

KYRGYZSTAN AFTER 2010: PROSPECTS FOR A PARLIAMENTARY REPUBLIC

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ABSTRACT

Political development of independent Kyrgyzstan has been geared at democratization and the best possible form of governance. Under presidents Akaev and Bakiev, the semi-presidential system turned out to be a failure: in the course of time it degenerated into monopoly rule and usurpation of state power. The events of April 2010 opened a new stage in the republic's

political development and created conditions for a semi-parliamentary form of governance.

This article analyzes the prospects for a parliamentary system in Kyrgyzstan, its weak and strong points, and its future. The author argues that despite its weak points, semi-parliamentary democracy will make the republic's political system more democratic.

KEYWORDS: *Kyrgyzstan, political development, democratization, state governance, Jogorku Kenesh, Ata-Meken, SDPK (Social-Democratic Party), Ak-Shumkar, Asaba.*

Introduction

In April 2010, discontent with the authoritarian methods of state administration and economic management, which had been accumulating for some time, raised a high wave of popular unrest and demonstrated that people were ready to sacrifice their lives to put an end to the arbitrary rule of the political elite. This made it abundantly clear that the presidential and semi-presidential forms of governance had lost their credibility: the traditional values and the republic's political culture inevitably produced monopolization of power and authoritarianism.

The political elite brought to power by the April developments in the form of the Provisional Government established a semi-parliamentary form of governance, its three years being full of diverse and frequently opposite trends. The new Constitution adopted in 2010; the elections to the Jogorku Kenesh (parliament); the presidential election of 2011; and the elections to local administrations in 2012 demonstrated that political reforms were still going on and that a semi-parliamentary republic has not yet acquired its final shape.

Today, the question of how the parliamentary form of governance will develop in the long-term perspective has acquired a new edge. This article looks at several aspects of the problem: the impact of historical prerequisites and sociocultural factors; post-2010 development of the political process and political forces; the way the new political system works and its weakest points; and the positive and negative sides of the parliamentary system and its future in Kyrgyzstan.

Historical Prerequisites

Political development of independent Kyrgyzstan is closely connected with the problem of democratization of society and the state governance system. This was absolutely clear in the past and remains obvious today. An analysis of the last twenty years reveals that Akaev and Bakiev, brought to power on the waves of democratization and determined to build a democratic society in their country, shifted to authoritarian methods of state governance.

Early in the 1990s, at the beginning of his presidency, Askar Akaev resolved to actively promote democratic values; later, however, he appropriated some of the parliament's powers, which made authoritarian rule inevitable and obvious. Some think that a democratic form of government in the Central Asian states demands separation of at least two branches of power—the executive and the legislative—something that Kyrgyzstan did in the 1990s.¹ The reforms abandoned half-way were later described as an attempt at liberalization rather than democratization.²

In 2005, Kurmanbek Bakiev, the republic's new leader, declared democracy and liberalism to be his main aims; he even suggested that the country become a parliamentary republic through a series of consistent reforms of state governance.³ Elected president in June 2005, he gradually moved away from the idea of a parliamentary republic in preference of the tested and habitual methods of strong presidential power and authoritarian rule to stabilize the political situation.

The tragic events of April 2010, which brought new people to power once more, exacerbated the problem of switching from a presidential to parliamentary republic. The republic's experience of two presidents showed that the presidency had inevitably discredited itself. The first two presidents, their family clans, and their political cronies interfered with the efforts to set up an efficient state able to address social, economic, and political problems and consolidate democratic principles—after a while both presidents succumbed to the temptation to usurp power and ignore the widespread corruption.

¹ See: P. Kubicek, "Authoritarianism in Central Asia: Curse or Cure?" *Third World Quarterly*, Vol. 19, Issue 1, March 1998; L. Diamond, *Developing Democracy: Toward Consolidation*, Johns Hopkins University Press, Baltimore and London, 1999.

² John Anderson was one of those who offered this opinion about Akaev's presidency (see: J. Anderson, "Creating a Framework for Civil Society in Kyrgyzstan," *Europe-Asia Studies*, Vol. 52, Issue 1, January 2000 [from Academic Search Premier Database, 09668136]).

