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The Cost of Parliamentary Politics in Kyrgyzstan

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Introduction

The Kyrgyz Republic (hereafter 'Kyrgyzstan') is the sole democracy to emerge from the Central Asian post-Soviet states. While the country has experienced two revolutions in the past ten years, it has emerged as a stable parliamentary system in the region. But the country has seen a dramatic increase in the cost of politics within the last decade that threatens to undermine the fledgling democracy.

Methodology

In the framework of this study, mainly two methods of analysis were used - desk-based review and situational analysis.

The desk-based research focused on the drivers of the cost of politics in Kyrgyzstan. It included a legal analysis of current legislation governing election procedures, to examine the core issues contributing to the rising cost of politics in Kyrgyzstan.

The situational analysis aimed to examine the current realities regarding the increase of money in politics, by conducting semi-structured interviews with current and former MPs, political parties' staff involved in election campaigning activities and leading local experts in the field. The total number of surveyed participants was 40 people.

The research was driven by four principal questions:

- What has been the historical experience of campaign financing and how has this shaped previous elections at the parliamentary level?
- What are the key drivers of electoral costs for current parliamentary elections? What does it roughly cost to run for parliament? What are the principal sources of funding for parliamentary campaigns? Is the burden principally on the candidate or the political party to fund campaigns?
- What are the costs incurred by MPs once in office? Are these demands principally public (official engagements) or private (constituent requests)?
- What barriers do these costs create for particular groups (such as women)? What are the prospects for future expansion or reduction of these costs based on either normative or legal constraints?

I. Historical context

Since gaining independence from the Soviet Union in 1991, Kyrgyzstan has attempted to construct a functioning parliamentary system, with mixed results. The country's first elections, in October 1991, returned Askar Akayev unopposed. It initially appeared as though he was committed to economic and political reform. However, allegations of corruption and vote-rigging soon bubbled to the surface and by 2005, Akayev was still in post, despite a promise to stand down when his term expired.

This led to protests and Akayev's eventual downfall in what became known as the Tulip Revolution. He was replaced by opposition leader, Kurmanbek Bakiyev, after a landslide victory in which he too promised significant political reform. When this reform failed to be delivered, a second revolution followed in 2010 which led to ethnic violence, particularly between Kyrgyz and Uzbeks in the south of the country.

That revolution, which broadly sets the tone for Kyrgyz politics today, resulted in a referendum which reduced presidential power and proposed a new constitution that made Kyrgyzstan a 120-seat parliamentary democracy in which no one party could dominate, and where parties based on ethnicity or religion were banned.

Kyrgyzstan has a semi-parliamentary system with a directly elected president and a prime minister elected by the parliament. In the last election 14 parties submitted their candidate lists and paid the required Kyrgyz Soms (KGS) 5 million, or 74,000 US dollars (US\$) to participate in the election. The fee was increased fivefold from previous elections and was criticised as being an obstacle to keep smaller parties out.

Subsequent parliamentary elections took place on 4 October 2015. Parties were required to have at least 30% of the candidates on their list from both genders and every fourth candidate on the list from a different gender. There was also a 15% quota on the lists for ethnic minority candidates. Following claims of vote rigging at the previous election, biometrics were introduced. Several parties combined their financial resources to ensure they were able to exceed the 7% threshold to be allocated seats. These parties largely represented regional constituencies of voters. Controversy also circulated around the formation of party lists with allegations that places were sold to the highest bidder - rumours suggested that high places on the lists cost between US\$500,000 and US\$ 1 million.

Six parties made it into parliament. The Social Democratic Party of Kyrgyzstan (SDPK), a force identified with President Almazbek Atambayev, led the pack. They were joined by the opposition-minded Respublika-Ata Jurt; the pro-government Kyrgyzstan party; the southern-focused Onuguu-Progress; Bir Bol, a patchwork party formed by veteran officials from earlier presidential administrations; and the left-of-centre Ata Meken party, a long-time fixture on the Kyrgyz political scene. Three of six political parties (Onuguu Progress, Bir Bol and Kyrgyzstan) were formed less than one year before the 2015 elections.

