbekova, 2011, 4). This practice turned into a “nice and polite” type of bribery (Akmatbekova, 2011, 54). Students give presents during the public holidays and this is perceived as a normal thing.

One of the main causes is weak governance lack of strong political will, in fac. Government of Kyrgyz Republic started to show some signs of desire to combat corruption since 2010 when Rosa Otunbaeva became a President (OECD, 2012, 11). Recently President Atambaev and Prime Minister Babanov lately often touch upon this issue. Nevertheless the political will is still not as strong in order to eradicate corruption coming from the top to the down. In the presence of the political will it would be easier to overcome the issue and neither professors nor students would think of corruption. As Mambetalieva mentioned during the interview, “There is lack of political will. Very few part of anti-corruption activities are financed by the state, most of it is financed by foreign donors. But donors also do not want to keep helping, because there is no political will, and they are realizing that it is useless to spent money. First steps, as normative base was already at place. But there were no concrete and specific results” (Mambetalieva 2012). As Uzakbaev

noted “Strategy, normative legal acts, mechanisms, legal instruments are there. Law is necessary but there is a need for someone to implement it’ (Uzakbaev, 2012).

Anti-corruption policies exist in Kyrgyzstan but their implementation is weak, moreover there is a lack of a separate independent body. Anti-corruption laws exist only on paper, law enforcement bodies are weak as well and there is no independent stable controlling body on corruption. There was an anti-corruption body which was closed later on due to the regime change. “There is no prevention, although “body” that is responsible for this states that they are doing their job properly, while one cannot really say so, because, in fact nothing was done. It is better to prevent the disease than to cure it.

Socio- economic problems play a big role in terms of corruption growth. The professor’s salaries are low in Kyrgyzstan, “On average, the monthly salary of lecturers and professors is between \$20-40, while that of rectors is \$60” (Aslanbekova, 2011). Moreover professor workload is very high in the universities, most of the time it is about -850 hours for the professors, 800 hours for the professors with experience. 70% of the work consists of lectures. According to 2009 statistics almost half of the 13 025 professor were combining their work in several places. The level of salaries in 2006 of those professors who worked in the state universities was \$82, while of those who were employed at the private universities was \$112 (PISA studies, World Bank, 370, 2010). Such kind of heavy workload leads to “methodological vacuum” (Shamatov and Joldoshalieva, 10). Women provide the vast majority of the teaching force, which is also an ageing population” (OECD, 2010, 27). That is why it would be better if the workload was less while the salaries were more.

Students due to difficult financial situation have to earn money, as Mambetalieva told during the interview, “Many students are registered as students but they themselves are abroad (illegally working). Corruption became normal. This is a systematic problem. Student has to earn money. It is like a vicious circle everything goes back to the social, economic reasons and people’s consciousness” (Mambetalieva 2012). According to Shamatov, since 1991 slow decline

of quality of education could be observed (2010). As Rumyantseva states the quick expansion of corruption in HE can be referred to this time because, faculty salaries dropped and it was not only the states duty to take care of HE sector (Rumyantseva, 3).

So, weak political will, weak governance, weak laws, weak implementation, lack of controlling body, socio-economic reasons are all come to be one of the major causes of corruption in higher education.

Chapter III. Impact of Policies in Combating Corruption in Higher Education

This chapter discusses the anti-corruption institutions, educational and anti-corruption policies (adopted since 1991 till now). Firstly, it presents the anti-corruption bodies that exist in Kyrgyzstan's some of which were reformed or dissolved (Annex 1). Further, the section attempts to analyze the anti-corruption and educational policies (Table 1). The table contains policies adopted from 1991 till nowadays and helps to see changes policies went through and their influence on education system in Kyrgyzstan. Some of the reforms did not aim to solve the problem of corruption in higher education directly; nevertheless tried to improve the educational sphere. Anti-corruption policies were implemented aiming at combating corruption in general but not in the sphere of higher education specifically.

Table 1. Educational and Anti-Corruption Policies of Kyrgyz Republic

Year	Name of Policy
1992	Law On Education
1996	"Bilim" National Program
2000	State Doctrine of Development of the Sphere of Education
2002	Concept of Education in Kyrgyz Republic National testing in Kyrgyzstan
2003	New Law On Education
2003	Law Against Corruption
2004	National Scholarship Test (NST) Expertise held by OSCE, USAID and UNDP Istanbul Plan Against Corruption
2003 2005	Kyrgyzstan ratified the UN Convention Against Corruption. National Strategy Against Corruption in Kyrgyz Republic A Decree on "Urgent Measures to Combat Corruption" and the creation of National Agency on Prevention of Corruption + The National Council to Combat Corruption in Kyrgyz Republic
2006	The report "Analysis of the Anti-Corruption Legislation of the KR" under the auspices of the Law Initiative for Central European and Eurasian Affairs of the American Bar Association was published
2007	Education Development Strategy of the Kyrgyz Republic (2006, 4).
2009	The National Anti-Corruption Strategy in the Kyrgyz Republic
2012	A decree "On the State Anti-Corruption Policy Strategy of the Kyrgyz Republic."

