

After the Kyrgyz Spring: Challenges to Democratic Deepening

KATHLEEN COLLINS
Associate Professor
University of Minnesota

ON 1 DECEMBER 2011, ROZA Otunbayeva willingly stepped down from the presidency at the end of her 20-month term as interim leader of Kyrgyzstan without protest or pressure.¹ The newly elected Almazbek Atambayev assumed the presidency and was sworn into office with his hand on the new constitution. A month earlier, on 30 October 2011, Atambayev had won Kyrgyzstan's first free and competitive presidential election.² Just a year before that event, on 10 October 2010, Kyrgyzstan held its first fully free parliamentary elections; no one could predict the outcome. The constitutional referendum and elections faced serious challenges due to the after-effects of deadly ethnic violence in June 2010. Nonetheless, 2011 had witnessed the first democratic transfer of presidential power in Kyrgyzstan and all of post-Soviet Central Asia.

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A democratic beginning, however, is very often followed by retrenchment. Helping fledgling new democracies deepen and consolidate their new institutions and endure over time is often as complicated of a problem as overthrowing a dictator. Kyrgyzstan's recent history exemplifies the challenges and strongly suggests that Kyrgyzstani and international proponents of democracy direct their focus beyond elections to seriously addressing the potentially devastating challenges of corruption and governance, ethnonationalism and ethnic instability, and the need for a citizenry committed to the new democracy.

KATHLEEN COLLINS is Associate Professor of Political Science at the University of Minnesota. She is author of *Clan Politics and Regime Transition in Central Asia* (Cambridge University Press, 2006), which won the Central Studies Society Award for the Best Book in the Social Sciences on Central Eurasia. She was named a Carnegie Scholar in 2003 and was awarded a McKnight Land Grant Professorship (2006–2009) at the University of Minnesota.

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On the one hand, the recent democratic elections and constitutional change in Kyrgyzstan have augured a dramatic change for the better. They have followed the “April Revolution” of 2010, several days of popular protests against the former regime, when a few thousand citizens managed to topple the authoritarian presidency, despite then-President Kurmanbek Bakiyev’s decision to use violence against them.³ An interim caretaker government (IG), headed by longtime pro-democracy advocate Roza Otunbayeva, took the reins of power and attempted to create order while initiating a “Return to Democracy” program in the spring and summer of 2010. Kyrgyzstanis voted for a new democratic constitution that set up a semipresidential system designed to prevent the abuses of Kyrgyzstan’s prior two presidents, who had concentrated most political power in the presidency alone in a superpresidential system that had facilitated their shift to authoritarian rule.⁴ Since April 2010, under IG and its successor, there have been major achievements in the democratization process: an active, diverse, and independent media has returned to most parts of the country; nongovernmental organizations regularly act as accountability checks and watchdogs of government abuse; political parties have proliferated without harassment from state organs; political decentralization of provincial and local governments is underway; religious freedom is respected; and most ordinary citizens are no longer afraid to speak their minds.

On the other hand, Kyrgyzstan’s recent history cautions against excessive optimism. Kyrgyzstanis have already witnessed two democratic beginnings in the past 25 years—both were short lived and ultimately reverted to extremely corrupt authoritarianism. From 1990 to 1991, as the Soviet Union was collapsing, Kyrgyzstan was a leader in political liberalization. Founding elections brought Askar Akayev, a purported democrat and economic reformer, to power. Civil society flourished for about five years. But Akayev’s regime gradually reverted to a soft authoritarianism from about 1995 to 2005, and it became known for enormous corruption and clannish control of the economy and state. Ultimately, Akayev was thrown from power in the Tulip Revolution of 2005. Pro-democracy activists, youth, and ordinary citizens as well as various clan, provincial, and ex-KGB elites whom Akayev had excluded from power and wealth joined forces and marched on the White House while Akayev fled to Russia.

The Tulip Revolution culminated in new presidential elections, which certified Kurmanbek Bakiyev as president. Bakiyev, formerly Akayev’s prime minister, had become one of the opposition leaders and ultimately the care-

taker leader of the provisional government. Within 18 months, Bakiyev was crushing the Tulip Revolution—he ousted pro-democracy ministers including Roza Otunbayeva, consolidated executive power, rigged elections, and brutally attacked opposition media and politicians. Ultimately, opposition parties and pro-democracy activists again coordinated to organize the April Revolution. Bakiyev fired on the demonstrators, but doing so only inflamed angry mobs that rushed the White House. Leaving behind a legacy of violence, Bakiyev fled to Belarus several days later.

The historic events since April 2010 have initiated a third Kyrgyzstani attempt to create a democratic system since attaining independence from the Soviet Union in 1991. Today Kyrgyzstanis are waiting and hoping to see democracy deepen, bringing them improved governance.

FROM DEMOCRATIC TRANSITION TO DEMOCRATIC DEEPENING AND SURVIVAL

For decades, scholars of democratization have focused on the constitutional separation of powers and developing political parties, while policy makers have overwhelmingly focused on founding elections. Yet over the past two decades, we have increasingly learned that once constitutions are adopted and elections held, various threats emerge against democratic deepening—the fuller implementation and strengthening of democratic norms, practices, and institutions—and democracy’s very survival. In the former Soviet republics and elsewhere, most of the literature focuses on creeping superpresidentialism and the security forces—especially the new KGB—as well as economic crises. These factors are undoubtedly important. However, challenges to “third-wave democracies”—those that have formed after 1974, during a global boom of democratic expansion across Latin America, Africa, the post-communist world, and Asia—have also arisen from less obvious but equally pernicious threats even when the government is committed to reform and economic conditions are not bad.⁵ These threats include corruption and its effect on good governance and the rule of law, ethnonationalism and consequent conflict, and citizens uncommitted to either democracy in general or their particular new democratic government. Policy makers, scholars, and Kyrgyzstani reformers ignore these problems at great risk to democratic deepening and even survival.