³ See: Z. Chotaev, "Politicheskoe samosoznanie i konstitutsionnye reformy v Kyrgyzstane posle sobytiy 24 marta 2005 goda," *Vestnik AUPKR* (Collection of Articles and Reports at the International Conference at the Academy of State Administration at the President of the Kyrgyz Republic, 11 May, 2007), Bishkek, 2007, p. 142.

The amended Constitution adopted in June 2010 opened a new era in the republic's state system: it established a parliamentary republic and limited presidential powers. Today, three years later, there is a lot of criticism of the parliamentary system, its efficiency and usefulness, and there are doubts about its future in Kyrgyzstan.

Sociocultural Factors

Anyone undertaking an analysis of the present political system and political relations in Kyrgyzstan should take into account the special role of social and cultural factors—regionalism and tribalism, clan and family ties, and client/patron relations. They are manifested in the closely knit social groups and through the prevailing social and cultural principles of interaction, as well as through mechanisms of social mobilization. Here is what foreign academics write about the political processes in Central Asia.

Kathleen Collins, for example, describes domestic policy in the post-Soviet Central Asian republics as “clan policy” and the clans as the foundation of political and economic power: “clans, informal organizations based on kin and fictive kin ties.”⁴ Informal pacts between clans ensure stability of the state and the ruling regime, on the one hand, and slow down democratization and liberalization in these countries, on the other. This has been absolutely obvious in Kyrgyzstan. Kathleen Collins further writes that in the short-term perspective clans promote stability and authoritarianism, while in the long-term perspective they might shatter authoritarian power and undermine its stability.⁵

Scott Radnitz, who studied the situation in Kyrgyzstan, likewise pointed out the strong position of the local communities and their involvement in domestic policy. He is convinced that clans have no active role to play when it comes to mobilizing the masses for political action at the regional level.⁶ This means, writes the author, that the involvement of masses in political movements and the ascendance of these movements to the national level rest on the relations between the participants and leaders at the local and regional levels, or, to be more exact, on the degree of consolidation of the local communities and impact of their patrons. This means that clan and tribal affiliation of a politician is one of components of political relations.

Johan Engvall stresses that the traditional values rooted in local societies and cultures do nothing for law and order in Kyrgyzstan and encourage corruption⁷; he writes that the social and cultural values geared at the traditional ties inside clans, tribes, and regions explain why the ruling elite is obviously unwilling to reform the judicial system and eliminate corruption any time soon.

On the other hand, a careful analysis of political relations and the political culture in Kyrgyzstan shows that there are certain factors conducive to the emergence and development of a parliamentary system in the republic. Today, clans, as well as regional and tribal groups with shared interests, can be represented in the parliament as political forces united into a coalition government to realize their political power. Political forces elected on the basis of proportionate representation and united into parliamentary factions may later develop into political parties. For example, to be elected to the parliament, a political party built according to the regional or clan logic should attract at least the mini-

⁴ K. Collins, “The Logic of Clan Politics: Evidence from Central Asian Trajectories,” *World Politics*, Issue 56, January 2004, p. 231.

⁵ See: *Ibid.*, p. 260.

⁶ See: S. Radnitz, “A Hoarse of Different Color: Revolution and Regression in Kyrgyzstan,” *Democracy and Authoritarianism in the Post-communist World*, Cambridge University Press, New York, 2010, p. 316.

⁷ See: J. Engvall, “Kyrgyzstan: Anatomy of a State,” *Problems of Post-Communism*, Vol. 54, No. 4, July-August 2007, p. 41.

mum number of voters in all regions; later, to remain an active political force and to preserve its voters at parliamentary elections it should inevitably abandon its regional or clan interests for the sake of the republic's interests.

Today, political stability in Kyrgyzstan is ensured, on the whole, by the fact that the ruling elite has all sorts of regional, political, and economic groups on its side; this refers to contacts realized through a so-called unofficial understanding between the government and its entourage in exchange for certain privileges for these groups. This is best confirmed by what happened to Akaev's presidency: by concentrating on the interests of his family, he lost a large share of support of other clans and political forces and, in 2005, his post. Kurmanbek Bakiev, on the other hand, who represented the country's south, consolidated his power by drawing some of the northern clans and other political forces to his side after the 2005 events.⁸

These methods can be used within the parliamentary system: informal agreements among various political forces, clans, and regional groups can be transformed into official agreements within the Jogorku Kenesh when forming a coalition government. Using their official platforms as starting points, parliamentary groups and factions can arrive at a common political course (in which their interests are presented in full accordance with their political weights); representation of regional groups and clans can be realized at a lower level, within political parties which, in the context of proportionate representation in the parliament, will seek wider electorate support across the country to gradually reach the republican level.