Most political parties are based around the personality of a leader rather than a long-term identity based on policies. During the survey most of the respondents stated that parties lack the skills and experience to debate policy positions and unite voters around their ideas. But as parties can gain power with no clear policy platform and there is little public demand for this, there is little incentive to reform. The Ministry of Justice's official register shows 203 political parties. However, the Ministry has no authority and capacity to control implementation of financial transparency of political parties.

Currently, the most common motivations for the appearance of political parties' projects in the Kyrgyz Republic are continuity and lobbying. Most of these parties are headed by former or current high-ranking officials who are lobbying for, or supporting the interests of, certain social structures or groups. Each financial group or clan reaching a certain level of development considers it necessary to have a party that will lobby for its interests in the political environment.

Political parties are therefore often no more than a temporary collection of interests, driven by individuals with generic platforms and little contact with their electorate. This is exacerbated by the closed list electoral system, which does not naturally lend itself to fostering strong links between MPs and constituencies. Parties remain focused around individuals, and many party leaders are successful businessmen seeking office for the benefit of immunity and government influence. Aspiring MPs continue to buy their way on to party lists. Between elections political parties are often inactive and poorly connected to the factions in parliament.

The eradication of a strong presidency along with the monopoly of a single group over political power has at least been achieved. However, given the twists in the political system of Kyrgyzstan over the past 20 years, questions remain about the sustainability of the current political system. Social and political fragmentation and the interests of predatory political and business elites are enabling a division of power in the country.

As political scientist Scott Radnitz argued to explain the 2005 Tulip Revolution, under conditions of weak state capacity, political and business elites maintain close clientelistic relationships with particular localities - often their hometowns as well as electoral districts - eroding the authority of formal state institutions. While some specifics of the 2005 situation no longer apply, such as the majoritarian system of electing parliamentary deputies, political elites' connections to particular localities remain salient. As the 2010 and 2015 elections demonstrate, Kyrgyz parties continue to rely on individual party members' work at the local level to mobilise votes. Another dimension of Kyrgyzstan's political fragmentation is regional. While generally considered highly sensitive and politicised, regional differences in voting behaviour provide interesting data. Those parties headed by politicians from the southern regions received less votes in the northern regions, and vice versa.

The second factor that feeds the division of power into multiple centres is the nature of the current political elite. The post-Soviet political elite in Kyrgyzstan has developed into a large predatory group that views the state primarily as a tool for private enrichment. The efforts of both former presidents Akayev and Bakiev to

create single pro-presidential parties left important and powerful actors outside the 'state' system, leading to the March 2005 and April 2010 events. The current multi-party parliament and coalition government, in this context, appear to be an optimal solution for providing the largest possible number of elites with some access to the 'cake' of state resources. As observers have noted, members of the current coalition government may have few agreements on policy issues, but this has not stopped them from agreeing on the distribution of positions, which so far has been sufficient to maintain balance.

The most active parties have been quick to report their rivals' misdemeanours, whether they involve banners with derogatory slogans or the removal of local government posters during election campaigns. And there is no shortage of things to report. The various parties are, however, in no hurry to complain to the Central Election Committee (CEC) about their opponents' dirty tricks. They have all signed up to a so-called 'Code of Ethics' which means there is to be no ratting to the CEC or the police - unless it is a question of mud-slinging or direct interference with their election campaigns.

'We're not going to bring the authorities into it. We'll see what happens on election day. It's the responsibility of the area electoral commissions to follow up on any irregularities we report - it's not our job,' says Makhabat Zhumagulova, the Butun Kyrgystan Emgek party's lawyer. Toktakunova, her counterpart at Ata-Meken, agrees that it is not the job of her party's observers to draw up complaints against its rivals: 'Our Code of Ethics means that we just assemble and analyse information about fraudulent practices, with the help of our experienced observers. But we know that we have our supporters who will vote for us, no matter who tries to influence them against us.' Bir Bol also confirmed that the parties had agreed to turn a blind eye to one another's irregularities. In other words, none of them would ever encourage any attempt to outlaw bribery and the misuse of public resources. Instead, they use the others' misdemeanours to justify their own.

