

**President's Address to the Parliament and the People of the Kyrgyz Republic
(speech by the President of the Kyrgyz Republic Roza Isakovna Otunbayeva
at the Parliament (Jogorku Kenesh) of the Kyrgyz Republic
(30 November 2011))**

Dear Mr. Speaker! Dear members of Parliament!
Dear compatriots!

I am completing my work as President of the Kyrgyz Republic. Guided by the will of the people of Kyrgyzstan, I knowingly and voluntarily hand over my power to a new legally elected President – Almazbek Sharshenovich Atambaev.

Dear members of Parliament!

From this high rostrum allow me to address not only you, but all political leaders and parties of our country, as well as the intellectual elite of Kyrgyzstan, and those who feel personal responsibility for the destiny of our motherland.

For the first time during the years of independence we create a precedent of a voluntary, peaceful, and constitutional transfer of power through the promotion and conduct of democratic elections.

Thus, our people regained not only the right to choose the national leader, but also to determine the direction for the country's development.

The mission entrusted to me by the revolution and the referendum of 2010 is coming to its completion. The Parliament and the President, having been granted trust for a significant but also a limited Constitutional term, should now faithfully and deliberately follow the cycle of change in power. We need to adopt this principle long-tested by the civilized nations. . We must make a rule out of this experiment. This is our common historical responsibility. We have this responsibility not only towards our own people, but also towards the entire world. We must recognize the scope and significance of the precedent that we are creating.

Today it is evident to all political forces that the path of dialogue, of a reasoned compromise and that of respect of mutual interests is a civilized way to move forward to a peaceful, stable and prosperous Kyrgyzstan. While the effective mechanism for implementing such a task is the parliamentary culture of governance. We have gone through authoritarian and clan-centered ways of governing and we want no return. It is necessary to consistently and steadily move towards a collective agreement and social contract, reviving the people's traditions of joint governance of a country. This is how the government will gain back the trust of the people, without which no political, social and economic reforms can bring the desired result.

Dear compatriots!

The twenty years of the recent history of Kyrgyzstan became the history of usurpation of our right to freedom of choice. Systematically taking away people's legitimate tools for influencing the government, forcing people to the fringes of the legal framework, concentrating all power in the hands of a single person, both the first and the second presidents had condemned the people to the only option of unconstitutional struggle for their rights – the forced seizure of power.

The lesson of the first revolution was not learned well. We got an even more aggressive family-clan regime. Expropriation of resources, assassinations, and finally, an attempt to establish a principle of hereditary power once again compressed the spring of national patience, which finally burst.

The blood of hundreds of our countrymen turned out to be the price paid for returning to the way of justice. Yet a revolution has another side. There is a risk that an exception becomes a rule. A whole generation is growing up knowing no other way of regime change, except for a violent overthrow.

The State immune system is weakened to the limits – the overthrow of personalities does have consequences for the stability and legitimacy of the institutions, which they represent, not only for the institution of the presidency in this case, but for the entire state system. Strengthening of the external influence on the internal political processes is explained by the fact that doubts had risen among the global and regional partners as to the actual solvency of the state of Kyrgyzstan.

We had to prove to the world and above all to ourselves, that we are capable of legal self-regulation and civilized transfer of power. Otherwise we would have lost the country. The count was in days and minutes. Amid the fear and the suffering of the June events, despite the total anemia of public administration, in spite of the most brutal combat of political opponents and treacherous indifference of the skeptics, we announced the referendum. And the people voted for change and reform.

But reforms begin with the establishment of rules – new rules. The people of Kyrgyzstan said "yes" to a parliamentary form of government. They expressed their confidence and gave thereby a chance to an unknown, untested format of government, believing that this format is more appropriate and fair, at least because it does not allow any of the participants in the political process to prevail over others. A radical shift to a parliamentary system is justified – otherwise the deeply sprouted roots of despotism could not have been torn out. It was necessary to establish a precedent, to countervail the historical experience and the inertia of political ambitions, of authoritarian thinking, as well as to countervail the external pressures.

The results of the referendum became a new starting point in the history of Kyrgyzstan, determining the date of the parliamentary and the presidential elections under fundamentally new conditions. Through the referendum our society expressed its trust to me only as to a mediator and an organizer of these processes, a kind of a crisis manager for the transitional period. I understood and accepted this not as an absolute power, but as a complete political and moral responsibility to the people and history.

Dear compatriots!