This means that the political impact of social, cultural, and economic groups can be removed from the shadows, while the groups could and should be integrated into political processes through parliamentary representation.

Political Parties and Leaders in the Emerging Parliamentary Republic

The events of 7 April, 2010 in Kyrgyzstan opened a new page in the country's political history. The parties in opposition to President Bakiev (Ata-Meken, SDPK (Social-Democratic Party), Ak-Shumkar and Asaba) acquired seats in the Provisional Government, drafted an amended Constitution, and prepared for the parliamentary elections. New parties and political movements appeared and even consolidated their positions. In October 2010, twenty-nine parties competed for seats in parliament; 11 of them received more than 1% of the votes and five parties with over 5% (the qualification barrier) acquired seats in the Jogorku Kenesh.⁹

Ata-Jurt, SDPK, Ar-Namys, Respublika, and Ata-Meken together won over 36% of the votes. Butun Kyrgyzstan and Ak-Shumkar with 4.6% and 2.59%, respectively, remained outside the parliament. Altogether these parties reaped over 44% of the votes (out of the total number of registered voters), or 55% of those who came to the polls (absolute majority of the politically active population).

An analysis of the way the semi-parliamentary system came into being during the 2010 parliamentary elections make it possible to assess what the leaders and activists of the parties that won the largest number of votes at the elections really thought about the new form of governance. It turned out that at least three out of seven parties (Ata-Jurt, Ar-Namys, and Butun Kyrgyzstan) rejected the

⁸ See: Z. Chotaev, *op. cit.*, pp. 143-144.

⁹ For the results, see the Official Site of the Central Commission on Elections and Referenda in the KR, available at [<http://shailoo.gov.kg/>], 19 January, 2011.

idea of a parliamentary form of governance; Respublika, a member of the ruling coalition, was behind the idea.¹⁰ Twelve months later, when the parliamentary system introduced under the 2010 Constitution had demonstrated its positive and negative sides, the political leaders changed their opinions to a certain extent about the parliamentary form. Some of the Ata-Jurt and Ar-Namys deputies, resolute opponents of the parliamentary form during the 2010 elections, developed more positive opinions about it. For example, in his interview to Region.kg Information Agency, Akhmatbek Keldibekov, deputy of Ata-Jurt and first speaker of the Jogorku Kenesh, while pointing out certain failings of the parliamentary form of government to be remedied, was very positive: “The parliamentary system is natural for Kyrgyzstan and we should not reject it.”¹¹ Dastan Bekeshev, who represents Ar-Namys in the parliament, said that after working for a year in the Jogorku Kenesh he became convinced that “this system should be preserved.”¹²

In December 2011, the author of this article organized a poll among members of the parliamentary factions (SDPK, Ar-Namys, and Respublika, as well as advisors to the leaders of the Ata-Jurt and Ata-Meken factions) to find out what the political elite thought about the parliamentary system and its prospects in Kyrgyzstan. It turned out that four factions, on the whole, preferred the current form of governance, while the Ata-Jurt faction was more negative.¹³

The fact that members of the Ar-Namys faction changed their minds is very illustrative; Kanybek Osmonaliev, one of the deputies, insisted that the parliamentary system should not be rejected but merely improved. He warned that if the president tried to extend his powers, the faction and the party would reject corresponding Constitutional amendments and would insist on wider powers for the Jogorku Kenesh.¹⁴

In December 2011, the coalition of four parliamentary factions (SDPK, Respublika, Ar-Namys, and Ata-Meken) signed a Coalition Agreement to confirm their determination to develop the parliamentary system. The document said, in part, that they would support “the Constitution and its immutability for the entire period of activity of the coalition of factions;” they pledged “to realize and protect its principles and ideas.”¹⁵

In September 2012, three factions (SDPK, Ar-Namys, and Ata-Meken) signed another Coalition Agreement, in which they confirmed their intention to develop within the parliamentary system; its members stated their intention “to ensure the necessary continuity and consistency in the functioning of the executive power system” in the structure of the new system of governance.¹⁶

The presidential election of 30 October, 2011 completed the legitimation of political power in the republic after the events of 7 April, 2010 and gave the country a chance to see whether the political elite was moving toward a more democratic political system. Likewise, the way people voted provided us with the opportunity to find out whether they preferred those who wanted to change or wanted to preserve the parliamentary system. Here are the results of the frontrunners: Almazbek

¹⁰ The figures were obtained by the author within a project of the National Institute of Strategic Studies under the Government of the KR (for more details, see: Z. Chotaev, *Parlamentskaya forma pravleniya v Kyrgyzstane: problemy i perspektivy*, Bishkek, 2012, pp. 33-38).