3.1 Anti-corruption Institutions

It is necessary to discuss major anti-corruption institutions and scope of their work, because their activities are directly linked with eradication of this phenomenon in Kyrgyzstan. These bodies put policies into force. However their instability, unclear and broad functions are one of the biggest constraints for the anti-corruption policies to be implemented effectively. There are several bodies: 1) Ministry of Education and Science (Committee of Internal Audit), 2) Parliament (Committee on the Rule of Law, Legality and Fight against Corruption, State Financial Police Service of Kyrgyz Republic and Public Advisory Council) 3) Law enforcement bodies (Ministry of Interior Affairs, State Committee on National Security (Anti-corruption Service), General Prosecutors Office 3) Independent Agencies (National Agency on Corruption, National Council for Combating Corruption, Anti-corruption Business Council).

Work of Ministry of Education and Science (MOES) is directed towards the improvement of educational sphere, fact of bribery at universities is not considered to be an urgent problem to fight. According to the OECD report MOES was among the first bodies which started to raise awareness about the corruption stating that the sphere of higher education is at risk (OECD, 15). Nevertheless the results of these concerns cannot be seen on practice because the problem of corruption in universities is underestimated in the policies. Kerez Jukeeva, Press Secretary at the MOES, noted during the interview that there is Department of Internal Audit, which monitors the financial and administrative affairs within the Ministry and cooperates with State National Security Service and Financial Police upon receiving phone calls on the case of corruption. But up to now there was not a single case of corrupted dean or professor being punished. Regarding its anti-corruption activities, it can be noticed that it is mostly limited to youth anti-corruption events, which do not have much impact on eradication of corruption (Jukeeva 2012).

Governmental anti-corruption bodies are not concerned with the problem of bribery at universities much. There are several anti-corruption bodies: Public Advisory Council and also Committee on the Rule of Law, Legality and Fight against Corruption. The Public Advisory

Council was created as a separate committee under the Parliament to deal specifically with the cases of corruption. It was created in 2010 and one of its main goals is to monitor the activities of governmental bodies and to report on them to the citizens (Government 2012). Overall governmental Advisory Councils were organized in about 40 bodies (under number of ministries, agencies and committees) (Public Advisory Council 2012). The main goal of the Committee on the Rule of Law, Legality and Fight against Corruption is to hold meetings, to pass bills for the consideration of the Parliament (Jogorku Kenesh). Parliament has the right either to support the bill or to send it back for revision (Kenesh 2012). There were many disputes upon the creation of this body, because Ministry of Interior Affairs and State National Security Service already had separate department on combating corruption, nevertheless the majority of deputies (80 members) voted for and the bill came into life (Bazarbaeva, 2012). As it can be noticed these governmental bodies aimed at combating corruption but not in the sphere of HE.

Law enforcement bodies regardless of their long existence still have not done much in preventing or combating corruption in the sphere of HE. One of the main institutions are: State National Security Service (State Financial Police Service of Kyrgyz Republic), General Prosecutor's Office, National Security Committee of Kyrgyzstan (Anticorruption Service). These institutions often suffer because of frequent restructuring. For instance, Financial Police exists since February, 1993 and from then on it was reformed 9 times (Vinogradov, 2012). Recently this body was dissolved. Now, according to the Prime Minister of Kyrgyzstan, Omurbek Babanov's words a new institution named State Service for Combating Economic Crimes will be created (Government 2012). Difference between functions of this new body and of the Financial police are unclear. While one of the interviewees (an ex-employee at financial police) stated, that he is not sure that the new body will be effective: "we are left without job, while young people who will be employed might not have a necessary work experience to work effectively."

Prosecutor Generals' Office has not done much reducing corruption in HE. The office is dependent from the government and dubious laws. In its development strategy it is outlined that,

combating corruption is on the first place among all of the goals (prokuror.kg). During the Soviet Union the General Prosecutors office was an independent body, which was not responsible for anyone. Today the Prosecutor Generals' Office is not only under the control of the Parliament but also under the President. The office is obliged to carry regular reports to the head of the state. President proposes the candidate for the position of the prosecutor (prokuror.kg). This dependence certainly hinders the work of the body.