We went through serious schooling in political struggle and civil responsibility, of moral selflessness and service to our people, of which we are indispensable part in blood and flesh. Putting the interests of the people above personal, clan, or group interests is now an urgent imperative for all branches of government. It is this imperative which has always distinguished the heroic figures of our history, great fathers and mothers of the nation, sacrificially serving their people without sparing their bellies for the sake of people's prosperity and welfare. We all need to remember this.

Now regarding the cardinal change of the political elite. We abandoned the idea of lustration, prompting accusations of betrayal of the ideas of the revolution, its heroes and victims. Why did we abandon lustration? We deliberately did not lay the stones for new revolutions. Yes, admittedly, much of the elite participated in both authoritarian regimes. They are morally, and some, perhaps, criminally liable for it. Displacing them from a legitimate field of political competition, we would have sent them into hiding to sharpen knives for revenge. The results of parliamentary elections in 2010, just as the recent presidential elections, have been determined by the people.

The very representation of interests, the very balance of political forces in parliament have been created by the people.

Today, the political diversity and contradictions within the Parliament adequately and fairly reflect the real political diversity existing in the country. This allows any fundamental socio-political confrontation to be resolved within the legitimate framework of the Parliament. The work of the Parliament receives much criticism from the public so far. People say: "We defeated a dragon, but spawned many little dragons." There are people who believe that the difference between a presidential form of government and a parliamentary form is only in the fact that, while before a pie belonged to one person, now it is possible to "saw" it into many pieces. The unpreparedness of the elite for a collegial management and responsibility is explained by two reasons. Firstly, it is the very same elite to which both of the ousted presidents belonged to, the elite that is somehow responsible for everything that happened in our country for over 20 years of independence. Secondly, we are only now comprehending and trying to implement a new formula for power that we have carefully written out on paper. Yet the original formula was not invented by us, it has been tested before and many democratic countries live by it.

Our own national experience, responsibility and a new political culture will not come about immediately; perhaps they must be suffered out and come as an outcome of the actual practice of parliamentary government. Competitive presidential elections also gave the people a chance to exercise their right for choice. An indispensable feature of a peaceful transfer of power is the recognition of the election results by the losing candidates and their supporters, or the challenging of the results exclusively within legal framework. This means that all political forces recognize the shared fundamental values. I would like to thank all the candidates for the presidency for the manifestation of this political responsibility and maturity. I want to express my admiration to the people of Kyrgyzstan for the fact that despite the forecasted regional division of the country and the insurmountable ethnic tensions, on the 30th of October, the people proved to the world that we are one nation and one country.

The winner does not necessarily reflect all the preferences of a society, but is determined by the choice of the majority – the world has not yet come up with a fairer electoral system. But it has invented a system of a balance of powers, checks and balances. The counterweights to the president with curtailed functions and authority are the parliament, the coalition government, and the judicial branch a reform of which is yet to be implemented. Their competitiveness and the ability to negotiate and achieve agreements are the qualities that would ensure the interests of the society's both the majority and minority are represented.

During the presidential election more than half of presidential candidates in their policy statements called for an amendment to the Constitution, and even for its complete replacement in favor of increasing the powers of the president. Two main arguments were put forward. The first one is "only the chain of command can make the state strong". This thesis is not devoid of logic, but the experience of Kyrgyzstan and other countries have repeatedly proven that a rigid chain of command often becomes authoritarian and begins to serve the interests of only one person or a small group of individuals. A parliamentary form of government is not perfect, but it has one absolute advantage over the presidential – it is a guarantee against the usurpation of power in the hands of one individual. The second point is that the "negative role of the personality of the president can lead to the rejection of the presidential form of government". This is a myth about a good and just king. We have seen in practice that a one-man rule corrupts, sooner or later, even a "highly moral and enlightened" person. In this regard, we recall the statement of the famous philosopher and economist of the XX century, Friedrich August von Hayek, who noted that "we

will never be able to prevent the abuse of power, unless we are willing to limit that power, even if it would complicate the implementation of the tasks and duties remitted to it.

The most popular Constitution is that of 1993, which seems to have laid the balance of powers – a strong president and a strong parliament. Why did not it work? The first scandal over the export of Kyrgyz gold to Switzerland, for which the Parliament in accordance with the supervision remit granted to it by the Constitution had requested that the President gave explanations. This resulted in dissolution of the Parliament in the autumn of 1994, the dissolution orchestrated by the president. After that, the president appointed a referendum on the establishment of a bicameral parliament, the purpose of which was the weakening and erosion of the authority of the Parliament as a whole through the artificial division of it into two chambers. Thus the sum of the powers of the president would prevail over the powers of the Parliament, and the risks for the breadth of the presidential actions were eliminated. This same referendum also made the impeachment procedures more complex. Later using referendum again the president took away the authority to establish the executive branch of the government from the Parliament, thus the right to form the cabinet of ministers was removed from the Jogorku Kenesh leaving it only the deliberations on the candidacy of the prime minister within its remit.

