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Central Asia and the Caucasus

- The Democratic Revolutions in Georgia and Ukraine and their Impact on Central Asian and Caucasian Politics
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- What Makes the Parliamentary and Presidential Elections in Central Asia and the Caucasus Specific

**REVOLUTION IN KYRGYZSTAN:
WHILE THE TRAIL IS STILL
WARM****THE 2005 PARLIAMENTARY ELECTIONS
IN KYRGYZSTAN AND
COLLAPSE OF THE AKAEV REGIME****Zaynidin KURMANOV***D.Sc. (Hist.), professor,
former deputy of the parliament of the Kyrgyz Republic
(Bishkek, Kyrgyzstan)*

Experts' forecasts about the Rose revolution spreading across the post-Soviet expanse proved true. After Georgia and Ukraine, it was Kyrgyzstan, known among politicians as "an island of democracy" in Central Asia, that got a taste of the revolution. In contrast to its Georgian and Ukrainian colleagues, the Kyrgyz opposition failed to keep the democratic revolution within peaceful limits, mainly because official Bishkek persisted in its desire to ignore the opposition as an alternative force and a partner in negotiations to reach a compromise. The opposition, which expected to come to power by peaceful means, was not anticipating violence and the three-day plundering of the capital.

It should be said that Akaev's third presidential term (officially counted as second) was a difficult one from the very beginning. It was as if fate tried to warn him against clinging to power; it hinted that the time had come to retire; that the nation was sick and tired of the demagoguery, corruption, arrogance, and stupidity of the ruling circles; of the poverty and lack of rights of the ordinary people; and of the insolence and criminal machinations of Akaev's family. His third term started with a raid by international terrorists into Kyrgyzstan in the fall of 2000; the nation lost many lives and discovered that its army was not battle-worthy and ought to be completely modernized, retrained, and rearmed. Discussions in the parliament developed into a three-day-long scandal and led the country to the brink of crisis: the opposition deputies accused the head of state of violating the constitution and abusing power by using the army against the international terrorists.

The events of 9/11 in New York led to deployment of an American counterterrorist air base at the Manas airfield at Bishkek. Ratification of the treaty caused another storm in the parliament and was accompanied by spontaneous rallies and numerous anti-American statements by the leftist opposition leaders.

Early in the spring of 2002, the parliament spent three weeks discussing ratification of the Kyrgyz-Chinese additional protocol about the transfer to China of disputed Uzenguu-Kush territory controlled in the past by the Soviet Union and then the Kyrgyz Republic. The opposition turned this fairly routine procedure into a large-scale demarche against the official authorities and accused the president of betraying the republic's interests. All this was accompanied by threats of impeachment. The authorities retaliated with harsh administrative measures which gave rise to a grave political crisis. Azimbek Beknazarov, one of the opposition deputies, was arrested; the scandal that followed ended with fire being opened on a peaceful demonstration in the Aksy District in the south; five were killed. Kurmanbek Bakiev's cabinet had to resign.

The movement for liberating Beknazarov enveloped the country after people in Aksy, along with the demand for liberating their deputy and bringing to court those responsible for firing on the peaceful demonstration, began to insist on returning the territories illegally transferred to China. Meanwhile, the struggle over the parliamentary seats vacated by the newly appointed cabinet members was gaining momentum. Administrative pressure on undesirable deputies, including former premier Bakiev (who people in the South considered to be unlawfully fired and not implicated in the firing on the demonstration participants), and removal of opposition candidates from the election lists caused another flare-up of popular discontent. Mass rallies swept the country; people were ready to march on Bishkek to restore justice by peaceful means.

This was when it was first demanded that Akaev should resign—the popular masses approved of the demand. To prevent a coup and avoid the need to quit his post, the president supported the constitutional reform initiated by the opposition. As soon as the passions subsided and life returned to normal (with the help of the Constitutional Assembly, which appeared to have reached a political compromise with the authorities), Askar Akaev suddenly revised everything the Assembly had achieved and imposed on the nation his variant of the constitution. With certain negligible changes in favor of democracy and the parliament, this variant was designed to consolidate the personal power regime of the head of state. The opposition criticized the draft stipulating a transfer from the proportional-majority to the majority system of parliamentary elections. Far-sighted politicians predicted that this could lead to a new political crisis or even to a split into South and North and a civil war, taking account of popular discontent in the Aksy and Kara-Kulji districts in 2003. President Akaev refused to heed them; the new variant of the Constitution was adopted by the 3 February, 2003 referendum initiated by the president. This was a prelude to the March revolution which deposed the anti-popular regime.

