

Kyrgyzstan on the Edge

I. OVERVIEW

Street battles between thousands of pro and anti-government protestors broken up by police billy clubs and tear gas in the central square of the capital this week illustrate dramatically that Kyrgyzstan is on the verge of political breakdown and possible civil war. The government and opposition have begun talks to pull the country back from the brink, and the president signed a new constitution on 9 November that the parliament had passed the previous day. But tensions are still high. The talks will need to be widened if they are to resolve the underlying dispute, which is centred on the division of power between the president and the parliament, and related issues. The international community should become much more active in preventive diplomacy because if a solution is not found quickly, Kyrgyzstan's instability could easily affect other states in the fragile Central Asian region.

For much of this year, two groups have been competing for control:

- ❑ the government, headed by President Kurmanbek Bakiyev, Prime Minister Feliks Kulov, First Deputy Prime Minister Daniyar Üsönov and State Secretary Adakhan Madumarov; and
- ❑ the opposition movement "For Reforms!" (*Za reformy!*), led by parliamentarians including Ömürbek Tekebayev, Melis Eshimkanov and Azimbek Beknazarov; a number of former ministers in the Bakiyev administration, including Almazbek Atambayev and Roza Otunbayeva; and civil society activists such as Edil Baysalov.

A confrontation has been growing since the spring of 2006, with the opposition holding demonstrations in Bishkek and elsewhere, demanding political reforms. The troubles, which began over opposition demands for checks on presidential power, have taken on a regional character, with the government relying on support from the southern regions (particularly the provinces of Jalalabat and Osh), and the opposition relying heavily on support from the north (particularly the provinces of Chüy and Talas). The police and security forces are split between the two camps but so far they have been keeping both sides mostly apart in the capital.

The opposition had been holding large demonstrations in central Bishkek since 2 November, trying to force Bakiyev to approve a new constitution that would limit presidential powers and allow the largest block in parliament to form the government. Bakiyev, who under the constitution enjoys almost unlimited powers, refused. Both sides began rallying their supporters and what began as a dispute between political elites is rapidly drawing in larger numbers of ordinary citizens. The centre of the capital has been divided into two parts, with opposition supporters rallying at the main government compound, the "White House", and government supporters gathering near the parliament building.

As further clashes appeared likely on 7 November, last-minute negotiations reduced tensions, but demonstrations from both sides are continuing and the possibility of conflict remains. The talks between Speaker of the Parliament Marat Sultanov and President Bakiyev produced agreement to present a compromise constitution to parliament, which adopted it on 8 November. President Bakiyev signed it the next day but it remains uncertain how he will implement it. Moreover, further action is required to shore up political processes. The truce remains very fragile.

Quick action is still needed from government, opposition and international community alike in order to take advantage of what may be no more than a brief lull. The following steps are needed:

- ❑ the government and the opposition must both call on their supporters to vacate the squares in Bishkek they currently hold and urge their supporters in other parts of the country not to come to Bishkek to participate in demonstrations;
- ❑ the EU, U.S., Russia, the Organisation for Security and Cooperation in Europe (OSCE) and UN (through the Secretary-General in the first instance) must each appeal to President Bakiyev for restraint, especially to avoid using force to bring the situation under control;
- ❑ the OSCE mission in Bishkek should be prepared to provide, if needed, a neutral venue for continuing negotiations between the government and the opposition;

- ❑ the OSCE secretary general and the EU special representative for Central Asia should immediately visit Bishkek, work to draw in to the talks more representatives from both sides, and offer to mediate efforts to find a suitable mechanism for reaching a compromise on a plan for institution building; and
- ❑ the Kyrgyz government and opposition, with active international support, should embark on a program of national reconciliation to ease tensions between the country's various regions and factions.

Beyond the urgent need for rapid diplomatic action to defuse the immediate crisis, the OSCE, EU, Russia, Kazakhstan and U.S. all need to be more fully involved in helping negotiate an end to the political breakdown.