After the revolution of 2005, the newly elected president abused the trust of the civil society and the Parliament, when having received the powers of the Chairman of the Constitutional Council in the Jogorku Kenesh, he managed to phase down all the reforming initiatives. As a result of the political confrontations of 2006-2007, the opposition was crushed, and again at the referendum the Constitution was adopted, consolidating the strong presidential powers. The last act of a family dictatorship was the introduction of the Presidential Council as the institution of inheriting the presidential authority, to replace the institution of presidential elections.

In total there were 5 referenda and 8 revisions of the Constitution conducted in favor of expanding the powers of the president. All of which were made possible by the fact that the Constitution gave the president the sole right to appoint a referendum. The Referendum Institute was coined as the last and exclusive mechanism in the decision making of national importance. But it was perverted into its complete opposite, the people's trust was manipulated and abused and the decisions were made in favour of private interests of one person (and not even of the presidency!). In the current Constitution, we excluded this possibility.

It is fair to ask: "What about the referendum of 2010?" Can the concept of an "exceptional case" be applied here? Exactly, it can. As a result of the April People's Revolution all discredited branches of the government were overthrown. Under these conditions, only a referendum remained a legitimate functioning institution of the state power. Yet someone had to run this extraordinary mechanism. The opposition, represented by the United People's Movement (UNM), whose leaders led the provisional government, assumed full political responsibility for the fate of the country, for the legacy of the past, and acted as the organizer of this process and began to work outside the "legal framework", on the basis of decrees. It must be frankly recognized that at that time, UNM was the only organized force capable of confronting the criminal regime, to unite the masses and to battle out the revenge-seekers.

The "Akjol's" parliament and the tamed Constitutional Court that the supporters of the old regime wanted to use as a formal tool to claim the power back were disbanded. Realizing the need for urgent legitimization of power, we clearly defined our mandate – the Provisional Government and the President of the Interim period, set deadlines for full return into the legitimate legal framework.

The new Constitution specifies the mechanism of transfer of power. By the referendum held in June 27, 2010 the Law "On introducing the Constitution of the KR" was adopted. Thus,

conditions of interim presidency and the transfer of power by the new Constitution have been prescribed in advance.

We were aware of the importance and the inevitability of the transitional period to legitimize the authority, as well as the inevitability of a full political responsibility for this period and the success of the reform of a whole country. For the first time the institution of a referendum was used not to usurp the power, but to ensure open, fair parliamentary and presidential elections, when a wide spectrum of political forces received a mandate from the people for a collective state governance.

In the difficult conditions we were able to ensure the holding of democratic elections, providing equal conditions for all political forces in the country. For the first time in the history of Kyrgyzstan and throughout Central Asia, the politicians that came to power voluntarily abandoned it. Members of the Provisional Government went to the polls along with other leaders of the political parties, thereby ensuring integrity and fairness of the electoral process and laying the foundation for a new political culture.

It should be emphasized that the peaceful transfer of power was carried out by the people of Kyrgyzstan at the referendum held in June 2010, last year's parliamentary elections, and the current presidential election. Thus, the country gradually transferred into a new legal framework. The outcome of the elections does not complete the process of legitimization of power, but only opens it.

Authorities must prove its legitimacy every day - they must be accessible and accountable to the people. The activation of the rallying and demonstrations among Kyrgyzstanians from At-Bashy to Batken is due to the unavailability of participating mechanisms in setting the agenda and taking part in the country's decision-making processes.

Focusing on the importance of efficient operation of local government, it is necessary to significantly reduce the state apparatus, eliminating a number of intermediate structures – oblast level, for example, taking into account the relatively small population and territory of Kyrgyzstan.

The maximum legitimacy and stability of power can be reached through decentralization of power, through the introduction and the strengthening of democratic structures at all levels. It is therefore necessary to support the continuation of the functioning of such civil society institutions as the Public Supervisory Boards (PSB), which has become an effective force against the shadow and opaque governance in the public sector.