As soon as the constitution was endorsed, the nation was offered a new variant of the election code: the country was moving toward the next parliamentary and presidential elections. After the Aksy tragedy, Askar Akaev repeated several times in public that he was not going to run for presidency, yet everything he, his administration, and his relatives were doing pointed to the contrary. In particular, a family political party called Alga, Kyrgyzstan! (Forward Kyrgyzstan!) appeared. It was clear that Akaev was plotting a constitutional coup.

M. Ashyrkulov, Secretary of the republic's Security Council and one of the president's closest friends, abandoned the head of state six months before the parliamentary elections in the spring of 2005. He announced that he was setting up an oppositional Civil Union for Fair, Transparent, and Straightforward Elections, which brought together certain radical and moderate politicians and deputies. Saying that his former friend had left "the sinking ship," the president removed him from his post. No matter what was behind this move, it was clear that the ruling clan and family, which

had always strongly affected all appointments, were split over the right to inherit the presidential post.

It should be said here that the revolution accelerated the adoption of a new election code, under which all candidates were to be offered equal conditions and opportunities and fair, straightforward, and transparent elections were to be ensured. From the very beginning (at the stage of drafting and parliamentary discussions), the election system of the 2003 constitution (outdated from the viewpoint of a modern social and state system) did not ensure legal equality of all entities in the election process. Art 1.3 of the Constitution proclaims the people of Kyrgyzstan as “the only source of state power.” This is obvious, yet we all know that the choice depends not only on the election results, but also on the election system. Political scientists are quite right when they say that the successes or failures of democratization are largely conditioned by the election system. It was for this reason that most African states and some Asian countries failed to achieve democracy as their final goal.¹

For this reason it has always been extremely important to choose an election system which is adapted as fully as possible to the local conditions and completely corresponds to the generally approved international standards. The nature of the future parliament and its political course, the relations between society and the state, the nature of the future political system (one-, two- or multiparty) and the political regime, the way the political elite will be shaped, and the social image of the authorities, etc. hinge on the choice of election system. The nation’s choice depends on the degree to which the structures responsible for the election process are impartial and independent of executive power and on their openness and transparency, as well as on the degree to which society can control the funding of candidates and political parties, etc.

The amended election code was expected to promote political balance and encourage people to vote. The deputies suggested that election commissions at all levels should include special quotas for representatives of political parties, public alliances, and budget structures. Members of election commissions at the regional (city), district, and constituency levels should be independent of the state bodies and local administrations. They should be formed on a parity basis: each election commission should include no more than one representative of a political party, public association, or voters’ meeting. State and municipal officials should not make up more than one-third of the total number of commission members. All election commissions should be formed on the basis of recommendations from corresponding keneshes and suggestions by political parties, public associations, and voters’ meetings. The political parties’ appointees are endorsed, not elected. They should constitute no more than one-third of the total number of members of any election commission. If their number is larger than the quota, lots should be drawn (Art 11.7 of the Election Code).

In many countries, the way the polling stations are readied for voting is also determined by the election laws. The polling station is opened and considered ready for elections after the election commission members and observers sign a corresponding protocol, and the ballot boxes are sealed in the presence of authorized representatives, observers, and the persons representing the candidates. This was taken into account in the new variant of the election code (Art 40.1).

Independent observers sent by international and domestic organizations are allowed to take part in the election process; they are allowed to familiarize themselves with the voter lists, watch the voting process, take part in the vote counting, receive copies of the protocols of constituent commissions, appeal against any of its actions, etc.

