

FIFTEEN YEARS OF
INDEPENDENCE:
THE CENTRAL ASIAN AND
CAUCASIAN COUNTRIES
SUM UP THE POLITICAL AND
ECONOMIC RESULTS OF
THIS PERIOD

POLITICAL TRANSFORMATIONS
IN KYRGYZSTAN
(1991-2006)

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Since the early 1970s, those studying the transformation processes in totalitarian and authoritarian regimes have been busy identifying the features found in all transition models and the factors determining the trends and rates of democratic changes. Western political scientists (D. Ros-

tow, F. Schmitter, O'Donnell, S. Huntington, and others) who have been working on the theory of democratic transition regarded the political process as common to all societies and insisted that all transition states would go through the same stages: preparatory (liberalization), decision-making (democratization), and acceptance (socialization).¹

At the preparatory stage, political forces clash: the new elite mobilizes all the social strata dissatisfied with the old regime to carry out concerted actions that lead to a protracted and bitter political struggle. Political forces rally around two opposing banners.² Instability is an inevitable result, and economic and social crises follow suit. There are no attempts to set up a democratic regime at the first stage; it produces a technically democratic order (a so-called paternalist democracy). In the absence of a strong opposition, an authoritarian regime may survive for a long time. At the second stage, the main political forces achieve a compromise, which makes it possible to destroy the authoritarian order and set up democratic institutions in its stead. As members of the new parliamentary institutions, the opposition has the opportunity to join in the decision-making. At the third stage, the compromise is sealed and the democratic forces become consolidated. The pace of change outlined above and the choice of roads leading to democracy depend on the alignment of the key political forces.

An analysis of the transition models reveals that the democratization experience in the states, which, according to Samuel Huntington, will hardly become democratic (Central Asian countries are among them),³ should be summarized.

We shall use the political process in independent Kyrgyzstan to identify the specific features and stages of its political transformation.

The movement toward political reforms began and a new development model appeared in the fall of 1991 when the nation elected a president for the first time in full accordance with the Law on Establishing the Post of the President of the Kirghiz S.S.R. and Introducing Amendments and Addenda to the Constitution (the Fundamental Law) of the Kirghiz S.S.R. of 1990. Political and economic reforms were going on simultaneously at a fast pace. In 1992, the country acquired a Program of Economic Rehabilitation for the next eighteen months, to which IMF and WB experts also contributed. Funding began in July 1993 when credits were allotted by international financial organizations and donor countries. The country chose a liberal model and "shock therapy" that presupposed total denationalization and privatization, a multi-layer market economy, cutting back budget spending (particularly in the social sphere), liberalization of prices and foreign trade, devaluation of the local currency, etc. The transfer to democracy Kyrgyz-style greatly differed from the "classical" Western models: there were no democratic preconditions, while the transfer to the market was carried out in a country badly hit by a profound economic crisis, technological backwardness, galloping prices, total deficit, and the nation's plummeting standard of living.

The first stage (1991-1995) proved to be the most trying for the state and the nation: the systemic crisis developed into a socioeconomic one; destabilization in the financial and social spheres increased along with instability in political life; there was a severe confrontation between the political forces (the communists and the democrats); and the legislative and executive powers could not agree on many issues. The struggle between the old and the new elites over redistributed powers ended with the president's victory supported by the democrats.

On 5 May, 1993, the Supreme Soviet session of the Kyrgyz Republic (KR) adopted a new Constitution based on democratic principles (the separation of powers, general election of the president,

¹ See, for example: D.A. Rostow, "Perekhody k demokratii: popytka dinamicheskoy modeli," *Polis*, No. 5, 1996, pp. 8-11; F. Schmitter, "Protsess demokraticeskogo tranzita i konsolidatsia demokratii," *Polis*, No. 3, 1999.

² See: D.A. Rostow, *op. cit.*, p. 5.