First, political corruption is arguably the most systemic challenge to the deepening of democratic reforms because it jeopardizes the survival of Kyrgyzstan’s fragile new democracy over time. Reducing corruption and its deleterious effects on the state, economy, and everyday life is also critical to convince

average citizens that democracy is bringing real change and a better form of governance. Bad governance—even in the context of a growing economy—is still likely to threaten democratic survival by triggering protests for regime change.⁶

Regime change may create a new layer of governance at the top, but it does not necessarily change the system and people who are heavily invested in the status quo.

Indeed, two Kyrgyz regimes have already met such a fate. Reducing corruption is a particularly difficult challenge when it not only pervades the entire state, but

also has long been used as a regular means for elites to build power and loyalty and for state employees to make a living.⁷ Regime change may create a new layer of governance at the top, but it does not necessarily change the system and people who are heavily invested in the status quo. Corruption has actually internally corroded the formal ministries and institutions—from the courts to the police—that are now tasked with stopping it.

Second, ethnic conflict has often been treated as a problem separate from democratic transition and deepening. Ethnic conflict, however, often flares up in the midst of the political and economic uncertainty of democratic transitions and has pernicious implications for the legitimacy of the democratic process.⁸ Victimized ethnic groups blame the government for not protecting them, and the broader population may blame the new democracy for inciting unrest and instability. Rumors and fears of communal violence and even civil war proliferate in uncertain conditions. Moreover, nationalist “ethnic entrepreneurs” often seek to take advantage of a weak state, political uncertainty, and fear to incite conflict for political and economic gain.⁹ In the late 1980s and early 1990s, ethnic conflict flared across many states of the former communist world with dire consequences. In Kyrgyzstan in June 2010, deadly ethnic violence erupted just two months after the April Revolution. The underlying causes and ongoing effects of that violence have been the most immediate threat to democratic deepening and potentially to democracy’s survival as ethnic instability triggered political instability and fears of civil war rippled through the state.

Third, deepening democracy must mean both legitimizing democracy and rejecting alternative “rules of the game” despite the poor performance of a particular democratic government. Deeper democratization demands that citizens understand and are committed to the reform process, and that citizens learn to demand ongoing accountability from those they elect. When democratization is merely an elite-led process after elections, the mass public can easily become politically alienated, especially as it witnesses continued problems with gover-

nance, corruption, and the rule of law. Studies claiming that Muslim or Asian cultures and beliefs are not conducive to democracy have largely been discredited. A different element of political culture, however, is clearly important: democratic citizenship. Believing in and understanding the norms of democracy, ongoing experience with democratic processes, and regular participation in democratic civil society are critical to the formation of a democratic citizenry.¹⁰ Such a citizenry will legitimize the democracy over the long term so that it can withstand economic downturns. From interwar Germany to Pakistan since the 1990s, countries have seen their democracies fail in part because people support alternative regimes, especially during times of economic crisis. Kyrgyzstan likewise faces such a risk until a strong majority of its citizens come to see democracy as legitimate and the best path to good governance and justice.

Kyrgyzstan has made important progress in democratizing since spring 2010, but there are daunting challenges that lie ahead, particularly in lowering corruption, preventing further ethnic conflict, and convincing citizens that democracy can provide better governance.

CORRUPTION AND CLAN POLITICS: OBSTACLES TO DEMOCRATIC GOVERNANCE AND RULE OF LAW

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The Roots of Corruption and Clan Politics

For many transitional countries, political corruption is one of the major challenges to democratic deepening—particularly to creating effective, accountable governance and the rule of law—and may even threaten democratic survival over the medium to long term.¹¹ Political corruption is typically understood to be the use of public resources or offices—usually in one's capacity as a state or government official—for private gain. Corruption exists at many levels of the state and in many forms. On one end of the scale, it could entail a traffic cop's demanding a small bribe from a passing car or a parent's paying a bribe to a teacher so his child gets a high score. On the other end of the scale, it could involve wealthy individuals' paying hundreds of thousands of dollars to high-level state officials in order to attain political favors or positions, such as governorships, ministries, or economic access. Corruption is also closely related to the phenomenon of clan politics, in which those with political power dole out state positions, resources, and assets, and give preferential economic control or access to their family, kin, close friends, and personal network. The effect can be state bankruptcy.¹²

In post-Soviet Kyrgyzstan, corruption has been particularly pernicious for several reasons. First, due to the Soviet legacy, the state is a pervasive presence in the economy and politics. Political corruption is therefore a much larger problem than in countries with a capitalist economy, larger private sector, and smaller state. Second, corruption—especially at high levels—often takes place on the basis of preexisting social, economic, and political networks. These networks are often ex-party *nomenklatura* and ex-KGB and thus represent the continuation of Communist era elites' influence. Third, because of the extended family social structure of Kyrgyzstan, familial and clan-based patronage has become a particularly defining characteristic of corruption there.¹³ At the national level of politics, this phenomenon has led in the past decade to what Central Asians commonly refer to as “the rise of the Family.” Not all corruption takes this form; the past 20 years have seen a partial shift from nepotism and clannishness to the sale of state positions to the highest bidder.¹⁴ Finally, some corrupt officials allegedly developed ties to organized crime during both the Akayev and Bakiyev eras, leading to a criminal–state nexus with links to Afghanistan's narcotics trade.¹⁵

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Corruption undermined Kyrgyz democratization in the 1990s and led to the downfall of the Akayev regime. Despite his initial support for democratization, President Akayev needed to pay back his supporters—family and clan ties, representatives of other clans with whom he had bargained for support, and even former security and Communist Party elites. Akayev presided over insider privatization that enriched many people while the country suffered. Ultimately, as state assets were dwindling, Akayev increasingly ousted one-time supporters by concentrating remaining state resources and economic prizes—from the mini-bus business and the vodka trade to a lucrative fuel contract for the American “Manas” base in Kyrgyzstan—into his own family's hands.¹⁶