II. THE BUILD-UP TO CONFLICT

A. BAKIYEV TAKES OVER

President Bakiyev's government has struggled to establish authority since coming to power after the ouster of President Askar Akayev in March 2005,¹ which ushered in a chaotic period during which various groups, including criminal organisations, tried to fill the power vacuum. Promised political reforms have become hopelessly bogged down amid increasing political infighting. Opposition to Bakiyev's presidency coalesced around a group of parliamentarians and former members of his government. They were motivated by a variety of factors: allegations that the president's family and allies were beginning to exert pressure on the business interests of certain political elites; concerns over the role of his family in business and politics, which brought back memories of the Akayev years; a perceived growth in corruption; and a sense of an increasingly unfair regional balance of power. Bakiyev comes from the south, and many northern political elites began to feel that they were being marginalised.

Of further concern was the growing visibility of organised crime figures, and their apparent connections with senior political figures. There had long been allegations that the 2005 uprising that ousted Akayev had been

funded in part by crime bosses,² and a number of alleged criminal bosses took advantage of the chaos resulting from Akayev's ouster to begin to seize greater economic and political power. One of the most widely-feared was Ryspek Akmatbayev, who achieved particular notoriety after staging large demonstrations in Bishkek in October 2005 after his brother, a parliamentarian, was killed in a prison uprising; Akmatbayev blamed Prime Minister Kulov for organising the murder.³ Akmatbayev went on trial for multiple murder charges in November 2005 after numerous delays; he was acquitted and announced his intention to run for his slain brother's parliamentary seat. When the Central Election Commission attempted to block his registration as a candidate, Akmatbayev and about 1,000 of his supporters staged another demonstration in the centre of Bishkek, demanding that Bakiyev come and speak to them – to which Bakiyev agreed. Ultimately, Akmatbayev was elected handily to his slain brother's parliamentary seat in their native province of Isykköl. The Central Election Commission refused to recognise the outcome, citing pending appeals of Akmatbayev's acquittal by relatives of one of his alleged victims, police Colonel Chynybek Aliyev, killed in 2004.

B. SPRING 2006

In the spring of 2006 the opposition merged into the "For Reforms!" movement and began to agitate for reform. On 8 April 2006, about 1,000 supporters marched through Bishkek to the White House, demanding that Bakiyev come out and address them. He did not, and the movement promised a much larger demonstration at the end of the month.⁴ On 18 April the opposition put forward "Ten simple steps toward the people", which it called the minimum reforms Bakiyev would need to enact to end the confrontation.⁵

¹ For previous reporting on Kyrgyzstan under Bakiyev, see Crisis Group Asia Report N°118, *Kyrgyzstan's Prison System Nightmare*, 16 August 2006; Crisis Group Asia Report N°109, *Kyrgyzstan: A Faltering State*, 16 December 2005; and Crisis Group Asia Report N°97, *Kyrgyzstan: After the Revolution*, 4 May 2005.

² For instance, alleged mafia boss Bayaman Erkinbayev, a parliamentarian from the Kadamjay district of Batken province, provided a great deal of material support to the uprising. He was shot and killed in Bishkek in September 2005. See Crisis Group Briefing, *Kyrgyzstan: After the Revolution*, and *Kyrgyzstan: A Faltering State*, op. cit. His widow, Cholpon Sultanbekova, ran for his parliamentary seat in by-elections in April 2006 but was defeated; she has now sided with the opposition to Bakiyev.

³ See Crisis Group Briefing, *Kyrgyzstan: A Faltering State*, and *Kyrgyzstan's Prison System Nightmare*, op. cit.

⁴ Crisis Group observations, Bishkek, 8 April 2006.

