

Chapter 7

Semi-Presidentialism in Kyrgyzstan

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The story of post-Soviet Kyrgyzstan is one of unexpected independence and statehood, a fragile - 'imperiled' - sovereignty, marked by the difficulty of building democratic institutions in a neighborhood where authoritarianism is the modal form of regime. It is also one of a weak and small country that suddenly became host to a much larger geopolitical competition between Great Powers (China, Russia, the United States), neither of which has really contributed much to support the small republic's own efforts towards political and economic liberalization. Yet Kyrgyzstan is also a land of unexpected breakthroughs, vibrant civil society and political contention. Running against all predictions of democratization theories, this remote Central Asian republic emerged as an early reformer in the wake of the Soviet collapse. Twice, corrupt and authoritarian leaders were overthrown (in 2005 and 2010), giving the country a rare opportunity (two in fact) to start again. Amidst phases of regime collapse, domestic strife, and economic hardship, one could argue that debating the country's form of government might be a question of mere academic value. And yet often raucous debates over constitutions and constitutional power, the balance of power between president and the legislature have punctuated the turbulent life of this small country.

To anticipate the main thrust of the argument, the analysis of over two decades of semi-presidentialism in Kyrgyzstan allows me to advance two main propositions: first, that the premier-presidential variant of semi-presidentialism (2010-present) has done more to advance democracy in the country than the

¹ The author would like to acknowledge the helpful comments of the editors, and of Emil Jorojev and Medet Tiulegenov.

² In this contribution I follow Elgie's (2004) definition of semi-presidentialism, which requires a president that is directly elected and a prime minister and cabinet that are accountable to the parliament.

president-parliamentary system in place from 1993 to 2010. Second, the chapter shows that other factors were also at play, namely a weak political party system (despite some progress since 2010), the salience of clan politics, the connivance of business, organized crime, and political leaders, and the domestic effects of Great Power politics, especially in the form of Russian political and economic influence.

This chapter contends that adopting one form or another of semi-presidentialism has been far from inconsequential. While the adoption of president-parliamentarism might not have been the single most important factor behind the failures of Kyrgyzstan's transition to democracy, adopting that particular sub-type of semi-presidentialism did not help. By contrast the shift to premier-presidentialism has been beneficial to the country's democratic performance, as various indicators also show. The new constitution and the electoral law in vigor at the time have contributed to addressing one of the main flaws of the country's political system, namely the lack of a proper party political system. At the same time, the chapter cautions against facile optimism. Not only do some of the deep-seated problems remain untackled (corruption, organized crime, patronage, the unregulated politics-business mix), the country's statehood is still fragile. Building a functioning state and sustainable and effective state institutions remains a high priority (and a tall order) for local politicians.

This contribution is structured as follows. First, the chapter revisits constitutional debates that lie at the origin of Kyrgyzstan's semi-presidentialism. The chapter affords little space to the early discussions that followed the Soviet demise and preceded the adoption of the 1993 constitution as these have been discussed elsewhere (Collins 2006; Huskey 2007; Iskakova, 2003; Moestrup 2004). Rather it pays more attention to the eventful period that followed the Tulip Revolution in 2005 and the adoption of the new constitution in 2010, as well as the following years. It delineates the contours of presidential power as enshrined in the constitutions and the constitutional amendments that followed, showing how between 1993 and 2010 power was increasingly concentrated in the hands of the president. Subsequently, the chapter zooms in on the changes introduced by the 2010 constitution. In the following section, attention shifts to the practice of semi-presidentialism with a review of the exercise of executive and legislative power. Next, the effects of the two sub-types of semi-presidentialism on democracy and democratic performance are

³ The electoral law had been introduced in 2007. It was replaced in 2011.

highlighted and discussed. Contextual factors are brought in to nuance the otherwise important role of institutional design. The final section concludes with some considerations on the evolving relations between executive and legislative power and the promise (and perils) of Kyrgyzstan's semi-presidentialism.

Origins and Evolution of Semi-presidentialism

For nineteen long years (1991-2010) Kyrgyzstan's presidents sought to accumulate power and resources in the presidency. Since independence Kyrgyzstan has had 'only' two official constitutions, the first, adopted about a year and a half into independence (5 May 1993) and a second one, adopted in a referendum on 27 June 2010, after the ousting of former president Bakiyev. In reality however, constitutional amendments were introduced in 1994, 1996, 1998, 2003 and finally 2007. Two additional amendments introduced in late 2006 (November and December) were annulled by the Constitutional Court in early 2007. In order to understand the turbulent post-Soviet institutional path and lively constitutional life of the country one has to place the subsequent years in the context of the developments that took place in the late Soviet period and the early post-independence period.

The initial transition period: From the late Soviet era to independence

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Unlike federal (Union-level) politics where glasnost and perestroika enabled a fast pace of political and economic liberalization, Soviet Kirgizia - as the country was known at the time - proceeded at a slow pace of reforms under then Party Secretary Absamat Masaliev in the late 1980s (Huskey 1995: 818). As a result of the purges of the Central Asian leadership initiated under Andropov and Gorbachev in the mid-1980s, Turdakun Usabaliev, who had ruled the republic as Communist Party Secretary from 1961 until 1985, was replaced by Absamat Masaliev (1985-1990).

One important note about the 1994 amendment is due: the author was unable to find the text of the revised constitutional text, seemingly not available/non-existent. My comments about the constitutional changes and the scores according to the Shugart and Carey, and the Siaroff indicators are based on the phrasing of the questions posed in the referendum and compared against the text of the 1993 constitution.

Masaliev, a southerner from the city of Osh, purged the old party leadership, but otherwise pursued continuity, complying with 'centrally-mandated campaigns' (Huskey 1995: 818) while also slowing them down. This meant ensuring that the party nomenklatura remained firmly in control and that any political opening was tightly controlled. The rise of democratic and nationalist opposition in the small mountainous Central Asian republic was therefore rather slow (Collins 2006: 141) compared to what was happening at a much more dramatic pace in other Union republics.

In fact, the first grass-roots movement to appear in the country had a distinctive socio-economic agenda. 'Ashar' (Mutual Assistance) consisted of students and squatters in the capital Bishkek. Housing shortage had become pressing by the late 1980s, following the easing of mobility from the impoverished south to the more industrialized north. Disillusioned with the communist party's lack of intention to introduce social and economic reforms Ashar was later reincarnated as a political movement, this time with a more nationalist and also democratic platform. Membership grew as it merged with intellectuals and elites disgruntled with the ruling group. Asaba ('Banner') was the first proper political party, with a decisively ethno-nationalist agenda, demanding that the government protect Kyrgyz culture and language. Asaba was also among the proponents of a controversial land law, which would 'return the land of Kyrgyzstan to the Kyrgyz' (Collins 2006: 143). At the same time Asaba called for greater sovereignty, but did not advocate outright independence (nor democratic reforms, for that matter). Eventually, as the Soviet Union was disintegrating, some 34 different groups coalesced and formed the Democratic Movement of Kyrgyzstan (DMK) in 1990. The DMK was an umbrella organization that brought together intellectuals, citizens and even elites increasingly disaffected with the republican leadership.

