

AT A CROSSROADS

// Kyrgyzstan after the recent elections

Following its parliamentary elections in October 2020, Kyrgyzstan found itself facing post-election protests and a political crisis which resulted in a new political landscape. On 10 January 2021, Kyrgyz citizens voted for a new president and a fast-tracked constitutional reform to return to a presidential system. Although the protests in October 2020 resulted in political turnover, their momentum is currently being used to concentrate power in the hands of the president. Autocratic tendencies, corruption scandals, and socioeconomic grievances, which were further aggravated by the Covid-19 pandemic, have marked recent developments in Kyrgyzstan.



The annulled parliamentary elections in October 2020 roused mass protests against the winning parties and paved the way for the 2021 presidential and parliamentary elections (Photo: picture alliance, Abylai Saralayev/TASS).

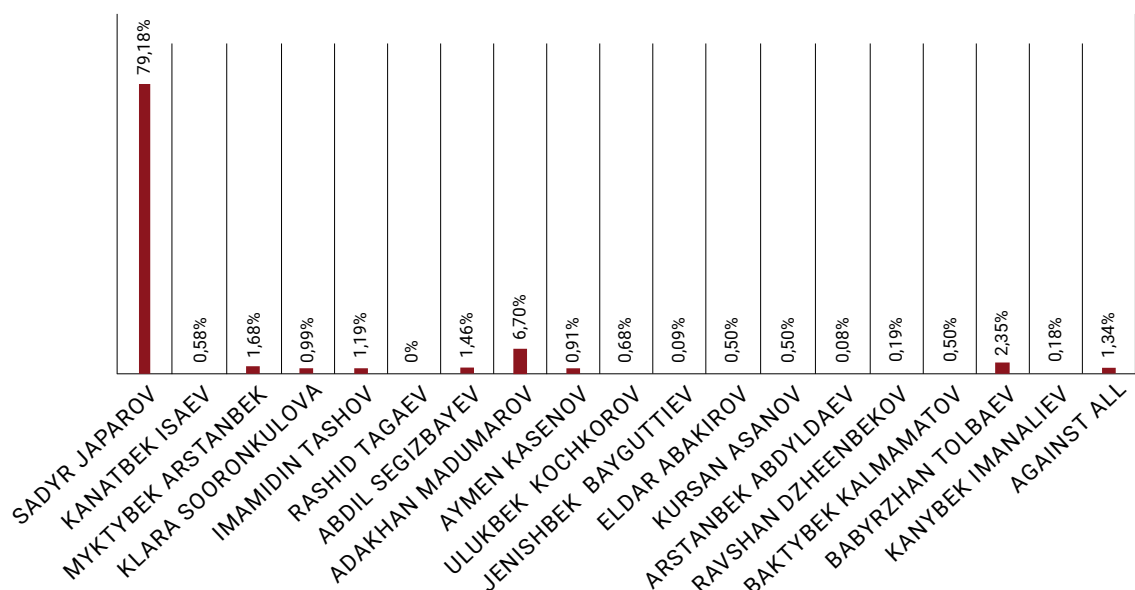
by Rebecca Wagner

The last few months have seen Kyrgyzstan's political landscape shaken up and its government reshuffled. After the parliamentary elections on 4 October 2020, protests started to unfold directly after the official results had been declared. The protests resulted in the annulment of the election results and a fast-track political career for Sadyr Japarov, who manoeuvred himself into being elected prime minister and acting president – only to resign in December so that he could run for president.

On 10 January, nationalist Sadyr Japarov won the presidential elections by a landslide with 79 percent of votes cast (see Graph 1). The electorate also largely supported his proposal of a presidential system and more than 80 percent voted in favor of it (see Graph 2). At around 40 percent, the turnout was the lowest in Kyrgyzstan's recent election history. In total, 17 candidates ran for president, but Japarov had a head start. The campaign was marked by an uneven playing field between the candidates resulting in significant advantages for the leading candidate Japarov. International observers and civil society organizations (CSOs) expressed concerns over the misuse of administrative resources during the campaign, major differences in the campaign funds of the presidential candidates, and physical and verbal attacks on journalists resulting in disproportionately high and uncritical media coverage of the leading candidate.¹ None of the other candidates² had a real chance of winning the race, which was reflected in the election results.

Shortly after taking office as prime minister in October, Japarov pushed through some pending amendments to the electoral law, including lowering the threshold for political parties to enter parliament from seven to three percent.³ At the same time, he initiated a constitutional reform process with substantial amendments to the system of governance. The current proposal, the authors of which are unknown, is to re-establish a presidential system and significantly increase the powers of the president, while reducing those of the parliament. The proposal includes the creation of a new executive body – the People's Kurultai (Congress), which

Graph 1: Preliminary results of presidential elections, 10 January 2021, 96,8% counted (Data source: @AsiaElects).