President Bakiyev differed from Akayev in two respects. He largely skipped the political liberalization and muzzled the media and opposition while more rapidly putting key economic and state institutions, such as the security services, under his family's control. Bakiyev's allies allegedly demanded massive kickbacks and extortion from the gold industry and the Toktogul hydroelectric power plant.¹⁷ It was also widely believed that Bakiyev's family reaped millions from fuel contracts associated with Manas.¹⁸ In 2009, after rigging the presidential election, Bakiyev's son Maksim became head of the newly established Agency for Development, Investment, and Innovations, a position that gave him powerful leverage over both state and private sectors of the economy. Popular frustration

with corruption was a major factor in the popular uprisings of 2005 and 2010, when people took to the streets to “throw the thieves out.”¹⁹

The Legacy for Democratic Deepening

Corruption and clan politics resulted in fatal consequences for democratic deepening and ultimately for democracy itself during the first two decades of Kyrgyzstan’s post-Soviet experience. Yet the profoundly negative legacy of the Akayev and Bakiyev eras continues. Corruption had grown from a limited problem in Soviet times to a pervasive phenomenon after 1991. The regime had changed but the corrupt state bureaucracy still dominated most elements of national and local politics, most social services from education to health care, extensive licenses for economic activity, the courts, and the police, among other agencies that affected citizens’ everyday lives.

Corruption had grown from a limited problem in Soviet times to a pervasive phenomenon after 1991.

Corruption defined how most individuals interacted with and perceived the state. Unlike the Soviet era, in which the party-state had a higher goal, under Akayev and even more so Bakiyev, the desire to use state assets for personal gain appeared to motivate most of the state.

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The Interim Government (IG) therefore had the task of both reconstituting an apersonalistic, effective state and democratizing the state. Since democratization inevitably entails decentralizing power and decreasing the pervasive role of the police and security forces, cracking down on corruption while giving up some executive power would be no small task. A new constitution and laws would lay the institutional groundwork, but eradicating corruption entails changing both the formal rules of the system and also the pervasive informal practices its agents have perpetrated for decades.

A key question for Kyrgyzstanis since April 2010 is whether the new government is committed to or capable of tackling corruption. Doing so is critical to deepening popular commitment to democracy. The IG leadership under Roza Otunbayeva realized this and took significant steps in beginning the battle against corruption and reforming the state. President Atambayev and the new government have continued the effort. Yet, over two years after the “April Revolution,” results remain mixed, and many Kyrgyzstanis doubt the government’s political will and ability to reform.²⁰

Otunbayeva was clear and bold about the need to eradicate the corruption, clan politics, and nepotism of previous regimes. The IG laid critical groundwork in 2010 for tackling corruption, and since most people considered Otunbayeva to be one of the few honest politicians in Kyrgyzstan, as interim leader, she garnered greater legitimacy for the IG's work.

In spring 2010, the IG drafted and put to a popular referendum a democratic semipresidential constitution that divides power between a somewhat weaker president and a strong prime minister, thus making the monopolistic corruption of the latter Akayev era and Bakiyev period far more difficult short of constitutional amendments.²¹ The constitution created key mechanisms for horizontal accountability—the Procuracy, the Audit Chamber and Ombudsman, and the judiciary—that should check corruption within the government and state. Vertical accountability is also essential to check corruption. Pursuant to the new Constitution, the IG then implemented a free, fair, and competitive election process—an institution of vertical accountability essential to check corruption—for both the parliament and presidency. Extensive independent civic monitoring prevented widespread corruption of the constitutional referendum, parliamentary elections, and presidential elections. Dinara Oshurkanova, head of the Coalition for Democracy and Civil Society, said that “civil society observers did not uncover any cases of specific administrative resources being used in favor of specific candidates,” even though candidate Atambayev was part of the IG.²² For the first time, the Central Electoral Commission acted independently and observers worked without government interference. Unlike previous constitutions, the 2010 law does not give the president or prime minister the right to appoint regional and local *akims* (governors). This decentralization of power makes regional and local accountability more important, and undercuts a major source of corruption—the executive's sale of governorships for the highest bribe.

In a major improvement, clan-based corruption at the national level has declined dramatically. Tolekan Ismailova, director of the NGO Citizens Against Corruption, stated, “[Kyrgyzstan] is the only country who changed in the last five years its authoritarian regime and clan-based politics ... We are trying to ... demand justice and ... responsible leadership ... there are some weaknesses in my country ... But, in general, we are trying to make a difference in our society. Clan-based politics do not work anymore in our country.”²³ Some media and opposition politicians have levied charges of nepotism against the IG,

but to date the only case with credibility involved the IG's procurator general, Kubatbek Baibalov.²⁴ Otunbayeva was quick to fire and replace him to keep clannishness out of the IG.

The IG also markedly strengthened democratic institutions and mechanisms for civil society to demand government accountability. Attacks on journalists ended and the Kyrgyz press now acts freely, outside of the south (discussed below). Civil society organizations for promoting good governance have again been able to operate mostly without political pressure. They have gained greater access to government and are involved in reform initiatives. Parliamentary debates about corruption, the budget, and other issues have thus come under closer public scrutiny. The media and NGOs have been active in exposing corruption, among other abuses, and pushing for accountability. The IG also formed Public Advisory Committees (PACs), which are committees of members of civil society, experts, and government officials that intend to weed out the pervasive and systemic corruption of the state.