Some of the clauses, however, contained loopholes; the Central Election Commission insisted on representatives of the election commissions closely cooperating with the local state administra-

¹ See: *Konstitutsionnoe stroitel'stvo prezidentsko-parlamentskikh vzaimootnosheniy na postsovetском prostranstve*, Collection of seminar documents, OFTsIR Publishers, Bishkek, 2003, pp. 71-79.

tions and self-administrations even though this obviously gave executive power a chance to influence the election process and the voting procedure to a great extent by using the so-called “administrative resource” in favor of “desirable” candidates.

The code does not clearly outline the legal status of the Central Election Commission as an independent structure; this resulted in repeated violations of the election process and the rights of voters and negatively affected the election campaign of the opposition and independent candidates: under administrative pressure nearly all violations of candidate and voter rights were ignored, so there was no point in instituting court procedures. Election commissions did not deem it necessary to answer complaints about violations in writing or inform the undesirable candidates about such complaints, etc.

Any election code is meant to ensure transparency of the election commissions’ activities at all stages. And the amended election code also envisaged the presence of observers, including foreign observers, at sittings of the election commissions where the voting results were tallied, protocols drawn up, and repeat voter tabulation conducted.

The minimal standard for voter registration and drawing up voter lists envisaged their complete transparency; it was extremely important to envisage a clause in the code on protecting the personal information gathered during voter registration. The adopted document contained no such clause.

To realize their right to vote, citizens should be registered on the voter lists, which should be verified not only on the eve of the election, but also between elections. This was not done.

Para 7.8 of the OSCE Copenhagen Document stipulates that no legal or administrative barriers be put up to prevent political parties and individuals wishing to take part in the election process from contacting the media. The media in Kyrgyzstan priced their services too high, which excluded many of the candidates. So Alga, Kyrgyzstan! found itself in a privileged position: it could use the *Vecherny Bishkek* newspaper and the family TV channels free of charge. In fact, these TV channels were branches of the pro-presidential parties Alga, Kyrgyzstan! and, to a lesser extent, Adilet (Justice).

According to international standards, secret ballot is the voter’s main right and main responsibility. The latest parliamentary elections, however, abounded in violations of this right; there were cases when one family member cast a vote for a particular candidate for the whole family in violation of Art 40.2 of the election code, which envisages voting in person. This should have been rectified by introducing a regulation under which all voters were duty bound to present identification and bringing election commissions which failed to observe this regulation to legal account. But this was not done either.

Voting outside the polling stations is fraught with frauds, therefore the amended code limited this practice to physically incapacitated voters, who were supposed to apply in writing for this opportunity before the date of elections. But this regulation was not envisaged in the code: under Art 42.2 oral requests could be accepted, which increased the risk of falsifications. At the same time, the code failed to stipulate who is empowered to observe the printing of ballots and their delivery to the polling stations, while these processes should have been transparent.

There are numerous cases of election commissions counting votes without observers and candidates’ representatives empowered to supervise the process, therefore the election code specifically prohibits state and local officials, as well as others (the military or people employed by the Ministry of the Interior) from being present at vote counting directly at the polling stations (Art 44). It was also necessary to prohibit unauthorized people from attending sittings of the constituent election commissions; the code likewise did not contain prosecution of registered candidates in order to prevent the judicial system being used for political purposes.

While the new election code was being drafted, the impression was created that all the loopholes the authorities could use to influence elections were removed, yet it is no coincidence that the majority election system is known among lawyers as Caligula’s Horse: practically anyone stands the chance of being elected to the parliament. In other words, the amended code (impaired by the election system’s shortcomings, vague wording, and unclear regulations) did not allow the voters and candidates

to fully realize their rights. This, and different interpretations and applications of the regulations by the election commissions triggered numerous court cases.

In fact, it was clear from the very beginning that the 2005 parliamentary elections would have their share of political scandals. The opposition, however, tacitly agreed to the code: it was still cherishing the illusion that the official authorities would act with decorum and was convinced that it had done enough to prevent interference of the powers that be in the election process. The country's political leaders, in turn, loudly announced that the new election code could serve as a model for other states.