Meanwhile the CEC, which is responsible for handling any grievances, is at a loose end. Rashid Bekbasarov, who heads the committee's working group on complaints of election irregularities, reports that they have been few and far between, and none have related to bribery or administrative resources. This means that the parties are exonerated from any criticism or punishment.

With Kyrgyzstan's political parties agreeing to overlook each other's misdemeanours and the public afraid to speak out, bribery and corruption continue to be endemic. Every time after elections, dozens of anonymous public sector workers - teachers, doctors and other professionals - report infringements of election campaign regulations and pressure on voters, voluntary sector organisations, journalists and even the political parties themselves. However, non-governmental organisations complain that people are afraid to report this officially, to the police or the CEC or to put their names to their complaints. Ainura Usupbekova, representative of Taza Shailoo (Clear Elections) Association, said: 'Bribery of voters is not just a problem but a threat to national security', at a roundtable discussion held after local council elections in February and March 2016.¹

The 2015 election campaign of one political party was carried out on the basis of financial resources distributed among voters and increased agitation in the media, attracting foreign political consultants, and entertainment events. Respondents interviewed for this study pointed to the fact that the election campaigns of political parties are reliant on the distribution of funds among voters, enhanced campaigning in the media and conducting recreational activities in the districts. As such the 2015 polls became one of the most expensive parliamentary elections ever in the history of the country, although according to the Organisation for Security and Cooperation in Europe (OSCE) they were quite fair, open and competitive.

The interception of US\$700,000 in cash - in a country where a university professor receives a monthly salary of about US\$100 - by the National Security Service illustrated the amount of resources invested in the campaigns. Different parties used their resources differently. Some tried to simply buy voters en masse. The Kyrgyz media regularly reported incidents in which candidates offered voters cash or various goods in exchange for votes. Others tried organising more professional Western-style election campaigns, often using Western-educated local election campaign organisers.

II. Current drivers of the cost of parliamentary politics

Funding the party

After the break-up of the Soviet one-party system, the basis for free elections and a multi-party democratic system were laid out in the Constitution of Kyrgyzstan. The law on political parties, passed in 1999, is quite liberal in allowing for the creation of such entities. The cost of political party registration is very low. It is required to pay only for the certificate of registration.

A feature of parliamentary development in Kyrgyzstan has been that the party develops based on patronage networks, where business interests and 'regional identity' are key. Almost all parties noted that according to their charter documents, they accept 'membership fees', but they were not able to specify the amount and regulations of this process. Altynbek Sulaimanov, Respublika faction leader stated that: 'we don't raise membership fees but some MPs and some members of factions contribute some amounts of money to our fund'. A member of Ata-Meken party also noted financing is based on willing help.

Budgets and accounts of political parties are confidential. According to Chynybai Tursunbekov, SDPK faction leader, the reasons for this are: 'firstly, if we inspect those who openly finance parties, questions might arise. Secondly, some sponsors are afraid to openly donate money: our government does not finance parties as in other countries. That is why budgets of our parties are always hidden.'

Support from local elite groups is an important success factor in elections in Kyrgyzstan. This network must include representatives from business, media, culture and science who will be involved in the election process. Analysis of party lists in 2010 by representatives of all regions of Kyrgyzstan confirmed the use of this approach in the forming of party lists. The most successful parties included candidates who had well-ordered business as well as former officials. Regionalism in the party system shows itself through regional and 'fellow-countryman' signs. Social mobilisation on these grounds still plays a significant role at all levels.

Analysis of the results of the survey showed that in the formation of a list of candidates for a political party a key criteria was the amount of funds contributed to the party's election fund. To the question: 'What amount of funds guarantees a place in the "pass group" of candidates from a political party?' 60% of respondents answered higher than US\$200,000.

However, it should be noted that during the election campaign some political parties violated certain rules, which led to a change in the composition of the parliamentary factions. The result of this is that it is possible to affect the 'value of the policy'. In January 2016, the CEC stripped three MPs from the Kyrgyzstan party – Elmira Dzhumalieva, Cholpon Esenamanova and Urmat Ishenbekov – of their mandates. Election officials explained that the expulsions were implemented at the request of party leader Kanatbek Isaev, who stated in a letter that the trio had declared their intent to quit the Kyrgyzstan faction. Rules stipulate that MPs can lose their seats should they quit their party grouping. But all candidates from political parties were forced to sign pre-election resignation letters before the vote.