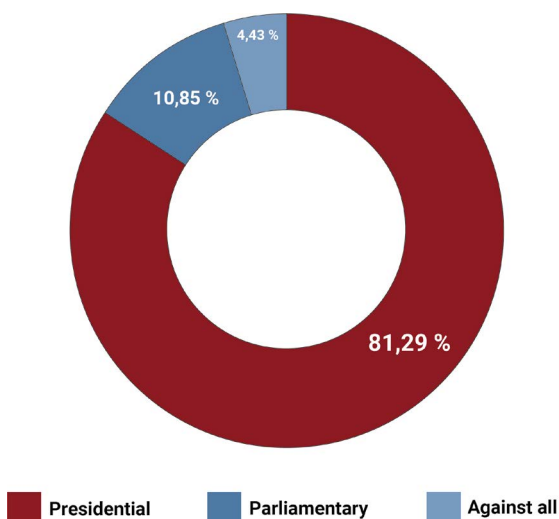
would not, however, be directly elected by the citizens. Several opposition members and CSOs have dubbed the document a “Khanstitution” and allege that these amendments imply installing an authoritarian presidential system with presidential powers that will go beyond the pre-2010 presidential system. In a fast-track process, the outgoing parliament, which extended its own mandate after the annulled parliamentary elections in 2020, paved the way for these changes. These procedural flaws were criticized by the Venice Commission of the Council of Europe, which concluded that introducing amendments to a constitution during a parliamentary transition period lacks democratic justification and goes beyond the mandate of the parliament. Contrary to this assessment, the Constitutional Chamber of the Supreme Court of Kyrgyzstan ruled that the recent legal amendments were constitutional. The Venice Commissions’ guidelines

also advise against holding elections and a referendum at the same time if the referendum is about the institution facing the referendum.⁴

Kyrgyzstan: a country with a history of political volatility

Kyrgyzstan has experienced significant political upheaval and transformation including the ouster of two presidents. The country’s recent history is marked by two revolutions, both of which forced authoritarian presidents out of office: The 2005 *Tulip Revolution*, triggered by a disputed parliamentary election result, ended in the deposition of President Askar Akayev (1990–2005). After another violent protest in April 2010, which resulted in the ouster of President Kurmanbek Bakiyev, a provisional government led by Rosa Otunbayeva launched a constitutional reform process. The 2010 protests had a huge impact on the political and electoral landscape in Kyrgyzstan. The new constitution increased the powers of the parliament and limited the length of a presidency to one term. Since then, Kyrgyzstan has had a semi-parliamentary form of government with a competitive party system. The president is directly elected and the parliamentary majority nominates the prime minister, who is then appointed by the president. Since the constitutional reform, Almazbek Atambayev (2011–2017) and Sooronbay Jeenbekov (2017–2020), both social democrats, have served as presidents. The parliament is elected every five years in a single, country-wide constituency. Kyrgyzstan’s recent elections have been competitive, with 16 parties registered for the 2020 parliamentary elections and 14 for the 2015 elections. However, while Kyrgyz elections can be considered competitive, they are not necessarily fair. V-Dem Institute classifies Kyrgyzstan as an electoral autocracy and according to

Graph 2: Referendum results “What form of government should Kyrgyzstan adopt?”, 10 January 2021, 97% counted (Data source: @AsiaElects).



Freedom House, it is only 'partially free' (2019). Indeed, the key characteristics of Kyrgyzstan's electoral system substantiate these classifications: a country with multiparty elections, marred by a low level of freedom and fairness, including the concentration of power in the hands of an "entrenched political elite", corruption, and repression of human rights activists. The characteristics of an electoral autocracy are also reflected in recent fraud attempts, and vote-buying certainly contributed to people taking to the streets in October 2020. Moreover, the presidential election on 10 January 2021 was marked by the misuse of administrative resources and repression of media and journalists.

The impact of the pre-electoral environment on the elections

The recent parliamentary and presidential elections were held at a time when the country was deeply shaken by domestic turbulence, including a massive corruption scandal in the country's custom service, the ongoing political party transformation process after former President Atambayev's imprisonment, and increasing threats to CSOs and activists, all exacerbated by the Covid-19 pandemic. As in many other countries around the world, the impact of Covid-19 on Kyrgyzstan has been severe.⁵ But even before the pandemic, CSOs and activists faced intimidation, attacks, and harassment. Several media outlets and journalists had been investigating a high-profile corruption scandal exposing massive bribes at the national customs service (GTS). This had led to the murder of the main source of information in Istanbul in November 2019. Following the publication of the investigation, which received wider public attention, defamation lawsuits against the main media outlets were filed and security concerns for the journalist involved in the investigation increased. The main suspect in the case is Raim-

bek Matraimov. At the same time, a new draft NGO law, inspired by the equivalent Russian law was proposed by several members of parliament in December 2019. The new restrictive legislation foresees burdensome reporting requirements for NGOs. Despite severe criticism from a broad alliance of CSOs, the law passed the first parliamentary reading on 4 March 2020. This is the second time in recent years that such an NGO law has been presented to parliament. Against the backdrop of the Covid-19 pandemic, public mobilization and lobbying by CSO alliances, as seen between 2013–2016 resulting in the rejection of the NGO law, was significantly hampered. Indeed, the draft law was discussed at a public hearing in May 2020 which, due to Covid-19 restrictions, only a few NGOs were able to attend. Thus, many directly affected by the law were left without an opportunity to make their voices heard. The bill passed the second reading in parliament in June 2020.