In October 2004, the country elected the local keneshes (councils), which became a dress rehearsal of sorts for the parliamentary elections (to a new one-chamber parliament with 75 seats elected under the majority system in one-candidate constituencies) scheduled for February-March 2005. The previous parliament had two chambers—the standing Legislative Assembly with 60 seats and the Assembly of People's Representatives with 45 seats, which met for sessions. It was at the 2005 elections that the authorities efficiently applied all the administrative tools at their disposal (including pressure and bribery) to achieve an absolute majority. President Akaev managed to secure 71 seats out of the total 75 for his supporters; at the local level the pro-government parties *Alga*, *Kyrgyzstan!* and *Adilet* secured over 50 percent of the seats out of over 4,000 mandates. Others—*Elet*, the *New Force*, and *My Country*—received from 50 to 200 seats. The large opposition parties had to be satisfied with what was left: the Communist Party obtained eight seats, the *Ar-Namys*, 1, etc. Even though they were fully aware of the large-scale violations of the constitution and the election laws, the popular masses remained composed: rallies and demonstrations were still limited and mercilessly cut short. Encouraged, the country leaders expected to use the same tools (pressure, provocations, falsifications, and massive bribery of voters) to score a victory at the parliamentary elections. They expected a manageable deputy corps to extend President Akaev's term without a murmur and endorse all the other unpopular decisions.

Elections to the Bishkek kenesh, which abounded in gross violations of the constitution and the election code, gave a taste of what was in store for the nation at the parliamentary elections. The authorities were openly pushing through candidates of the pro-government parties; the pro-presidential media, election commissions, teachers, medics, local self-administrations, local state power structures, public prosecutor's structures, the militia, and even the criminal structures all pooled their forces against the opposition and independent candidates. *Alga*, *Kyrgyzstan!* and *Adilet* received over 50 percent of the total 45 seats. Their majority was further strengthened by the fact that some of the independent and opposition candidates had to join the two parties under pressure. Out of the 12 parties that competed for the seats in the capital's kenesh, only four reached the finish. As a result, the majority of those who planned to run as party members had to register as self-nominees. The results refuted President Akaev's predictions that the new variant of the constitution would speed up party development in the republic. Instead, the nation witnessed unprecedented lobbying of the interests of the pro-government parties. Other political organizations attained nothing from the constitutional amendments.

Late in December 2004, the president signed a decree that established 27 February, 2005 as the day of the parliamentary elections. The decree was preceded by a rather prolonged pause; there were rumors that because of the bitter experience of the 2003 off-year parliamentary elections by one-candidate constituencies, which aroused mass unrest, the president would extend the powers of the representative structures in order to return to the mixed election system. At the last moment, however, the president refused to heed his self-preservation instinct and learn a lesson from the events in Georgia and Ukraine.

Once more the opposition refused to close ranks because of the leaders' personal ambitions. They were much more interested in who would replace Akaev rather than in what was in store for the country. It was only when a prominent diplomat and public figure, Roza Otunbaeva (three times foreign minister, vice-premier, and an ambassador to the U.S. and U.K., Ph.D.), came back that the opposition showed more signs of life. She attracted the youth and urban intellectuals to the opposition's side, set up the Ata-

Zhurt (Motherland) movement, and headed it. Murat Imanaliev, a former diplomat, twice foreign minister, united intellectuals and big officials into a new political structure called Zhany Bagyt (New Trend). Shortly before the elections, Kurmanbek Bakiev, former premier and parliament deputy, was invited to head the largest (and politically amorphous) opposition structure, the People's Movement of Kyrgyzstan (PMK), which united nine political parties and some of the public movements. To coordinate their actions in the election campaign, Ata-Zhurt and PMK set up the Coordinating Council of the People's Unity Movement under Bakiev, which came to power after the revolution. Independent and opposition deputies of the parliament of the third convocation added to the organization's potential. This is especially true of Azimbek Beknazarov, Oksana Malevannaia, Arslan Maliev, Akylbek Zhaparov, Bolot Baykozhev, Ishenbay Moldotashev, Tashbolot Baltabaev, and others.

