

NARROWING THE SITES AND MOVING THE TARGETS:

INSTITUTIONAL INSTABILITY AND THE DEVELOPMENT OF A POLITICAL OPPOSITION IN KYRGYZSTAN

An NCEEER Working Paper by

Eugene Huskey

Stetson University
and

Gulnara Iskakova

American University of Central Asia



**National Council for Eurasian
and East European Research**

University of Washington

Box 353650

Seattle, WA 98195

info@nceeer.org

<http://www.nceeer.org/>



TITLE VIII PROGRAM

UUProject Information*

Principal Investigator: Eugene Huskey
NCEEER Contract Number: 824-04
Date: March 18, 2011

Copyright Information

Individual researchers retain the copyright on their work products derived from research funded through a contract or grant from the National Council for Eurasian and East European Research (NCEEER). However, the NCEEER and the United States Government have the right to duplicate and disseminate, in written and electronic form, reports submitted to NCEEER to fulfill Contract or Grant Agreements either (a) for NCEEER's own internal use, or (b) for use by the United States Government, and as follows: (1) for further dissemination to domestic, international, and foreign governments, entities and/or individuals to serve official United States Government purposes or (2) for dissemination in accordance with the Freedom of Information Act or other law or policy of the United States Government granting the public access to documents held by the United States Government. Neither NCEEER nor the United States Government nor any recipient of this Report may use it for commercial sale.

* The work leading to this report was supported in part by contract or grant funds provided by the National Council for Eurasian and East European Research, funds which were made available by the U.S. Department of State under Title VIII (The Soviet-East European Research and Training Act of 1983, as amended). The analysis and interpretations contained herein are those of the author.

Executive Summary

Institutional instability has been a central feature of political life in much of the post-communist world. During the last two decades, for example, Kyrgyzstan alone has introduced new constitutions, or introduced significant constitutional changes, seven times: in 1993, 1994, 1996, 1998, 2003, 2007, and 2010. This working paper argues that, not only specific rule changes, but rule changeability has complicated the development of a legitimate and effective opposition. To assess the implications of rule changes and changeability for opposition behavior in this post-communist case, this working paper focuses on institutional instability in Kyrgyzstan in the areas of electoral rules, parliamentary size and structure, and the sub-national sites for political contestation.

Introduction

Institutional instability has been a central feature of political life in much of the post-communist world. During the last two decades, for example, Kyrgyzstan alone has introduced new constitutions, or introduced significant constitutional changes, seven times: in 1993, 1994, 1996, 1998, 2003, 2007, and 2010.¹ This working paper argues that, not only specific rule changes, but rule changeability has complicated the development of a legitimate and effective opposition. As Steven Levitsky and Maria Victoria Murillo observed, “[w]here actors do not expect formal institutions to endure or be enforced, their behavior will differ, often markedly.”² To assess the implications of rule changes and changeability for opposition behavior in this post-communist case, this working paper focuses on institutional instability in Kyrgyzstan in the areas of electoral rules, parliamentary size and structure, and the sub-national sites for political contestation.

Limiting the Sites for Political Competition

Among the factors shaping the political opportunity structure for opposition parties and movements is the diversity of sites where power and policy can be contested. In general, the most open opportunity structures are those with multiple offices subject to elections at the national level and with a range of sub-national offices filled by elections rather than appointment. As Robert Dahl and others have observed, elective offices at the sub-national level enhance the opportunities for political competition and for the development of vibrant

¹ In each case, the revisions were made by a popular referendum initiated and written by the political leadership. On the use of referendums to alter Kyrgyzstan’s institutional design, see Gul’nara Iskakova, *Vybory i demokratiia v Kyrgyzstane: konstitutsionnyi dizain prezidentsko-parlamentskikh otosbenii* (Bishkek: Biiiktik, 2003), pp. 334-349.

oppositions by creating the possibility that parties relegated to the opposition role in the capital will be able to wield power in certain regions or key cities.³ Especially in countries with significant regional, ethnic, and/or religious divisions, such as Nigeria, sub-national elections have served to legitimate a regime among groups that failed to gain control over the central government.