The political landscape is nowhere near consolidated. The continuous shifts in political alliances, coalitions, and political party affiliation have left voters unclear about their political choices and with a resentment toward the political establishment that none of the leading figures have been able to address. Given the political crisis and the overall socioeconomic backdrop, the rapid rise of Japarov and his widespread support can also be seen as an anti-elite vote. Japarov managed to position himself against the current political elite and as a candidate of the 'ordinary' people. His campaign focused mainly on the fight against corruption⁶ rather than on any political content. During his campaign, he used nationalist rhetoric combined with references to traditional symbols and values. The presidential campaign was also more aggressive: Opposition candidates and CSO activists complained about the massive use of Internet trolling attempting to sup-

The Kyrgyz parliamentary elections of 4 October 2020

On 4 October 2020, a new parliament (Jogorku Kenesh) was elected in Kyrgyzstan. A total of 16 parties competed for seats, although only four parties were elected, of which three were considered to be aligned with the President Jeenbekov. Birimdik (Unity Party) included the president's brother, as well as other well-known politicians, on its party list. Mekenim Kyrgyzstan (My Homeland Kyrgyzstan) is linked to Raimbek Matraimov, a Kyrgyz politician and businessman, who is considered to be close to Jeenbekov and suspected of large-scale corruption. The third largest party in Kyrgyzstan is also seen as pro-governmental. Batun Kyrgyzstan (United Kyrgyzstan) is the only party not linked to the ousted president. Mekenchil party (Patriotic), which just missed the seven percent threshold, is aligned with Sadyr Japarov. Already before the elections, fears of growing electoral fraud in the form of vote-buying were on the rise. On Monday, 5 October, all 12 opposition parties announced that they would reject the election result, accusing the other parties of vote-buying and intimidation. By the evening, protests had turned violent when participants broke into the parliament and other government buildings, demanding new elections. Political prisoners, such as former President Atambayev (2011–2017) and Sadyr Japarov (jailed for kidnapping a political rival) were released. On 6 October 2020, the election results were annulled. Shortly after, President Sooronbai Jeenbekov resigned necessitating snap presidential elections.

About the author

Rebecca Wagner is a Doctoral Researcher in PRIF's research department "Intrastate Conflicts". Her PhD focuses on resilience of civil society in face of shrinking civic spaces at elections.

Contact wagner@hsfk.de



Leibniz-Institut Hessische Stiftung Friedens- und Konfliktforschung
Baseler Str. 27–31, 60329 Frankfurt am Main
Postvertriebsstück D 43853, Entgelt bezahlt, ISSN-2512-627X

press any critical voices against Japarov and threats from aggressive Japarov supporters. A more decisive factor in Japarov's rapid success, however, was that he rallied the support of key figures and institutions. Immediately after taking office as prime minister, Japarov placed close confidants in key government positions and replaced all seven regional governors. Several high-ranking officials and politicians were arrested. The outgoing parliament also supports him in his endeavors. Further, as recent decisions demonstrate, he can also count on the judiciary. This would not be possible without a broader political network and financial patrons. So far, however, rumors are the only source of information about the alliances behind Japarov's meteoric rise.

Implications for the future of Kyrgyzstan

Kyrgyzstan is standing at a critical crossroads. Similar to many other countries around the world, Kyrgyzstan is also facing a backlash against democracy. Some observers are already referring to Japarov as "our Trump". The presidential elections and the referendum have made this tendency official. There are still many unanswered questions about the new constitution which the Constitutional Convention has to elaborate on now. One thing is certain, however, the parliament will lose its power to form a government and the number of seats will be reduced. Thus, the role of the political parties will diminish. This will shake up the political landscape all over again. That said, even though Kyrgyzstan's immediate future looks rather bleak in

regard to political pluralism, there is room for optimism. How citizens will react if Japarov fails to fulfil its socioeconomic promises, remains to be seen. Protests are frequently used as a political corrective when one side overreaches its authority, as seen in 2005, 2010, and most recently 2020, and the political class has shown that it can reshuffle quickly.

Kyrgyzstan has a pluralistic and competitive political society. Whether the current political elite will allow their competencies and power to be passed on so easily is questionable. Moreover, CSOs and journalists have, on more than one occasion, shown resilience to shrinking civic spaces. Thus, international donors would be well advised to accompany the process with overtly critical remarks and strengthen domestic democratic forces when required.

References and further reading:
hsfk.de/spotlight0121-lit



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V.i.S.d.P.: Rebecca Frei, Press and Public Relations, Baseler Straße 27–31, 60329 Frankfurt a.M., Germany, Phone +49 (0)69 959104-0, info@hsfk.de, www.prif.org.
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