⁵ These included: an increased struggle against organised crime and corruption; immediate constitutional reform; law enforcement reform; the resignation of certain key figures in the administration whose relations with the opposition were particularly strained (namely: SNB chief Aytbayev, presidential administration head Üsön Sydykov, State

This was followed by efforts to rally supporters throughout the country; on 22 April, a rally of about 2,000 people was held on the central square of the northern town of Talas.⁶ A rally in the south, in Osh, led by former governor Anvar Ortiqov, was poorly attended and quickly broken up by counter-demonstrators.⁷ But when the movement staged its promised rally in Bishkek on 29 April, several thousand attended.⁸ Again, speakers demanded Bakiyev address the demonstration, and this time he complied, with Prime Minister Kulov in tow. However, Bakiyev's short remarks were all but drowned out by shouts and whistles. The demonstration ended with promises of more to come if reforms were not forthcoming.⁹

Bakiyev seemed willing to compromise up to a point. On 10 May, he removed the head of the presidential administration, Üsön Sydykov, State Secretary Dastan Sarygulov and the head of the National Security Service (SNB) Tashtemir Aytbayev, replacing them with Myktybek Abdyldayev, Adakhan Madumarov, and the former head of the presidential administration's department for defence and security, Busurmankul Tabaldiyev, respectively. That same day, Ryspek Akmatbayev was shot and killed outside a mosque in Bishkek. The timing of his killing, on the same day as the removal of a number of key officials, led to speculation about political involvement.

On 27 May, "For Reform!" again rallied its supporters on Alatau Square in Bishkek to repeat its accusations of

Secretary Dastan Sarygulov, and Prosecutor General Kambaraly Kongantiev); the end to political pressure on businessmen and entrepreneurs; the transfer of all government institutions currently under direct presidential control (including the SNB and the financial police) to ministerial control; the transfer of state-run KTR television to public ownership; an end to the ownership dispute over the privately-run "Piramida" television station; reform in the construction and building supplies marketplace; and greater guarantees of press and civil freedoms.

⁶ Crisis Group observations, Talas, 22 April 2006.

⁷ As Ortiqov attempted to address the small crowd of onlookers and journalists in Osh's central square, a group of older women, mostly ethnic Kyrgyz, swarmed onto the stage, seized the microphone and denounced Ortiqov's efforts to "defame" the government. As Ortiqov attempted to negotiate with the women, a group of young Kyrgyz toughs intervened, driving Ortiqov away from the stage with punches and pushes, and the demonstration ended. Crisis Group observations, Osh, 27 April 2006.

⁸ In a gesture of goodwill, the ministry of internal affairs stationed female employees holding carnations along Bishkek's main street, Chüy Avenue. Waiting out of sight in the wings, however, were thousands of police and interior ministry forces in riot gear.

⁹ Crisis Group observations, Bishkek, 29 April 2006.

criminal involvement in the government and its calls for speedier reform. Numbers were noticeably down but the demonstration ended with a new ultimatum: unless Bakiyev produced progress on reforms by September, the movement would call for his resignation and that of Prime Minister Kulov

C. "MATRESHKAGATE"

A lull followed, as parliamentarians left Bishkek for summer vacations. But it was deceptive and short-lived. On 6 September, opposition leader Tekebayev travelled to Poland for an international economic conference. As he was clearing customs, officials, acting – as it was later revealed – on a tip from Interpol in Kazakhstan, searched his luggage and found a hollow wooden Russian doll (*matreshka*) containing a powder which turned out to contain a small quantity of heroin. Tekebayev was detained only briefly because Polish officials became convinced he had been framed. Furious, Tekebayev returned to Bishkek and began rallying his supporters, who blamed the Bakiyev administration. The president agreed the incident was suspicious and ordered State Secretary Madumarov to form a governmental commission to investigate. The parliament formed a commission of its own, which on 21 September reported that the incident was a "provocation with the aim of discrediting and trying to isolate an opposition leader from society". It pinned responsibility on the SNB.¹⁰ Suspicion fell the heaviest on the president's brother, Janybek ("Janysh") Bakiyev, deputy head of that organisation. Though he insisted that he was innocent, Janybek resigned and was followed in short order by the SNB chief, Busurmankul Tabaldiyev, who stated that the alleged involvement of a subordinate in the scandal, which the media was already calling "Matreshkagate," did not give him the moral right to remain as head of the agency.¹¹

"Matreshkagate" reinvigorated the opposition. Following Tekebayev's return, a small demonstration was held on the steps of the parliament – at which, for the first time banners bearing the slogan "*Bakiyev ketsin!*" ("Down with Bakiyev!") appeared.¹² In mid-September, *Asaba* party head Beknazarov held his party's sixth assembly

¹⁰ "Deputatskaia komissiiia uverena: K provokatsii pichastna SNB" [The parliamentary commission is convinced: the SNB was involved in the provocation], *Delo No*, 27 September 2006.

