

THE INSTITUTION OF PRESIDENCY IN THE CENTRAL ASIAN COUNTRIES: PERSONALIZATION VS. INSTITUTIONALIZATION

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I n t r o d u c t i o n: Presidentialism and Political Stability

Much has been written about the institution of presidency and its traps, which are especially dangerous in political regimes undergoing transition.¹ Some authors agree that during transition to a new regime, the presidential form of government (as an alternative to deposed dictatorship) makes it harder to consolidate

democracy, while the parliamentary (or parliamentarized semi-presidential form) leads to stronger democracy.

I have already written that today political institutionalization and consolidation of political regimes pose a greater challenge for the Soviet successor-states than making the transition from authoritarianism to democracy. In other words, they must achieve political stability and manageability.² None of the post-Soviet political regimes of the CIS countries can be described as a consol-

¹ See, for example: J. Linz, "The Perils of Presidency," *Journal of Democracy*, No. 1, 1990, pp. 51-69; S. Mainwaring, "Presidentialism, Multipluralism, and Democracy: The Difficult Combination," *Comparative Political Studies*, No. 26, 1993, pp. 198-228; M. Shugart, J. Carey, *Presidents and Assemblies*, Cambridge, 1992; A. Figueiredo, F. Limongi, "Presidential Power, Legislative Organization, and Party Behaviour in Brazil," *Comparative Politics*, No. 32, 2000, pp. 151-170, etc.

² See, for example: N.A. Borisov, "Institutsionalizatsiia instituta prezidentstva i perspektivy konsolidatsii politicheskikh regimov na postsovetском prostranstve," *Politiia*, No. 3, 2011.

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idated democracy. They differ in “the presence or absence of consolidation and stability of their political regimes.”³

It seems that the Central Asian region is more vulnerable than the rest of the post-Soviet expanse to threats to political consolidation: there are too many pending social, economic, demographic, environmental, and ethnic problems. The list is longer still: zero experience of pre-Soviet statehood; no consensus among the states on border issues; politicization of Islam; the threat of terrorism; and having an unstable Afghanistan as its closest neighbor. This explains why some authors look at the five Central Asian states as a homogenous entity, while the degree of manageability and the extent of regime consolidation differ from country to country.

Political institutionalization is the most important single factor of regime stability interpreted as rationalizing (Max Weber) political institutions as sustainable, meaningful, and reproducible forms of behavior. The level of political institutionalization “is the extent to which political organizations and procedures exist independently of other social groupings” (the family, clan, or class) or an individual.⁴

It seems that the institution of presidency is the key factor of transformation, consolidation, and sustainability of the post-Soviet political systems in Central Asia. An analysis of the issues related to political stability and consolidation presupposes an analysis of the institution of presiden-

³ S. Huntington, *Politicheskiy poriadok v meniaushchikhsia obshchestvakh* (*Political Order in Changing Societies*, Yale University Press, New Haven, London, 1968), Moscow, 2004, p. 21.

⁴ See: *Ibid.*, p. 39; *Political Order in Changing Societies*, p. 20.

cy as an independent variable which affects the political regime (a dependent variable).

This means that the consolidation of any political regime depends primarily on the degree of institutionalization (or depersonalization) of the institution of presidency in any state. This is my central hypothesis.

Here I have made an attempt to classify the post-Soviet Central Asian political regimes on the basis of the criteria of political institutionalization of the institution of presidency, the level of democratization, and the form of government index.

I rely on new institutionalism as a methodological starting point which regards institutions as the “rules of the game” created by rational individuals to facilitate their cooperation. I have divided my attention between formal and informal institutions and relied on the indices of statehood and institutional pillars of democracy elaborated by the authors of the *Politicheskiy atlas sovremennosti*⁵ (Political Atlas of Contemporary Times) project, the Freedom House democracy index, and the form of government index supplied by J. McGregor⁶ and A. Krouwel,⁷ as well as my own index of the institutionalization of the institution of presidency.⁸ The scope of this article, however, limits my analysis of the recent constitutional amendments in Central Asian states to those that indicate the trend.

⁵ See: *Politicheskiy atlas sovremennosti: opyt mnogomernogo statisticheskogo analiza politicheskikh sistem sovremennykh gosudarstv*, A.Yu. Melvil. Head; M.V. Ilyin, E.Yu. Meleshkina, *et al.*, Moscow, 2007, pp. 67-225.