In parts of the post-communist world, however, the diversity of sites where contestation can occur has been narrowing. Although elections for chief executive were permitted in Russian regions and the two Russian "capital" cities from the mid-1990s until 2004, few post-communist countries outside of the Baltic now allow the election of leaders of sub-national governments.⁴ Mayors in some Russian cities are still elected, but the number of such elective posts is declining. For its part, Kyrgyzstan allowed elections for the mayor of the capital city of Bishkek in 1995, though not for the governors of the seven regions. However, it abandoned even this experiment only three years later.⁵

² Steven Levitsky and Maria Victoria Murillo, "Variations in Institutional Strength," *Annual Review of Political Science*, vol. 12 (2009), pp. 116.

³ Robert A. Dahl, "Some Explanations," in Dahl, (ed.), *Political Oppositions in Western Democracies* (New Haven: Yale University Press, 1966), pp. 350-351. As Nicholas van de Walle noted, "In richer countries, municipal and provincial governments provide offices for opposition parties, even when they do not control national government." Nicholas van de Walle, "Tipping Games: When Do Opposition Parties Coalesce?" in Andreas Schedler (ed.), *Electoral Authoritarianism: The Dynamics of Unfree Competition* (Boulder, CO: Lynne Rienner, 2006), p. 91.

⁴ Under pressure from the West, both Georgia and Armenia have recently permitted the election of the mayors of their capital cities. In general, there is a dearth of materials on local elections in the post-communist world. Surveying the Western literature on post-communist elections in the 1990s, Joshua Tucker found that only 10 of the 101 articles dealt with elections at the local level, and all of those were focused on Russia. Joshua A. Tucker, "The First Decade of Post-Communist Elections and Voting: What We Have Studied, and How We Have Studied It," *Annual Review of Political Science*, vol. 5 (2002), pp. 271-304. An important recent addition to this literature is Vladimir Gel'man & Cameron Ross (eds.), *The Politics of Sub-National Authoritarianism in Russia* (Surrey, England: Ashgate Publishing Limited, 2010).

⁵ The regime changed the law in 1998, the same year that it removed the elected mayor, the ethnic Russian, Boris Silaev, by promoting him to the post of vice prime minister of the country. Direct elections for mayor were also permitted in Osh in 1995, though no candidate received the requisite number of signatures to be placed on the ballot, so the post continued to be appointed by the president. For a competent introduction to local government in Kyrgyzstan in the 1990s, see A.A. Karashev and O.S. Tarbinskii, *Mestnoe samoupravlenie v Kyrgyzstane v perekhodnyi period* (Bishkek: Sham, 1999).

In 2001, the adoption of a new law on local self-government in Kyrgyzstan allowed rural voters for the first time to elect directly the chair of the village soviet [*ail okmutu*]. Here again, however, the experiment was short-lived. The Constitution of October 2007, designed by the Bakiev regime, re-integrated the chairs of village soviets into a power vertical in which the head of administration at each level, from district, to region, to the capital city, appointed the chief executives in the territories underneath them.

As in Russia, these appointments were, de jure, nominations submitted to the corresponding territorial assembly for confirmation, but the acquiescence of regional and local deputies to executive authority assured that the nominations were accepted with little or no resistance. It was only at moments of revolutionary upheaval in Kyrgyzstan that the personnel decisions of higher-ranking executives met with serious resistance. In perhaps the most celebrated case, President Otunbaeva sought to remove the mayor of Osh, Melis Myrzakmatov, from his post in August 2010. When Myrzakmatov refused to resign, and organized massive demonstrations in Osh in his defense, Otunbaeva decided not to sign the decree ordering his dismissal.

There remains one major site for electoral contests at the sub-national level in Russia, Kyrgyzstan, and other post-communist countries: elections for regional and local assemblies. In some countries, the competition for regional assembly seats by national parties has resulted in the occasional symbolic victory of opposition parties. For example, in October 2010 in Russia, the hegemonic party at the national level, United Russia, failed to win a majority of PR seats in the Novosibirsk region, and won only razor-thin majorities for PR seats in the regions of

Kostroma and Magadan.⁶ However, the mixed electoral systems and the dominance of executive over legislative authority in the post-communist world limit the influence of the opposition in regional and local assemblies on the making and implementation of policy.⁷

In Kyrgyzstan, as in most of the post-communist world, political parties have remained focused primarily on national-level elections. In the first major sub-national election in Kyrgyzstan to occur with party participation, in October 1999 and February 2000, deputies affiliated with parties only gained 6.5 percent (527 of 8089) of the seats contested.⁸ The involvement of parties increased significantly in the October 2004 sub-national elections, when 44.5 percent (2998 of 6731) of regional and local deputies elected were affiliated with parties. However, virtually all of the sub-national deputies elected had ties to parties of power, such as Alga Kyrgyzstan, which were appendages of the executive.