¹¹ Tabaldiyev was replaced as SNB chief by Marat Sutalinov, a native of Chüy province who had previously been minister of the interior. His place as interior minister was taken by Osmonaly Guronov, a native of Jalalabat who had previously headed the ministry's section for counter-terrorism.

¹² Crisis Group observation, Bishkek, September 2006.

outside Kerben, the capital of the district of Aksy and the scene of notorious shootings in 2002.¹³ Though somewhat sparsely attended, the assembly, in which “For Reforms!” members also participated, ended with a stern warning to Bakiyev: implement the opposition’s demands by the end of the approaching holy month of Ramadan, or resign.¹⁴

III. THE MAIN ACTORS: A WHO’S WHO

A. THE GOVERNMENT

- ❑ **Kurmanbek Bakiyev**, president. Born 1949, Jalalabat province. Was a factory director and involved in party work at end of Soviet era. Governor of Jalalabat province, 1995-1997, and of Chüy province, 1997-2000; prime minister 2000-2002, resigned after the Aksy shootings and accompanying events but continued as deputy, joining a centrist group. Became head of opposition “People’s Movement of Kyrgyzstan” in November 2004. Failed to win seat in February 2005 parliamentary elections but became prime minister and acting president when Akayev’s regime collapsed the following month. Elected president in July 2005.
- ❑ **Feliks Kulov**, prime minister. Born 1948 in Bishkek. Worked his way up through the Soviet police and interior ministry structures. Served under Akayev in 1990s in key positions including

¹³ In January 2002, opposition parliamentarian Azimbek Beknazarov was arrested, touching off protests in his native region of Aksy. Police fired on the demonstrators, killing five and igniting a political crisis that threatened to bring down the Akayev regime. For more information, see Crisis Group Asia Report N°37, *Kyrgyzstan’s Political Crisis: An Exit Strategy*, 20 August 2002.

¹⁴ More specifically, the demands of the assembly were: that those guilty for the 2002 Aksy shootings be identified, tried and punished in one month; that the president submit a draft constitution to parliament by the end of Ramadan (late October 2006); that the demands of the April and May demonstrations be fulfilled by the end of Ramadan; that the demands of the *Asaba* party’s previous assembly regarding investigations into the Aksy events of 2002 and financial compensation for the people of Aksy be fulfilled; that those responsible for “Matreshkagate”, particularly Janybek Bakiyev, be punished; that President Bakiyev stop appointing family members to positions of power and dismiss those whom he had appointed; and that the state-run KTR television station be put under public control. Crisis Group observations at *Asaba* assembly, Kerben, 17 September 2006.

minister of interior, vice president and mayor of Bishkek. After resigning as mayor, formed “Ar-Namys” (Honour) party in 1999. Barred from standing in 2000 presidential elections against Akayev, then imprisoned under corruption charges in 2001. Released after March 2005 revolution, briefly headed security structures before stepping down. Confirmed as prime minister in September 2005.