The 1989 elections to the all-Union Congress of People's deputies introduced two democratic innovations into Kyrgyz politics (Huskey 1995: 818): parliamentary seats were contested and party influence on the nominations of candidates was curbed. In the newly created body, the Kyrgyz Soviet Socialist Republic was assigned 41 seats on the basis of ethnicity (32) and population (9). A total of 204 candidates contested the seats. Voter turnout was 97 per cent (Huskey 1995: 816-817). While the party apparatus retained control, intra-elite fault lines began to emerge (ibid. 820). These became all the more apparent in the following elections, for the republican parliament (Supreme Soviet). The February 1990 elections were

played on a different terrain compared to those a year earlier. Housing shortages had raised tensions in the population; a new language law had elevated Kyrgyz to the state language, leading to increased anxiety among ethnic minorities. New legislation introduced in 1989 had also democratized the electoral procedures and parliamentary institutions. Elections were held for a single-chamber parliament of 350 seats, with deputies elected in single-member districts. The single-member districts and the fact that parliamentary representation was allowed to occur in a way that reflected voter preferences (instead of following quotas, by ethnicity or social organizations) meant that elections were more competitive. Turnout was at 92 per cent; 878 candidates contested, of whom only 250 won their seats at the first round.

Elections returned a fragmented parliament, still dominated by party-affiliates but with a growing number of independents. The opposition-in-formation lacked organization and coherence, but was vocal from the very start of the legislature. The first session of the newly elected Supreme Soviet opened with a large number of deputies calling for abandoning old practices. Two important elections were awaiting the new parliament. First was that of the chairman of the Supreme Soviet itself. Masaliev managed to be nominated by the Party the day prior to the parliament's opening session. Although he received a majority of votes (293:46) the size of the 'opposition' is also quite telling about the outspoken nature of the new deputies. However, Masaliev's attempt at being also elected to the newly created presidency of the Kyrgyz Soviet Republic backfired. Neither he, nor the other main candidate, Prime Minister Apas Jumagulov, managed to secure a majority of votes. Apart from the rifts within the elites, the June 1990 clashes between Uzbeks and Kyrgyz in Osh and Uzgen had increased resentment against Masaliev. Tragic as the events were, they proved to be politically a 'blessing' for the pro-reform faction as they further discredited the ruling elites and opened a window of opportunity for a compromise candidate who called for moderation among groups at the time when inter-group tensions were soaring in the republic. Askar Akayev, a physicist by training and not a professional politician, was called back to his native country from Russia in 1990. A stalemate between the two leading candidates for the newly introduced post of president gave the possibility to this rather unknown political novice, born in the northern Chuy valley, to rise to the highest levels of Kyrgyzstani politics and assert himself as a compromise candidate between opposing factions. Thanks to a swift and well-orchestrated maneuver by

late Kyrgyz writer Chingiz Aitmatov, Akayev, became the compromise candidate between various political factions (northern and southern, reformist and conservatives, nationalist and more moderate elements). To the surprise of many, he won, albeit with a narrow majority, the new round of elections on 27 October (presidential elections were indirect at the time as the president was elected by the Supreme Soviet).

By then the Soviet Socialist Kirgiz Republic had made its own declaration of sovereignty (on 15 December 1990), but had not pushed towards independence; Bishkek's declaration of independence came very late, on 31 August 1991, without a popular referendum on secession. Seeking to capitalize on his popular support (and opposition to the August coup in Russia) and cement his position as a reformer, Akayev called direct presidential elections in the autumn of that year. In what were widely regarded as free and fair elections, he ran unopposed, receiving 95.4 per cent of the votes. (See Table 7.1.)

Table 7.1 about here

Kyrgyzstan found itself catapulted to independence, and in need of new legislation, including a new constitution to replace the old Soviet one dating back to 1978, on which the position of president had been super-imposed. The task of drafting it was delegated by the president to a Constitutional Committee composed of legislators, representatives of social organizations and the legal division of the presidential administration. The committee worked under the chairmanship of judge and chairman of the Arbitrage Court, Daniyar Narumbayev (Collins 2006: 179). The Constitutional Committee studied Western constitutional models (such as the German, Swiss, US, and French ones), and yet was heavily influenced by the Soviet experience and the embryonic Russian model. The committee confronted two main issues. Procedurally, the key question was whether the parliament (now renamed Jogorku Kenesh) elected in Soviet times could legitimately participate in the process and even vote on the new constitution. At the time there was no electoral law that would regulate possible new elections; moreover the deputies had no desire to run again for their seats. Also, Akayev thought he could rely on a sufficiently strong contingent of reform-oriented deputies without requiring new elections. The

⁵ For more on the 2011 presidential elections see Fumagalli (2012). In 2009 Almazbek Atambayev (the current president) ran against then president Bakiyev, but withdrew his candidacy at the last moment, lamenting fraud during the campaign.

president saw the committee as a 'consociationalism mechanism of democratic transition and governance' (Collins 2006: 181). Next, and substantively, were debates over questions of nationality, citizenship, and language (ibid.). There, the president played a moderating role against some of the more nationalist elements in the parliament, calling for a privileged status for the titular group. The central issue under discussion concerned the distribution of powers and especially the extent of presidential power.

Debates, from late 1992 to May 1993, involved social organizations, business associations, ethnic and religious groups, representatives of civil and political society. Several drafts were circulated, some more clearly in favor of a stronger parliament, others more decisively presidential, as advocated by figures like Feliks Kulov and Apas Jamagulov. Akayev himself sought to endow the presidency with sufficient executive powers to push through a reform agenda, while allowing for the institution to be checked by an equally strong legislature (ibid.: 182). By April 1993 a final draft was made public by the committee and opinions solicited from media, intellectuals, and ordinary citizens. The text was finally approved by the parliament on 5 May 1993 and became Kyrgyzstan's first post-independence constitution. The constitution paved the way for a strong, but not all-powerful, presidency.

The battle between the executive and legislative branches reflected the balance of power of the Gorbachev era, with the reformists concentrated in the newly established presidential and executive structures and the party nomenklatura dominating the legislature (ibid.). The principle of the separation of powers showed the influence of western constitutional models on the Kyrgyzstani constitution, although agreeing on the distribution of power was difficult and hotly debated. A semi-presidential form of government was adopted for a number of reasons. The first was, quite simply, path-dependence. The old Soviet constitution always contained elements of semi-presidentialism with its dual executive (the prime minister and the party secretary-general). With the introduction of an actual presidency in 1990, Gorbachev made this aspect of the Soviet system explicit. Drafts of the new constitution began to appear in 1992, and it was only later that year that the issue moved up to the top of the elites' agenda (Huskey 2007: 164). The Soviet legacy was evident in the 1993 constitution in both its design and even contradictions and tensions. The figure of the president was retained (in fact, for a short period of time even that of the vice-president, abolished in 1994). While the president was endowed with considerable powers, economic policy-making - at a

time of great crisis and social hardship - was the responsibility of the prime minister and the government. As Huskey puts it, the 'majesty of the office' stayed with the president, whereas the government could be made (as it was) the scapegoat of the failures in tackling the economic fallout of the Soviet collapse (2007: 162-163). At the same time it would be incorrect to see the process of constitution making as driven by mere inertia. Alternative models were contemplated (Collins 2006: 179-180), although the main imprint on the constitution was evidently Russia's (itself undergoing significant constitutional changes).

In sum, the institutional design as enshrined in the new constitution was actually rather convenient for the president. The president was the head of state, the prime minister the head of government. The 1993 constitution did not render the parliament powerless. Far from it, and in a way that was reminiscent of the tradition of Soviet parliamentarism, the charter required parliamentary approval for the president's nominees for government posts, changes in the structure of the government, and the dismissal of the government. The distribution of powers was certainly tilted in favor of the president, but an uneasy balance between executive and legislative power was retained. The constitution was a compromise solution; as there was no clear break with the past (unlike in other post-colonial societies), the final product was the result of the wrangling and positioning of different key political actors (Moestrup 2004: 146).