Anticorruption Service under the National Security Committee of Kyrgyzstan has broad goals that do not include combating corruption in the sphere of HE. It aims at “prevention, suppression, detection and investigation by law in cases of corruption crimes” against people who are on senior positions (kabar.kg). According to Cholpon Jakypova, director of legal clinic: “Anti-corruption Service was given very broad functions which do not work in practice” (kib.kg). OECD monitoring report underlined that: “The Anti-Corruption Service functions are still not clear; the regulation on its activities should be adopted” (2012, 17). The work of Anticorruption Service has not touched upon the issue of bribery at universities.

Young and independent bodies' performance on eradicating corruption were not prominent, due to their instability and dissolution of some of them. National Agency of Kyrgyz Republic on Preventing Corruption was created in 2005 (Mambetalieva 2012). It was an independent body whose main goals were to implement the coordination and evaluation of the state policies which are realized and also to form anti-corruption state policies (Kubanychbekov,13). Later person who initiated the National Agency- Sadyr Japarov proposed to create a new body. At that time the President was Kurmanbek Bakiev who gave his agreement and the National Council for Combating Corruption was formed. The President was appointed as the head of the National Council and 11 members among whom were: representatives of the media, Parliament, Judicial body etc. (for.kg). The National Council of Kyrgyzstan on the fight against corruption was created in order to provide the control of the implementation of the policies. The National Agency was responsible for the implementation and for reporting twice a

year to the National Council (in the beginning of October and April). In June (in the midst of the tragic Osh events) the National Council and National Agency stopped functioning. In 2008, consulting company “Consulting Development” together with National Agency on Preventing Corruption researched level of corruption in local governments. Later, there came an idea on creating a separate body that would be monitoring the level of corruption on regular basis and to develop recommendations for the National Agency. The Anti-corruption Business Council was created in 2009. When National Agency was dissolved, the Council turned into an independent body (Anti-corruption Business Council 2010).

Bodies mentioned above are unstable (regularly reorganized and replaced) and often aim at combating corruption in general terms, neither of them was involved in eradicating corruption in universities specifically or at least suggested certain measures. Creation of more number of anti-corruption bodies was not helpful in combating corruption both in general and moreover in the sphere of HE. There is still lack of an institution that would oversee corruption and combat it (OECD, 18). Anti-corruption bodies were created and certain actions were done, nevertheless as Koichumanov points, in general “all of the experience of combating corruption shows high inefficiency” (2004, 262).

3.2 Educational and Anti-corruption Policies in Kyrgyzstan (Period: 1991-2012)

This section presents educational and anti-corruption policies adopted in Kyrgyzstan since 1991 till today. Before identifying their impact there is a need to discuss them. One of the most significant educational policies are: Law “On Education” (1992), National “Bilim” Program (1996), Educational Doctrine (2000), Concept of Education (2002), National Scholarship Test (2004). Following policies can be referred to anti-corruption policies: Criminal Code of Kyrgyz Republic, Law of KR “On struggle with corruption” (2003), ratification of UN Convention (2003), The National Strategy to Combat Corruption in the KR (2005), The National Anti-Corruption Strategy in KR (2009), a decree "On the State Anti-Corruption Policy Strategy of the KR" (2012) (Education Development Strategy of KR, 2006).

In 1992, December 16th, Law on Education was adopted, this law gave permission to higher education institutions to charge tuition fees (Shamatov, 6, 2011). One of its main goals was to lay down the educational policy regulations (UNESCO.org). Shamatov states that starting from this point students were admitted not based on their achievements but based on their personal connections and financial status (Shamatov, 6, 2011). In 1996, March 20 National Program called “Bilim” was launched. It defined main ways of development of the education for the period of 1996 till 2000. The goals of the program were to provide equal access to education, to increase the quality of education, to improve the financing, legislation and the educational space itself. Further, the Educational Doctrine was adopted in May, 2000 (Education Development Strategy of KR, 2006, 6). Its aims were broad as: improving the relationship on educational aspects between government and people. Concept of education was adopted in 2002, but it mainly concentrated on the improvement of the schools. In 2003, new Law on Education was adopted. It mainly covered general educational provisions, system of education, rights and responsibilities of student, relatives and professors in the system of education, management of the system of education, financial and economic development of education, and international cooperation in the sphere of education. Further with the assistance of ACCELS, National Testing was put into action (Drummond & DeYoung, 2004). It was created in the hope to provide equal access to education.