³ See: S. Huntington, "Budushchee demokraticeskogo protsessa: ot emansipatsii k konsolidatsii," *MeiMO*, No. 10, 1995.

etc.). The new Fundamental Law established a model close to the presidential-parliamentary form of government: the head of state and the highest legislative body both had fairly wide powers. The parliament (Jogorku Kenesh) played an important role in forming the government and its structure, and also identified the main trends in the country's domestic and foreign policies. The parliament and the president had the right to submit the most important issues for a referendum.⁴ The Constitution created legal conditions in which the legislative and executive branches could function relatively independently, thus making an agreement between them possible. The president could not rule independently of the Jogorku Kenesh.

In 1994, the president's power betrayed the first signs of strengthening at the expense of the parliament. In December 1993, the country was shaken by a cabinet crisis, and in September 1994, the legislature dissolved itself amid another crisis. The president made skillful use of his address to the nation to fortify his position even more. The dissolution of the parliament was explained by the fact that the head of state and the legislative branch were at odds with each other. (Communists uninterested in carrying out rapid democratic reforms formed the parliamentary majority at that time.)

The national referendum of October 1994 set up a bi-chamber parliament elected in February 1995 in accordance with the majority system introduced to keep any potentially strong opposition party outside the parliament. This created a so-called pocket parliament.

In December 1995, for the first time in its history, the nation went to the polls to elect a president from among several candidates. The post-election context proved to be very different from the pre-election situation: the coalition that supported the president-elect found itself in the winning position. The new alignment of political forces led to another series of constitutional amendments and addenda in 1996.

At the second stage (1996-2000), the republic acquired its final political image as an authoritarian state with elements of democracy (a so-called hybrid state). The amended Constitution supplied the president with the wide powers for forming the executive and judicial branches; the balance of forces shifted to the president. In the absence of a checks-and-balances system, the hybrid regime could easily develop into a regime of personal power.

At this stage, the country achieved temporary stability; the disunited opposition was too weak to rally the discontented masses into active protest. The regime, which skillfully maneuvered between the left and the right, the liberals and the traditionalists, made unification of all the opposition forces impossible and even drew some of their prominent members to its side as civil servants.

The nation became divided into the very rich and very poor, a large part of whom lived below the poverty level and remained under the spell of populist speeches and programs; it was still unprepared to engage in mass anti-government protest actions. The people, fed up with all the failed reforms, feared change; mental inertia was obvious.

As a rule, election campaigns stirred up people's political awareness. In 2000, parliamentary elections were scheduled for February. By that time the drop in the standard of living of nearly the entire nation, as well as the burgeoning shadow economic sector and corruption, had negatively affected the political situation. The share of per capita income in the GDP steadily declined from 14.1 percent in 1998 to 12.2 percent in 2000; the level of budget revenue collection dropped dramatically from 99.4 percent in 1997 to 81.3 percent in 2000.⁵ Uneven social and economic development in the regions (the North and the South; the valleys and the mountainous areas) created even more problems. In the South, which is less urbanized and less industrially developed, poverty

⁴ For more detail, see: A. Elebaeva, M. Pukhova, "Political Transformation in Kyrgyzstan: Specific Features," *Central Asia and the Caucasus*, No. 4 (10), 2001.

⁵ See: *Komsomol'skaia pravda: Kyrgyzstan*, 2 November, 2001.

was much more obvious, while Muslim traditions are much stronger here than in the North. This explains the locally widespread negative feeling about the democratic reforms patterned on the West.

The events in Aksy that took place in March 2002, protest rallies in Bishkek and in settlements in the Jalal-Abad Region, and picketing of the Osh-Bishkek highway destabilized the situation to a great extent. The nation no longer trusted executive power.

The republic's party system also changed a lot: the number of parties increased from 8 in early 1994 to 27 in late 1999, which obviously called for amendments and addenda to the republic's electoral system. In 1999, Kyrgyzstan acquired the Law on Political Parties and the Code on Elections in the Kyrgyz Republic, which introduced a proportional majority system (25 percent of the deputies were elected by a proportionate and 75 percent by a majority vote).

The 2000 parliament was elected according to the new system. The number of seats in the Legislative Assembly increased from 36 to 60, 15 of them being allocated to parties. In 2000, the Communist Party won 5 out of 15 seats, the Union of Democratic Forces election bloc, 4; the Democratic Party of Women, 2; the Political Party of the Afghan War Veterans, 2; the Ata-Meken Socialist Party, 1; and the My Country Party, 1.