Constitutional crises and amendments 1994-2007

Stability in the country was short-lived and although a veneer of pluralism and competitiveness remained until the end of the first decade (the 1990s) relations between Akayev and the legislature began to deteriorate in 1993 (Huskey 2007: 165-166; IFES 1995). From 1994 onwards, successive constitutional amendments concentrated more and more power in the hands of the president, as he proceeded to tackle challenges mounted by the parliament by referenda. In fact, referenda became an instrument of policy-making under Akayev. In the early post-independence period, a major bone of contention was economic reforms (Kyrgyzstan adopted a shock therapy approach to economic change), where the parliament demanded more gradualism, interpreted by the president as reluctance to change anything; and land ownership, with the president in favor of privatization and the parliament opposed to it. Other controversies revolved around the role of ethnic identity, the Kyrgyz

language and, broadly speaking, the place of ethnic Kyrgyz in a plural society. The president constructed an image of himself as a moderate figure keeping together a country consisting of multiple ethnic groups, whereas more radical nationalist groups in the parliament (and outside it) asked for more aggressive nationalization policies. Policy disagreements aside, the deadlocks were the result of institutional design which, as stated above, reflected two contradictory trends present in the Soviet constitution. The dual executive and parliamentarism led to constant impasses. Akayev resorted to break the gridlock by turning to the electorate, which in turn provided overwhelming support each time. (See Table 7.2). Each time the outcome resulted in greater concentration of power in the presidency. The first stand-off was resolved on Akayev's terms by him resorting to the use of referenda twice in the same year, firstly in January 1994 when he sought public support through an oddly-formulated question, and subsequently in October when he successfully introduced the use of referenda for introducing constitutional changes, receiving overwhelming support in return (97 per cent and 88.9 per cent respectively).

Table 7.2 about here

Under Akayev's tenure as president, a final round of constitutional changes was introduced in 2003, when another referendum was held in February bringing five months of wrangling between president and parliament over the distribution of power to an end (RFE/RL 2003). A Constitutional Council was set up by Akayev in August 2002 to draft amendments to the constitution. The president's intention was to overcome the stalemate between himself and the parliament by bringing together representatives of the government and the opposition and jointly negotiate political changes (Abazov 2004). The council produced over a hundred amendments in less than three months, and the draft was subject to public discussions, which produced over 4,500 proposals for changes (RFE/RL 2003). Discussions were accompanied by very vocal debates in the parliament, with opposition deputies accusing both the president and the Constitutional Court of seeking to tailor the constitution to the president's advantage by decreasing the powers of the Jogorku Kenesh and reducing the role of the Constitutional Court. Absolute and permanent immunity were also granted to President Akayev and members of his family. In the end the president appointed a team of experts tasked with the final wording of the constitution. The referendum actually contained two questions. The first asked for approval of the constitutional changes ('Should the law of the Kyrgyz Republic 'On a new version of

the constitution of the Kyrgyz Republic' be adopted?'). The second aimed at confirming that Akayev's term in office would expire, as planned, in 2005 in a move, typical under Akayev's rule, whereby the president made populist appeals for support of his initiatives and policies directly to the electorate. Both questions received again overwhelming approval (89.24 per cent and 91.75 per cent respectively).

On 24 March 2005 Akayev was gone, overthrown by a combination of elite and mass protests known as the 'Tulip Revolution', which was somewhat of a misnomer as the ousting of the president had more to do with elite-led protests than with a popular movement (Radnitz 2006), despite genuine grievances among the population. As was also to be the case in the 2010 regime change, the change brought about by the 2005 revolt sparked debates over the merits (and perils) of a strong presidency and the need to embark on institutional (re-)design. The leading candidate for president was Kurmanbek Bakiyev, a well-known politician from the southern province of Jalalabad. Bakiyev had served as governor of various provinces and as a prime minister under Akayev in 2000-2002 and again briefly in 2005, before joining the ranks of the opposition. Once Bakiyev was voted in as president in the summer of 2005, president and deputies began to disagree over the prospects and exact directions of constitutional reforms, with the president reneging on earlier pledges to favor a rebalancing of power in favor of parliament. The process culminated in a constitutional crisis that dragged on for two long years. Starting in 2006 the president's opponents formed a 'For Reforms' coalition which pressed, along with other civil society organizations, for a new constitution which would sign away some of the president's powers to the parliament. After street protests intensified in early November, the president conceded defeat and accepted a revised constitution, transferring the ability to nominate members of government to the party holding the largest number of seats in parliament. The responsibility for oversight of the National Security Service was also transferred from president to parliament, and the parliament expanded from 75 to 90 seats (RFE/RL 2006). The constitution would enter into force after the following parliamentary elections, scheduled for 2010. Yet less than a month later the country was plunged into crisis again. In a swift maneuver Bakiyev managed to submit to parliament in late December 2006 a new version of the constitution, which would have reinstated all his old powers (those he had given up to put an end to the November protests). Opposition outrage poured into the streets. In a president-orchestrated attempt to

trigger the dissolution of the government first (as per constitutional rules) and the parliament later, Prime Minister Felix Kulov resigned on 19 December. The plan backfired as the deputies had no intention of losing their seats and thus agreed to rewrite the constitution, approved on 22 December. Subsequently, the parliament voted against Kulov's nomination after Bakiyev's attempts to get him reinstated as prime minister (Ababakirov 2007). A new prime minister (Azim Isabekov) finally received the support of the parliament, but the debate raged over who had the power to select the new members of the government, as the new constitution was technically not expected to be enacted for another three years. In an attempt to quell the outrage within and outside the parliament, Bakiyev agreed that both parliament and the president would stay in place until the end of their terms. This won the president a slim majority, but tensions continued for months and Bakiyev began a brutal crackdown on the opposition in an attempt to silence dissent.

Finally, on 14 September 2007 Kyrgyzstan's Constitutional Court rejected the 2006 constitutional changes on the ground that the parliament did not have the necessary power to introduce constitutional amendments and that the Court itself had not been consulted, reinstating the 2003 version of the constitution (RFE/RL 2007). Confusion reigned in the country. In response to the Constitutional Court's invalidation of 'his' constitution, Bakiyev pushed ahead with a referendum in a move that was reminiscent of Akayev's way of ruling through referenda (Borisov 2007). A constitutional referendum was held on 21 October 2007, asking voters two questions, one on the approval of the new constitution (approved by 95.4 per cent of the voters) and one on a new electoral law (approved by 95.36 per cent). The new constitution expanded the president's already considerable powers even further, as will be shown below. Immediately after scoring a victory against the opposition, Bakiyev announced the founding of a new political party ('Ak Zhol', or 'right path', modeled around Russia's 'United Russia') and called for early parliamentary elections, considered neither free nor fair by elections observers, where the party obtained a sweeping victory. A relative calm was maintained at a very high cost (repression) over the following two years, when both domestic (rampant corruption and nepotism) and international factors (the shenanigans accompanying the fate of the US Manas base) reinvigorated the opposition to the president. This time he would not survive politically, and Bakiyev was ousted on 6 April 2010.

As this section has shown, the 1993 constitution was amended multiple times to strengthen presidential powers. Unlike its 1993 predecessor, the 2010 constitution

was preceded (and followed) by extensive discussions evaluating the merits and suitability of a more parliamentary form of government to the local context. Some argued that a clearly defined power vertical better reflects local traditions and political culture and that such a young state might not be able to sustain adversarial politics. Others countered that the Kyrgyz people's nomadic traditions made dispersion of power preferable. In the end one of the country's longest-serving politicians, Omurbek Tekebayev (leader of the Ata Meken Socialist Party, one of the oldest formations in the country), who had long campaigned for a switch to parliamentary democracy, emerged as the winner, the 'father of the 2010 constitution'.

The making of the 2010 constitution

The changes introduced in June 2010 produced a radical shift in the distribution of power between the various institutions (between executive and legislature and within the executive), leading some observers to mistakenly refer to the country's system as parliamentary. The 2010 constitution adopted a premier-presidential subtype of semi-presidentialism, taking away considerable - although not all - powers from the president in favor of the prime minister and the government, and the legislature. Steps were also taken to tackle the weakness (or absence) of a proper party political system by introducing a new electoral law, which re-instated proportional representation with some thresholds to complement the provisions mentioned in the constitution (that a single party could not hold more than 65 seats out of 120 (art. 70.2).