Regarding anti-corruption laws, the Criminal Code of KR and Law of KR “On struggle with corruption”, must be mentioned first. In article 303 of the Criminal Code indicated that corruption is a crime. Articles 310 and 314 specifically address bribe-taking and bribe giving. The period of imprisonment for such crime is from eight to fifteen years, with taking away all of the assets and the right of being employed at another job in the period of three years. Article 310 indicates that taking bribes from a person or through a mediator in terms of assets and money is followed by punishment. Article 314 states that bribe-giving is punished in sum of money up to 200 000 soms (Kyrgyz National Currency), or involved into corrective labor, limited liberty until

three years or put into prison to three years (Criminal Code, 87). Person who voluntarily admits the bribe giving or tells from whom the initiative came from will not be punished (Omarov, 2004). Law of Kyrgyz Republic “On struggle with corruption”, was adopted on March 6th, 2003. It aimed to identify, prevent and combat corrupt actions and to punish those who committed such actions. The law operates on all territory of Kyrgyzstan and can be applies to all citizens of Kyrgyzstan as well as foreigners. It is clearly stated in the law that: “public officials are prohibited to receive from individuals and legal entities of remuneration in the form of gifts, money and services for the implementation of actions or omissions related to the performance of official duties”. According to Istanbul Plan on Struggle with Corruption, the framework of legislation on corruption does not fully correspond to the international standards, specifically to those set by the UN Conventions (Anti-corruption Networks for Transition Economies, 2004, 5). First of all the notion of bribes is limited only to the material assets and non material assets are not mentioned” (Anti-corruption Networks for Transition Economies, 2004, 6). Term “public official” is loosely defined creating confusion in terms of who exactly can be referred to it. Further corruption itself is defined differently in criminal code and in law “On struggle with corruption”. In the Criminal Code about 35 offences are counted as bribery, the law “On struggle with corruption” (Anti-corruption Networks for Transition Economies, 2004, 6). The definition is much narrow. Moreover because the criminal code lacks certain provisions, some of the provisions of the mentioned law lack sanctions, which mean that “the law is declarative and cannot be used in practice” (Anti-corruption Networks for Transition Economies, 2004, 6). As the OECD monitoring report mentions, nothing changed in criminal code according with the given recommendations (2012, 5).

From 2005 till nowadays there were three major policies on combating corruption: “In 2005 (Decree by the acting president of the KR of June 21, 2005, № 251) the document was called “The National Strategy to Combat Corruption in the KR”, in 2009, President Bakiyev signed a decree (on March 11, 2009, No.155), which was called “The National Anti-Corruption Strategy

in the KR and in 2012, February 2, President Atambayev signed a decree "On the State Anti-Corruption Policy Strategy of the KR" (Musabaeva, 2012).

In 2003 Kyrgyzstan ratified UN convention, by this taking a responsibility upon that the legislative and institutional base will be in accordance with it. In 2004 there was held an expertise of judicial and institutional base on eliminating corruption in the frame of Istanbul anti-corruption plan created by OSCE, USAID and UNDP. This strategy had enormous influence upon the anti-corruption strategy adopted in Kyrgyzstan. From 2005 till 2012 the strategy's title was transformed. In 2005 it was called "The National Strategy to Combat Corruption in the Kyrgyz Republic." In 2009, President Bakiyev signed a decree and title changed into: "The National Anti-Corruption Strategy in the Kyrgyz Republic". In 2012, a decree was signed by "President Atambayev and the strategy was renamed into: "On the State Anti-Corruption Policy Strategy of the Kyrgyz Republic" (Musabaeva, 2012). According to Musabaeva, "all three texts in the strategies are very similar. In many places they are even the same. There is almost the same concept of corruption, the general approach to the fight against corruption, goals and objectives of the strategy, and introduction to the analysis of the situation" (Musabaeva, 2012). In 2005 national anti-corruption strategy was adopted, its aims were: "to bring the national anti-corruption legislation in line with international commitments, to identify and overcome the contradictions of anti-corruption legislation, measures for the study and diagnosis of corruption and corruption prevention measures in various fields, as well as investigation of corruption cases" (Musabaeva, 2012). In 2006 Law Initiative for Central European and Eurasian Affairs of the American Bar Association published a report called "Analyses of Anti-corruption legislation of the KR". This report contained study of anti-corruption legislation of Kyrgyzstan, specifically the law "On Combating Corruption" and others which are relevant. Interestingly enough these analyses do not mention anything about the impact of anti-corruption legislation on the higher education. In 2007 Educational Development Strategy was developed (2006). It aimed to define the major directions of development for the main levels of education: preschool, primary,

secondary, and higher professional education (2006, 4). In 2012, February 2, President Atambayev signed a decree "On the State Anti-Corruption Policy Strategy of the KR" (Musabaeva, 2012). It had two main aims: first, to make law enforcement institutions stronger and to decrease corruption. One of the main critics presented by OECD regarding this strategy is that when it was created the Defense Council was a single actor who monitored the process, neither NGO representatives nor representative of International organizations were not involved (OECD, 2012, 13).

Reforms and initiatives were implemented but no serious actions in the form of clear and precise policies towards combating the problem of corruption specifically in higher education in Kyrgyzstan were ever initiated. Now, it is important to see the impacts of the existing policies in terms of combating corruption.