¹¹ Interview of Speaker of Jogorku Kenesh Akhmatbek Keldibekov to Region.kg Information Agency on 28 October, 2011, available at [http://www.region.kg/index.php?option=com_content&view=article&id=291:2011-10-28-06-43-14&catid=30:2011-05-22-12-08-18&Itemid=37], 25 April, 2013.

¹² Interview of Dastan Bekeshev to Polit.kg, an information and analytical portal, 14 December, 2011, available at [<http://polit.kg/print/1/93>], 25 April, 2013.

¹³ See: Z. Chotaev, *Parlamentskaya forma pravleniya v Kyrgyzstane*, pp. 38-42.

¹⁴ See: Interview of Kanybek Osmonaliev to the author, 14 December, 2011.

¹⁵ See: “Text of the Coalition Agreement between Factions of Jogorku Kenesh of the Kyrgyz Republic,” Akipress Information Agency, available at [<http://www.akipress.org>], 19 December, 2011 (in Russian).

¹⁶ “Text of the *Coalition Agreement between Factions Yrys aldy—yntymak of Jogorku Kenesh of Kyrgyzstan*,” Akipress Information Agency, available at [<http://www.akipress.org>], 3 September, 2012 (in Russian).

Atambaev, leader of SDPK; Adakhan Madumarov, leader of Butun Kyrgyzstan, and Kamchibek Tashiev, leader of Ata-Jurt together reaped 90% of the votes.

Almazbek Atambaev, who openly supported the semi-parliamentary form of governance, won the race with 63.24%; his main rivals Adakhan Madumarov and Kamchibek Tashiev, who opposed the semi-parliamentary system, had to be satisfied with 14.77% and 14.32%, respectively.¹⁷

Atambaev's victory showed that the nation supported political and administrative reforms planned by the ruling elite, even though Adakhan Madumarov and Kamchibek Tashiev refused to accept the election results and were biting critical of the reforms.¹⁸ International and local observers, on the other hand, "did not detect any violations which could have distorted the election results" and, on the whole, recognized that the elections had been free and transparent. They expressed their "cautious optimism about Kyrgyzstan's democratic future," while pointing out several shortcomings and problems; they suggested that the election process and election laws be further improved.¹⁹

The Parliamentary System and Problems of Its Realization

Separation of powers is one the basic principles of a democratic and law-governed state.²⁰ This principle is intended to balance out the branches through the system of "checks and balances,"²¹ which means that it presupposes harmonized cooperation among the branches of power in different forms of state governance. The form of governance is characterized by the relations among the branches of power or, to be more exact, by how the executive power branch is formed and the way it interacts with the institution of president and the parliament (or, rather, the executive branch's responsibility to the president or the parliament).²²

The Constitution of Kyrgyzstan of 27 June, 2010 describes it as a semi-parliamentary republic. The new Constitution distributed the powers of the president, the government, and the Jogorku Kenesh in full accordance with the principle of "separation of state power" (Art 3.2).²³ It created a

¹⁷ The results of the presidential election of October 2011 can be found on the official site of the Central Commission on Elections and Referenda in the KR, available at [<http://shailoo.gov.kg/>], 2 December, 2011.

¹⁸ See: "Adakhan Madumarov ne priznaet itogi vyborov prezidenta," Akipress IA, 16 November, 2011, available at [<http://www.akipress.org>], Yu. Mazykina, "Kazakhstan postvyborny: za chto golosovali?" 24.kg Information Agency, 1 November, 2011, available at [<http://www.24kg.org/election2011/113174-kyrgyzstan-postvybornyj-za-chto-golosovali.html>], 26 November, 2011.