Even the Central Election Commission's own report admits that opposition parties such as Ata Meken were denied access to the airwaves, which explains in part their abysmal showing in the elections--Ata Meken had only 8 deputies elected in sub-national voting in October 2004.⁹ The limited institutionalization of party politics at the sub-national level was apparent at the next local electoral cycle, in December 2005, when only five percent of the 1500 candidates standing for election to city and village soviets were nominated by parties.¹⁰ The collapse of the Akaev

⁶ As Joel Moses has observed, contestation and party strength in regional and local politics in Novosibirsk are among the highest in Russia. Joel C. Moses, "Voting, Regional Legislatures, and Electoral Reform in Russia," *Europe-Asia Studies*, vol. 55, no. 7 (November 2003), pp. 1066-1071.

⁷ The dominance of United Russia in single-mandate seats assured this party of power a working majority in all regional assemblies. On the Russian case, see *ibid.*, especially pp. 1055-1058.

⁸ Emil Alymkulov and Marat Kulatov, "Local Government in the Kyrgyz Republic," in *Developing New Rules in an Old Environment: Local Governments in Eastern Europe, in the Caucasus, and in Central Asia*, (Budapest: Local Government and Public Service Reform Initiative, 2001), p. 532. [<http://lgi.osi.hu/publications/2001/84/Ch10-Kyrgyzstan.pdf>]

⁹ Informatsiia ob itogakh vyborov deputatov mestnykh keneshei 10 oktiabria 2004 goda, p. 12. [document in possession of the authors]

¹⁰ Cholpon Orozbekova, "Kyrgyzstan's Clannish Voters," IWPR, December 23, 2005.

regime in the Tulip Revolution earlier that year had brought down with it the flimsy edifice of party organizations in the provinces.

The limited number of sites for formal political contestation beneath the national level has several negative consequences for the development of an opposition. By reducing the likelihood of opposition candidates winning an election in sub-national politics, the institutional design denies the opposition local training grounds where young politicians from diverse regional backgrounds can be recruited and developed. It also complicates the development of party organizations at the local level, which are needed to compete effectively in national elections for president and parliament. In fact, as one of our interviewees noted, in the regions with which she was familiar, “it was very difficult for members of the opposition because on the local level they are subject to such repression that they decide to quit the opposition altogether.”¹¹ This absence of local-level contestation facilitates the dominance by a single ruling group of the country’s information space.

As the recent history of Kyrgyzstan has illustrated, the country is not without some form of political opposition at the regional and local levels. There have been frequent examples of protests by groups associated with local causes and/or leaders, beginning most notably with the Aksy events in 2002. However, these protests have generally remained outside traditional institutional channels, or formal sites for contestation, which has prevented the political energy associated with marches, demonstrations, and yurt cities from being directed toward the development of an organized and effective political opposition. Such protests have wrested occasional policy or personnel concessions from the leaders, or when expansive enough, as in March 2005 and April 2010, they have even led to the replacement of the regime. But they have

not contributed to the rise of a responsible opposition that could serve as an effective voice for popular discontent and a potent and institutionalized restraint on *vlast*' (power).

Despite giving careful consideration to institutional design features at the national level that could sustain a political opposition, the framers of the constitution of 2010--and the current political leadership in Kyrgyzstan--have shown little interest in expanding the sites for political contestation outside of the capital.¹² Fearful of losing control over an already weak state, elites in Bishkek are hesitant to allow local voters instead of national leaders to form governments at the sub-national level.¹³ The country's former vice-president and prime minister, Felix Kulov, explained to us last summer that a country such as Kyrgyzstan, with serious ethnic and regional rivalries, cannot afford to introduce local elections. Instead, he noted, the Soviet system of rotating nationally-oriented personnel through local posts is preferable.¹⁴ Kyrgyzstan is unlikely, however, to develop a stable, democratic regime unless citizens and their rulers learn, and learn to live with, political contestation at the local level.