3.3 The of Ineffectiveness of Policies in Combating Corruption in Higher Education in Kyrgyzstan

This chapter discusses the reasons of ineffectiveness of educational and anti-corruption policies on combating corruption in universities based on the interview results and the secondary sources. There are many causes as: lack of political will, weak and vague legislation, weak and unstable law enforcement bodies, civil society (who is unaware of new policies, at the same time scared to report, or do not report because bribing is beneficial for them) and socio-economic and political conditions. As OECD indicates, Kyrgyzstan is a young country and not much time had passed since its independence for building a truly strong educational system (2010, 33). Kyrgyzstan achieved certain level of educational change since independence but certainly the process is at the evolution phase (OECD, 2010, 33). The National Testing initiative had a positive impact on eliminating corruption during the admission process (according to the respondent's views). As it was discussed there were number of educational and anti-corruption policies. Nevertheless corruption in general and moreover corruption in higher education specifically still exist. This means that anti-corruption activities implemented till now were not

effective. Today it can be seen that currently governmental bodies do not have any clear strategy on combating corruption. Even if they do they are artificial (Mukanova, 2012, 2).

The impact of policies was not effective due to weak political will. Almaz Tajybai, director of the NGO “Peremena” noted during the interview, that corruption in Kyrgyzstan is vertical and comes from top to the down. This kind of structure gives confidence to rectors of the universities to take bribes, because there is someone on the top who can support in case of emergency (Tajybai 2012). But, as the head of NGO, Civil Society against Corruption Ismailova Tolekan said:

“There is a total lack of good governance” (Ismailova 2012).

Indeed unless the government and governance will not become stable anti-corruption policies will not bring any positive results. Exactly, because of lack of truly strong willingness from government corruption still prevails. Tolekan Ismailova said:

“The current politics are not letting in for the reforms from top to the down because currently there are all of those key (old bureaucratic) people in the government bodies” (Ismailova 2012).

Anti-corruption policies were not effective because the legislative base was weak and the laws were too vague existing only on paper. Tolekan Ismailova added:

“In this chaos policies will not work. Those laws provided by the Ministry of Education are conflicting in nature and contradict each other” (Ismailova 2012).

Educational policies do not mention a word about corruption. Moreover, unclearness of laws comes out when there is a question on what must be considered as a bribe. Anti-corruption policies are too general. Almaz Tajibai, stated the following:

“Many aspects are not spelled out in the anti-corruption policies. If they would be spelled out for instance as bouquet of flowers 500 soms, 300 soms is acceptable and not considered as a bribe then it would be easier to distinguish bribing.” (Tajybai 2012).

Law enforcement bodies are weak. In fact, laws are important, but along with them enforcement bodies matter for the implementation. As Zaplatina mentioned:

“We have a lot of laws that were adopted by the parliament of our country we have constitution we have a lot of by-laws but they do not work, we might have one of the best

constitutions, one of the best list of laws ever in the world, but until we will have people who will implement we will not change anything” (Zaplatina 2012).

Most of the respondents told that without proper implementation laws are with no use. Valentin Deichman, outlined that:

“Even if you will create 150 policies, which will be both beautiful and competent, that will be stating about execution and punishment of those who are convicted in bribery, I do not think that it would be an effective way to combat corruption itself. Both of the actors are interested in bribes. narrow minded laws are written by 10 people, and million of people step over them” (Deichman 2012).

Another important aspect is the need for the person who is reporting to be able to feel secure afterwards, since they know that their report might be ignored most of the time people do not tell being afraid not to be heard (Kulmatov).

“There is a problem- student comes, writes a statement on the fact of corruption, the investigation starts and he refuses” staff member of the national security committee told.

Not long ago bills on the prosecution of corruption were written and passed to the parliament. But, the prevention is forgotten. Mukanova pointed out: “in our country there is a necessity to deal with the causes of corruption not with its results” (Mukanova, 2012, 2).

Anti-corruption policies are not effective because punishment for those who committed corruption is only on paper. There were very few cases when deans, professors were caught for taking bribes and the students for offering them.

“There is absence of punishment” (Ismailova 2012).

State Committee for National Security staff member, who did not wanted to mention his name, stated:

“Impunity creates more crime. There is a need to punish so that others will not want to take a bribe.” (2012).

But again the reality is that there were very few cases when rector, professor or student was punished because of bribes. Most of the time bribing is perceived as usual action and this is because bribing is beneficial for both sides: giver and receiver.

Policies are ineffective because they struggle with the results of the corruption instead of preventing it or looking at it from another perspective. According to Valentin Deichman's words:

"The solution for the problem of corruption in higher education does not lie in the sphere of education at all. It is in the field of professional activity, in the job market. Where there is a demand for professional workers and this market can become motivating and competitive." (Deichman 2012).