To summarize, the introduction of the first constitution happened with remarkably little debate preceding it. Political and constitutional crises have subsequently punctuated the life of Kyrgyzstan, accompanied by open debates over the merit of one system over the other. This was especially the case of the 2006-2007 constitutional crisis and the post-Bakiyev period (2010-present). In 2010, seventeen years of the president-parliamentary variant of semi-presidentialism gave way to the premier-presidential form, crucially reconfiguring the relations between legislative and executive power and within the dual executive as well.

The formal constitutional situation

Constitutional life in Kyrgyzstan has been rather eventful in light of the relatively little time that has passed since independence. The country has witnessed the introduction of two new constitutions and several constitutional amendments.

The Akayev era (1991-2005): The 1993 Constitution and its amendments

According to the 1993 charter presidential powers, enumerated in art. 46, included determining the structure of the government, the appointment and dismissal of the prime minister (and the government), veto powers, decree powers, the right to initiate referenda. The government was considered the 'supreme body of executive power' (art. 70), but its work was 'monitored' by the president (art. 72) who could also preside its meetings, endowing him with agenda-setting powers. Government appointment, oversight, and dismissal combined with legislative initiative (art. 64) were far from insignificant powers (as the scores in Tables 7.4a and 7.4b below indicate), but the president was confronted with a parliament endowed with the right to 'determine the directions of domestic and foreign policy' (art. 58.4). Members of parliament also had the right to initiate legislation, something which the constitution also granted to the government, the Supreme Court, and ordinary citizens (subject to submitting 30,000 signatures). The unicameral 105-deputy legislature also had the right to approve and sign off on the resignation of the government (art. 58), to initiate referenda (art. 63) and to dissolve itself subject to a vote of two-thirds of its members.

The 1993 constitution created a viable but precarious balance of power, which allowed for the possibility of cohabitation and power sharing. In practice, this was not meant to be. First, as noted above, the constitution closely followed the tradition of Soviet practice as it allowed two parallel lines of executive power, the official one (government) and the unofficial one, meaning the party in the post-Soviet period, agencies and various bodies set up ad hoc to 'support' the president, alongside the official presidential administration. This made for lengthy and cumbersome policy-making (as the presidential administration and the legislature were both involved in the process) and also created a whole set of redundant institutions. Neither the executive nor the legislative power had much experience in (nor desire for) power sharing and compromising, and politics soon morphed into a zero-sum game. A far from insignificant issue - around which constitutional disputes arose time and again

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during the Akayev era - was that of the number of presidential mandates. While the constitution was in itself clear about the matter (two five-year terms, art. 43), Akayev was de facto a three-term president since he was first elected by the Supreme Soviet in October 1990 and then in a popular vote in 1991. His mandate was renewed through elections in 1995 and 2000.

The constitutional amendments of 1994, 1996, 1998, and 2003 steadily increased the constitutional powers of the president. The 1994 constitutional amendments introduced a bicameral parliament and, most importantly, the presidential right to call referenda to secure approval for his policies. The 1996 amendments placed the President in charge of foreign policy (art. 43.III), a power he retained until 2010. In addition, art. 63 allowed the president to dissolve the assembly in case of three no confidence votes against the prime minister and at times of gridlock ('crisis') between executive and legislative powers. The 1998 amendments expanded presidential powers further. According to art. 42.3, the president could define the directions of domestic and foreign policy (the latter also in art. 43.3). Wide cabinet appointment and dismissal powers were maintained (art. 46.2.A.) as was the president's right to appoint members of the National Bank, Supreme Court, and the Prosecutor General. The government was accountable to both president and parliament (art. 71), although the constitution allowed the president to suspend acts of the government (art. 43.5.D) and exercise control over it (art. 72). In this version of the constitution a bicameral parliament was maintained with the size of the two chambers reversed (a 60-member Legislative Assembly and a 45-member Assembly of the People of Kyrgyzstan). The powers of the two houses (themselves rather blurred and underspecified) were also seemingly reversed.

The 2003 amendment returned the prime minister and the parliament some of the powers accorded by the 1993 constitution (for example the right of the prime minister to nominate the members of the government, later appointed by the president and confirmed by the parliament). The president remained responsible for determining the structure of the government, although the parliament was allowed to confirm it. Importantly, he also had supervision of the 'power ministries' (defense, foreign affairs, internal affairs), leaving the prime minister in charge of social and

⁶In 2012 the parliament approved a law clarifying that foreign policy-making is shared between president and government, but the former retains a leading role in that regard.

economic policy, thus rendering him an easy scapegoat and the receiving end of unpopularity. Other changes included the reintroduction of a unicameral parliament (with 75 seats), elected through single-member constituency. Two no-confidence votes by the parliament against the prime minister appointed by the government would have led to the dissolution of the assembly by the president (Huskey 2007: 169-70).

In sum, over the years, the amendments - requested by the president and approved in referenda - visibly expanded presidential powers, such as the right to initiate legislation (absent in 1993, introduced in 1996), a greater role in cabinet formation and dismissal (from 1996 onwards) and greater veto powers (in 1996, 1998, and 2003). There were other changes, apparently less connected to the formal power of the president and yet relevant to understanding the balance of power, such as the structure and size of the parliament, which oscillated between a unicameral assembly (1993, 2007, 2010) and a bicameral one (1994). The number of deputies also changed regularly. (See Table 7.3).

Table 7.3 about here

The constitutional crisis of 2006-2007

The Tulip Revolution of 2005 and the 2010 events sparked lively constitutional debates in policy and media circles about the need for recalibrating the balance of power, taking some formal powers away from the presidency in favor of the government and the legislature. A first attempt at doing so occurred in the 2006-2007 period and although it ultimately failed, the debate sheds lights on the ever-present political battle over the constellation of power in post-Soviet Kyrgyzstan and the numerous attempts to shift towards a more balanced distribution of power.

In what clearly constituted a radical break from previous charters, the 2007 amendment stated that the president would 'define the main directions of domestic and foreign policy' (art. 42.3 and 71.1). The president would retain extensive powers

⁷ Whether the 2005 Tulip revolution and the 2010 movement that overthrew Bakiyev amounted to little more than 'cosmetic changes,' is disputed. Surely, however, the turn of events cannot be understood without embedding the revolutionary dynamics in the broader local context, where the 'weapons of the wealthy' (elite-led protests) mobilize ordinary citizens for revolutionary outcomes (Radnitz 2010).

already seen in earlier amended versions of the constitution, such as that appointing and dismissing the government (art. 46.3), legislative initiative, the right to call referenda, decree and veto powers (art. 47 and 51), but not that of dissolving the assembly. Although art. 68 stated that the government constituted the 'executive power' the constitution also made it plainly clear where 'real' power lay. In turn, the unicameral Jogorku Kenesh (downsized to 90 members, art. 54) was stripped of the right to determine the country's domestic and foreign policy (something that had been present in the original 1993 constitution, art. 58.4), while retaining legislative initiative (art. 64, alongside the president, the government and citizens, increasing the number of required signatures to 70,000).

On the surface, based on the scores of presidential power shown in Tables 7.4a and 7.4b there was no visible increase of the formal powers of the president (if anything, the opposite happened). This point is actually consistent with the fact that for the entire 1993-2010 period the very same constitution was in place (the 1993, that is). However, the progressive and numerous constitutional amendments all pointed to a further concentration of power in the hands of the president. Changes were gradual, but steady and relentless and met with decreasing resistance by a progressively disempowered legislature.