The new political season brought another political scandal, a sign that the opposition had become resolved to fight for power. A group of diplomats previously stationed abroad and wishing to register as candidates was turned down under the pretext that they had not permanently lived in the country for the required five years. On top of this, the country's leaders insisted that the opposition was responsible for this stupid constitutional limitation introduced by the Constitutional Assembly in 2002. In fact, an analysis of the constitutional amendments revealed that the limitation was a result of the constitutional reform of 1998 initiated by the president. Kyrgyzstan inherited the Soviet practice of using ambassadorial posts to exile undesirable top officials. Nearly all of them came back to join the opposition. The opposition and its deputies failed to change the decision: the deputies were left outside the race for the parliament, while Roza Otunbaeva, who was already registered with the University constituency No. 1 (where the president's daughter, Bermet, was also running) had her registration annulled. On the same day, Ms. Otunbaeva's supporters put up two tents on the central square and began picketing the parliament building. A day later the militia removed the tents, while the picketers, between 100 and 150 people, marched along the capital's central streets. The local people, however, displayed no enthusiasm.

On the whole, about 400 candidates, the absolute majority of them self-nominees, competed for 75 seats in the Zhogorku Kenesh (parliament). Alga, Kyrgyzstan!, Adilet, Elet, the New Force, the Communist Party of Kyrgyzstan, the Democratic Movement of Kyrgyzstan, Ar-Namys, etc. nominated their candidates at election conventions. Finally, many of the candidates, including those who belonged to the opposition (with the exception of the communists), decided to run as self-nominees. As a result, only four parties (Alga, Kyrgyzstan!, Adilet, the New Force, and the Communist Party of Kyrgyzstan) were represented on the ballots. The Elet Party was removed by a court statement insisting it had failed to adhere to the procedure and draw up its documents correctly. At the request of their members, the My Country Party and many others did not hold election conventions and advised their members to run as independent candidates.

The election campaign went on amid an unprecedented information vacuum, financial and administrative pressure on the undesirable candidates: the state was obviously concentrating on securing a victory for Alga, Kyrgyzstan! In almost all the constituencies, there were candidates from Alga, Kyrgyzstan! (which nominated 30 candidates) and the pro-governmental Adilet Party. There were also dozens of seemingly independent candidates (economically, financially, and politically associated with the Akaev clan) competing for parliamentary seats; the president's daughter and son also ran, along with their maternal aunts and other close relatives; and the premier's son and relatives of certain governors were also seeking parliamentary mandates. Executives and loyal businessmen also competed for seats. They pooled their forces to defeat the opposition and win an absolute majority. The present premier and acting president, Kurmanbek Bakiev, eloquently described the situation in the republic's south, where he ran for the parliament: "What we all saw during these elections can be described as madness. If I had been told ten years ago that this was possible in Kyrgyzstan I would have refused to believe it... The authorities are using their administrative resource openly and insolently; they are

making no effort to conceal what they are doing. This shows that they have become degraded and are in the throes of death.”² He lost the battle to an absolutely unknown businessman, S. Nyshanov, who “won” nearly twice as many votes as the opposition leader. This is true of all the other constituencies where Alga, Kyrgyzstan! deputies ran for parliament.

Signatures on the voter lists were forged on a mass scale; people voted in place of their absent friends and relatives; ballots were placed in ballot boxes after the polling stations were closed; state officials and employees of local self-administrations were involved in the propaganda campaign; there were irregularities during vote counting and drawing up protocols; people were allowed to vote without identification, etc. All this happened while President Akaev tried day after day to convince the nation that it was witnessing the fairest, purest and most straightforward election. The nation was first amused, then irritated.

The first sign of trouble came shortly before the first round of elections scheduled for 27 February. Two former deputies—moderate politician Arslan Maliev and Social-Democrat Akylbek Zhaparov—were removed from the ballots by court-confirmed decisions of the constituent election commissions. The latter was opposed by Turdakun Usabaliev, former head of the republic’s Communist Party, who spent 26 years as head of the Kirghiz S.S.R. Soon after that people of the Ton District, Issyk Kul Region, followed by people of the Kochkor District, Naryn Region, carried out the first large-scale action to protest against the illegal decisions against the candidates. About 15,000 of their supporters blocked the Bishkek highway for three days. They retreated when the authorities promised to restore the candidates. When this never happened, tension increased and the candidates’ supporters occupied the local administration building and appointed a new district head in the Kochkor District. The militia moved over to their side.