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PACs have been appointed to work in particular ministries so they can monitor activity and make innovative recommendations for governance reform. They attempt to bring civil society and reformers in the state together to actively reduce corruption. In certain ministries, PACs have reportedly been very effective. PACs also made important recommendations for reducing corruption and abuse of power in Parliament, the MVD, and the Ministry of Justice, although those institutions have been far less welcoming of reform.

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Atambayev's "War on Corruption": Rhetoric or Reality?

Elite commitment is an essential element of battling corruption and achieving democratic governance and rule of law as well as of making the new institutions and laws work for the people. Throughout 2011, in the run-up to the presidential elections, Kyrgyzstanis and the international community wondered whether Otunbayeva's successor would continue to advance her anti-corruption initiatives. President Almazbek Atambayev was an early supporter of Otunbayeva's reforms, but many remain suspicious of his political background and the wealth he made in business in the early 1990s. It is still early to judge, but Atambayev's rhetoric and actions since taking office in December 2010 have so far been encouraging. Proclaiming "a merciless war against crime and corrup-

tion,” the president put several government agencies on notice that he would demand results, though he did not elaborate any specifics.²⁵

Most notably, in December 2011 shortly after being sworn in, Atambayev moved the planned Anti-Corruption Service (AKS) into action and openly demanded success. In its first six months under Atambayev’s command, the AKS investigated 414 appeals and initiated 152 cases for prosecution, including 100 cases of corruption and 52 cases of economic crimes and narcotics trafficking. A major case, for example, has been brought against Alfa Telecom, the parent company of Kyrgyzstan’s major mobile phone service provider, whose ownership was allegedly involved in corrupt dealings with the Bakiyev family. In a recent example of cooperation between the AKS and procurator general’s office, an AKS investigation led to the procurator general bringing charges against some managers of Kyrgyzaltyn JSC, who were supposedly stealing from the state gold mines. In mid-2012, however, only 23 cases had gone to court. As a result, the head of the GKNB complained publicly that the procurator general and courts were not doing enough to prosecute the cases, convict, and issue substantial sentences.²⁶

30 Some important recent changes are likely to decrease the pervasive corruption in citizens’ everyday lives. The new State Service for Fighting Economic Crime liquidated and replaced the State Financial Police, a highly corrupt and ineffective state organ infamous for harassing private business. In so doing, the government disbanded 418 employees and began staffing the new agency with only 260 employees, who were selected in a transparent process on the basis of a competitive exam in April.²⁷ The new government is also adopting recommendations from civic activists and forcing some notable changes in the Ministry of Education, which most citizens have long seen as so rife with corruption that most students no longer get a good education and university degrees have lost their meaning. The new Education Minister has announced that entrance exams will now become the basis for all admission and merit-based scholarships at state institutions, and corrupt university rectors will not administer the test, thus losing their power to demand bribes.²⁸ The integrity of the educational system should begin to improve.

INSTITUTIONAL OBSTACLES TO GOOD GOVERNANCE AND RULE OF LAW

Despite its efforts, the new government has arguably not gone far enough in dealing with institutional obstacles to promoting good governance and rule of law. Three key ministries have resisted governance reform because both their

leadership and rank and file are heavily involved in preserving the status quo and its opportunities for corruption. The Procuracy, judiciary, and police (the Ministry of Internal Affairs or MVD)—all government institutions that should be implementing the rule of law and bringing justice to ordinary people—have avoided or outright resisted reform.

First, the Procuracy—a Soviet-era institution that parallels the U.S. Office of the Attorney General—is more independent than in the past, but has made few internal reforms. Selective arrests and prosecutions often seem politically motivated, targeting not just the Bakiyev family and former regime but also opposition parties more broadly. The IG's first procurator general, Kubatbek Baibalov, worked with Deputy Prime Minister Azimbek Beknazarov to wage a zealous campaign against Bakiyev allies that resulted in the nationalization of many companies, including the massive Alfa Telekom. Baibalov was later fired for allegedly using some of those assets to enrich his wife. In contrast, little has been done to check members of the new government and parliament who came to power in 2010 and were focused on personal enrichment rather than democratization.

Few charges have been pressed against those within the current government, appearing as if for show.²⁹ The new procurator general Aida Salyanova has taken on a number of high-profile cases, but accusations abound that only lower-level officials ever actually go to court and are convicted. Corruption is still believed to be widespread among its staff, explaining why many cases are never prosecuted. Nationalized properties and companies are prime targets for embezzlement and insider privatization, especially since foreign investors are reluctant to buy assets where the government supports nationalization.

The procurator general's investigation into Mina Corporation's extremely lucrative and allegedly shady dealings with the U.S. Transit Center, Manas, has been a particularly controversial case given the amount of money allegedly involved and the role that the scandal played in the downfall of Bakiyev. After months of public accusations that Bakiyev was behind a corrupt fuel deal with Mina and the base, the case never went to trial. Although a parallel U.S. Congressional investigation concluded that there was no evidence of corruption, Kyrgyz civic activists and media now accuse the procurator general of lack of transparency and suggest that the investigation stalled for fear of exposing skeletons in the closet.³⁰

A second colossal challenge to good governance and rule of law has been police reform. The procurator general announced that it had filed 43 criminal cases on the use of torture in the MVD from January to November 2011, but

civic activists claim that few perpetrators are ever convicted in the courts.³¹ The MVD has been among the most resistant to accountability or PAC recommendations and the prison system repeatedly experiences crises linked to corruption. Entrepreneurs consistently report that the tax police, in addition to the customs agency and border guards, remain extremely corrupt and one of the biggest impediments to business and investment.³² Excessive regulatory requirements that serve little real purpose have also given these agencies wide berth in threatening and demanding bribes from businessmen to the detriment of the private sector and overall economy.