The previously disunited opposition showed the first signs of activity: in October 2000, about 10 parties united into an opposition People's Patriotic Movement bloc; the opposition was displeased with the president's fairly wide powers, which it assessed as too wide and insisted that they should be redistributed in favor of the parliament. They also insisted on the presidential-parliamentary form of government and wanted the Constitution to be amended accordingly.

To normalize the situation, the government grudgingly granted certain concessions. In September 2002, a Constitutional Conference (to which the opposition was also invited) was convened to discuss a new version of the republic's Constitution. On the strength of the referendum of 2 February, 2003, the Law on the New Version of the Constitution of the Kyrgyz Republic was adopted on 18 February, 2003.

The new version restored the political balance among the power branches. The Jogorku Kenesh received the following powers: the approval of the structure of the Government of the Kyrgyz Republic recommended by the President; giving its consent to the appointment of the Prime Minister and the members of the Government; control over the Government; giving a vote of no confidence in the Government by a majority of no less than two-thirds of the votes of the deputy corps; giving its consent to appointment of judges of the local courts, etc. (Art 58). The premier was given a greater role in building the executive power vertical and in guiding the government and the local executive bodies. The cabinet was made responsible to the President and Jogorku Kenesh, a situation typical of a presidential-parliamentary republic.

The Constitution introduced the majority system of election to the parliament. Under Art 54, the Jogorku Kenesh shall consist of 75 deputies who will be elected for a five-year term from single-member constituencies.

In 2003, the number of political parties in the republic reached 43, yet all of them were small, lacked wide social bases, and could not affect the activity of the parliament and the cabinet in any way. This explains why the majority system was chosen: the parties lost the chance to run for parliament by party lists, but acquired the chance to nominate their candidates in single-member constituencies (Art 24 of the Code on Elections in the Kyrgyz Republic).

Under the new version of the Constitution, the president acquired fairly wide powers; he plays a significant role in appointing and dismissing top figures (the premier and the ministers) and disbanding the cabinet. This is typical of a presidential republic. The head of state has more power to control the government than the parliament. He plays the key role in appointing the premier, since under Art 63

of the Constitution the Jogorku Kenesh may be disbanded ahead of schedule by the President in the event of three refusals of the parliament to approve the appointment of a prime minister. The Jogorku Kenesh may also be disbanded ahead of schedule by the President, as the result of a referendum and in the event of a legal crisis caused by the insurmountable contradictions between the branches of power. These rights are typical of semi-presidential republics.

So, under the new version of the Constitution, the President retains his political domination; the Fundamental Law failed to register the checks-and-balances system and created legal conditions conducive to a hybrid (mainly authoritarian) political regime that combines the features of a presidential and a semi-presidential republic.

The new version of the old Constitution did not bring political stability; continued disagreements among all sorts of elite groups ruled out the possibility of a consensus between the government and the opposition, while informal (clan) relations in the political, social, and economic spheres added to the general instability. A dialog, let alone a consensus, between the government and the opposition was next to impossible. The opposition wanted to annul the results of the 2 February, 2003 Referendum because the final version of the Constitution (drafted by a group of experts) differed greatly from the version the Constitutional Conference had approved. The opposition, very much disturbed by the president's fairly wide powers, demanded his resignation, while President Akaev repeated all over again that he had no intention to run for another term. His political opponents, however, feared that he might extend his term in office to seven years, as the republic's Central Asian neighbors had done. In fact, signatures had already been collected across the country to make this possible.

Late in 2004, under the pressure of the upcoming parliamentary elections and the top people's refusal to talk to the opposition, the situation became even worse. Elections to the one-house parliament were held in February 2005; in some constituencies, the election campaign developed into clan clashes. The pro-presidential Alga Kyrgyzstan won a clear majority, the opposition, meanwhile, complained "about the numerous violations" and demanded that the results be annulled. The elections finally forced the opposition to close ranks within the People's Movement of Kyrgyzstan headed since November 2004 by former premier Kurmanbek Bakiev. There was no ideology behind the process—the opposition and part of society had had enough of the powers that be represented by President Akaev.