¹⁹ See: "Election process was relatively open and transparent" reported observers of the Coalition for Democracy," Akipress IA, 24 October, 2011; Representative of the OSCE Mission: "Much still needs to be done at all levels for the country to be able to meet its international obligations to carry out democratic elections;" "We did not see serious violations that could have affected the election results," observers from Japan; observers from the CIS informed President Otunbaeva that they had not seen serious violations at the elections, available at [<http://www.akipress.org>], 31 October, 2011 (all in Russian).

²⁰ This means that the powers of state administration are functionally distributed among the legislative, executive, and judicial branches of power. This is done to prevent domination of one of the branches, mainly the executive branch, and authoritarianism and dictatorship.

²¹ For more details, see: D.N. Bakhrar, B.V. Rossinsky, Yu.N. Starilov, *Administrativnoe pravo*, Textbook, Third revised and enlarged edition, Norma, Moscow, 2008.

²² In the United States, with its classical presidential system, the executive and legislative branches are separated: the former belongs to the president, the latter, to Congress. The branches of power can influence each other: the president has the right to veto laws adopted by Congress, while the Senate approves Cabinet members suggested by the president, ratifies treaties and other international documents signed by the president, etc. Congress, which has the final say on the budget and other financial documents related to federal spending, can use it as an instrument to put pressure on the president.

²³ [http://www.wipo.int/wipolex/en/text.jsp?file_id=254747].

system of checks and balances fully geared at establishing a balance among the power branches. Its practical realization within the semi-parliamentary system requires a clear idea about the key functions and the weaker points of cooperation through separation.

It should be said that the Jogorku Kenesh has a special role to play: it is a legislature responsible for the correspondence among laws, enactments, and the Constitution; it is the country's main representative body actively involved in appointing people to executive and judicial structures; it ratifies international treaties and has certain other powers in the sphere of state governance.²⁴ These powers can be extended according to the logic of the republic's Fundamental Law. For example, the country's foreign policy, which is determined through approval of the Cabinet's political program, can be described as one of the powers of the Jogorku Kenesh or its coalition majority. The Law of 28 June, 2012 on Interaction among State Bodies in the Sphere of Foreign Policy of the Kyrgyz Republic, however, filled the gaps in the Constitution and transferred this power to the president.²⁵

The semi-parliamentary system introduced in 2010 envisages a balance between the branches of power and the president's direct powers in the sphere of national security, political stability, and the functions of an arbiter on the domestic political scene. As the Commander-in-Chief of the republic's Armed Forces, the president is the key figure in ensuring the country's national security. This makes the decision adopted during the presidency of Roza Otunbaeva (2011) "on abolition of protection of the president's family" and the parliament's attempts to revise the president's power to introduce a state of emergency look doubtful.²⁶ This was an attempt to cut down the president's powers envisaged in the Constitution, which could have tipped the balance among the power branches in favor of the parliament.

On the other hand, distribution of powers between the parliament and the government is highly important for the smooth functioning of the semi-parliamentary system. The ministers are approved by the parliament and the government is accountable to it; to be efficient, executive power and state governance should be functionally independent. The Cabinet members are accountable to the prime minister rather than the parliament, while the prime minister is accountable to the Jogorku Kenesh.

At first the legislators frequently interfered in what the government, or rather individual ministries and departments, were doing; they kept the heads of the executive structures under pressure by insisting on frequent extraordinary reports.²⁷ It is highly important, meanwhile, to prevent the legislators' unjustified interference in the work of the executive branch; the order of the reports of Cabinet members to the parliament should be strictly regulated, as well as their cooperation in law-making. Several laws, in particular the Constitutional Law on the Government of the KR adopted in May 2012, organized the process and made it more constructive²⁸; official agreements among the parliamentary factions entered in September 2012 during the formation of the new government were equally important in this respect.²⁹ The Coalition Agreement among the Ar-Namys, SDPK, and Ata-Meken factions gave Prime Minister Jantoro Satybaldiev the right to appoint ministers and department heads at his own discretion, as well as replace those who failed to perform their duties. This made executive

²⁴ See: *Ibid.*, Art 74.

²⁵ See: Art 4 of the Law of the KR on Interaction among State Bodies in the Sphere of Foreign Policy of the Kyrgyz Republic of 28 June, 2012, Paragraph Information System, Bishkek, April 2013, available at [<http://www.adviser.kg/>] (access by subscription).