⁶ See: J. McGregor, “The Presidency in East Central Europe,” *RFR/RL Research Report*, Vol. 3, No. 2, 1994, pp. 12-16.

⁷ See: A. Krouwel, *Measuring Presidentialism of Central and East European Countries*, Amsterdam, 2003.

⁸ See: N.A. Borisov, *op. cit.*

Statehood and Institutional Foundations of Democracy in the Central Asian States

When arranged in accordance with the indices of statehood and institutional foundations of democracy, the Central Asian states form two groups:

- (1) political regimes with a high index of statehood and a relatively low index of institutional foundations of democracy (Turkmenistan, Uzbekistan, and Kazakhstan);
- (2) political regimes with a low index of statehood and a low index of institutional foundations of democracy (Tajikistan and Kyrgyzstan).

It should be said that none of the Central Asian states belongs to the two other groups—the third (a low index of statehood and a relatively high index of institutional foundations of democracy) and the fourth (a high index of statehood and a relatively high level of the institutional foundations of democracy).

This means that there are two clusters of the Central Asian political regimes: Turkmenistan, Uzbekistan, and Kazakhstan, on the one hand, and Tajikistan and Kyrgyzstan, on the other.

The former three have been demonstrating sustainable authoritarian development throughout the last 20 years, which means that there is authoritarian consolidation of their political regimes.

The two others survived for a long time as unconsolidated autocracies, authoritarian consolidation being hampered by numerous ethnic and regional differences and conflicts. The state coups and armed conflicts in Kyrgyzstan have proven beyond a doubt that its political regime is a long way from consolidation, while all attempts to strengthen authoritarianism are invariably failing.

The Institutionalization of the Presidency Index and Political Stability

When calculating the institutionalization of the presidency index (IPI), I paid particular attention to the following⁹: the number of constitutional amendments related to the president's prerogatives; the presence of political parties as the institutional foundation of the president's power; the president's membership in one of the political parties; his official status as the head of state and/or as chief executive; realization of the president's right to disband the parliament (whether this is done according to the Constitution or not); and execution of the transfer of presidential power since adoption of the first post-Soviet Constitution.

My analysis of IPI based on political practices and its comparison with the indices of the institutional foundations of democracy and democratization of the political regime (democracy index) produced the following table (see Table 1).

My analysis has identified two types of political regimes:

- (1) regimes with a low IPI and a low level of institutional foundations of democracy (Kyrgyzstan and Uzbekistan) and
- (2) regimes with a high IPI and a low level of institutional foundations of democracy (Turkmenistan, Tajikistan, and Kazakhstan).

Turkmenistan has the lowest institutional foundations of democracy index, however its institution of presidency is the most stable in the region. Several political decisions passed after the death of President Niyazov depersonalized the institution of presidency. In 2008, the Khalk Maslahaty (People's Council),¹⁰ which did not fit the system of separation of powers and which was the republic's

⁹ For more on the methodology of my calculations, see: *ibidem*.

¹⁰ See: *The Constitution of Turkmenistan*, available at [http://www.turkmenistan.gov.tm/_ru/laws/?laws=01dw], 20 September 2011.

Table 1

**IPI, the Institutional Foundations of Democracy Index,
and the *Freedom House* Democracy Index for
the Post-Soviet Central Asian States**

State	IPI (max = 1.0)	Institutional Foundations of Democracy Index (max = 10.0)	Freedom House Democracy Index ¹¹ (2010) (max = 1, min = 7)
Turkmenistan	0.53	0.03	6.93
Tajikistan	0.40	1.05	6.14
Kazakhstan	0.40	2.10	6.43
Uzbekistan	0.20	1.87	6.93
Kyrgyzstan	0.13	2.10	6.21

highest structure of state power, was liquidated. Under President Niyazov, it was used to de facto legitimize the president's decisions and was not accountable to any structure (a situation that had no constitutional or political analogues across the post-Soviet expanse).

Kyrgyzstan with its higher (than Turkmenistan's) index of institutional foundations of democracy has a much lower IPI index. This means that political stability in Central Asia depends not so much on the democratization level, but mainly on political institutionalization.