New policies which are created are not presented to the public actively; therefore many of the even educated respondents did know what anti-corruption laws in the sphere of education exist. Interviewees knew little about the policies in general, or they knew only about the national testing.

The impact of educational policies on reducing corruption in higher education can be hardly seen (except the NST) because they simply do not address this issue. They concentrate more on: equal access, development, new ways of teaching, strengthening the curriculum and achieving the economic effectiveness and financial stability but neither of them directly address the corruption in higher education (Ryskulueva). In a way those policies were helpful in creating and introducing new ways of teaching, assessing the knowledge of students etc., but not in the reduction of the amount of bribing at the universities. Almost all of the respondents knew about the National Scholarship Testing (NST), and had a positive view about it:

"Testing is effective; people who manage them are independent. They do not get money from the government. That is why neither the minister of education nor the head of any department cannot influence on the results of the exams." (Zaplantina 2012).

The anti-corruption policies are too general, too vague and artificial. Educational policies do not touch on the issue of corruption at all generally aiming only at the improvement of the higher education system. Law enforcement bodies are unstable, possessing unclear functions and not bringing visible results. Therefore, combined work from the side of law enforcement bodies, parliament, Ministry of Education and Science, civil society it is not possible to come to certain results. The policies are not effective and corruption still prevails.

Chapter IV. Analysis

This section presents analyses applying the theory to the case and reiterating the reasons of the policies ineffectiveness in combating corruption in higher education in Kyrgyzstan. It was underlined in the beginning that corruption occurs in universities mostly in the form of “petty corruption” in the form of small money transactions for receiving a grade or absences. Bribing came to be considered as the most widespread type of corruption which occurs almost in all higher education institutions of Kyrgyzstan. The principal agent theory was used in order to explain the occurrence of corruption. Professors serve as sellers and students as buyers of the grade or diploma. The second theory on the assessment of anti-corruption policies mention that the policy can be called successful when it: “lowers the expected gains and raises the expected penalties” for those who committed a corrupted action (2000, 3). The educational policies one can see that they do not say anything about the penalties; they are largely about the improvement and innovation of the sphere of education. Anti-corruption policies are simply changing the titles but not the content. As Hunther and Shah explain the appearance of corruption saying that it takes place mostly because the benefits are more than the costs (punishment). In the case of Kyrgyzstan, in the university setting no one is afraid of giving or accepting bribes because there were no cases of punishment yet. Hence people do not expect any type of problems that might follow.

Assessing policies in terms of: relevance, efficacy, efficiency and sustainability, it is possible to say that anti-corruption policies cannot be rated positively. Educational policies partially were successful in achieving educational goals. But not in reducing corruption, big portion of those policies do not even address the issue, the only one was the National Testing. Anti-corruption policies address the issue in general and often the existence of corruption in higher education is overlooked. Efficacy is low, because looking at the evidenced of corruption it is hard to state that policies brought positive results. Policies are not efficient either, because corruption was not reduced by 100 percent. Lastly policies are not sustainable taking into consideration unstable

political and socio-economic conditions of the country. There Criminal Code of KR and the law “On Struggle with Corruption” define corruption as a serious crime, but lack of clarity and strength as we saw. There were no successful cases of prosecutions on bribery. Causes as: weak governance, weak law-enforcement bodies, socio-economic conditions played their own roles. Regarding the ways to combat corruption, many suggestions are proposed nevertheless, many country specific features are not taken into consideration. For instance: clan relationship and regionalism.

The performance of anti-corruption institutions is important for the policies to be implemented in an efficient way. But as one can notice, there are too many law enforcement bodies whose activities do not bring clear results because of their instability and uncoordinated work. Government spends too much time, efforts and money completely abolishing the old institutions and creating new instead of them. Bodies cannot bring a visible result because of frequent rearrangements. Every time regime or leadership changes the institutions also experience reforms. It takes a long time for an institution to become strong and efficient, especially if it is new.

In fact as one can see most anti-corruption policies are far from touching any aspect of corruption in higher education, for now they are too general taking a wide approach while, in fact it might be much better to take specific steps in specific sphere. I do agree that corruption itself is a systematic problem. But I also tend to believe that it is a systemic issue which needs specific approaches in order to be solved as an issue. According to the interviews and the secondary sources, National Testing had a positive effect in reducing corruption during the admissions. Students started to be admitted to university based on their knowledge and not on connections (Shamatov and Sainazarov, 2006, 5). Most of the respondents were familiar with the national testing rather than with any other kind of educational or anti-corruption policy. Nevertheless it does not mean that national testing was 100 percent effective in reduction of corruption. It is successful only during the admissions. Regarding the rest of the policies

according to Musabaeva's analyses, most of them were simply changing their titles. They were only on paper, having no practical use and results. Policies had small impact on eradication corruption in higher education due to: weak political will, weak laws, weak law enforcement bodies, uniformed and benefiting civil society, and difficult socio-economic and political conditions.