¹¹ Personal interview of Gulnara Iskakova with Baktygul' Zheenbaeva, Bishkek, September 10, 2009. Zheenbaeva also commented that 10-15 years ago, even the appointed governors had a certain visibility in the media and an independent-mindedness, whereas under Bakiev they became practically invisible.

¹² Championed by long-suffering members of the political opposition, most notably Omurbek Tekebaev, the Constitution of 2010 was designed explicitly to protect the interests of the opposition. The constitution not only divides power between the president and parliament, which, unlike in the past, will be able to form and remove a government, but it limits the size of the majority to 65 in the new 120-member parliament and it grants the chairmanship of two key parliamentary commissions, including that on the budget, to representatives from opposition parties. The 65-member limitation will prevent a single party from receiving enough seats to amend the constitution on its own. Two features missing from the new design rules are an imperative mandate, which would require deputies, all of whom are elected through PR voting, to remain loyal to their party or lose their seats, and a provision that would make all parliamentary votes public. The first attempt to form a coalition government failed at the beginning of December 2010, because some deputies within the proposed coalition defected and refused to accept the nomination of Tekebaev as speaker. If the voting had not been secret, such defections would have been far less likely. In general, the possibility of clandestine defections in parliament makes more difficult inter-party cooperation, which will be essential to a political landscape where three of the five parties in parliament are needed to sustain a coalition.

¹³ The reluctance to introduce elections of local executives is due in part, no doubt, to the alacrity with which local Kyrgyz leaders mobilize protests when policy or personnel decisions do not go their way. The consequences of winner-take-all decisions do not set well with many Kyrgyz politicians. Shortly after the Tulip Revolution, one small southern Kyrgyz city witnessed demonstrations by four competing groups of citizens, each of which was insisting on its leader being appointed *akim*. Alisher Saipov, Ainagul Abdrakhmanova and Leila Saralaeva, "Parallel Power in Kyrgyzstan," IWPR, April 6, 2005.

The Redesigning of Parliaments and Elections as National Pastime

In less than twenty years, post-communist Kyrgyzstan has changed the fundamental structure and composition of the country's parliament six times and the basic rules of the electoral system four times. In one twelve-month period in 2006-2007, Kyrgyzstan operated under four different constitutions.¹⁵ This rush to redesign the rules relating to the country's core political institutions is without precedent in the post-communist world, a region not known for its institutional stability. The paragraphs below examine the revisions to parliaments and elections in post-communist Kyrgyzstan and then the conclusion assesses the implications of the frequent rule changes for the development of a political opposition.¹⁶

Kyrgyzstan emerged from the Soviet era with a 350-seat unicameral legislature whose members were elected in February 1990 in single-member districts using a two-round, or majoritarian, system of voting.¹⁷ The first constitution of the independence era, introduced in May 1993, retained the unicameral structure of the Soviet-era parliament but reduced its size

¹⁴ Personal interview of Eugene Huskey and Gulnara Iskakova with Felix Kulov, Bishkek, July 21, 2010.

¹⁵ On November 8, 2006, following a tense standoff between the government and opposition, the parliament replaced the 2003 Constitution with a new constitution that shifted significant power away from the president and toward the parliament. The parliament then adopted a slightly revised constitution on December 30, 2007. Following a decision of the Constitutional Court that invalidated the constitutional changes of November and December 2006, President Bakiev succeeded in re-instituting a super-presidential political order by submitting a new constitution to a popular referendum in October 2007.

¹⁶ Remarkably, given the general fluidity of Kyrgyzstan's institutional design, the rules governing presidential elections have remained relative stable in the post-communist era. Despite efforts in the mid-1990s to replace a competitive election with a referendum that would have extended Akaev's term, Kyrgyzstan has retained a presidential election using a majoritarian voting system. The only overt manipulation of the rules governing presidential election was the mid-course alteration of the length of the presidential term. On two occasions, in 1995 and 2009, presidential elections were held a year earlier than scheduled in order to benefit the incumbent.