²⁶ See: News of the Akipress Information Agency, October 2011, available at [<http://www.akipress.org/>], 24 October, 2011.

²⁷ See: Z. Chotaev, *Parlamentskaya forma pravleniya v Kyrgyzstane*, p. 31.

²⁸ Arts 31 and 32 of the Constitutional Law of the KR on the Government of the Kyrgyz Republic of 12 May, 2012. Paragraph Information System, Bishkek, April 2013.

²⁹ See: "Chleny koalitsii bolshinstva reshili ne menyat strukturu pravitelstva," Akipress IA, 3 September, 2012, available at [<http://www.akipress.org/>], 3 September, 2012.

power relatively independent of legislative power but, at the same time, increased the president's impact on the so-called technical government of Prime Minister Satybaldiev.³⁰

Any discussion of cooperation between the Jogorku Kenesh and other branches of power should take into account the parliament's decisive impact on the other spheres of state governance in the context of the parliamentary and semi-parliamentary systems. Experience of other countries and the current practice of the Kyrgyz Republic have shown that the power of the parliament within state and political processes should be strictly outlined. During judicial reform, the structures responsible for it tried to lobby certain interests by increasing their pressure, which invited criticism of the process as non-transparent and caused a revision of some of its mechanisms.³¹ As a legislative structure, the parliament is actively involved in judicial reform. On the other hand, the judicial branch has no official powers to interpret laws and resolve the disagreements over the correspondence of certain enactments to the Constitution. These shortcomings are born by the way the Council on Selection of Judges and the judicial branch as a whole are formed.

During the first two years of the parliamentary system in Kyrgyzstan, much was said about the Jogorku Kenesh's monopolization on power, which was especially obvious under President Roza Otunbaeva. On the one hand, this could be described as absolutely normal for an active parliament. On the other, its powers should be limited to some extent in order to prevent attempts to expand its powers through abuse of its legislative and controlling functions. Today, the situation is different: the president has increased his influence on the executive branch and expanded his powers. The Law on Interaction among State Bodies in the Sphere of Foreign Policy of the Kyrgyz Republic adopted on 28 June, 2012, which shifted the right to determine the country's foreign policy course to the president, serves as a pertinent example. The so-called technical government led by Jantoro Satybaldiev, former head of the presidential administration, and the Strategy of Sustainable Development for the Years 2013-2017 serve as two more examples. On the one hand, these initiatives were needed to stabilize the country's foreign policy course, organize executive power, and speed up the reforms. While on the other, they created a greater distance between practical state administration and the concept of a semi-parliamentary form of state governance than is needed for separation of powers, democratization of the system of state governance, and prevention of monopolization on power by one of the structures. This means that both the Jogorku Kenesh and the president should take into account the "checks and balances" system as formulated in the 2010 Constitution and achieve a balance among the power branches.

The Parliamentary System: Pluses and Minuses

The three years that have passed since the emergence of the parliamentary system in Kyrgyzstan and the first results of its functioning have brought to light its positive and negative sides.

The events of April 2010, the new Constitution, and the new system of state administration made decision-making much more open and transparent; political parties (parliamentary factions) have a greater role to play in forming the executive and judicial powers and in state administration as a whole.

Wider involvement of the political parties in state administration has stirred up political activities in the parliament; the new developments—interaction and opposition between the pro-govern-

³⁰ See: *Coalition Agreement of Deputy Factions Yrys aldy—yntymak of Jogorku Kenesh of Kyrgyzstan*.

³¹ See: "Shamaral Maychiev: 'Parlament ne obespechil v polnoy mere prozrachnoe reformirovanie Soveta po otboru sudey,'" 16 November, 2011, available at [http://www.knews.kg/ru/sudebnaya_reforma/6153/], 23 April, 2013.

ment and opposition forces in the parliament—have diminished the political involvement of the street and strengthened, to a certain extent, political and social stability across the country.