- ❑ **Daniyar Üsönov**, first deputy prime minister. Born 1960 in Bishkek. Worked as mining engineer and later in local government in Chüy province. Wealthy businessman and a founder of Eridan Corporation, with interests in banking and construction; member of second parliament (1995-2000), became deputy speaker. Forced out of parliamentary election in 2000, after opposing Akayev, and business interests attacked by authorities. Nominated deputy prime minister for economic affairs in April 2006, but rejected by parliament later that year. Nominated again by Bakiyev in May 2006, this time approved. There have been persistent rumours of deep enmity between Üsönov and Prime Minister Kulov.
- ❑ **Myktybek Abdylidayev**, head of presidential administration. Born 1953 in Karaigach, Chuy Province. Studied law at the Soviet Internal Affairs Academy and went on to a career in Kyrgyzstan’s interior ministry. Was prosecutor general for three years until the fall of Akayev, then was made acting interior minister under the provisional government until May 2005. After a year out of office, was given senior post in presidential administration in May 2006 and made its head a week later.
- ❑ **Adakhan Madumarov**, state secretary. Born 1965 in Özgön, Osh province. Worked as journalist. Parliamentarian since 1995, became charismatic opposition leader, founding “*Ata-jurt*” (“Homeland”) movement. Deputy prime minister from April 2005 to May 2006. Picked by Bakiyev to replace outgoing State Secretary Dastan Sarygulov in May 2006.

B. THE OPPOSITION

- ❑ **Almaz Atambayev**, former minister of economic development, industry and trade. Chairperson of Social-Democratic Party. Born 1956 in Alamüdtün district of Chüy province. Candidate for president in 2000. Considered running in 2005, withdrew after formation of Bakiyev-Kulov tandem. Resigned as minister in April 2006.

- **Edil Baysalov**, chairperson of "Coalition for Democracy and Civil Society". Born 1977 in Bishkek. Educated at American University in Kyrgyzstan (now American University of Central Asia) and Kyrgyz State National University, studying business administration and political science. Deputy chairperson of coalition 1999-2001, acting director of "Lawyers' Association of Kyrgyzstan", 2001-2002, chairperson of coalition since 2002.
- **Azimbek Beknazarov**. Born 1956 in Aksy District, Jalalabat province. Trained and worked as a prosecutor and judge; 2000, elected parliamentary deputy; arrested in January 2002 after becoming more opposition-oriented, particularly critical of border treaty with China; his imprisonment led to Aksy tragedy, when five protestors were shot dead by police; released later that year on appeal; re-elected in first round in Aksy in 2005. Became acting prosecutor general in March 2005. Relieved of his post in September. Elected to parliament in November 2005 by-election in Aksy. Co-chairperson (with Otunbayeva) of *Asaba* party.
- **Melis Eshimkanov**, parliamentarian. Born 1959 in Atbashy district of Naryn province. Editor of *Asaba* newspaper 1993-2001, opposition *Agym* newspaper 2001-2003. Chaired People's Party until 2004, when joined Atambayev's Social-Democratic Party as deputy chairperson. Ran for parliament in February 2005; became deputy in April after successfully challenging official election result in court.
- **Roza Otunbayeva**. Born 1950 in Osh. Academic, Soviet diplomat; 1992-2002, foreign minister and ambassador (to the U.S. and then to UK); 2002-2004, deputy special representative of UN Secretary-General to Georgia. In December 2004, announced creation of *Ata-Jurt* opposition movement, which soon allied with Bakiyev; disqualified from February 2005 parliamentary elections. Became acting foreign minister after the March 2005 revolution but failed to win parliamentary confirmation in September. Ran for parliament in November 2005 by-elections in Bishkek (Tündük district), but lost. Now co-chairperson (with Beknazarov) of *Asaba* party.
- **Temir Sariyev**. Born 1963 in Sokuluk district of Chuy Province. Moved from local Soviet bureaucracy into a successful business career. Elected to parliament in 2000 and re-elected in 2005. Joined Atambaev's Social-Democratic Party on 9 October 2006, immediately becoming deputy head. Strong in some of the districts that border Bishkek.
- **Bolot Sherniyazov**. Born 1959 in Manas district of Talas province. Rose through the ranks of the police, attaining the rank of colonel. Went into business on collapse of Soviet Union. Became deputy first in 1994, reelected in 2000 and 2005. Deputy speaker 2005-2006, resigned when Tekebayev stepped down as speaker. Has significant connections in Talas province.
- **Ömürbek Tekebayev**, parliamentarian. Born 1958 in Bazarkorgon district, now in Jalalabat province. Qualifying as a physics teacher in 1981, he worked in education until 1991, when he became a local government official. Requalified as lawyer in 2004. Has been a parliamentary deputy since 1995. Came second in 2000 presidential elections with the support of Feliks Kulov. After revolution, elected speaker of parliament; stepped down as speaker in February 2006 after verbal sparring with Bakiyev.