In all five presidential elections--1991, 1995, 2000, 2005, and 2009--the candidate [Askar Akaev or Kurmanbek Bakiev] won convincingly in the first round, with support for a leader never falling below 71.65 percent. The April Revolution of 2010 led to a referendum in June of that year that confirmed Roza Otunbaeva as President until December 2011, when the first full-term elections under a new constitution are to be held. Otunbaeva had assumed the presidency by decree in May 2010, a few weeks after the flight from office of President Bakiev.

¹⁷ For an explanation of the nominating rules and practices, which limited contestation, see Eugene Huskey, "The Rise of Contested Politics in Central Asia: Elections in Kyrgyzstan, 1989-1990," *Europe-Asia Studies*, vol. 47, no. 5 (July 1995), pp. 813-834. For a general assessment of the changes in institutional design in Kyrgyzstan from 1993-2003, see Iskakova, *Vybory i demokratiia v Kyrgyzstane*.

dramatically, to 105 members. However, no parliamentary election would be contested using this institutional framework.

In October 1994, four months prior to the parliamentary elections of February 1995, a referendum launched by President Askar Akaev revised the constitution. As a result, the number of deputies remained the same but the parliament was divided into two chambers, a 35-member Legislative Assembly, designed to be the permanent working body, and a 70-member People's Assembly, whose role was to meet periodically to discuss major issues of state. Thus, the core of the assembly had been reduced to a tenth of its previous size.

Prior to the following electoral cycle of 2000, referendums of February 1996 and October 1998 introduced further changes to the parliament and to its relations to the president, changes that weakened the assembly's ability to limit executive power. This time, the overall size and the bicameral structure of the assembly were retained but the Legislative Assembly was expanded to 60 members while the People's Assembly was reduced to 45. Moreover, a new electoral code, of April 1999, introduced proportional representational voting as an element of Kyrgyzstan's election for the first time.

In the February 2000 elections for parliament, the country was divided into 45 single-member districts with a deputy from each chamber to be elected from these districts using a two-round, or majoritarian, voting system. This left 15 additional seats to be filled in the lower chamber, the Legislative Assembly, and the deputies for these seats were elected in a single national PR district on the basis of closed party lists with a threshold of five-percent of actual voters.¹⁸

¹⁸ *Kodeks o vyborakh v Kyrgyzskoi respublike* (Bishkek: 1999), arts. 69-80. Among the other features of this law were a requirement that a majority of registered voters was needed to win in the first round in the single-mandate districts, with the top two vote-getters going on to the second round and the winner determined simply by who has the largest share of votes from those voting; the requirement of a deposit of 300 times minimum salary for individual candidates and 500

A popular referendum of February 2003 transformed the structure and composition of the assembly yet again. Coming on the heels of an uprising in the Aksy district in the south, which resulted in several civilian deaths at the hands of the police, President Akaev sought to use the institutional design changes, much as he had the removal of his prime minister, Kurmanbek Bakiev, to give the appearance of movement and engagement. Under the new rules, which were employed for the first time in the election of February 2005, the parliament returned to its unicameral form with a smaller corps of deputies, 75 instead of 105. On the basis of 19 amendments made to the electoral code between 1999 and 2005, the electoral rules also revived earlier practice by holding elections only in single-member districts, again using a two-round formula.¹⁹

In some respects, the elimination of PR seats personalized the electoral contests in ways that were not beneficial to the Akaev regime. The system of single-member districts forced increasingly unpopular associates and family members of President Akaev's to face well-known and broadly-supported opposition leaders. In electoral district no. 1 in Bishkek, for example, Akaev's daughter, Bernet Akaeva, ran against Roza Otunbaeva, a popular former diplomat who had just returned from overseas to join what might be called the "establishment opposition" that was organizing against Akaev's rule. Had the president engineered a system with a higher percentage of PR seats, he could have assured the election of his relatives and close allies by placing them in less visible positions on a party list. As it was, they were exposed to direct challenge, and the personal defeats suffered by leading members of the opposition contributed to

times minimum salary for parties, with deposits returned if the individual won at least 10 percent of the vote or the party won at least five percent of the vote; and a provision that each party could place up to 30 persons on their list, with those winning single-member districts removed from the list to make way for candidates who did not stand, or who lost, in single-member districts.

the de-legitimation of the election and the launching of the Tulip Revolution in March 2005, which overthrew Akaev and his associates.