The judiciary poses a third institutional challenge to democratic deepening since it has consistently undermined the rule of law since the 1990s. The IG therefore created a significantly improved judicial legal framework that quickly abolished the Constitutional Court, which had long twisted the constitution to the bidding of the president, and transferred its powers to the new, more independent Constitutional Chamber of the Supreme Court. In 2011, the Parliament adopted a new law on the selection of judges designed to introduce more competition, transparency, and civil society oversight into the process.³³ Still, establishing a clean and independent judicial system has been problematic, especially in the lower courts. Trust in the judiciary is extremely low. A court-user survey found in 2008 that fewer than 20 percent of court-users had found them uncorrupted.³⁴ In 2010 just under 30 percent of the population viewed the courts as completely or mostly trustworthy, while 65.5 percent mostly or completely distrusted the courts.³⁵ Those numbers had not budged by 2012.³⁶ Trust will not increase without reform. While Atambayev has acknowledged the problem, he has not expedited reform.³⁷ Old guard judges, many of whom former president Bakiyev appointed, still pervade the rank and file.³⁸ They have little commitment to judicial independence and have long treated their positions as a source of personal enrichment or have simply convicted anyone government agencies brought to court. Judges are at the core of judicial corruption and the lack of justice. Human rights activists argue that judges typically give stiff penalties, thus pressuring families of the convicted to pay large bribes for lower sentences.³⁹ Otunbayeva jump-started reforms by dismissing some judges and forming PACs to recommend new judges to Parliament. However, opponents of judicial reform accused her of executive political interference. “Reform” has therefore descended into a drawn-out power struggle over firings and appointments, with many members of Parliament trying to stack the courts with their connections and rejecting civil society’s recommendations for new, clean, and unbiased judges.⁴⁰ Meanwhile, unfilled positions have resulted in inactive courts,

a huge inconvenience to those seeking rule of law.

Parliament has been the fourth major institutional impediment to democratic deepening through strengthening rule of law. Despite coming to office through highly competitive democratic elections in October 2010, the new parliament has been more of an obstacle than a partner to the executive in democratic deepening, which is ironic since the IG had introduced a “parliamentary system” as the core resolution to previous governance problems. Many new members of Parliament, especially Ata-Jurt party members, are well-known partisans of the former Bakiyev regime who oppose the democratization process. Others are widely believed to have a background in questionable business activities, ties to organized crime, or roots in the corrupt Akayev regime. The media has accused Prime Minister Babanov himself of abuse of power in connection with the fuel contract for the United States base at Manas. Babanov has denied wrongdoing, but in Kyrgyzstan public perceptions of corruption have often triggered destabilizing protests.⁴¹

Whether the members of Parliament are using their new position for illegal personal gain is unclear, but constitutional immunity from prosecution makes the battle against high-level corruption a farce. Moreover, the lack of civic and democratic norms within Parliament is problematic for democratic deepening.⁴² Even brawls between members of Parliament have taken place internally. To date, Parliament has been fractious, contentious, and often outright obstructionist with regard to the reform efforts of both Otunbayeva and Atambayev, especially in the case of PAC recommendations for judicial reform. Parliament has also been slow to adopt government proposals to strengthen the legal basis for prosecution and sentencing for corruption. In short, Parliament’s members may be democratically elected but they have done little thus far to promote rule of law rather than their own self-interest.

Some positive signs appeared in mid-2012. The former mayor of Bishkek and current member of Parliament was arrested for grave crimes. The event called into question parliamentary immunity, an undemocratic institution criminals long used to hide from the law within Parliament. A handful of reformist members of Parliament have been drafting laws that would make political corruption much more difficult and costly. One such draft law requires that a government official publicly disclose his relatives’ names to decrease the possibility of returning to the nepotistic and clannish deals that characterized the Akayev and Bakiyev eras. Another draft law recommends much stiffer financial penalties and prison terms for corruption.⁴³

ETHNIC CONFLICT AND POLITICAL INSTABILITY

While corruption is generally a longer-term threat to democratic survival, a second and more immediate threat to Kyrgyzstan's democratic deepening—and even short-term survival—is violence, especially ethnic violence. A summer of major instability and violence followed the April Revolution. Small inter-ethnic clashes took place in Bishkek, which were followed in May by protests threatening the IG and an attempted political coup by Bakiyev's supporters. Less than a month later, on 10 June 2010, major interethnic violence between Kyrgyz and Uzbeks broke out in the city of Osh, rippling through Jalalabad and villages throughout the southern provinces. The violence raged for several days, ultimately leading to some 420 deaths and the initial displacement of over 411,000 people. There was massive destruction of property and wealth; over 2,000 homes and many businesses were burned. According to multiple investigations, most of the victims—deaths and property losses—came from the Uzbek ethnic minority of Osh and Jalalabad.⁴⁴

34 The precise causes of the violence have yet to be uncovered. Initial narratives pointed to a communal brawl between Uzbeks and Kyrgyz; rumors and fear spread like wildfire among ethnic communities that were already distrustful of each other since similar deadly violence in 1990. Both ethnic groups armed themselves either in self-defense or to seek revenge on the other—the supposed attacker. However, most investigations concluded that there were deeper and more insidious political causes as well. Elements of the state—most likely radical nationalist politicians—may have actively planned and coordinated the attacks for political or economic gain.⁴⁵ What is clear from several independent investigations is that local members of the security organs—both police and military—mostly stood idle while the violence took place. The interim government in Bishkek, meanwhile, appeared dumbfounded, pleaded for international assistance, and was too slow to stop the violence. Interim President Otunbayeva commissioned an international investigation in 2011, which concluded that the events did not constitute genocide but found significant and compelling evidence of organized murder and rape against Uzbeks. The report described “the distribution of weapons, mostly automatic rifles, to Kyrgyz crowds, and noted that armored personnel carriers had been surrendered without resistance and subsequently used in attacks on Uzbek communities.”⁴⁶