In the wake of the elections, after the Central Election Commission made public the official results—31 candidates mainly from Alga, Kyrgyzstan!, the known favorites of the ruling circles, won the first round—spontaneous protest enveloped the South. None of the prominent opposition members, with the exception of Beknazarov, whose rating had been the highest throughout the election campaign, were among the winners.

On 4 March, Dzhahalal-Abad became the scene of mass rallies in support of the opposition; the republic’s southern capital Osh with its half-a-million population had its share of popular discontent. The official media were still insisting that the situation was under control and that the nation had accepted the results of the first round. Rumors were traveling fast across the country. The southerners were irritated by the dearth of information about what was going in Dzhahalal-Abad and the Kara-Su District. The media meanwhile added oil to the fire by tagging the protesters as “political provocateurs,” a “handful of dissatisfied people,” “the losers’ supporters,” etc. The protesters occupied the buildings of the regional administration, the militia, and other state structures. Dzhahalal-Abad, Osh, and Talas elected “people’s councils” and their heads at local kurultais; the militia sided with the people. Control was lost over the local developments. On 9 March, Western and Russian TV channels began talking about what was going on in the republic. They showed how power-wielding structures beat, wounded, and arrested women who had captured the regional administration building. The rally pushed the militia back, recaptured the building, and burned down the militia headquarters. The protesters, who no longer believed the authorities would start negotiations, demanded that the results of the first round of elections be annulled and that the president resign. Thousands of indignant people were ready for a peaceful march on Bishkek.

At the same time, the deputies of the old parliament suggested that it should meet for a special session on 10 March to discuss the election results and the political situation. To prevent the session, on 9 March, forces of the Ministry of the Interior occupied the building. Legislative power remained

² *Obshchestvenny reiting*, 11 March, 2005, p. 6.

paralyzed until the events of 24 March. It resumed its sittings late at night on the day the revolution finally came to its victorious conclusion. Before that the events developed as follows. On 10 March, in response to the capture of the parliament, the deputies gathered at the central entrance to make public their appeal to the nation and the international community, in which they accused Akaev of staging a coup. The special session failed due to the absence of a quorum: some of the deputies busy with the election campaign could not attend, while others stayed away under pressure from the authorities. Still, there were enough deputies to adopt several addresses; the last of them, dated 23 March, called on the people and authorities to annul the election results as illegitimate and demanded that President Akaev, who refused to talk to the opposition and was obviously biding for time, resign.

The second round took place on 13 March with predictable results: Alga, Kyrgyzstan! received the absolute majority: 24 out of 27 or 29 candidates won the elections. The pro-governmental Adilet Party obtained four seats; the opposition failed to secure at least 10 percent of the seats, even though preliminary assessments predicted at least 30 percent. Several prominent and popular politicians (Adakhan Madumarov, Kurmanbek Bakiev, Marat Sultanov, Ismail Isakov) lost the elections. Some of them were quite open about their premier and presidential ambitions. This fanned protest sentiments. The center lost control over the republic's south and the Talas Region in the north. Protest rallies regularly engulfed the capital. This urged Askar Akaev to speed up legitimization of the newly elected parliament: the results were made public on 22 March. The next day, the deputies received their mandates; the new parliament hastily met for its first session in the government building. This infuriated the already displeased people. On 23 March, organizations of young people, students, and other social groups organized a meeting in Bishkek at the monument to famous revolutionary Urkuia Salieva under the slogan: "Wake up, Bishkek! We want to know the truth," attended by nearly 1,000 people. It was cruelly suppressed: 30 were arrested, and over 140 were wounded.

This was the last straw: on 24 March, 2005, the Akaev regime collapsed. Later on the same day, the parliament met for a special session; it accepted resignation of N. Tanaev's government; it elected Kurmanbek Bakiev, leader of the Coordinating Council of the People's Unity movement, as premier and acting president, which made the Coordinating Council a provisional cabinet. But this is not the end of the story of the revolution in Kyrgyzstan.