The 2010 Constitution: Has Kyrgyzstan become a parliamentary democracy?

Despite all odds and against the advice of some international organizations (as well as, importantly, Russia), Kyrgyzstan's interim government held a constitutional referendum on 27 June 2010. The decision to do so was especially controversial since it occurred in the immediate aftermath of the bloody 'June events' (as they are called locally) when groups of Uzbeks and Kyrgyz clashed in the southern part of the country, with the epicentre of the violence in the city of Osh and its immediate surroundings⁶. Those events themselves have to be seen in the broader context of the

⁶The 'events' did not amount to an ethnic conflict *per se*, but were rather the consequence of an attempt to settle scores at the time of a power vacuum following the ouster of president Bakiyev and the difficulty of the new interim authorities to establish control across the country. Unlike in 2005 when ethnic minorities remained at the margins of the Tulip Revolution, in 2010 many in the Uzbek community threw their support behind the interim government, tilting support in favor of the new

immediate post-Bakiyev period when central government authority unraveled. Unlike in 2005 when the opposition to Akayev had quickly established control, a stalemate followed for months, during which the 'opposition' (now the interim authorities) failed to assert control over the entire country, de facto losing control in large parts of the south, the stronghold of the Bakiyev regime (especially the Jalalabad province).

The constitutional referendum nonetheless went ahead and while the approval of the constitution gave a much-needed boost to the interim government's legitimacy, fundamental questions of statehood remain unaddressed. With a turnout of 69 per cent, 91.81 per cent of Kyrgyzstan's voters approved a new constitution, which has been in force since 30 June 2010.

The distribution of power between the president, parliament, and the government has been fundamentally reworked: the president serves for a six-year term and cannot be re-elected (art. 60), thus reducing the pressure for the incumbent to create a power base. In addition, the president is no longer the head of the executive, nor does he or she have the power to initiate legislation. However, some important executive powers have been retained, such the right to veto legislation (art. 64.2.1) and appoint the leaders of non-ministerial state agencies (art. 64.4.2). The president is still the commander-in-chief of the armed forces (art. 64.8). The government, led by the prime minister, is defined as the highest organ of executive power (art. 83), and is in charge of both domestic and foreign policy (art. 88.2), this marking a clear break with the 1993 constitution (and its subsequent amendments). At the same time art. 64.6 allows the president to retain some influence in foreign policy matters, making the division of competences between president and government less clear-cut than in domestic policy issues. The nominee for the post of prime minister is expected to present the program to the national assembly, which has to approve it. According to art. 79, legislative initiative stays with the parliament, the government or a popular initiative (30,000 signatures). The number of seats in the Jogorku Kenesh was increased from 90 to 120 (art. 70). According to

authorities. Supporters of the ousted regime used this move to mobilize nationalist elements against the Uzbek community. Clashes sparked on the night of 10 June continued until 14 June 2010, costing hundreds of lives and displacing hundreds of thousands of people, especially ethnic Uzbeks. On this issue see Megoran (2012), Laruelle (2012), and Radnitz (2010).

the new electoral law, introduced in July 2010, deputies are elected through a proportional system, which is also expected to help establish a stable party system. According to the constitution no single party can hold more than 65 seats, thus preventing the country from turning into a one-party regime. Parliament can override presidential vetoes by a two-thirds majority vote (art. 81). The constitution allows for the self-dissolution of the assembly (art. 78, subject to a 2/3 majority vote). In cases of deadlock between government and parliament (where the latter fails to approve the program of the former) the president is allowed to dissolve the assembly (art. 84.6).

On the whole the constitution constitutes a significant improvement in balancing relations between executive and legislative organs. At the same time lack of detail and clarity in key areas remains. The procedure for nominating the prime minister is cumbersome, especially in cases where no single party obtains a parliamentary majority, as was the case in the 2010 parliamentary elections. Just one-third of deputies can oust the prime minister in a vote of no confidence (art. 85.3). Moreover, although the new constitution replaces all its predecessors, it still conflicts with existing legislation. Cases in point include legislative drafting, which is regulated by both the 2010 constitution (according to which the Jogorku Kenesh is the main decision-making body and is endowed with legislative drafting powers) and a whole series of laws and decrees from 2006 onwards, at a time - for example - when the president had more considerable decree powers. Yet, the current deputies have shown a certain degree of reluctance to rework older legislation, preferring to embark on new legislative activities. These contradictions will need to be hammered out by the legislative branch and the courts (the Constitutional Chamber, in the end). Problematically, the role and integration of ethnic and religious minorities are not addressed. While sections I and II can be modified, sections III to VIII (those concerning the distribution of powers) cannot be altered until 2020, ensuring some much needed constitutional stability to the country.

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Assessing Presidential Powers

The tables below illustrate how presidential powers varied over time. Presidential powers are measured using both the Shugart and Carey and the Siaroff indicators (Tables 7.4a and 7.4b respectively). The indicators measure presidential powers differently, in that only formal constitutional powers (legislative and non-legislative)

are considered by Shugart and Carey (1992) and measured on a scale from 0 to 4, whereas in Siaroff's case the (dichotomous, 0-1) scores reflect the way in which power is exercised in practice (2003). That said, both scores point to a progressive concentration of powers in the president's hands from 1993 until 2003, with a marginal weakening as a result of the 2007 amendments (where the president lost the right to dissolve the assembly). The most radical change occurred following the introduction of the 2010 constitution, which drastically reduced and constrained the powers of the president. Although powers are measured differently and using different scores, both sets of indicators underscore similar trends (concentration of power 1993-2007; dispersion 2010-present).

Tables 7.4a and 7.4b about here

The 1993 constitution (and its subsequent amended versions) granted the president a wide array of formal powers. And yet 'formal powers alone were not enough to assure Akayev's dominance of the political system' (Huskey 2007: 170). Over time the president came to dominate the political system through administrative means (the use of decrees and referenda, the threat to dissolve the assembly in cases of disagreements, the establishment of parallel executive organs/an ever-expanding presidential administration running parallel to the government).

Political practice under semi-presidentialism

Formal constitutional powers surely explain much of why and how Kyrgyzstan's version of semi-presidentialism concentrated so much power in the presidency at the expenses of other institutions such as the prime minister, the government and the legislature. This section reviews the evolving role of the other key institutions in the country, namely the parliament, the government and the prime minister. In addition, other contextual factors are considered as they shed light on how presidential power was exercised in practice.

The legislature and the weakness of the party system

Even a cursory look at parliamentary representation and the distribution of seats in the various parliamentary elections since independence. Table 7.5 reveals the amorphous and extremely volatile nature of Kyrgyzstan's party system and the fragmented legislature that ensued. Similarly to the experience of other post-Soviet

countries (including Russia), despite some timid attempts at establishing political parties it was 'independent candidates' (competing outside of party lists and affiliations) that dominated the political landscape. At the same time, similarly to what was happening in Russia, and even neighboring Kazakhstan, a diffusion effect in the practice of establishing 'parties of power' or presidential parties was noticeable in Kyrgyzstan. Although never affiliated to it, Akayev facilitated the set-up of 'Alga, Kyrgyzstan' (Forward, Kyrgyzstan). Bakiyev looked at Putin's United Russia as a model for his Ak Zhol (Right Path) in 2007. These parties did not survive the demise of their respective patron. Now fading, the Party of Communists of Kyrgyzstan (one of the two communist parties in the country) has maintained a small presence in the Jogorku Kenesh for about two decades. Two other parties, the SDPK and Ata Meken were formed soon after independence and managed to maintain a certain presence in the parliament and finally emerge as important political actors in the post-2010 period. Other parties like Ar-Namys and Respublika have been closely identified with their leader and founder (Felix Kulov and Omurbek Babanov, respectively).