The opposition made its demands public at a meeting in front of the House of Government in Bishkek. On 24 March, 2005, peaceful protest actions demanding the president's resignation took place in Bishkek; later the protesters were joined by a column that arrived from Osh. Led by the opposition, prominent figures and the leaders of youth organizations, a large crowd headed to the House of Government; a nation-wide crisis became obvious; the premier resigned when the crowd took the House of Government by storm, while the president simply left the country.

An interim government was set up under Kurmanbek Bakiev, the appointed premier and acting president; the March coup changed the people on top and the elites. Unlike in the Czech Republic, where the so-called velvet revolution brought a new elite to power, in Kyrgyzstan it opened the road to the top for the former president's former comrades-in-arms, whom he removed from power for different reasons. The new people at the helm wanted to steer the country toward continued reforms rather than toward a new development model or a new social-political system.⁶ The coup was an outcrop of the clan struggle over power and property caused by several intertwining domestic and external factors. To a great extent the March events were caused by aggra-

⁶ There is a common agreement in the West that a genuine revolution brings new people to power rather than restores those who already had the chance of ruling the country.

vated domestic problems, but external factors should not be ignored either. Sun Zhuangzhi, a Chinese expert, for example, insists that the United States allocated \$31 million for the republic's democratic development.⁷

The following domestic factors made the regime change possible: the political regime's crisis of legitimacy and its inability to defend the constitutional order; contradictions inside the ruling elite, which led to a split; the economic crisis; the structural industrial crisis; the plummeting standard of living; unemployment (especially obvious in the South); the consolidated opposition; the emergence of all sorts of political alliances and parties; pending regional and ethnic issues; corruption and crime; drug trafficking; the drug mafia's obvious drive for power; the development of the informal sector; the growing number of people employed in shadow economy, which was gradually moving toward criminal activities; the failed attempt at stemming the process; and the gap between the democratic constitutional principles and reality.

The March coup, which destroyed the vertical of power, added vigor to all sorts of regional, ethnic, religious, clan, and other groups. In the small hours of 25 March, 2005, the law-enforcement bodies preferred to keep a low profile, which drove the excited mobs to marauding, plundering, and setting fire to shops in the republic's capital. The drug barons did not remain idle either. On 12 May, 2005, in an effort to prevent a split into the North and the South and in response to numerous public demands to preserve peace and stability, Bakiev and Kulov entered into an agreement on a political tandem. On 10 July, 2005, Kurmanbek Bakiev, one of the nine candidates, won the pre-term presidential election with a wide margin (he received 88.5 percent of the votes). The confrontation between the newly elected chief executive and the earlier elected parliament became revived with fresh vigor. The Jogorku Kenesh refused to approve some of the president's ministerial candidates; in response, the Jany Kyrgyzstan and Erkindik (headed by T. Turgunaliyev) parties started collecting signatures (the number needed by law was 300,000) for the parliament's dissolution.

To avoid this, the Jogorku Kenesh passed a Law on Referendum, under which the parliament could annul referendum results. The law envisaged that the failed issue could not be put up for a referendum for the next two years, even if 300,000 people voted for an earlier date.⁸

In an effort to bury the Bakiev-Kulov tandem, some of the deputies tried to initiate a vote of non-confidence; there were suggestions to set up a coalition cabinet and transform the country into a parliamentary republic.

In January 2006, the opposition moved toward greater unity within a newly established People's Coalition of Democratic Forces of 18 parties, movements, and NGOs. The "new" opposition insisted on more amendments to the Constitution, administrative and judicial reforms, and more active anti-criminal measures. The opposition's more radical members and some of the parliamentarians went as far as demanding that the Bakiev-Kulov tandem be disbanded, while others predicted its dissolution due to the contradictions (the HIPC membership) and the absence of a single political program. The situation in the South, where radical Islamic groups were stepping up their activities, remained disturbing. Hizb ut-Tahrir and its supporters were spreading their influence far and wide.

Crime was on the increase; criminals were trying to join the power structures to impose their will on the president. In fact, the entire political system could have fallen victim to total criminalization. The law-enforcement structures could not cope: exchanges of fire between criminal groups, contract murders, and illegal seizures of land and enterprises became daily occurrences.