Hopefully, the law "On public supervisory boards and other agencies of public control" will be adopted by the Parliament, and PSB will contribute to the transparency in the work of the government. Only independent, unbiased civil society institutions are the real people's power.

During the last year, the civil society and the free media proved that they are a huge social force capable of directing a collective process into constructing a new social space. This is our tangible achievement in the development of our democracy.

Dear compatriots! The main criticism of the revolution – is the destruction of legal framework and the rule of law.

But the question is whether there was a legal framework actually in our country? The re-tailored constitution and a set of nominal lobbying laws served the interests of a narrow elite group, and promoted illegal and punitive functions against the rest of the society.

Our society did not function within the rule of law. Revolution is certainly a violent act but it destroyed an unjust system, which consolidated the political and economic monopoly. Only resetting of the situation made it possible to setup a new, and in fact the first social contract in our country. Yet peaceful transfer of power - is just the first act of creating a new legal "fabric": not a nominal one but a legal fabric based on a real social contract.

We are still in the process of these negotiations. That is why the inertia is still strong. The laws are not being enforced properly. At the same time, great efforts are directed at lawmaking. There is a constant adoption of new laws to replace the old ones, while neither of them work.

I would explain this fatal disregard of the laws by the following causal processes:

(1) there is a disregard of the law enforcement among the government bodies, which gets mirrored in the corruption and incompetence of the law enforcement and fiscal authorities, of the prosecutors and the judiciary as a whole. The principle of equality of every citizen before the law was enshrined in our Constitution, but had never been acted upon.

(2) as a result – we have the disappointment and a complete loss of trust among citizens in the state authorities including in the judiciary system and the civil society. In this regard the ongoing legal and judicial reform, which will cement the foundations of the democratic changes is essential today.

Our public security and the security of each one of us depend on a fair judicial system. The latest events and facts show that judicial reforms had stalled from the start. We uncovered many contradictions and problems. People who are vitally interested in keeping the old system stand behind the entire rotten judicial machinery. However, the number of those who are willing to change is incomparably greater and that is why I am convinced that our country will form a new impeccable judiciary system.

I wish to draw your attention to the issue of the Council of Selection of Judges. It is a major step in reforming the judicial system. Unfortunately, there are gaps in the legislation to support the functioning of the Council. It became clear that some political forces are not yet free from the desire to keep the judges under their influence.

The fact that a considerable part of the Council was rather weak to all kinds of temptations, there was a bias in their voting, they could be bought out. Therefore, we need to renew the Board for the Selection of Judges in order to continue the process of competitive selection of candidates for the positions of Judges of the Kyrgyz Republic. According to experts, it will take years to complete full judicial and legal reforms.

As for the role of the President of the Interim period, the time was too short to complete these reforms. Yet my hopes are high that positive resolution of this issue in the future is possible. Unfortunately, we were unable, for various reasons, to ensure that a series of loud legal cases were brought to their logical conclusions.

It has to be acknowledged that it took too much time to process the trials in relation to the events of 7th April, 2010 due to the complexity of the case, the large number of participants and the need to ensure safety. And yet this process has to be brought to its logical end, providing the conditions for a legitimate and fair conclusion.

Finally, the judicial and the legal reform does not only mean the reform of the courts. There is a need to reform the entire law enforcement system because the results of its work are the materials, with which the courts work. Therefore, the law enforcement agencies should be radically restructured in line with today's realities, taking into account the importance of the human rights protection issues.

Only through the restoration of the people's trust can we restore the Rule of Law, which is not a unilateral process. Any law is an act of a social contract, and all of us are the authors – from a public servant to a peasant, forming one community called the people. We must negotiate. We need to build a tradition of mutual loyalty between the people and the government through an equal and impeccable fulfillment of our rights and responsibilities. Our own legal tradition may arise and become functional only through a multiplication of precedents, i.e. through our own complex historical experience.

We must understand that this complex democratic process cannot be quick and painless. Unjustified expectations also lead to a crisis of trust in a society, which may induce premature conclusions on ineffectiveness of an emerging system without having given it a chance to reveal itself and its advantages. We have very little time to fulfill the trust and expectations of the people.

The politicians should realize that besides associating ourselves with one political camp or another we at the same time represent a community – the current political elite with a responsibility of representing an entire historical stage in the development of Kyrgyzstan. And we have to feel the responsibility before our people.

We are a part of the people and must be united in achieving our main objectives. We must educate ourselves to a high level of political culture, because without it the democratic system is doomed to degradation. The examples of impeccable personal political behavior of high level officials of Kyrgyzstan should be integrated and followed within the political culture.