Two and half years after the Tulip Revolution, as part of an ambitious plan to consolidate authoritarian rule in Kyrgyzstan, President Bakiev submitted to popular referendum another round of changes to the country's institutional design. Apparently frustrated by frequent demonstrations organized by the mainly northern opposition and by the need to make concessions to assure the support in parliament of his own southern allies, the so-called "Young Jackals," Bakiev laid the institutional foundations for a hegemonic party system. The October 2007 referendum introduced revisions to the constitution and the electoral code that expanded the size of the parliament to 90 and, more importantly, opted for proportional representation as the voting method for all 90 parliamentary seats.

This initiative was part of a multi-pronged assault on the electoral viability of the opposition. In the immediate aftermath of the referendum, President Bakiev called snap parliamentary elections for December 2007, more than two years before the end of the parliamentary term. Whereas Bakiev's newly-established party of power, Ak Jol, enjoyed the advantages of surprise as well as administrative and media resources, opposition parties were forced to scramble to form party lists and to organize for nationwide, rather than constituency-based, electoral contests.

The abandonment of an exclusive, or dominant, single-member district system immediately weakened the electoral chances of the opposition, which had spent the previous decade and a half nurturing ties to local constituencies. The introduction of PR marginalized the many independent deputies whose support did not reach beyond their home districts and it

¹⁹ Parliamentary Elections: February 17 and March 13, 2005, The Kyrgyz Republic, OSCE/ODIHR Election Observer Mission Final Report (Warsaw: OSCE/ODIHR, May 20, 2005).

eliminated the disruptive tradition of local protest that followed the defeats of favorite sons in single-member district elections.²⁰ Moreover, the new electoral code prohibited parties from contesting parliamentary elections under a single alliance. In response to this, an opposition party led by Temir Sariiev, Ak-Shumkar, reluctantly merged with Ata Meken in the run-up to the election of December 2007, but the ban on alliances prevented the formation of a larger bloc of opposition parties.²¹

The specific rules attendant to the new PR system also disadvantaged the opposition. In order to receive seats in the parliament, parties not only had to cross a five-percent national threshold but also receive at least .5 percent of the vote cast in each of the country's nine electoral regions. Where the first threshold was designed to prevent any of Kyrgyzstan's army of small, fledgling parties from gaining parliamentary representation, the latter was intended to serve as a means of disqualifying more formidable opposition parties whose support in certain small regions may not have been strong enough to satisfy the requirement of receiving at least .5 percent of the vote in each region.

In the December 2007 parliamentary elections, the Central Election Commission's preliminary reports showed that only two parties had crossed the five-percent threshold, with Ak

[<http://www.osce.org/odihr/elections/kyrgyzstan/14835>]

²⁰ "Kyrgyzstan: After the Revolution," International Crisis Group, Asia Report no. 97 (May 4, 2005), p. 1. A PR system also had the potential to increase the representation in parliament of women and minorities, whose numbers were so low that they raised question about the legitimacy of the institution. To what extent the authorities themselves thought through all the implications of each institutional design change is unclear.

A leader of the opposition in the late Bakiev era claimed in an interview with us that in the run-up to the 2009 presidential election, the president's office had prepared a secret plan to add 40 single-member seats to the parliament as a way of rewarding Bakiev's supporters in each of these districts and of encouraging them to deliver the votes for him in the forthcoming presidential election. Personal interview of Eugene Huskey with Azimbek Beknazarov, Bishkek, April 15, 2009.

²¹ "Omurbek Tekebaev, lider partii Ata-Meken: Nashi raskhozheniia s Termirom Sariievym v ideologicheskome plane ne zavisiat ot lichnykh otnoshenii," *Tazur*, May 19, 2008.

Jol receiving 47 percent of the vote and Ata Meken 9.3 percent.²² By all neutral accounts, these results overstated the support for Ak Jol and dramatically understated the votes received by Ata Meken. But the biggest surprise came on December 20, when the Central Election Commission presented its final report. The third and fourth place parties, the Social Democrats and Communists, managed to increase their preliminary vote share, the Communists by an inexplicably large margin, which now placed both parties just above the five percent national threshold. Ata Meken, on the other hand, was denied any seats in the parliament because it allegedly failed to satisfy the regional threshold of .5 percent of the vote in each region.