⁷ See: S. Luzianin, "Color Revolutions in the Central Asian Context: Kyrgyzstan-Uzbekistan-Kazakhstan," *Central Asia and the Caucasus*, No. 5 (35), 2005.

⁸ See: *AIF Kyrgyzstan*, No. 14, 2006, p. 4.

Starting in 2005, the number of grave and capital offences has been on the increase. According to the law-enforcement bodies, at that time there were 162 organized criminal groups in the republic; trade in arms and ammunition escalated out of control. The wave of crime was also rising because the public had lost faith in the law-enforcement structures.⁹

The instability, lack of social agreement, and higher crime level could have caused chaos and loss of control, therefore a large part of the public and mass organizations demanded that the government restore law and order and step up its anti-criminal and anti-corruption efforts. In fact, no one was safe in the country; everyone feared for their lives: the ruling elite was not yet ready to defend constitutional order and uphold human rights.

The Political Council of the People's Movement of Kyrgyzstan Party called on the ministers, governors, akims, and chairmen of the *ayyl okmotu* to spare no effort to restore stability and concentrate on economic rehabilitation and creative labor.¹⁰ The For Democracy and Civil Society Coalition called on the president to take resolute anti-crime measures and restore law and order in the country before it was too late.

In response, President Bakiev spoke about the need to restore the vertical of power, which would allow the government to regain control over the situation. More than twelve months before that the president spoke of the need to reform the state administrative mechanism; the World Bank allocated about \$20 million for this purpose. Constitutional amendments and addenda could no longer be postponed.¹¹

A Constitutional Conference was convened to work on a new version of the republic's Fundamental Law; the first stage of the constitutional reform started in April 2005. In June 2005, the amended text reached the media; a nationwide debate followed and was completed on 6 October, 2005 with a presidential decree that said the draft should be revised "not only as far as its wording was concerned; its entire content required revision." The decree set the final date of 25 December 2005, by which time the final version of the draft Law on Amendments and Addenda to the Constitution of the Kyrgyz Republic should have been completed.¹² The head of state justified his demand of the revision by the parliament's excessively wide powers. A strong parliamentary republic, he argued, was possible in a country with strong parties, whereas Kyrgyzstan was a country of over 80 parties, nearly all of them parties of the leader and a handful of his supporters. With weak and tiny parties, the programs of which had nothing in common with what the country needed, the republic was unprepared to switch to the parliamentary form of government.¹³

The Constitutional Conference failed to grasp the meaning of the proposed constitutional reform; in its zeal it suggested that over forty articles of the country's Fundamental Law should be amended; the revision of all the norms that caused disagreements would have required much time and a wider constitutional conference.

At the second stage, its membership increased to nearly 300 people,¹⁴ which pushed the lawyers and deputies into the minority. Chairman O. Tekebaev, former Jogorku Kenesh speaker, was replaced by President Bakiev. In his address to the conference, the newly appointed chairman suggested that the Conference should rule itself by the following: a presidential-parliamentary form of government; a "strong president, strong parliament, strong cabinet, and strong civil society"

⁹ See: *Vecherniy Bishkek*, 2 November, 2005.

¹⁰ See: *MSN*, 10 February, 2006, p. 2.

¹¹ Since 5 May, 1993, when the Constitution was adopted, the amendments and addenda have been introduced to it four times to strengthen the president's power.

¹² See: *Slovo Kyrgyzstana*, 7 October, 2005, p. 3.

¹³ See: *Slovo Kyrgyzstana*, 26 September, 2006, p. 2.

¹⁴ The Constitutional Conference was enlarged, in addition to prominent politicians, with educators, doctors, heads of farming households, etc.

model; dual citizenship; a parliament based on the majority-proportionate election system; the president, premier and the deputies should be deprived of immunity, while the judges should retain theirs.¹⁵

The presidential vs. parliamentary form of government caused a lot of discussions and disagreements: teachers, doctors, public figures, and aksakals (elders) from the regions insisted on wider presidential powers, they wanted the president to fill the premier post as well. Other conference members wanted a parliamentary republic in which many of presidential powers would be transferred to the parliament.

An editorial commission was set up to smooth out the contradictions and to submit the final version to the president before 25 December, 2005. A nationwide discussion of the published final version was also planned.