The June violence had some immediate effects on Kyrgyzstan's transition. The death and destruction were traumatic for the population of the south, especially for Uzbeks, and led to serious economic hardship. Homes and liveli-

hoods needed rebuilding, and the near-bankrupt and badly shaken IG relied overwhelmingly on the international community to fund and direct the recovery. The turmoil, fear, and thousands of displaced people impeded the constitutional referendum. The IG's decision to proceed with the referendum may have demonstrated to the international community their commitment to legitimizing the IG by vote and to proceeding with democratization, but it was a poor choice politically for Kyrgyzstan. The aftermath of the violence—especially the problem of displaced persons—made it extremely difficult for displaced Uzbeks to vote, despite IG and United Nations Development Programme attempts to remedy the problem. Voting was less of a problem by the October 2010 election, but many Uzbeks still stayed away out of anger, fear, or simply lack of faith in the process. The IG had relied on Uzbeks to help oust Bakiyev, and now Uzbeks appeared to have lost the most from the transition. Formerly among the most pro-democratic groups in the country, the Uzbeks are now scarred by these events and their faith in democracy is far less certain.

The violence exposed deeper problems that pose ongoing threats to democratic deepening, including (1) the growth of radical nationalism; (2) the weakness of the Kyrgyz state capacity and authority in the south; and (3) the corruption of government institutions in the south, which are now allowing widespread human rights abuses to continue unchecked.

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First, although tensions between Uzbeks and Kyrgyz had been difficult since the Osh violence of 1990, it had largely been out of sight. President Akayev had made attempts to ease ethnic tensions and had advocated civic nationalism for all Kyrgyzstanis. The Uzbek community did not benefit from Akayev's clan-based largesse, but it generally did well. The Bakiyev regime, however, had once again stoked interethnic tension by more aggressively targeting Uzbeks, often accusing them of religious extremism. Kyrgyz ethnic nationalism began to grow again under Bakiyev, and he appointed nationalists to state positions in the south. One such radical nationalist was Osh mayor Melis Myrzakmatov, who appears to have taken few, if any, steps to stop the June violence. Some video footage that emerged even suggests that the security forces under his control abetted the attacks. Myrzakmatov then benefited from the violence's aftermath in further marginalizing the Uzbek community, which lost its university, media outlets, businesses, property, and some major community and political leaders. Osh residents have accused Myrzakmatov of blocking permits to rebuild their homes in order to drive them from the city and take the land.⁴⁷ Meanwhile Myrzakmatov's ethnonationalism—increasingly manifested in new ethnic Kyrgyz monuments in Osh—has become more popular among Kyrgyz citizens, who

widely blame the Uzbeks for starting the killing spree.

Second, nearly two years after the events, Myrzakmatov was still in power, exposing the central government's weakness. In summer 2010, President Otunbayeva had attempted to fire Myrzakmatov, but he defied her orders, surrounded himself with bodyguards, and even complicated her visits to the south to address the violence and initiate reconstruction. Ultimately, Otunbayeva backed down and won, both revealing the new government's lack of authority over much of the south and decreasing its legitimacy in the south among Kyrgyz loyal to Myrzakmatov and Uzbeks who feel betrayed.

A third and closely related effect of the violence has been the intertwining of corruption and nationalism within the south's state institutions. In the aftermath of the conflict, the central government out of necessity shifted focus from anti-corruption efforts to dealing with the ethnic conflict's fallout. Meanwhile, corruption in southern government institutions greatly exacerbated interethnic relations. The June violence brought to light the depth of corruption in the regional administrations, especially in the police, Procuracy, and courts system in the south of the country. Myrzakmatov reportedly condones police abuse and judicial corruption.⁴⁸ Rumors of ties between politicians, the police, and criminal networks have circulated widely. Members of the new government have blamed the violence on the former president and his allies, many of whom are still at large. Although the international investigation and other independent reports did not place blame on Bakiyev, southern police and security forces did clearly aid and abet the violence to the benefit of onetime pro-Bakiyev nationalists.

Human rights and a free press in the south have been additional casualties of the violence. Human rights groups and the International Crisis Group have found that Myrzakmatov's administration has at least condoned, if not outright advocated, the arrest and prosecution of ethnic Uzbeks as well as police abuse and judicial corruption.⁴⁹ The Osh Citizens Against Corruption office claims that the police, Procuracy, and court system have systematically initiated wrongful prosecutions against ethnic Uzbeks since 2010.⁵⁰ By mid-2012, the courts had convicted only ethnic Uzbeks despite the fact that Uzbeks had overwhelmingly been the victims of the violence. The high-profile case of the respected human rights defender Azimjan Askarov, an ethnic Uzbek citizen of Kyrgyzstan, epitomizes the corruption and bias in the prosecutorial and judicial system and the pernicious implications for justice and interethnic relations. Askarov received a life conviction for allegedly instigating the ethnic violence, a charge that human rights groups claim to be ludicrous and made in response to his work in exposing southern government ministries' abuses.⁵¹

In sum, the implications for democratic stability, much less deepening, are worrisome. Ethnic Uzbeks' faith in the new regime and the new democratic institutions of the country has declined. In a fall 2010 survey, while 36.8 percent placed all or some of the blame for the violence on ex-President Bakiyev, 64.9 percent of Uzbeks also placed all or some of the blame on Otunbayeva and by implication, the new regime. A worryingly low 40.9 percent responded that the new democratic constitution would improve their lives.⁵² In contrast to the north, where the new regime restored a free press and civil society has actively checked government abuse, in the south the absence of central government enforcement power has resulted in corrupt and criminally involved politicians escaping media challenges and exposure. Many journalists and NGO activists were simply afraid to work in the tumultuous conditions of Osh. Thus, vertical and horizontal checks on the southern regional government—including the Procuracy, police, and judiciary—are virtually nonexistent. The dangerous nationalist rhetoric and anti-democratic actions of the Osh mayor and his cronies continue unchecked. Ethnic tension and political instability will brew as long as corruption fosters nationalism and prevents justice.