Table 7.5 about here

During the 1991-2010 period the parliament was either dominated by independent candidates or by presidential parties (Table 7.7), oscillating between being a countervailing force and a rubber-stamping body. In either capacity it failed to perform its duties to legislate or keep the president's powers in check. From 2010 onwards, deputies empowered by the new constitution have actually begun attending parliamentary sessions well prepared, delivering professional interventions, and striking working compromises across government and opposition ranks. Legislative initiative, approval of prime minister, the cabinet and the government program are now in the hands of the Jogorku Kenesh.

Government and coalition politics

Prime ministers and cabinets have had a no less turbulent life in post-Soviet Kyrgyzstan. Under Akayev and Bakiyev prime ministers tended to be second-tier political figures (with some notable exceptions, such as Bakiyev himself, who served under Akayev). Left with narrow margins of maneuver since executive power was largely vested in the presidency, prime ministers turned out to be 'useful' scapegoats for the country's economic failures, of which there were many.

If, thus, for much of the country's post-independence life, the prime minister and the cabinet were little more than figureheads appointed and dismissed at the whim of the president, this has radically changed since 2010. As already examined, the 2010 Constitution introduced significant changes into Kyrgyzstan's political system, making majority support in parliament central to the life of the government. The October 2010 elections returned a fractious parliament, with five parties virtually splitting the seats in the Jogorku Kenesh. Coalitions became a necessary tool to attain majority in parliament. Thus far, four coalitions have been formed and collapsed in just over four years:

- one led by current President Atambayev (December 2010-December 2011), consisting of the SDPK, Ata-Jurt and Respublika parties;
- a broader coalition led by Omurbek Babanov (December 2011-August 2012), encompassing his Respublika party, as well as SDPK, Ata Meken and Ar-Namys;
- a third coalition led by technocrat Jantoro Satybaldiev, close to the SDPK (September 2012-March 2014), which brought together SDPK, Ata Meken and Ar-Namys;
- the latest version of the coalition is led by SDPK member Joomart Otorbayev (since March 2014), consisting of the very same three parties that had formed the previous government.

Following the introduction of a new constitution in 2010 the prime minister is now the head of the executive and holds the power to initiate legislation; although the president can veto legislation, parliament can over-ride such veto with a two-thirds majority. This is far from a small achievement given the lack of experience with independent statehood, democratic institutions and the rather problematic (in terms of the pressure *not* to democratize) neighborhood.

The presidency has been stripped of most of its powers, but this has not turned President Almazbek Atambayev into a ceremonial figure. Quite the contrary, Atambayev's increasingly central role in the country's political life is actually enabled, firstly, by the powers that the constitution still leaves the president in foreign policy matters at a time when foreign policy issues loom large on the country's near future, such as security cooperation with Russia and imminent integration in the Customs Union. Secondly, coalition governments have been recently headed - with the exception of Babanov (from September 2011 to September

2012) - by individual members of or close to the Social-Democratic Party of Kyrgyzstan (by now the most important political party in the country, and also the president's party). This has enabled the president to enhance his political status in the country, despite constitutionally diminished powers. Ironically, this means that even now - as in the pre-2010 period - prime ministers tend to be second-tier political figures (Joomart) or even technocrats (Jantoro Satybaldiev).

Regional, clan, and ethnic cleavages

Institutional design created a watershed between an era of instability, centralization of power and authoritarianism (1991-2010) and one with greater diffusion of power. And yet, as Huskey and Hill insightfully show in a recent analysis of the 2010 elections and the structure of the electorate, the factors associated with identity politics (regionalism, ethnicity, and personalism) hold a considerable explanatory power when trying to make sense of the electorate when 'voter preferences are inchoate' (2013: 238). At the risk of over-simplification, northern parties have obtained a sweeping victory in the north and struggled to achieve representation in the south, where southern-based political formations have received a larger share of the vote, thus returning a parliament split along a north-south axis. This cleavage also mirrors the party stances on the 2010 events, with northern parties closely associated with the ouster of Bakiyev and the new system (and constitution) whereas the southern parties have been perceived as linked to the Bakiyev regime. Unhelpfully but not surprisingly the attitude towards the new constitution and the sub-type of semi-presidentialism is also reflected in this political rift, with northern parties (and Ata Meken) seen as the 'fathers of the current constitution' and the southern parties opposing it.

Even more than in the past Kyrgyzstani politics has become an 'intra-Kyrgyz affair', with ethnic minorities increasingly marginalized from political life (Megoran 2012; Huskey and Hill 2013: 258-59). The Uzbek community makes up about 14 per cent of the republic's population, and is concentrated in the southern provinces. In the aftermath of the 2005 events, after an initial period when an ethnic Uzbek was named governor of the city of Osh, relations with the administration of ousted President Kurmanbek Bakiyev rapidly soured. A combination of nepotism and the rise of Kyrgyz nationalism alienated the Uzbek population, which until 2005 had been seen as very close to the state's leadership (Fumagalli 2007). Exasperated by a

mix of political alienation and progressive lawlessness, the Uzbek community swiftly expressed its support for the interim government in the aftermath of Bakiyev's overthrow. In the south, the confrontation between the old and new regimes took on ethnic overtones, with the Uzbek population stuck between two Kyrgyz factions, neither of which was (nor possibly still is) fully in control.

With the notable exception of the heads of local administrations (who will no longer be appointed by the president), the new constitution does not envision any major changes to centre-regional relations, local self-government or the now-pressing dilemma of ethnic reintegration. One of the key shortcomings of such a system in an ethnically (or otherwise) divided society is that it privileges a majoritarian mode of government at the expenses of power sharing and consociationalism. This has been the case in post-2010 Kyrgyzstan, where different Kyrgyz political groups have been 'forced' into a coalition, but key ethnic groups have been left at the margins of political life and the influence of important regional groups minimized (Huskey and Hill 2013: 259).

Weak statehood

Characterizing the state as suffering from 'institutional weakness' is a significant understatement of the gravity of the current situation. As the Polity IV scores in Chapter 1 showed and as the Failed States Index indicators in Table 7.6 demonstrate, the paramount priority for the local authorities, regardless of the form of government, is to establish strong, lasting, and accountable state institutions. Twice the country has been on the brink of collapse, twice ethnic clashes have plagued inter-communal stability, twice have presidents been ousted in popular revolts. The Polity IV scores measure the country's authority trends and show that with the exception of the post-2010 period (where the country is scored as a democracy) Kyrgyzstan has oscillated between a closed and open anocracy (broadly speaking, a competitive authoritarian regime). More worrisome are the scores of the Failed States Index. The index provides country assessments since 2005, when the Tulip Revolution provided a first opportunity for a political breakthrough, later squandered. The situation deteriorated in subsequent years, especially during the Bakiyev era and in the year following the demise of his regime (2011, score 91.8, position 31st). Since 2013, the country appears to have moved away from the brink,

reporting a significant improvement in 2013 and 2014 (48th and 58th positions respectively).

Table 7.6 about here

The international dimension: Russia's leverage and the rise of China

While in 1991 Russia was the unchallenged hegemon in the Central Asian region, the situation today appears more complex. External actors seeking to influence local political and economic dynamics include, among others, China, the European Union, the United States, as well as South Korea, India, and Turkey. Local actors have a far greater degree of political agency and are capable of playing external actors against each other and carve themselves considerable margins of maneuver (Cooley 2012; Laruelle and Peyrouse 2013).