Serious disagreements slowed down the process; the Constitutional Conference failed to reach an agreement on the final version. On 23 March, 2006, the president issued a decree, on the basis of which a workgroup was established under deputy J.K. Beknazarov to complete the job. In July 2006, the group, which collected over 3,000 relevant suggestions, came up with three drafts of the Fundamental Law for a presidential, parliamentary, and “mixed” republic: fifteen versions in all, which attracted critical remarks from all sides.

The majority of the Jogorku Kenesh deputies insisted on a parliamentary republic; they went as far as launching a wide campaign to discredit the president. On 17 June, 2006, the opposition made its demands public at a rally in Bishkek. Tension continued and reached its peak on 5 September, 2006 when deputy O. Tekebaev was detained at the Warsaw airport. On 22 September, the parliament presented an ultimatum to the head of state: it demanded a coalition cabinet of popular confidence and “immediate” constitutional reform based on the draft Law on Amendments and Addenda to the Constitution of the Kyrgyz Republic, elaborated by the Constitutional Conference and published in 2005. The parliament expected this to be done before 20 October, 2006.¹⁶

On 28 September, 2006, President Bakiev addressed the parliament with a message On the National Development Strategy and Immediate Tasks, in which the head of state announced that new tasks had been identified, such as a competitive market economy, a standard of living no lower than the world’s average, reliable standard social guarantees, fully-fledged democracy, and a fair and efficient government. The president said that the first stage had been successfully completed: the economy was no longer in a crisis, while the state bodies and all the other vital systems were functioning smoothly.

At the second stage, said the president, the country should acquire an efficient system of governance, which requires constitutional amendments and addenda. He described the future constitution as a constitution “with a strong executive power” and added that the country needed a new normative legal act on political parties and movements, specific criteria for streamlining the ministries, departments, and territorial administrations, conditions conducive to law and order, as well as reformed law-enforcement and judicial systems. The president confirmed his opinion that efficient parliamentary governance was not possible in a country that lacked strong political parties.¹⁷

The first signs of the political crisis appeared in the fall of 2006: the confrontation between the executive and legislative branches developed into a crisis; the parliament split. To put pressure on the country’s leaders, the opposition resorted to a tested weapon—constitutional amendments; it did not want reforms as such—the opposition hoped to force the president and the government to resign (that

¹⁵ See: *Delo No.*, 10 October, 2005, p. 3.

¹⁶ See: *Slovo Kyrgyzstana*, 26 September, 2006.

¹⁷ See: *Ibid.*, 29 September, 2006, pp. 2-4.

meant the regime change could be described as a “second” coup). The opposition demanded that the president submit the final version of the country’s Constitution no later than 2 November, 2006, otherwise the members of the For Reforms movement threatened to start a wide-scale perpetual rally in the capital’s center on that very day that would attract from 15,000 to 20,000 demonstrators. The movement’s headquarters demanded that the president dismiss Procurator General K. Kongantiev and head of the Bishkek Main Administration of Internal Affairs M. Kongantiev; discontinue his “family” business, and nationalize all facilities still owned by the Akaevs.

Some public associations and parties called on the opposition not to aggravate the political crisis and move toward a constructive dialog with the government to overcome contradictions by legal means; they condemned the desire of the leaders of the For Reforms movement to resort to rallies and demonstrations. On 31 October, 2006, two rounds of talks between the reformer deputies and the head of state were crowned by an agreement under which the presidential and the deputy groups (consisting of three experts each) were expected to produce a compromise version of the Constitution of a presidential-parliamentary republic; on 2 November, the president was expected to offer the draft to the Jogorku Kenesh. The sides agreed to proceed from the version the first Constitutional Conference had completed in the summer of 2005. The president agreed on the majority-proportionate election system. No agreement was reached on other controversial issues.¹⁸ On 1 November, 2006, the president met with the heads of parliamentary committees and factions and members of the public who were resolute in their conviction that “the Constitution cannot be adopted in two days.”¹⁹ There was apprehension that clashes might follow in the country already divided into the South and the North. Some of the deputies went as far as suggesting direct presidential rule.²⁰

Under the Law on the Rules of Procedure in the Jogorku Kenesh, draft amendments and addenda submitted to the parliament should be discussed no earlier than three months after the date of their submission; the opinion of the Constitutional Court should be taken into account. Proceeding from this, 33 deputies authored an address in which they suggested that the draft constitution should be approved before 1 December, 2006, while the president should submit a new version of the Fundamental Law before 6 November.²¹ In case of disagreements between the branches of power, the draft should be offered for a national referendum.