'We signed a statement to say that we would give up our mandates if we don't get enough votes. But there was no date on these letters, and since I was an MP in an earlier convocation, I stated that these letters had no legal effect,' said excluded MP Elmira Dzhumalieva. Cholpon Sultanbekova, another female member of the Kyrgyzstan party, explained that the pre-emptive resignations were part of the deal to be considered for the running: 'Those who do not get enough votes cannot be a member of parliament if there are no voters behind them'.

This kind of arrangement makes a mockery of Kyrgyzstan's proportional system. Requiring candidates to deliver a certain number of votes from their home regions – typically around 5,000 – threatens to create a majoritarian voting system by stealth. Less powerful and influential MPs, who tend more often to be women, are typically the most vulnerable. And the concern is that corruption can come into play as parties seek replacements for deposed MPs. Some parties publicly admit they have used unusual ways to oblige their candidates to leave if they do not get enough votes. Respublika-Ata Jurt party filmed clips of their candidates

reading vows that said, 'if I break my oath, let God punish me and may I not see the happiness of my children'.² The parties with more extensive financial assets campaigned longer and more extensively throughout the country. Those parties with smaller funds were only able to intensify their campaigns as the polling day drew closer, but this was often too late. Many of the parties themselves are not organised around platforms, but rather around personalities. This often leads to little in the way of party loyalty amongst MPs, who have been known to change parties just before an election to stand a better chance of retaining their seat.

The practice of 'seat buying' is widely recognised within the parliament and often seen as a fundraising method for the party. Campaign finance reports have shown that significant portions of some parties' funds are raised from personal donations from candidates. While not explicitly illegal under current campaign finance law, the practice does raise significant questions about the place of private money and business in Kyrgyz politics.

In conditions where entering the already narrow political field is based on access to administrative and financial capital, there is a high level of competition among the already established order of players. Unfortunately, entering a field such as this becomes closed to new forces, young politicians, and grassroots movements. The experience of the new Democrat party, which was founded by young professionals and entrepreneurs of a liberal orientation and who wanted to stay true to their democratic principles by refusing to engage in vote buying illustrated this reality. They were only able to win 4,000 votes in Osh in 2015, short of the required electoral threshold. Observing their defeat, many young parties are asking themselves: is it worth staying true to democratic principles if the rest of the field is playing by different rules? In other words, five years after the constitutional reforms to what extent do elections remain an instrument for open political competition and elite turnover?

The vote buying utilised in the 2015 parliamentary elections and the 2016 local elections has scrambled the cards and overturned the processes that were set in motion by the democratic reforms after the events of 2010. It is difficult to say where these processes will lead. It is possible that vote buying is a transitional phenomenon in post-communist states, where hyper-competition between oligarchic elites is not yet completely regulated by common rules of the game. Much in Kyrgyzstan will depend on whether this dangerous precedent will be comprehended at the highest levels and whether or not the political elites will take responsibility.

Campaign costs

During the parliamentary elections in 2015 the media provided contestants with a platform to present their views. Contestants made extensive use of political advertisements, and direct debates between candidates enabled voters to familiarise themselves with the candidates. However, the limited coverage of the campaign by most independent media outlets in their news and current affairs programmes, as well as a lack of investigative and analytical reporting, significantly reduced the amount of impartial information available to voters. The lack of editorial coverage of contestants and the campaign contrasted sharply with the extensive positive coverage of the president and other state officials in all state-financed media. The CEC went beyond its mandate by establishing accreditation requirements for media outlets and websites and reserving the right to revoke such accreditation, which effectively prohibited some media from airing paid advertisements.