Findings:

- 1) Policies matter in curbing corruption but there are other actors whose performance matters equally.
- 2) Anti-corruption policies are not concerned about corruption in HE but about corruption in general. They take a broad stand on the issue. Educational policies do not try to solve the problem of bribing at all; they are mostly directed towards the improvement of educational system. For both types of the policies the issue is still not on the agenda their initiatives are mainly on paper.
- 3) Public is not aware of educational and anti-corruption policies. Certainly, people know that corruption is a crime; but they also know that no punishment will follow. Therefore, there is a need to spread the information through the mass media and all possible channels both about the newly adopted laws and about the cases where corrupted deeds were punished.
- 4) Anticorruption agencies are under influence of regimes and political situation in the country. Frequent restructuring of anti-corruption institutions, creating new bodies instead of old ones has not been helpful in successful implementation of policies. Often it is extra expenses upon creating a new institution, recruiting staff members, but nothing more productive.
- 5) Political will is not enough there has to be support from the people. For the civil society to be supportive there is need for a trust. Students are afraid of telling the truth. If they do, later they refuse to proof their own statements. There is a need to create conditions for people not to be afraid to blow the whistle.
- 6) The fact that salaries will be increased does not mean that professors will stop taking bribes and students offering them. Ethical values that people possess matter here.

Chapter V. Recommendations

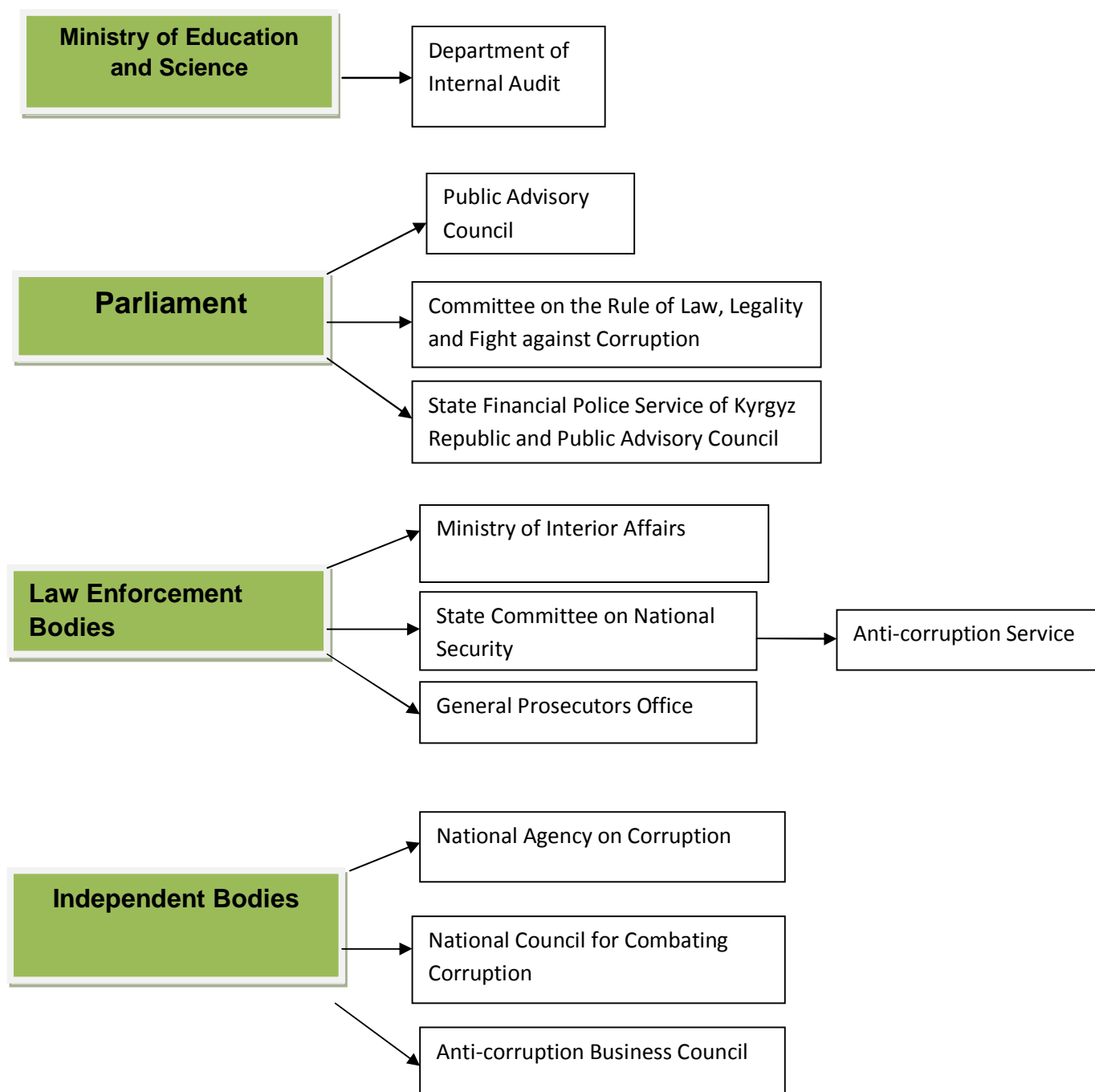
For the educational and anti-corruption policies to be effective in combating corruption there is a need for a very strong political will. Further stable legislative base is required that will provide concrete results. Policies should be particularly aimed at curbing and preventing corruption in higher education. It must be ensured that students are not afraid of openly reporting on this issue. Public needs to know the newly adopted anti-corruption policies. The fact that laws are at place is not enough, they must be properly implemented. For this close work of law initiating and law enforcement bodies is necessary. Strict punishments must be imposed. Law enforcement bodies need to not only to struggle with the issue of corruption but instead try to create clear mechanism on prevention of it. There is a necessity to generate competitive labor market where not the diplomas but people's knowledge and skills will be valued. This will motivate students to study and to gain knowledge in order to be employed in the future. Professor's salaries must be increased. There is a need for a stable, strong and independent anti-corruption body which will be solely responsible for combating corruption. In terms of combating corruption there is a need to create conditions where students will have less contact with the professors. It is necessary to work with the students at schools preparing them towards honest academic life at the universities.