Indeed, during the years of independence, the Constitution of Kyrgyzstan has been amended nine times (practically all the amendments being related to the powers of the president and the parliament). Uzbekistan has amended its Constitution five times; Kazakhstan, four; Turkmenistan, three times; and Tajikistan, twice. In Kazakhstan, Tajikistan, and Turkmenistan, there are ruling parties which supply the president with Constitutional legitimization. They are Nur Otan in Kazakhstan, the People's Democratic Party in Tajikistan, and the Democratic Party in Turkmenistan.

At the parliamentary elections held on 18 August, 2007 in Kazakhstan (in which seven parties competed for seats in parliament), only the Republican People's Democratic Nur Otan Party negotiated the 7% barrier and scooped all (98) seats in the lower chamber (Majilis); 9 seats went to the deputies elected two days later by the Assembly of People of Kazakhstan¹²; this means that the administrative party of the Leader of the Nation not merely dominated in the parliament, it was the only one.

In Tajikistan, the administrative People's Democratic Party acquired 44 seats out of the total 63 (about 70 percent) in the chamber of representatives; the Democratic Party, the only party in Turkmenistan, has all the seats in the republic's Mejlis.

Kyrgyzstan and Uzbekistan have never had a dominant party, hence the high degree of personalization of the presidency in both countries.

¹¹ See: *Nations in Transit 2010*, available at [<http://www.freedomhouse.org/template.cfm?page=551>], 15 September, 2011. According to this methodology, the highest index corresponding to consolidated democracy is 1 score; the lowest index corresponding to consolidated autocracy is 7 scores.

¹² *Majilis of the Parliament of the Republic of Kazakhstan*, available at [<http://www.parlam.kz/ru/mazhilis/history>], 20 September, 2011.

Kurmanbek Bakiev, president of Kyrgyzstan from 2005 to 2010, tried to ensure dominant positions for the Ak Jol administrative party. He succeeded only to be deposed some time later; the party disappeared without a trace. The political reforms carried out in Kyrgyzstan in 2005-2009 and the 2007 parliamentary elections brought the president's administrative party an absolute majority in the parliament; the electoral system was geared toward its absolute domination. In an effort to consolidate his personal power, Kurmanbek Bakiev set up a "parallel government" with Maxim Bakiev (potential successor of his father) as its head.

The coup of 2005 in Kyrgyzstan was triggered by the failed attempt of President Akaev (who filled the post in 1990-2005) to appoint a "successor."

Monopolization of power spells monopolization of responsibility: this is obvious. The structure that President Bakiev painstakingly erected proved highly vulnerable because it deprived all the political institutions (parties, parliament, government, elections, and governors) of subjectivity. Since all the legal institutions of political involvement were obstructed by the ruling elite, a coup d'état was inevitable. In all political regimes of this kind, removal of the president buries the entire power system. The political regime of Kyrgyzstan was unconstitutional, hence the perilous repercussions.

In Uzbekistan, none of the several political parties can be described as dominating; the largest parliamentary faction (of the Liberal Democratic Party of Uzbekistan) has 51 seats (36 percent of the total number of seats in the Legislative Chamber of the Oliy Majlis). The faction of the People's Democratic Party (initially headed by the president) is 30-strong (about 21 percent of the total).¹³ Today, the president is neither a member nor the leader of any political party.

Every time the president goes beyond the institutional limits of his power, he violates the Constitution. Here is one of the most typical examples: in 2007, the President of Uzbekistan ran for presidency in violation of the Constitution. He merely extended his powers for another 7-year term without bothering to amend the Fundamental Law of his country.

In Kyrgyzstan, the Constitutional Court annulled two versions of the republic's Constitution (of November 2006 and January 2007) to adopt the "Bakiev" version of 2007. In this way, the "Akaev" Constitution of 2003 became valid for a while: to justify the unconstitutional amendment procedure the Constitutional Court referred to the Constitution of 1993 (the 2003 version) that was no longer valid in 2007.¹⁴

Two other presidents (Nursultan Nazarbaev of Kazakhstan and Emomaly Rakhmon of Tajikistan) likewise extended their presidential terms and acquired permission to be elected for an unlimited number of terms. They did this through referendums, the results of which were institutionalized through constitutional amendments. Geared toward specific individuals whose terms in office had to be extended, these amendments allowed them to run for presidency without violating the laws.