Observers of election coverage noted that state-affiliated media favoured the ruling political party, devoting most of the news programming to activities of the president. However, these preferential tendencies did not hinder access to alternative programming from other mass media. This is likely because all competing political party leaders have their own or affiliated media outlets, including Tushtuk, created by Kamchybek Tashiev, and NTS, affiliated with Omurbek Babanov, for example. Unlike previous campaigns, the 2015 parliamentary elections were not as lucrative for regional newspapers. Instead, most political advertisements were broadcast on television as well as online media outlets. Traditionally, media see election periods as an opportunity to make a profit. The Public Television-Radio Company (commonly known as OTRK, Obschestvennaya Tele-Radio Kompaniya) earned over KGS 90 million (\$1.25 million) from parties' campaign funds and was permitted by the state to keep the profit for modernisation of the television station.³

Parliamentary elections are regulated by the 2010 Constitution, the 2011 Constitutional Law on Presidential and Parliamentary Elections (hereinafter Election Law), and the 2011 Law on Election Commissions to Conduct Elections and Referenda. Recent amendments were, on the whole, supported by the parliamentary parties and introduced mandatory biometric voter registration and the use of ballot scanners, streamlined electoral dispute resolution mechanisms, increased electoral deposits for political parties, revised the electoral threshold and raised campaign finance contributions and spending limits.

In general, the legislative framework provides an adequate basis for the conduct of democratic elections. Recent changes in legislation take into account some of the previous OSCE/ODIHR and Venice Commission recommendations, including recommendations designed to improve the accuracy of voter lists, the adoption of measures to prevent illegal ballot stuffing, the threshold change for the passage of a political party in the parliament, as well as ordering and clarification of dispute resolution proceedings related to the election.

Nevertheless, the remaining recommendations, which include the opportunity to participate in the parliamentary election of independent candidates, ensuring compliance with gender quotas up to the stage of distribution of mandates, and increasing the transparency of election campaign financing, were not included. Existing contradictions between the legislative acts negatively impact on legal certainty. The decisions and resolutions of the CEC have not always had a legal basis, and sometimes directly contradict the legislation.

The 2011 Election Law significantly increased the limits previously set on financial contributions to campaigns to KGS 5 million (US\$74,000) and, following an amendment in 2015, the limits on campaign expenditures were also increased. In general, campaign transactions are not to be made in cash, and the CEC issued warnings to three parties for ignoring this rule in 2015. Furthermore, the Election Law bars contestants from conducting charitable activities from the moment elections are called. Even so, some parties actively advertised past charitable activities as part of their campaign. To do so, many parties hire so-called party activists, many of whom were paid in cash despite the existing law against such dealings.

The President acknowledged the widespread accusations of vote buying following the launch of several official investigations. Party representatives report that voters - especially in rural areas - are sometimes promised money or personal political favours in return for their votes. Notably, while the law requires parties to submit their final financial reports within ten days after the election, there are no repercussions for parties who do not submit. Furthermore, the CEC is not obligated to publish these reports, further hindering transparency. This study found that most contributions to the election fund of a political party are carried out through a specific representative of a leader of a political party, or in person by the leader of a political party. It revealed that the funds of each candidate of a political party are its main sources of election campaign financing. The public position of a political party and leaders of a political party play an important role in determining the amount of funds introduced to its electoral fund.

Prior to the 2010 Constitution there was a majority system where each parliamentary candidate based his or her campaign strategy on the needs of their particular districts of voters. Under that system, voters had a chance to evaluate the performance of a member of parliament in representing their interests in parliament. However, after the transition to a proportional system, the political system and traditions of voting based on performance and programmatic evaluation of political parties are not implemented in current reality. Now, in addition to gaining the disposition of voters of any county, the candidate must take care to enter the ranks of the first list of a political party, which entails additional costs. This situation does not allow individuals to run for office who do not have large financial and administrative resources.

An effective MP is the one who solves the current needs of the voters during elections. In society there are no stable indicators and criteria for evaluating the effectiveness of deputies as the representative of the people in parliament. Therefore, 'the current financial or other assistance' rendered by deputies to certain contingents of voters is perceived in society as the basic function of a deputy.