There is a need for a complex change and for the involvement of all actors and their efforts for successful combating of corruption in HE.

Conclusion

This paper aimed to reveal the reasons of the anti-corruption policies ineffectiveness in the sphere of HE. The research proved that one of the main reasons of the ineffectiveness of policies in curbing corruption are lack of political will, stable legislature, awareness among the public and lack of appropriate socio-economic conditions. Moreover, it is necessary to underline that, most of the policies do not address the issue of corruption in universities, most of them are too vague and do not work in reality and the law enforcement bodies are not stable and do not perform effectively. For instance, as it was mentioned, educational policies do not address corruption in universities specifically, although they aim at improving the educational system in general. Anti-corruption policies contain many contradictions and ambiguities. The law enforcement bodies are not stable and their performance is not effective in curbing corruption because the scope of their work is too wide. Their functions are not clear and actions not coordinated. Public is not aware of what anti-corruption policies are adopted, even if they know, they do not follow them because they know that there is no real punishment. There is no guarantee that they will be protected. Moreover since bribing is a mutually beneficial process, actors hide this fact. Along with this the urgency to fight corruption in the sphere of HE was demonstrated stating that if government, law enforcement bodies and the civil society will not unite within a complex approach than changes will not happen.

Annex I: Chart of Anti-corruption Institutions



Annex II: Table of Anti-corruption Institutions

Name of the Institution	Year	Functions	Combating Corruption in HE	Current Status
Ministry of Education and Science of Kyrgyz Republic	(about 1991)	Provision of equal access and rights to education, implementation of unified policy in education(MOES 2012)	Yes, but did not directly aimed at curbing corruption	Still functioning
Ministry of Interior Affairs	1917	Armed law enforcement body that is responsible for the safety of the citizens and struggling with crimes (Ministry of Interior Affairs 2012).	No	Still functioning
State Financial Police Service of Kyrgyz Republic	1993	To curb the economic and corruption crimes and conducting operational and investigative work of the criminal code (Vinogradov, 2012).	No	Was dissolved and being replaced by a new body
National Council for Combating Corruption	2005	National State Executive body which works on preventing the corruption (for.kg)	NO	Dissolved in 2010
National Corruption Preventing Agency of Kyrgyz Republic		To develop national strategy against corruption, prevention of it and raising awareness. The body was replaced by the Security Council (OECD ,17)	NO	Dissolved in 2010
Anti-corruption Service of the State Committee on National Security	2011	To fight corruption among the public officials(OECD ,17)	NO	Still functioning
Public Advisory Councils	2010	To regularly report upon the actions of the governmental bodies to citizens in order to keep them updated (Government 2012)	NO	Still functioning
Anti-corruption Business Council	2009	Improving the business environment, eradication of corruption, monitoring the activities of government bodies (adc, 2010)	NO	Still functioning
Secretariat of the Defense Council	2012	To control the realization of “ State strategy of the Anti-corruption policy of the Kyrgyz Republic” (OECD, 2012, 4)	NO	Still functioning
Committee on the rule of law, legality and fight against Corruption	2012	Carries responsibility only for the problems linked to corruption (OECD, 2012)	No	Still functioning

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