Measuring Presidential Power in Central Asian States: Trends and Prospects

To measure presidential power we should identify groups of countries by comparing the indices of forms of government of the Central Asian states.

¹³ [<http://www.parliament.gov.uz/en/>].

¹⁴ See: *Reshenie Konstitutsionnogo suda Kyrgyzskoy Respubliki ot 14 Sentyabrya 2007 g.*, available at [<http://www.ferghana.ru/news.php?id=7089>], 15 September, 2011.

To identify the trends let us trace how the volume of presidential power has changed since the first post-Soviet constitutions. Here I shall rely on the measurement methods suggested by James McGregor¹⁵ (ranking and evaluating each of the presidential powers) and André Krouwel (with amendments by O. Zaznaev).¹⁶

James McGregor assesses the volume of presidential powers out of the maximum possible (100 percent or 84 scores). The Krouwel-Zaznaev method is based on subtraction of the parliamentary index from the presidential index (the minimum index being –10 and the maximum +10). The difference in the “plus” field speaks of presidentialization of the form of government; the results in the “minus” field indicate its parliamentarianization.

My analysis is based on the first, one of the later versions, and the current post-Soviet constitutions (see Tables 2 and 3).

Both tables suggest similar conclusions. The first post-Soviet constitutions of Uzbekistan and Turkmenistan gave their presidents the widest powers (+ 7 and +6, respectively). The presidents of Kazakhstan, Kyrgyzstan, and Tajikistan had less power (+ 4 or 46.4%, 46.4% and 61.9%, respectively), which is explained by the correlation between the resources of the political forces at the stage when the first constitutions were adopted.

At the first and second stages of constitutional amendment, all Central Asian presidents gained more power at the expense of the parliaments, while the form of government indices are closer together; this means that the form of government tended toward presidentialization at the level of constitutional regulations; the same happened to the political regimes at the practical level.

The 1995 Constitution of Kazakhstan empowered the president to issue decrees which had the force of laws. Arts 45 and 53 of the Constitution said: “The President of the Republic shall issue laws, and as envisioned by subparagraph 2 of Art 61 of the Constitution, the President of the Republic shall issue decrees having the force of laws in the Republic.” Art 63 says: “The President of the Republic

Table 2

**Index of Presidential Power of
the Post-Soviet Central Asian States based on
McGregor’s Methods**

State	First Post-Soviet Constitutions (year of adoption)	Later Versions (year of adoption)	Current Versions (year of adoption)
Turkmenistan	72.6% (1992)	72.6% (2003)	65.5% (2008)
Tajikistan	61.9% (1994)	64.2% (1999)	72.6% (2003)
Kazakhstan	46.4% (1993)	76.2% (1999)	84.5% (2011)
Uzbekistan	69.1% (1992)	69.1% (2003)	67.9% (2011)
Kyrgyzstan	46.4% (1993)	78.6% (2003) 57.1% (2007)	45.2% (2010)

¹⁵ See: J. McGregor, op. cit.

¹⁶ See: A. Krouwel, op. cit.; O.I. Zaznaev, *Poluprezidentskaia sistema: teoreticheskie i prikladnye aspekty*, Kazan, 2006, pp. 192-193.

Table 3

**The Form of Government Index of
the Post-Soviet Central Asian States based on
the Krouwel-Zaznaev Method**

State	First Post-Soviet Constitutions (year of adoption)	Later Versions (year of adoption)	Current Versions (year of adoption)
Turkmenistan	+6 (1992)	+6 (2003)	+6 (2008)
Tajikistan	+4 (1994)	+6 (1999)	+6 (2003)
Kazakhstan	+4 (1993)	+7 (1999)	+8 (2011)
Uzbekistan	+7 (1992)	+7 (2003)	+4 (2011)
Kyrgyzstan	+4 (1993)	+6 (2003) +4 (2007)	+1 (2010)

of Kazakhstan may disband the Parliament in the event ... of insurmountable differences between the Chambers of Parliament or Parliament and other branches of state power.”

In 2007, the president received even wider powers. Art 63 said: “The President of the Republic of Kazakhstan, after consultation with the Chairpersons of the Chambers of the Parliament and the Prime Minister, may disband the Parliament or the Majilis of the Parliament.”¹⁷ According to Art 86, “the powers of a maslikhat shall be prematurely terminated by the President of the Republic,” which means that the president received wide powers in this respect as well.