International factors have shaped domestic processes outcomes in Kyrgyzstan, in most cases with negative consequences for the country's democratic prospects. The case of the US air base at Manas and the politicization that surrounded its existence illustrates this well. The United States opened a military base at Manas (the airport of the capital Bishkek) in 2001 which remained operational until June 2014. An important logistical hub for its Afghanistan operations, the US base was always 'sold' as part of broader US assistance to the country, in the form of security guarantees, aid, and democracy assistance.⁹ To Russia, who also is present via an air base in Kant, some 20 kilometers away from the (by now former) Manas base, a US military presence in the country was seen as an encroachment on Moscow's privileged sphere of influence. 'Manas' quickly emerged as one of the main sources of revenues for the country, contributing up to 3 per cent of the national budget. Rents from the base have enriched – legally and illegally – the country's leaders, their families, associated circles and companies. The saga that accompanied the renewal of the US lease in 2009 sheds important light on how external geopolitical competition shaped domestic politics, first boosting

⁹ For a more detailed discussion of the effects of external actors on domestic politics and especially conflict see Fumagalli (2016, forthcoming).

¹⁰ Cooley (2012) provides an excellent discussion of 'the price of access' for the west to military bases in Central Asia.

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authoritarianism and then contributing to the ouster of then President Bakiyev, thus opening a window for pluralistic and potentially democratic politics.

The lead-up to the ouster of president Bakiyev in 2010 has its origins in Moscow's displeasure with Bakiyev's attempts to secure a more lucrative deal over the Manas base with the US in 2009 despite having previously secured a deal with Russia which many saw as tied to the closure of the US base. In February 2009 then president Bakiyev announced that the base would close shortly as Kyrgyzstani authorities handed Washington the 180 days' notice. Around the same time Kyrgyzstan signed a comprehensive (and financially generous) deal with Russia. In June Bakiyev performed a complete turnaround and signed a new deal with the US increasing payments from \$17m to \$60m a year, with an additional \$117m one-off package. In 2010 the agreement (with a maximum duration of five years) was extended for another year, and subsequently for three years, until July 2014. Having received and used an initial installment of the package to secure re-election in 2009 the former president felt secure enough to renege on the deal with Russia. This unleashed Moscow's 'fury' which in the winter of 2009-2010 launched a media campaign against the Bakiyev family (Russian media are widely watched in the country). Popular grievances over Bakiyev's corruption and the brutality of members of his family mixed with dissatisfaction with utility price hikes during an especially harsh winter, led to popular protests in the spring. Bakiyev was ousted in April 2010 and replaced with new authorities more sympathetic to Moscow. The 2011 presidential elections saw the victory of Almazbek Atambayev, a traditionally pro-Russian politician in a country where a Russophile foreign policy orientation has never been really questioned, even at times of close cooperation with the United States.

The episode demonstrates the extent to which Russia is prepared to shape domestic politics whenever its strategic interests are perceived to be at risk. It is also quite telling about the US and Chinese positions. Access to Kyrgyzstan's territory has entailed prioritizing hard security concerns in the name of cooperation in the 'war on terror' at the expense of support for democratic institutions and practices. Deafening silence has accompanied the crackdowns on the opposition, civil society and democratic institutions in the name of security cooperation. As Washington was keen on sustaining Bakiyev's rule as long as access to Manas could be preserved, Russia's actions inadvertently paved the way for yet another opportunity for Kyrgyzstan to start again. Last, but not least, is the impact of the seemingly

irresistible rise of Chinese influence, on the local economy and politics. Kyrgyzstan is important for Beijing in part because it serves as a re-export centre for Chinese goods and as a source of valuable natural resources as China seeks to diversify its energy supplies. China has overtaken Russia as Kyrgyzstan's most important commercial partner. Beijing's interests span a wide array of areas, including mining, infrastructure, and hydropower. As Kyrgyzstan descended into inter-communal violence in June 2010, China expressed concern and yet refused to intervene despite Bishkek's appeal for help, mentioning that the clashes were a local matter of a sovereign country. Beijing's policy choice was justified with reference to the principle of non-intervention enshrined in the Charter of the Shanghai Cooperation Organization, an influential regional body which counts both Moscow and Beijing as its members. Moscow had motivated its own refusal to intervene along the same lines. The recent embrace of Russia by the Kyrgyzstani authorities might reveal the lack of alternatives in terms of the availability of security providers for Bishkek. With the drawdown of US troops from Afghanistan and the closure of Manas and with China unwilling to become embroiled in active security cooperation, Kyrgyzstan appears to have run out of options. The closer embrace with Russia assured by Bishkek's entry in the Customs Union (and subsequently the Eurasian Union) suggests that, under the present circumstances, external support for Kyrgyzstan's arduous march towards democracy is limited at best. Already in 2010 the Russian authorities had been explicit about the switch to premier-presidentialism, deeming it unsuitable to the post-Soviet context.

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Summary

Any discussion of the effects of semi-presidentialism on democracy in Kyrgyzstan necessarily has to distinguish between the pre- and post-2010 periods.

Following the ouster of Bakiyev in the spring of 2010 and the introduction of a new constitution in June that year, the previously negative effects of Kyrgyzstan's version of semi-presidentialism on democratic performance have been partly reversed. First, the role of the president has been considerably diminished and the introduction of a single term has decreased the incentives for the president to establish an autonomous power (and patronage) base. Secondly and related to this, there appears to be much more institutional clarity with the disposal of parallel institutions reminiscent of the Soviet as well as the Akayev and Bakiyev periods.

Finally, the new constitution has introduced important changes to the electoral law and the composition of the parliament. While the weakness of the local party system has not been 'cured' overnight, a number of noticeable changes have been introduced, including a cap on the number of seats a single party can occupy in the parliament, the necessity for political parties to pass a 5 per cent national threshold (thus reducing the fragmentation in the parliament) as well as a 0.5 per cent provincial one (thereby forcing parties to establish a national presence rather than a local/regional one). Of course there have been downsides as well, since the proportional representation and the national threshold now in place have transformed a rather fragmented national vote (no party obtained more than 10 per cent in the 2010 parliamentary elections) into a five-party Jogorku Kenesh, giving very few parties a disproportionate representation in the assembly. The reconfiguration of the political landscape in the parliament with the various splits that have accompanied Ata Jurt and Ar Namys in the current legislature (and various parties vying for votes in the south) suggest that the reshaping of the political party system is far from complete, and that - with the exception of the SDPK and Ata Meken - parties remain weak. As the country enters an election year (new parliamentary elections are due in October 2015) the key issue is whether southern political forces will be able to unite and present an alternative to the ruling SDPK, typically perceived as a 'northern' political organization.

Conclusion

This chapter has shown that notwithstanding two constitutions and several referenda and amendments, Kyrgyzstan has remained semi-presidential. Yet, today's regime type differs considerably from the one that defined the country's political system from independence until 2010. The form of president-parliamentarism that has accompanied the small republic's political life since independence has given way to the premier-presidential sub-type of semi-presidentialism, in place since 2010.

The analysis of both formal power and the way in which presidential power has been exercised leads to two important conclusions. First, the form of government has had important, in fact negative, effects on the country's democratic performance. Choosing one form or the other of semi-presidentialism has been extremely consequential in terms of the likelihood of democratic survival or collapse. The case

of Kyrgyzstan here is consistent with the argument advanced and evidence provided in Elgie and Moestrup (2007) in that adopting one or the other variant of semi-presidentialism is far from inconsequential for the country's political trajectory, specifically for its democratic performance. Kyrgyzstan started off its post-Soviet life with a constitution (adopted in 1993) which uneasily balanced the (relatively) strong powers of the president (in line with the Soviet traditions that had a strong figure at the helm, the general secretary of the party) with an equally influential organ (the parliament) which, again in line with the Soviet traditions of parliamentarism, was supposed to balance power relations between executive and legislative power. Reality turned out to be very different and the constitution was made to adjust to the practical exercise of power. Successive constitutional amendments hollowed out the Jogorku Kenesh and weakened considerably the government, thus depriving the president of checks and balances. This was done both by enhancing formal powers and by relying on informal politics (administrative means, patronage). In practice the dual executive that defines semi-presidential regimes lost one of its heads, leaving the president in control of domestic and foreign policy, and also in control of the government.