The society has deep mistrust to all those in power, and especially to anyone who becomes president of the country. First of all because citizens do not believe that anyone who becomes president would not appoint members of his/her family to a public office. Secondly, people do not believe that a man, as a president, would not pursue selfish interests in this position. And thirdly, the people do not believe that anyone who becomes a president would voluntarily come to this post and with clear conscience transfer the power to someone who is voted into the office by the people.

The main task for the next president is to adhere to the requirements established by the Constitution, and end the term by allowing the people choose the next president. After expelling two previous presidents, having gone through the experience of six referendums and eight constitutional amendments, two revolutions and the provocations and violence of interethnic clashes in the south of the country, Kyrgyzstan has developed its own “recipes” of self governance:

- (1) In Kyrgyzstan it is impossible to ignore the people: they are the real active force.
- (2) Nobody has the right to usurp power, and therefore the power structure has to be arranged to prevent the abuse of power.
- (3) The leaders of the country should fulfill their promises to the people.
- (4) Policymakers should avoid the use of threats and force because for every force there is a counter-force, which can be overpowering.

Dear compatriots!

The Constitution strengthened the functions and remit of each branch of power. A fundamental condition for the stability of the new political system and the formation of a new political culture are the provisions on the impossibility to amend the existing Constitution until 2020.

No less important is the issue of power efficiency. None of the government branches, none of the state institutions ought to be considered as leading force in the state governance. Unfortunately many of our politicians are driven by personal ambitions, and attempts to influence the process of decision making are observed between all branches of government.

We're not the only ones who make mistakes. There are many examples in modern history when the most advanced structures of institutions of power produced the worst administration. Yet this is not an argument for abandoning the chosen path. The Government must be properly organized.

In the new Constitution, the President represents the unity of the people and the government. This special and main role of the head of the state has only started being emphasized and realized. The mechanisms for implementation of this mission should be developed jointly. All the branches of the government must work within their mandates and this should be clearly spelled out in the law and thus regulated. The legislative power should not interfere in the executive or judicial branches, and vice versa. Competing claims to a monopoly of power can only lead to a political crisis. We must always remember that. It is only through close cooperation, competition, opposition and responsible partnership that tangible results of effective governance can be brought about. A clear division of powers between branches of government integrates, assembles, and creates a single mechanism of state management.

Dear compatriots! The totalitarian regimes across the world have tough times. Broad public access to information, the ability to track events in real time, the growing opportunities for social mobilization through electronic networks are the new challenges and advantages of our times of globalization. The success of revolutions and the people's revolts swept through the Arab countries – Libya, Tunisia, Egypt, Yemen, and Syria. However, the “Arab Spring” does not yet have clear positive outcomes. The political standoff continues in these countries, innocent people still dying, and the interim governments cannot cope with the crisis, nor can they organize elections.

Kyrgyzstan had managed to promptly overcome the political crisis and the destabilization of the situation, despite the complications of the provoked inter-ethnic conflict. We were able to turn the situation back into a constructive legal stream. We have opened a new chapter in the history of the independent Kyrgyzstan. Many people and experts in politics forecasted the collapse of the idea of parliamentary system in Kyrgyzstan. But in spite of that, the coalition government successfully worked for a year, the salaries of teachers, health workers, pensions and social benefits increased, and the economy is growing. Parliamentary democracy has been strengthened. Even if in the current political situation there will be a new majority coalition, it will be a well expected normal situation, a natural process.

It happens in any parliamentary country and confirms the improved design of a public consensus. I believe that Kyrgyzstan has passed over the so-called Point of No Return. We must forge ahead and finish the things we started. We have brought back the good name to our country, we have a rightful place on the world map.

We are grateful to the international community for their active support and assistance to strengthen democracy, peace and harmony. I am certain that Kyrgyzstan's foreign policy will continue its fruitful and equitable cooperation with our strategic allies, neighbors and partners in the name of a sustainable future.

Dear Members of Parliament, dear compatriots! The precedent of a peaceful, constitutional transfer of power will take place tomorrow. I am leaving the post with a sense of accomplished duty and a great deal of hope on the legitimately elected parliament and president. With a sense of immense gratitude and admiration to the people of Kyrgyzstan for their courage and wisdom I'm leaving with a sense of guilt for having failed to prevent bloodshed. With a sense of pride that we were able to preserve the integrity of the country and the unity of the people I did everything that I could possibly do. I know one thing, my conscience is clear. History will judge the rest.

Thank you.