In 2000, a Constitutional Law on the First President of the Republic of Kazakhstan was adopted; it was amended in 2010 to say: “The First President of the Republic of Kazakhstan, who stood at the source of Kazakhstan’s statehood and has made an outstanding contribution to the development of sovereign Kazakhstan as a democratic, secular, legal, and social state, is the Leader of the Nation.” The First President of the Republic of Kazakhstan—the Leader of the Nation—is exempt from the limitation of presidential terms; he has the lifelong right to address the people of Kazakhstan, state bodies, and officials with initiatives related to the most important issues of state-building, as well as the country’s domestic and foreign policy and security, to be discussed by the relevant state organs and officials. He can address the parliament, its chambers, and the Cabinet, chair the Assembly of the People of Kazakhstan, and become a member of the Constitutional Council and the Security Council of the Republic of Kazakhstan.

All initiatives related to major issues of domestic and foreign policy should be discussed with the First President.¹⁸

This means that the First President will retain his exceptional political weight even if he retires, which is guaranteed at the level of formal institutions. So the institution of the First President has been institutionalized; this did not happen in the other Central Asian states.

¹⁷ Zakon Respubliki Kazakhstan “O vnesenii izmeneniy i dopolneniy v Konstitutsiiu Respubliki Kazakhstan” ot 21 maya 2007 goda No. 254-III, available at [http://online.prg.kz/Document/Default.aspx?doc_id=30103613&sublink=0], 20 September, 2011.

¹⁸ See: *Konstitutsionny zakon Respubliki Kazakhstan “O Pervom Prezidente Respubliki Kazakhstan—Lidere Natsii ot 20 iulia 2000 goda No. 83-II (s izmeneniyami i dopolneniyami, vnesennymi Zakonom Respubliki Kazakhstan ot 14 iunia 2010 goda No. 289-IV)*, available at [<http://www.kazpravda.kz/c/1276558396>], 20 September 2011.

Under the Akaev version (2003) of the Constitution of Kyrgyzstan, the president acquired even more power: he could disband the parliament or convene its special sessions and issue decrees which had the force of laws. The Bakiev version (2007) trimmed the president's powers by giving the party that gained the majority at the parliamentary elections the right to take part in forming the Cabinet. This should not dupe anyone: the amendment was geared toward Ak Jol, the recently formed presidential party, to ensure its domination in the parliament.

The tables show that wider presidential powers were a *sine qua non* of further regime consolidation and that the processes were parallel. An analysis of the current versions reveals that presidential power was highly concentrated in Turkmenistan, Kazakhstan, and Tajikistan, while in Kyrgyzstan and Uzbekistan presidential power was trimmed in favor of the parliaments.

In Kyrgyzstan that happened because of the coup of February 2010, President Bakiev's resignation, and adoption of the new Constitution, which established a practically perfectly balanced semi-presidential republic (so far the only one in the region) with a form of government index of +1.¹⁹ Under the current Constitution, the president of Kyrgyzstan can only appoint ministers of defense and security (all the others are appointed by the parliament). He lost his previous right to appoint judges of the Constitutional and Supreme courts, the right of legislative initiative, and several other important personal prerogatives. Art 61 limited the number of presidential terms for the same person to one—an unprecedented initiative in the post-Soviet expanse.

In Uzbekistan, the very long process of "further deepening of the democratic reforms and shaping of a civil society" announced by President Karimov²⁰ took the form of a transfer of some presidential powers to the prime minister. This probably means that a mechanism of power transfer to a successor has started. Art 93 of the amended Constitution, for example, deprived the president of the right to form executive structures and to head them, as well as of the right to appoint deputies of the Public Prosecutor General and remove them from their posts. The new version of Art 96 says that if the incumbent cannot perform his duties, they are to be temporarily transferred to the chairman of the Senate; a new president should be elected within three months. Under Art 98, the political party that gained the majority in the Legislative Chamber, or several parties with an equal and largest number of seats, acquired the right to nominate the prime minister (this right used to belong to the president).

After examining the candidates nominated for the post of prime minister, the president submits the proposals to both chambers of the Oliy Majlis within 10 days for discussion and approval by more than half of the total number of deputies of each chamber.