PUBLIC OPINION, CIVIC PARTICIPATION, AND DEMOCRATIC LEGITIMACY

37

Scholarship on democratic deepening generally focuses on holding elections, constitutional change, party development, and legal reform. Democratization is often seen as the arena of political elites. The mass public—either its views about the regime's legitimacy or its ability of citizens to participate in the reform process—is generally ignored and often assumed to be unimportant. Yet the mass public does not necessarily want, believe in, or trust the institutions of democracy either in the abstract or those particular to its own country. Moreover, from Russia to Egypt we have seen that mass participation in pro-democracy protests, movements, or revolutions does not necessarily foster democratic norms of citizenship or public participation and belief in democracy in the long term. All too often, mass political alienation follows excitement over founding elections; further protest can trigger destabilization of the democratization process, while apathy can allow corrupt elites to undermine democracy. Public faith in and commitment to democracy, and also citizen participation in mechanisms of accountability, are essential to building a strong democracy that avoids mass unrest.

The Popular Legitimacy of Democracy

In the abstract, Kyrgyzstani support for democracy is high by some measures. By 2012, 79 percent agreed or mostly agreed that democracy was necessary for Kyrgyzstan.⁵³ People also understand some basic rights of democracy. In dozens of interviews and focus groups, most people define democracy as “freedom,” “free speech,” or “the absence of government abuse.”⁵⁴

Yet other data suggest that most Kyrgyzstanis are not strongly committed to a democratic system. Survey results show that only 55 to 63 percent think that free speech, free media, a strong parliament, a multiparty system, and regular free elections—all key elements of democracy—are important.⁵⁵ People also support democracy, but not necessarily to the exclusion of other types of non-democratic regimes; they also approve of government by expert committees, military rule, or a strong executive with no parliament. This lack of “committed democrats”—a citizenry that overwhelmingly supports democracy and rejects all non-democratic forms of government—is prevalent in other transitional regions.⁵⁶ However, in Kyrgyzstan committed democrats make up only 4.6 percent of the population.⁵⁷ In 2010, six months into the democratic transition, those who believed that democracy is better than alternative forms of government formed only a slight majority: 55.5 percent of respondents.⁵⁸

Observations of popular participation in protests, civil society organizations, and parties, as well as anecdotal evidence also suggest that popular commitment to democracy is not always deep or based on values and philosophy. As in other poor regions, support for democracy may be linked to economic performance and governance outcomes. Some people also associate democracy and democratization with the regimes they have experienced over the past two decades, which repeatedly claimed to be democratizing but were actually characterized by corruption, bad governance, and economic failure. Given that the people have had only brief and ultimately negative experiences with democracy, we should hardly be surprised by their confusion and skepticism. Many are not sure whether to blame “democracy” or the particular government in power for economic failure and bad governance. If democracy proves ineffective once again in delivering jobs and less corruption, the high numbers of “uncommitted democrats” may well search for an alternative to democracy.

In 2012, a slim majority of 53 percent was at all satisfied with the current development of democracy in Kyrgyzstan.⁵⁹ This was a much larger percentage than in 2010, yet there were still dramatic regional disparities among respondents. In the north, 67 percent were satisfied; in the south, 46 percent were

satisfied. The disparity is hardly surprising given that the violence since 2010 has occurred overwhelmingly in southern districts. Bakiyev's supporters likewise remain largely in the south. Also troublesome is that in the northern capital city, Bishkek, where the highest concentration of educated people lives, satisfaction with democracy remains low at 45 percent.⁶⁰ Only a minority even expected the parliamentary or presidential elections to be free and fair—42 percent and 45 percent respectively.⁶¹

Such consistent, negative polling results over the period from 2010 to 2012 suggest several worrying prospects. There is clearly a popular basis for protest. While protest is normal in democratic systems, violent protest is becoming the norm in Kyrgyzstan; this represents a disturbing trend for democratic stability. There is cause to worry that protest in the south, where both regionalist and ethnic tensions remain high, may trigger more violence, secessionism, or even civil conflict. Many Kyrgyzstanis claim to be apathetic and “tired of protest and revolution,” but others have clearly learned from 2005 and 2010 that even relatively small protests can topple the government, thereby bringing a new group to power and influence. Finally, many people clearly lack faith in the democratic transition. Such deep cynicism is largely related to the ethnic violence and a perception that little is being done to decrease corruption and implement a rule of law. The new government faces an uphill battle legitimizing itself and possibly in legitimizing democracy.

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Forming Democratic Citizens

Key to changing the mass public's belief in democracy is serious governance reform as well as economic growth. However, these are medium- to long-term processes. In the short term, Kyrgyzstan needs to invest in developing norms of democracy among its citizenry, especially its youth. Although the NGO-led PACs discussed earlier have been one important advance, since 2010 the new government has generally not brought society on board. One blatant example of this failure was the process of writing the constitution in 2010. Although the constitution was passed by popular referendum in June 2010, the constitutional process was problematic. The interim government arguably made a major mistake in rushing through a draft that they had prepared largely amongst themselves prior to the April Revolution. The general public had less than two months to read, digest, and debate its ideas and institutions. Although the IG called a Constituent Assembly of civil society representatives to discuss and amend the draft, they had little influence at that late stage; the government put to a vote

something very close to their original draft.⁶² The IG's decision to retain the Soviet-era designation of the state as "secular" was one area in which civic voices were ignored, leading many to worry that the new founding law would justify aggressive state secularism and potentially religious repression, as in the past.