On 2 November, a huge rally in support of the reforms was held in front of the House of Government in Bishkek. On the same day, President Bakiev informed the Jogorku Kenesh that he intended to submit the draft constitution to the parliament on 6 November.²²

On 6 November, 2006, the parliament met for a special meeting to discuss the draft constitution presented by the deputy-reformers under which the country was to become a parliamentary republic. Deputy O. Tekebaev said that the new Constitution should be adopted by a specially convened Constituent Assembly; 38 deputies supported him; Deputy Baybolov was elected its chairman, while toraga (speaker) of the Jogorku Kenesh M. Sultanov and 20 deputies refused to take part in the Constituent Assembly and left. This created an impasse: there were two parallel structures—the Jogorku Kenesh and the Constituent Assembly.²³ Defense Minister I. Isakov described this as a “constitutional coup,” while President Bakiev said that what the opposition had done was a breach of law and invited it to engage in conciliatory procedures. Some of the deputies, as well as leaders of political parties and

¹⁸ See: *Slovo Kyrghyzstana*, 3 November, 2006, p. 2.

¹⁹ *Ibidem*.

²⁰ See: *Ibidem*.

²¹ See: *Ibid.*, p. 5.

²² See: *Ibid.*, p. 2.

²³ Under the current Constitution of 2003, the legislators’ right is limited to introducing amendments and addenda to the country’s Fundamental Law.

movements, agreed that the opposition had demonstrated that it was ready to use mass rallies to accomplish another coup.

On 7 and 8 November, the centrist deputies and the pro-presidential parties and movements responded with an anti-rally in front of the parliament building; the initial crowd of 5,000 then swelled to about 15,000. According to the media reports, thousands of Bakiev's supporters arrived from the South. Large rallies in support of the president were held in the Osh, Jalal-Abad, Batken, Naryn, and Talass regions, which condemned the opposition. The rallies demanded that the parliament ("which intended to stage a coup") be dissolved and that a referendum on constitutional reform be held.²⁴

The fact that the Constituent Assembly adopted the new Constitution aggravated the political conflict and even brought the country dangerously close to a civil war. On 7 November, 30 Jogorku Kenesh deputies, together with the speaker, issued an Address in which the president and deputies were invited to amend the Law on the Rules of Procedure in the Jogorku Kenesh to bridge the widening gap, to come to an agreement on the still contradictory constitutional issues, and to submit the draft of a new version, which should take the sides' opinions into account, to the parliament.

On 8 November, 2006, the parliamentary majority (50 votes) adopted the changes to the parliament's rules of procedure; the deputies finally got down to discussing the "conciliatory" version based on the version supplied by the first Constitutional Conference of 2005, the president, and the Jogorku Kenesh.

The head of state agreed to sign the new rules of procedure, if the deputies, in turn, agreed to make him a co-author of the new version of the republic's Fundamental Law and preserve his right to endorse ministers and appoint local judges.

On the same day, the parliament adopted in two readings the new version of the country's Constitution born by a political compromise. This ended the political crisis and prevented open clashes.

The following amendments can be described as most important: the parliament's membership was increased to 90 deputies; it received wider powers, such as passing decisions on the cabinet's structure and its members; the party that wins over 50 percent of the seats (out of 45) acquires the right to form the government and nominate a candidate for premier to be approved by the president. If none of the parties acquires over half of the seats, the head of state has the right to invite one of the parliamentary parties to select a premier. If this method fails three times and the country is left without a premier and cabinet, the president dissolves the Jogorku Kenesh and uses his right to form a cabinet that will retain its power until the next parliamentary elections.