The institution of vote of no-confidence has been introduced: in the event of insurmountable disagreements between the prime minister and the Legislative Chamber, the parliament may pass a vote of no-confidence against the prime minister by no less than two-thirds of the votes of the total number of deputies of each chamber. In this event, the President removes the prime minister, which means dissolution of the Cabinet.

After consultations with all factions of the Legislative Chamber, the President presents a new candidate to both chambers for discussion and approval.

¹⁹ The Constitution of the Kyrgyz Republic was enacted by the Law of the KR of 27 June, 2010; adopted by the referendum of 27 June, 2010, available at [http://www.gov.kg/?page_id=263], 20 September, 2011. Its efficiency has not been tested because it will be enacted in full after the presidential and parliamentary elections.

²⁰ See, for example: *Kontseptsia dalneyshego uglublenia demokraticeskikh reform i formirovaniia grazhdanskogo obshchestva v strane*, Report by President of the Republic of Uzbekistan Islam Karimov at the joint sitting of the Legislative Chamber and the Senate of Oliy Majlis of the Republic of Uzbekistan on 12 November, 2010, available at [http://press-service.uz/#ru/news/show/dokladi/koncepciya_dalneyeshego_uglubleniya_demo], 15 September, 2011.

If the Oliy Majlis declines the candidate two times, the President appoints an acting prime minister and disbands the Oliy Majlis.²¹

C o n c l u s i o n : *Prospects for Political Institutionalization and Political Stability*

We can identify two clusters based on the index analysis of the forms of government: states in which the president's powers were expanded or remained the same (Turkmenistan, Kazakhstan, and Tajikistan) and states in which the president's powers were reduced (Kyrgyzstan and Uzbekistan). This means that the two latter states once more formed a cluster with a low IPI level, a low level of institutional foundations of democracy, and a relatively low index of presidential power, while Turkmenistan, Kazakhstan, and Tajikistan belong to the cluster with a high IPI level, a low level of institutional foundations of democracy, and a relatively high index of presidential power.

The fact that the clusters demonstrate sustainability means that the IPI does not fully correspond to the concepts of "extent of presidential power" or "the democracy index."

Uzbekistan cannot be likened to Kyrgyzstan in terms of the democracy index because the latter does not have a consolidated autocracy. The two regimes are similar because of their low IPI, which threatens their stability; in fact, this means the potentially low stability of their political regimes because governance is personalized.

These regimes can be described as a-constitutional because their presidents do not rely on any party and do not regard political parties as an important instrument of their political domination, which might undermine the regime.

In these states, the president's powers are regularly revised, largely by amending the Constitution and using other methods.

The regimes of Uzbekistan and Kyrgyzstan are different: the former can be described as a consolidated personal dictatorship, while the regime of the latter is best defined as clan non-consolidated personal semi-authoritarian regime; attempts to consolidate it ended in coups d'état in 2005 and 2010.

On the other hand, the political regimes in Kazakhstan, Tajikistan, and Turkmenistan have a relatively high IPI, which describes them as consolidated institutionalized autocracies and forecasts their relative stability in the near future. Significantly, their presidents head the parties that hold the majority in the parliament and are very prominent in the political process.

The way power is transferred to the successor will be a key event revealing the limits of and prospects for political stability in these republics. An institutionalized mechanism confirmed in laws will raise the IPI level. Turkmenistan has demonstrated that a high level of IPI ensures a peaceful transfer of power and political continuity.

This means that not only the extent of the president's powers, but also the IPI (discussed in the context of the form of government as a whole) can be regarded as important subjects of analysis for the post-Soviet Central Asian states (and the entire post-Soviet expanse for that matter).

Political stability in Central Asia hinges on a relatively high level of IPI—the higher the IPI, the greater the chances of continued political stability.

²¹ See: *The Constitution of the Republic of Uzbekistan*, available at [http://press-service.uz/ru/content/constitution/#ru/content/constitution/konstituciya_uzbekistana/page/6], 20 September, 2011.

The above suggests that we need to study the reasons for the emergence of institutionalized or a-institutionalized political regimes in the Central Asian countries. This means that we must scrutinize the structural and procedural factors behind the political institutions, the institution of presidency in particular.