Other problems plagued the new constitution's perceived legitimacy as well. The referendum took place on the heels of the bloody ethnic clash discussed above. Consequently, Uzbeks who had fled their homes were in large part disenfranchised despite United Nations Development Programme and Otunbayeva government efforts to make provisions to enable them to vote. While the government arguably felt it was necessary not to let the violence derail the democratization timetable and that it needed the vote to legitimize the revolution, public perception was negative. Not unsurprisingly, a minority of 40.7 percent believes that the new constitution will improve the political situation in Kyrgyzstan.⁶³

A small number of well-educated urban youth strongly favor democracy. They acquire good jobs mostly with the international community, attend school in the West, and have a positive view of the West. According to various Kyrgyzstani democracy advocates, however, the majority of youth—especially the less educated—are still disillusioned. They want to emigrate to Russia or Kazakhstan. They expect little good from protest after protest. They are too busy with survival to think about political participation. Even those getting a university education today are so frustrated with the corruption of the system—from education to finding work—that they have little faith in their country and hold only superficial democratic values.

It is also important to note that there are alternative ideas to the "secular democracy" the constitution drafters adopted. At least several Islamic movements and Islamist parties have been proliferating in Central Asia since the 1990s and they are increasingly doing so in Kyrgyzstan. The vast majority of Kyrgyzstani Muslims support democracy and a plurality prefer secular democracy as this point. Yet, some blatantly anti-democratic Islamist movements—especially Hizb ut-Tahrir—have been courting followers and growing. Meanwhile, apolitical Islamic movements—such as Fetuallah Gulen, Tablighi Jamaat, and Salafis—are suspicious of democracy, especially its secular form. Most such groups advocate "our values" and "justice." The overwhelming majority—89 percent of those surveyed—want just government, but only 42 percent think the government is providing that system. For some, justice may not mean secular democracy, or democracy at all, especially if Kyrgyzstan's third democratization process fails. Already, if given the choice, about a third of the population supports alterna-

tives to the “secular democracy” of their new constitution. In 2010, of those supporting democracy, 35.8 percent preferred “Islamic democracy,” to “secular democracy.” Another 13 percent opted for a sharia-based constitution.⁶⁴

In sum, the public opinion data suggest that most people are uncommitted democrats. Support for democracy is at least partly contingent on their perception of improvements in their lives, but economic conditions have gotten worse for most people since 2010. Public trust of elections, government, and state institutions remains very low. Most people hold a negative assessment of the new regime’s progress in developing democracy or combating corruption, and few engage in civic participation or feel that doing so will be beneficial. Popular attitudes towards the new regime’s political and economic performance suggest both disillusionment with democracy and a strong basis for social unrest.

CONCLUSION

Over the two-and-a-half years following the April Revolution, Kyrgyzstan has witnessed significant democratic progress. From free elections to an improved constitution and legislation to a peaceful, democratic turnover in power, democratization is taking place. Whether or not democracy will deepen in many critical areas is still an open question.

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Since April 2010 Kyrgyzstan has witnessed greater political will and progress in combating corruption than in the past two decades. Results include a better institutional framework, greater vigilance against clan and nepotistic abuse of the state, more transparency, and more public involvement in reform. However, corruption at all levels still affects the everyday lives of citizens. Kyrgyzstan has avoided civil war, but the revolution is now associated with terrible ethnic violence costing hundreds of lives. Political stability remains fragile as ethnic tensions simmer, and ethnic nationalists have stoked violence and gone unpunished. Kyrgyzstanis of all ethnic groups remain largely dissatisfied with the new government. They are only cautiously committed to democracy and are open to other regime possibilities if improved governance, peace, and a better life do not result from this third democratic beginning.

Kyrgyzstan’s new government cannot afford to rest. Democratic deepening and possibly democracy’s survival depend upon reducing corruption and improving governance through better accountability and improved transparency; preventing future ethnic violence by defending the human rights of all ethnic groups while fostering civic nationalism; and convincing the citizenry of the legitimacy of democracy. Bringing younger, educated, and innovative citizens

into government and enhancing institutions of civic participation, transparency, and monitoring, such as the new Public Accountability Committees, is one way of improving governance, encouraging democratic citizenship, and ultimately increasing democratic efficacy and legitimacy. At the same time, the political leadership must actively prosecute those engaged in political corruption irrespective of party loyalty, and the perpetrators of violent ethnic nationalism and human rights abuses. A much more vocal and active commitment to civic nationalism at all levels of government and education is critical to rebuild trust and ties across ethnic communities and demonstrate that Kyrgyzstani democracy works for all ethnic groups.

A passive approach to these mounting problems will not only allow them to fester and grow, but also signal to the public that the new government differs little from the one it threw out. In Kyrgyzstan, where two democratic beginnings have already failed, the future of democracy rests on the commitment of the new government to deepening democracy through the tough implementation of reforms that reduce corruption and improve rule of law, that prevent ethnic conflict and discrimination, and that enforce government accountability to citizens. 

NOTES

1. I would like to thank several colleagues in Kyrgyzstan, some working in the international community and some Kyrgyzstanis, for their insights and comments on this article. I bear sole responsibility for the final opinions and analysis or any errors presented herein.

2. Some minor violations were reported but the OSCE and local observers' assessment was that the election was consistent with democratic procedures. In 1991, Askar Akayev won the first free presidential election, which was also considered largely free and fair, but he ran uncontested.

3. Scholars dispute whether the event was truly a "revolution" since the protests were relatively small compared to classic revolutions; however, both 2005 and 2010 brought regime change and are widely called revolutions in the media, so I use that term here.

4. The Kyrgyzstani government refers to the system as "parliamentary," though it actually combines a president who has some major powers with a strong prime minister and parliament.

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