A second conclusion, is that the 2010 constitution now makes Kyrgyzstan distinctive - alongside Georgia, which also introduced important constitutional amendments along similar lines - in the post-Soviet space in terms of the rebalancing of relations between executive (the president, specifically) and the legislature (Mueller 2014; Fumagalli 2014). If anything, the power balance is now reversed, as the scores of presidential powers above clearly show. The presidency has been stripped of most of its powers, although the president retains important powers including veto, the appointment of the heads of security and defense agencies. At the same time the president has lost legislative initiative, the control over cabinet formation and dismissal, the right to dissolve the assembly and to initiate referenda. Crucially presidential mandates are now restricted to one term only (but for a lengthier period, six years), an effort to decrease the incentives of the incumbent to develop strong patronage networks.

To conclude, despite some moderate optimism¹¹, one should approach with caution the post-2010 period for three reasons. Firstly, the 2010 crisis demonstrated

¹¹ For a more sanguine assessment of parliamentary life in the country and a bleaker perspective on the current future as a democratic polity see Marat (2012).

the fragility of the state. Secondly, the parliament remains fragmented as does the party system, giving the president greater margins of maneuver than what is currently allowed by the constitution. Atambayev, far from being a ceremonial figure, has played an increasingly important role in the country's politics. He has benefited from the under-specification in the constitution that fails to clearly assign powers in foreign policy making between president and government. On the basis of this, missing one of the main conditions that make semi-presidentialism viable in new democracies (a consolidated party system, that is), the main lesson that comes out of the last two and more decades is that democratic performance is better served by greater dispersion of power. Kyrgyzstan should for the foreseeable future consider staying away from the president-parliamentarian form of semi-presidentialism. To conclude on a broader note, while the choice of a form of government has been an important one for the country, the fragility of the state remains Kyrgyzstan's paramount challenge. The potential for a democratic breakthrough is certainly there. Whether the opportunity will be seized and Kyrgyzstan will embark on a stable path to statehood and democracy or this is a lull between outburst of turmoil remains to be seen.

Table 7.1 Presidential elections in Kyrgyzstan

Year	Winner (per cent)	Opponents (per cent)	
1991	Akayev (95.4)	Against (4.6)	
1995	Akayev (72.4)	Masaliev (14.7)	
2000	Akayev (76.4)	Tekebayev (14.2)	Atambayev (6.2)
2005	Bakiyev (88.9)	Bakir Uulu (3.8)	
2009	Bakiyev (76.1)	Atambayev (8.4)	
2011	Atambayev (62.5)	Madumarov (14.8)	Tashiev (14.3)

Note: The tenure of Roza Otunbayeva (April/July 2010-December 2011) is not included here as she was not elected, but rather nominated as the interim head of state by the interim government that took power after Bakiyev was ousted in April 2010.

Table 7.2 Constitutional referenda in Kyrgyzstan (1991-2010)

	Subject	Yes (per cent)	No (per cent)
2010	New constitution	91.8	8.19
2007	Q1: Constitutional amendment Q2: Electoral law	Q1: 95.4 Q2: 95.36	4.56 4.64
2003	Q1: Constitutional amendment Q2: Whether Akayev would be allowed to stay in power until 2005	Q1: 89.24 Q2: 91.75	10.76 8.25
1998	Constitutional amendment	95.4	4.6
1996	Constitutional amendment	98.6	1.4
1994 (October)	Q1: Use of referenda to introduce constitutional amendments Q2: Introduction of a bicameral parliament	Q1: 88.9 Q2: 88.1	11.0 11.9

	Subject	Yes (per cent)	No (per cent)
1994 (January)	Do you confirm that the president of Kyrgyzstan, democratically elected on October 12, 1991, for five years is president of the Kyrgyz Republic with the right to act as head of state during his term of office?	97.0	3.0

Table 7.3 The structure of the legislature in Kyrgyzstan

	No. of Houses	No. of seats
1991	1	105
1995	2	35/70
1998	2	60/45
2003	1	75
2007	1	90
2010	1	120

Table 7.4a Presidential powers in Kyrgyzstan, Shugart and Carey's scale

	1993, 1994	1996, 1998	2003	2007	2010
Package veto	2	3	3	3	2
Partial veto	0	0	0	0	0
Decree	0	4	4	0	0
Introduction of legislation	0	0	0	0	0
Budget	0	0	0	0	0
Referendum	2	2	2	2	0
Total legislative powers	4	9	9	5	2
Cabinet formation	3	3	3	1	0
Cabinet dismissal	2	4	4	4	0
Censure	0	0	2	2	0
Assembly dissolution	3	4	4	1	0
Total non-legislative powers	8	11	13	8	0
Total	12	20	22	13	2

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- Comment [S1]: S&C score veto override requiring 2/3 majority of total number of deputies as 2.
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- Comment [S2]: Art. 48 – not clear that the president has decree powers that go beyond rule making. Parliament has to approve declaration of emergency.
- Comment [S3]: Art. 47 does give the president wide decree/legislative powers in matters of emergency funding. Art 68 states president is delegated legislative power when parliament is dissolved; and parliament can delegate legislative power for a year.
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- Comment [S5]: In practice, parliament does not have leeway to amend the budget without government approval. But government does not formally include the president: Art 65. 2. Amendments to draft laws on the republican budget may be introduced with the consent of the Government. ... [1]
- Comment [S6]: S&C score referendum powers as “restrict ... [2]
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- Comment [S10]: Art. 58.18.
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Tale 7.4b Presidential powers in Kyrgyzstan, Siaroff's scale

	1993, 1994	1996, 1998, 2003	2007	2010
PE	1	1	1	1
CE	0	0	0	0
AP	1	1	1	1
CM	1	1	1	0
VT	1	1	1	1
EDP	0	1	0	0
FP	1	1	1	1
GF	1	1	1	0
DL	1	1	0	0
Total	7	8	6	4

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Table 7.5 Parliamentary elections in Kyrgyzstan (seats)

Year	Independents	Social-Democratic Party of Kyrgyzstan	Ata Meken Socialist Party	Party of Communists of Kyrgyzstan	Ak Zhol/Ata-Jurt	Ar-Namys	Respublika	Others
1995	67	14	3	3				18
2000	73		1	6				25
2005								69 (pro-government) 6 (opposition)
2007		11		8	71			
2010		26	18		28	25	23	

Source: Central Election Commission

Note that although formally Ak-Zhol (Bakiyev's party) and Ata-Jurt are different parties, the common perception is that the latter is the former's successor, comprising loyalists of the former regime.

Table 7.6 Failed States Index (Kyrgyzstan 2005-2014)

Year	Score	Position
2014	83.9	58
2013	85.7	48
2012	87.4	41
2011	91.8	31
2010	88.4	45
2009	89.1	42
2008	88.8	39
2007	88.2	41
2005	90.3	28
2005	80.9	65

Source: <http://ffp.statesindex.org/rankings-2014>. The higher the position in the ranking and the higher the score the closer the state is to failed statehood.

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In practice, parliament does not have leeway to amend the budget without government approval. But government does not formally include the president: Art 65. **2. Amendments to draft laws on the republican budget may be introduced with the consent of the Government.**

3. Draft laws or amendments to laws envisaging a reduction of revenues or an increase of expenditures of the state may be adopted only in the presence of a ruling by the Government.

Similar provisions in subsequent constitutions.

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S&C score referendum powers as “restricted” when parliament also has the right to initiate referenda (art. 58.26).

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Art. 58.25 parliament can vote no confidence in government or individual ministers.

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