The shift to the parliamentary system was suggested by the events of April 2010 and democratization of the political system; this liberalized the media, which became more independent, and encouraged political pluralism. Society finally acquired the opportunity to openly discuss its problems, which greatly reduced social tension across the country. In the past three years, the state and various political forces were tempted, more than once, to put pressure on the media. Today, however, pluralism of opinions and freedom of speech dominate; this is best confirmed by commentaries of legislators,³² members of civil society,³³ and results of all sorts of sociological polls.³⁴

The three years of the parliamentary system in Kyrgyzstan have shown that civil society can be involved, together with factions and other political forces, in parliamentary debates of draft laws and state plans; this has made decision-making even more open and transparent; the process has become more democratic, while the public is more ready to accept the results. This rules out deep-cutting crises of misunderstanding of the adopted laws and implemented measures. Under the 2010 Constitution, the president acts like a coordinator and arbiter, rather than the main actor, in the political process. Aware of their role and the extent of their political influence, the parliamentary parties are preventing all attempts to restore the presidential form of governance and authoritarian rule.³⁵

The parliamentary system in Kyrgyzstan is not free from certain shortcomings. Not all the members of the ruling elite are ready to accept the new form of government and grasp the meaning of changes. For obvious reasons, the shift to the new system exhibited the faults typical of the country's political culture as a whole and of the political elite elected to the parliament. Today, the relations inside the factions and between political parties are based on traditional ties, rather than on shared ideology and membership. The republic's political forces find it hard to reach a consensus and keep election promises to steer the country along the chosen political course.

Certain positive shifts in this respect, however, have already taken place: in December 2011, the second coalition government was formed much easier and in a more constructive way than in January 2011, when the first cabinet was formed. The third coalition government brought together in September 2012 took a much shorter time; the process demonstrated that all the forces involved wanted to preserve political continuity.³⁶

It should be said that in the post-2010 period, given the weaker state power and slackened state control, certain social forces interpreted democracy as “ochlocracy” (mob rule) rather than an opportunity to realize their legal rights. Certain political and social groups took democratization and the parliamentary system for permissiveness and lawlessness; these sentiments developed into spontaneous meetings, protest rallies and, not infrequently, unjustified and illegal demands that “rocked the boat.” Gradually, the authorities learned to harshly respond to illegal actions at meetings and rallies and to remind one and all that punishment for violating the laws was unavoidable. Here is an example: on 3 October, 2012, three opposition leaders (deputies of the Jogorku Kenesh Kamchibek Tashiev,

³² This opinion is based on my interviews of members of parliamentary factions carried out in December 2011.

³³ See: “Kyrgyzstan uluchshil pozitsii v reytinge svobody pressy,” 24.kg Information Agency, 12 February, 2013, available at [<http://www.24kg.org/community/147767-kyrgyzstan-uluchshil-pozitsii-v-rejtinge-svobody.html>], 25 April, 2013.

³⁴ For example, a regular sociological poll conducted by the International Republican Institute revealed that the majority of 1,500 polled when asked: “Do people in Kyrgyzstan fear to openly state their political convictions?” answered in the negative. In May 2011, their share was 52%; in February 2012, 69%; in February 2013, 57% (see: National Poll of People of Kyrgyzstan, February 2013. International Republican Institute (IRI) with USAID Support. Information about the project can be found on the site [<http://www.iri.org/countries-and-programs/kyrgyz-republic/kyrgyz-republic/>]).

³⁵ See: Z. Chotaev, *Parlamentskaya forma pravleniya v Kyrgyzstane*, pp. 51-58.

³⁶ See: *Coalition Agreement of Deputy Factions Yrys aldy—yntymak of the Jogorku Kenesh of Kyrgyzstan*.

Sadyr Zhaparov, and Talant Mamytov) were arrested, brought to court, and sentenced for violations of public order and an attempt to break into a protected facility (the House of Government), which took place during a meeting organized by the Ata-Jurt Party.³⁷ On another occasion, administrative sanctions were imposed on the organizers of a meeting of the Ata-Meken pro-presidential party, during which some of the participants blocked the road. These and similar events prompted amendments to the Code of Administrative Violations.³⁸

The republic's Election Code is not free from shortcomings either. The proportional electoral system adopted under the 2007 Constitution proved inadequate because of the extreme weakness of the political parties, practically non-existent political rivalry, and abuse of the administrative resource under President Bakiev. In October 2010, that is, after the April events and the first stages of democratization, the parliamentary elections remained far from perfect because of the mechanism of vote counting and certain disagreements with the new Constitution. The share of votes cast for each political party was calculated in proportion to the number of registered voters rather than the number of those who came to the polls. This inevitably distorted the election results.³⁹ The new constitutional law passed on 30 June, 2011 basically eliminated these shortcomings, but not altogether. The proportional electoral system cannot ensure adequate representation of the regions: the political parties so far are not developed enough and do not have enough supporters in all the regions, which means that they cannot represent their interests in the parliament.