No less than 50 percent of the deputies are to be elected by proportionate vote by party lists; the others are to be elected by majority vote. The deputies retained their immunity, but if they are absent from plenary meetings for 45 or more days without good reason, they could lose their mandates.²⁵ The Jogorku Kenesh has the right to pass a vote of non-confidence in the cabinet if dissatisfied with its annual report.

The new version gave the president the following rights: approval of the premier, dismissal on his own initiative or at the request of the prime minister or any of the cabinet members; appointment of the Procurator General and chairmen of the National Bank and the Central Election Commission after the parliament approves the candidates. The head of state retains his considerable role in appointing other top figures; under the new Constitution the Kyrgyz language is the state language, while the Russian language is described as the official tongue; the Constitution also introduces dual citizenship; all the power structures retain their powers until their term expires in 2010.

²⁴ See: *Slovo Kyrgyzstana*, 10 November, 2006.

²⁵ See: *Ibid.*, p. 3.

The republic acquires a presidential-parliamentary form of government close to the French model of a semi-presidential republic.

This is the first step toward a consensus between the president and the opposition, but the continued reforms require mechanisms for overcoming the contradictions and achieving a balance among the power branches.

C o n c l u s i o n s

The advance toward democracy that took place in 1991-2006 in Kyrgyzstan shows that the republic is still at the first stage of the transition period. This stage (1991-1995) can be described as a stage of bitter power struggle between the democrats and the communists, which the latter lost. Privatization and the economic reforms brought power and property together and created an oligarchic group of very rich people.

At the second stage of the first period (1996-2000), the country moved away from the initial presidential-parliamentary form of government to a presidential republic; the head of state and his supporters strengthened their positions and achieved temporary stability. Authoritarian trends became even more obvious in the absence of a developed civil society and its institutions. At the same time, strong presidential power and authoritarian trends were much more preferable in a transition society than lack of cohesion and populist tendencies that inevitably created tension and lead to confrontation.

At the third stage of the same first period (2000-2006), the gap between society and the political elite became even wider; the still unresolved social and economic problems (particularly in the South) added to the already obvious political crisis and ended in a social upheaval.

The March 2005 events and confrontation that came in their wake between the president and the opposition were the products of the struggle for power and property. The transfer of power and regime change became too complicated and even dangerous and required a long period of transition to be completed.

Democracy in Kyrgyzstan is superfluous—the society remains devoted to the pre-Soviet (clan system) and socialist (collectivist) norms and principles. The democratization process is slowed down by the mounting informal relationships in the political and socioeconomic spheres (the clan system and tribalism being the most typical of them). They make compromises and agreements between the elites and other groups next to impossible.

The stability and ethnic consolidation needed to move toward democracy have not yet been achieved, while there are persisting problems of center/periphery and South/North interaction; criminal and religious groups pursuing their own aims do not add stability. In the last 15 years, the legislative and executive branches have frequently been in conflict.

To prevent revolutionary upheavals, which are too costly for any society, the state should abandon the legal norm of off-term presidential elections²⁶ and create mechanisms of power transfer to finally achieve a balance of power and social stability. The system of institutions should be improved to be able to promptly respond to mounting conflicts and prevent them. In fact the country needs a national idea as an instrument of social consolidation.

Stability of the political system requires accelerated unification of parties into blocs and coalitions; the process might be encouraged by a new law on parties and public movements. This law should specify the registration conditions with the Ministry of Justice (size, local branches in all regions and districts) and establish a barrier of 5 or 7 percent, which will weed out the parties based on the principles of tribalism or clientage and will help the parties based on genuine social interests and ideas.

²⁶ Life has shown that political regimes that permit off-term elections are less stable.

The political aspect of the democratization process is closely connected with the culturological approach, which means that traditional values should be taken into account; modernization should be rooted in the country's national and cultural specifics. All ethnic and regional groups should curb their special interests to reach a consensus. Traditional culture is a collectivist culture. We should always bear in mind that tribalism may undermine the state's stability and integrity.

The experience of the Kyrgyz Republic has demonstrated that a democratic transition is hardly possible in countries with low economic development levels where the market or its elements and a civil society are still undeveloped. Disagreements among the political elites and between the South and the North and their ethnic communities prevent a move to the next democratization stage. The main political forces should seek a consensus on the strategy of social reforms and find it.