During the next three weeks, representatives of government and opposition engaged in behind-the-scenes bargaining over the distribution of parliamentary seats, with Ata Meken holding out hope until the last minute that it would be accorded seats. However, when the allocation of seats was finally announced on January 12, Ak Jol emerged with 71 seats, SDPK with 11, the Communists with 7, and Ata-Meken with none. Because of the "majority manufacturing" consequences of a significant percentage of wasted votes in PR elections, Ak Jol received almost 79 percent of the seats with less than 50 percent of the vote, one of the highest seat concentrations for a single party in post-communist competitive authoritarian regimes.²³

A combination of fraud, electoral design, and timing had facilitated the introduction in Kyrgyzstan of a hegemonic party regime modeled on the systems in Russia and Kazakhstan. In addition to the electoral rules, and their manipulation, the lack of opposition unity in the face of electoral manipulation also played a decisive role in the consolidation of authoritarianism in Kyrgyzstan. The authorities wagered correctly that by offering the Social Democrats and

²² "Odnopartiinaia demokratiia," *Sovetskaia Rossiia*, December 18, 2007, p. 4.

²³ Prior to the 2007 election, no party had gained more than 30 percent of the seats in Kyrgyzstan's parliament, and no party gained more than 23 percent of the seats in the most recent parliamentary election, in October 2010.

Communists representation in the new parliament, they would divide the opposition and prevent a repetition of the Tulip Revolution, which had followed hard on a de-legitimizing parliamentary election.²⁴

Conclusion: The Impact of Changes and Changeability on the Political Opposition

Most studies of the role of institutional design in shaping political outcomes focus on the ways in which rules and incentive structures privilege some groups or individuals over others. From the survey of rule changes above, one can identify numerous tools used by the political leadership to narrow the field for competition or undermine the ability of the opposition to challenge incumbents on the existing field of play. For example, the reduction in the size of the parliament made it easier and cheaper for the authorities to build majorities for their legislative agenda. Moreover, shrinking the parliament in the 1990s expanded the size of single-member districts, which made it more difficult for ethnic minorities to win parliamentary seats and to use a legislative platform to challenge the indigenizing policies of the regime.²⁵

What has not received adequate attention is a regime's use of changeability, and not just changes, in the institutional design to impede cooperation within the opposition and between the opposition and society. As we noted in our previous working paper, the very fluidity of

²⁴ In interviews with several opposition leaders, including the head of Ata-Meken, Omurbek Tekebaev, we were told that Ata-Meken failed to mount an effective challenge to the electoral fraud because their treasury had been depleted and the winter conditions discouraged their supporters from pursuing sustained public protests. We also heard complaints from some that Tekebaev failed to show the requisite courage at this decisive moment.

²⁵ Despite the increase in the size of the districts, some Uzbeks won parliamentary seats in the south. For example, Kyrgyzstan's most influential Uzbek, Kadyrzhan Batyrov, defeated Zhanysh Bakiev, Kurmanbek Bakiev's brother, in a single-mandate seat in the south in 2005, a seat that Kurmanbek had originally intended to contest. As Omurbek Tekebaev explained, Batyrov and other Uzbek deputies were initially reluctant to support Bakiev after the Tulip Revolution. Personal interview of Eugene Huskey with Omurbek Tekebaev, Bishkek, July 20, 2010. The introduction of a PR system in 2007 insured that if Uzbeks gained access to parliamentary office it would not be as individuals with a personal mandate but as part of a party list dominated by ethnic Kyrgyz.

Kyrgyzstan's political environment discouraged the development of what Charles Tilly called the "invisible infrastructure of shared meaning, rules, practices, and social relations" that could sustain an institutionalized political opposition instead of simply personal or kinship networks.²⁶ By constantly changing portions of the institutional design, the political leadership in Kyrgyzstan forced the opposition to continually re-learn the rules of the game on a timetable that was set by the authorities.

Summarizing the conclusions of the emerging literature on the importance of institutional stability, Levitsky and Murillo observed that "[w]hen institutional arrangements persist (and are enforced) over time, surviving repeated crises and changes of government, actors develop expectations of stability and consequently invest in skills, technologies, and organizations that are appropriate to those institutions."²⁷ Such investment has not occurred in Kyrgyzstan, where party organizations and intra-elite cooperation remain weak, in part because the time horizons are so short that there is little incentive to think beyond immediate tactical concerns, at least in the formal sites for contestation. And where the formal institutions of state are highly unstable, actors understandably seek to build relationships in less volatile sites, which include informal state and societal institutions.