Transfer to the parliamentary system made it necessary to reform the judicial branch and to make it absolutely independent. This has not yet been achieved, which interferes with the establishment and complete realization of all the advantages of the parliamentary system and with resolving the debatable legal issues. So far, after three years, the country has not yet acquired a Constitutional Chamber of the Supreme Court to control the correlation between the laws and the Constitution. In the absence of this chamber, the parliament is sometimes guided by political expediency rather than the Fundamental Law.⁴⁰ On the other hand, the judicial branch and prosecutor's offices are frequently criticized, particularly in relation to the anti-corruption struggle, which is used from time to time to put pressure on political opponents. For example, according to Public Prosecutor Aida Salyanova, criminal cases were instituted against 7 deputies and 4 ministers and deputy ministers⁴¹; not a single member of the pro-presidential SDPK party was suspected or investigated.

Conclusion

After twenty years of independence and especially after the April 2010 events, Kyrgyzstan acquired another (and probably the last) opportunity to build a democratic state. Today, the country's

³⁷ See: "Kirgizskikh deputatov zadezhali za shturm," Lenta.ru Information Agency, 4 October, 2012, available at [<http://lenta.ru/articles/2012/10/04/kyrgyz/>]; Kyrgyzstan: sud vynes prigovor trem deputatam ot partii "Ata-Jurt". Ferghana News Information Agency, 29 March, 2013, available at [<http://www.ferghananews.com/news/20435>], 29 March, 2013.

³⁸ See: "Prezident Kyrgyzstana osudil miting partii "Ata-Meken," uchastniki kotorogo perekryli dorogu," *Argumenty i fakty v Kyrgyzstane*, 15 February, 2013, available at [<http://aif.kg/novosti/novosti-dnya/359-prezident-kyrgyzstana-osudil-miting-partii-ata-meken-uchastniki-kotorogo-perekryli-ulicu.html>], 25 April, 2013.

³⁹ The election commission changed the number of registered voters, which kept the Ediny Kyrgyzstan Party outside the parliament and raised a wave of criticism (see: "A. Madumarov schitaet proshedshie vybory nezakonnymi," Akipress IA, available at [<http://www.akipress.org>], 1 November, 2010).

⁴⁰ See: Z. Chotaev, *Parlamentskaya forma pravleniya v Kyrgyzstane*, p. 31.

⁴¹ See: "Posle Zayavleniya Prezidenta KR A. Atambaeva o borbe s korruptsией Genprokuratura vzbudila ugolovnye dela v otnoshenii 7 deputatov i 4 ministrov i zamministrov," Tazabek business publication, 16 April, 2013, available at [<http://www.tazabek.kg>], 16 April, 2013.

democratic future hinges on its ability to fully tap the advantages of the semi-parliamentary system as an obstacle to monopolization on power by one person or one institution.

It seems that in 2011, the parliamentary system (not free from certain shortcomings that should be remedied as promptly as possible) struck root despite the doubts expressed by society at home and the media abroad.

By way of conclusion, I can say that the parliamentary system in Kyrgyzstan, supported by the main (or the majority) of the parliamentary parties and President Atambaev, has passed the “point of no return” and is moving ahead. The president has repeatedly declared his intention to develop the parliamentary system and democratization by cutting down, bit by bit, presidential powers; he has also made public his intention not to run for a second term.⁴² In view of the current trends toward wider presidential powers and the president’s interference in what the executive power branch is doing, the future of the parliamentary system in Kyrgyzstan remains vague. It should be said that if the semi-parliamentary system and the course toward democratization are rejected, the ruling elite will have to cope with another wave of political instability and a new revolution, which will bring different people to power.

⁴² See: “A. Atambaev: ‘Ya ne budu ballotirovatsia na vtoroy srok’,” Akipress IA, 19 April, 2013, available at [<http://www.akipress.org>], 19 April, 2013; “A. Atambaev ob itogakh poezdki v Turtsiyu: v kyrgyzsko-turetskikh otnosheniyakh otkryvaetsya novaya stranitsa,” Akipress IA, 16 January, 2012, available at [<http://www.akipress.org>], 16 January, 2012.