Demands when in office

Under Kyrgyz legislation, after taking office a member of parliament does not bear any formal costs to the party or the parliament. However, during the survey, almost all the respondents noted that very often the wealthier MPs, on an ongoing basis, provide financial assistance or carry out charitable aid to needy people mainly from their region or polling station. At the scheduled meetings of deputies in the regions, festivals and events are often held. At first glance it seems a normal process that the deputy would voluntarily help those in need. However, as noted by several respondents, such a phenomenon begins to have a permanent character; such that in the corridors of parliament every day you can see people calling to each MP for help.

Respondents noted that many wealthy members are engaged in these sorts of activities throughout their time in office, which makes it possible to run for another term and to be a 'people's MP' for a long time. However, such a phenomenon shows that in Kyrgyzstan, many MPs are engaged in improper functions. This discredits the parliament as a whole and gives the wrong impression of the functions of a deputy and the legislature. Moreover, this contributes to youth and other worthy deputies, who cannot afford to provide continued financial support, but who want to work in parliament and benefit as an effective MP, being excluded.

During the survey respondents mentioned mandatory monthly costs to be paid to each MP by the government. According to the Rules of Procedure of Parliament, each deputy has a monthly fund - reported to be around KGS40,000 (US\$600) - to cover costs related to the implementation of their functions during the trips to regions to meet with voters, to hire consultants and to cover other services. Recently, however, the deputies voted not to report on parliamentary expenditure of funds. Such a resolution was adopted in parliament. But the decision of deputies was received with criticism because it means voters do not know how MPs are spending public funds.

III. Outlook

According to the results of the survey the main factors that increase the financial expenses of the election campaign of political parties are: increasing the number of ongoing cultural and recreational activities in the districts; and increasing funding amounts to bribe voters. In addition, there are examples of increased bribing of voters outside precinct election commissions on voting day (4 October 2015), carried out under such schemes as the following:

- The use of mobile phones with a camera or video camera for photographing or taking video of ballots with a marked tick in front of the right political party in order to provide evidence of a cast ballot (the cost of one of the votes was assessed to be KGS2,000-6,000 (US\$25-80) depending on the region).
- The solving of pressing, everyday problems of some voters - construction of the necessary social facilities or their repair, or employment opportunities - in exchange for votes.
- Distribution of humanitarian aid - foodstuffs, fuel and even furniture - during the Muslim holiday of Eid al-Adha, which coincided with the campaign period.

The list of voters and voter identification based on new biometric technologies and the automatic reading of ballot boxes to count votes minimised the possibility of falsification of voting results by members of election commissions. However, when previously, dishonest candidates focused on bribing electoral commissioners, they are now refocusing on voters, when seeking to buy votes. These practices were also observed during local council elections in 2016 which saw the use of administrative resources and an increase in the distribution of money.

In order to address the issues raised, drawing on the experience of developed democratic countries is recommended, as well as improving the regulatory framework in terms of the auditing and transparency of political parties' election fund formation and expenditure. This would clearly define the 'cost of politics' in the Kyrgyz Republic and further the development of democratic institutions. Because voters tend to support individuals within party lists as opposed to party platforms, most MPs from the previous parliament sought to satisfy the interests of a specific constituency as opposed to addressing national issues.

This research shows that the current political culture and legislation need further development. Limits and prohibitions on rising political costs can work only if there are adequate rules for disclosure. Therefore, public disclosure is a foundational approach for controlling money in politics and without it, most other approaches will fail. Without a party or candidate disclosing expenditures, spending limits cannot be monitored or enforced, and without the names of the vendors who were paid by the campaign funds, spending cannot be audited and verified. Effective public disclosure requires that candidates and parties report in detail on receipts and expenditures and that campaign and party funding reports are provided to the public in a timely manner. A draft law on political parties could be considered as a good example to regulate disclosure principles. An existing law on political parties was adopted in 1999 and but needs amending.

The benefits of more effective disclosure would be more educated and informed voters that are better prepared to exercise their rights in a democracy, and the empowering of media and civil society to 'follow the money', thereby keeping a check on politicians. Openness is the antidote to the influence of big money and to the secrecy that enables illicit funding or unsavoury donations. Focused attention on civic education is a key part of this.

Endnotes

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