Instead of parties and parliaments, elites in Kyrgyzstan, as in many parts of the developing world, "develop skills (e.g., insurrectionary capacity), resources (e.g., clandestine networks and other non-party organizations) and relationships (e.g. ...foreign powers) that

²⁶ Charles Tilly, *Trust and Rule* (Cambridge: Cambridge University Press, 2005), pp. 38-9, cited on p. 28 of Eugene Huskey and Gulnara Iskakova, *Why Don't Opposition Elites Cooperate with Each Other in the Post-Communist World? Interview Evidence from Kyrgyzstan* (NCEEER Working Paper, August 3, 2009). This working paper was later published as "The Barriers to Intra-Elite Cooperation in the Post-Communist World: Evidence from Kyrgyzstan," in *Post-Soviet Affairs*, vol. 26, no. 3 (2010), pp. 228-262.

²⁷ Steven Levitsky and Maria Victoria Murillo, "Variations in Institutional Strength," *Annual Review of Political Science*, vol. 12 (2009), p. 123.

enhance their capacity to operate in multiple regime settings.”²⁸ Thus, the stickiness of kinship and localist ties in Kyrgyzstan illustrates not just the persistence of culturally conditioned patterns of behavior but the disincentives to invest in alternative relationships in the formal institutions of state. Without greater institutional stability, cooperation among opposition groups in Kyrgyzstan and in other countries of the post-communist world is likely to remain shallow and episodic at best.

The one encouraging outcome of the upheavals in Kyrgyzstan in 2010 is that, unlike constitutions “adopted to fortify transitory political advantage,”²⁹ the new rules of the political game in Kyrgyzstan were intended to protect the interests of opposition as well as government. Although the primary framer of the 2010 Constitution was Omurbek Tekebaev, neither he nor his party, Ata Meken, was a direct beneficiary of the new arrangements. Indeed, contrary to expectations, Ata Meken received the fewest seats of the five parties that gained representation in the new parliament, and an attempt to form a government with Ata Meken was defeated by opponents of Tekebaev.³⁰ To borrow the language of Przeworski, because the 2010 Constitution in Kyrgyzstan was not a “pact of domination among the recent victors,” it may prove more durable than earlier iterations of the country's institutional design, which could not survive a change in “the conditions that generated the last political victory.”³¹

Unfortunately, the lack of an elite consensus on the rules of the political game is as much a feature of Kyrgyzstan's new “parliamentary republic” as it was in earlier regimes. It has not been debates over policy but a continual struggle over the distribution of power among

²⁸ Ibid.

²⁹ Adam Przeworski, *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America* (Cambridge: Cambridge University Press, 1991), p. 36.

³⁰ On the parliamentary election of 2010, see the Research Note by Eugene Huskey and David Hill, “The 2010 Constitutional Referendum and Parliamentary Elections in Kyrgyzstan,” [unpublished paper, 2011].

individuals and state institutions that has animated political life in Kyrgyzstan in the post-communist era.³² Indeed, one of primary fault lines between parties in the October 2010 parliamentary elections was the appropriate relationship between presidential and parliamentary power. This fault line, which now runs through the first ruling coalition in Kyrgyzstan's Third Republic, raises questions about whether government stability is possible in Kyrgyzstan without broader institutional stability.

³¹ Przeworski, *Democracy and the Market*, p. 36.

³² Prior to Bakiev's fall from power, Ismail Isakov, a former defense minister and leading opposition figure from the south, claimed in an interview with us that it wasn't the budget, property, or personnel issues that was the major source of tension between government and opposition or within the opposition; it was instead the rules of the political game. Personal interview of Gulnara Isakova with Ismail Isakov, July 27, 2009. However, the debates over rules were often inspired not by principled divisions among politicians but rather by a desire to gain temporary advantage. For example, in the view of Temir Sariiev, Bakiev and Kulov were conspiring to change the constitution in late 2006 simply as a means of strengthening their own political positions. Personal interview of Eugene Huskey with Temir Sariiev, Bishkek, July 19, 2010.