IV. THE CURRENT CRISIS: A CHRONOLOGY

29 September 2006. Opposition leader Temir Sariyev announced that the "For Reforms" movement, along with *Asaba*, was planning to hold open-ended demonstrations demanding the resignation of Bakiyev and Kulov if the opposition's previous demands were not met.¹⁵

31 October. As the beginning of the planned demonstrations drew near, Bakiyev met with a delegation of opposition leaders to try to find a last-minute solution to the crisis. Rumours began swirling that Kulov would resign and join the opposition but these proved to be baseless.

1 November. At a press conference, opposition activists Melis Eshimkanov and Kabay Karabekov, a Bishkek parliamentarian, announced that last-minute negotiations with Bakiyev on most of their demands had not yielded results and accused the president of bringing in hundreds of special forces from the south, as well as a group of elderly women from that region, to stage provocations and inflame regional tensions. Eshimkanov also accused the president of ordering the SNB's special forces to carry out "operations" against the opposition's leadership. Karabekov read an address by some 25 parliamentarians who decried the lack of progress in political reform and

¹⁵ AKIpress interview with Temir Sariyev, 29 September 2006.

called for the formation of a parliamentary republic.¹⁶ At a press conference, opposition activist Edil Baysalov sounded a more conciliatory tone, announcing that the previous day's negotiations had resulted in an agreement that Bakiyev would present the draft of a new constitution to parliament the following day. This new constitution, Baysalov said, would restore the balance of power between the branches of government; Bakiyev, Baysalov stated, would have the right to remain in office until the next presidential elections, scheduled for 2010.¹⁷

2 November. As the day dawned, many of Bishkek's major shopping centres and restaurants were closed, their owners fearing a repeat of the looting which followed the March 2005 ouster of Akayev. Contrary to the opposition's expectations, Bakiyev did not present the new draft constitution for the parliament's consideration, arguing that more time was needed; the opposition was apparently genuinely stunned by this. In the early afternoon, as thousands of interior troops and riot police massed around the White House, crowds of opposition supporters began to gather on Bishkek's Old Square in front of the parliamentary building. A group of Bakiyev supporters gathered on the steps of the nearby Kyrgyz Drama Theatre, with riot police taking up positions between the two groups. Eventually the focus shifted to Bishkek's central Alatau Square, where upwards of 10,000 opposition supporters began gathering, many carrying placards that read "*Bakiyev, ket!*" ("Bakiyev, leave!"). As a sign of their intention to stay until the end, opposition supporters erected several dozen flimsy pup-tents in rows near the White House.

3 November. The day broke with the announcement by Prime Minister Kulov that the government had obtained a tape recording of a meeting at which opposition leaders debated the need to seize local administrative buildings and the state-run television station, KTR. Opposition leaders claimed that the recording had been doctored. The demonstrations began to take on a more organised character, with the pup-tents giving way to traditional Kyrgyz yurts on Alatau Square and portable toilets being set up. The atmosphere was notably calmer than on the previous day, with riot police much less in evidence. Opposition leaders demanded that KTR allow them to address the nation on the air; accompanied by

several hundred demonstrators, eight opposition parliamentarians went to the station to make their demands, emerging later to announce that KTR had agreed to give them three hours of air time each evening, beginning that day. This did not occur, however, and the opposition again claimed that it had been deceived. A private Bishkek TV station, NTS, began broadcasting footage of the demonstrations from the square.

4-5 November. The demonstrations continued, with numbers ebbing and flowing, without major incident.

6 November. In an attempt to end the standoff, Bakiyev brought his own draft of the constitution to parliament but opposition supporters boycotted the session, preventing a quorum. Perhaps in a move to appease the opposition, Bakiyev fired acting Interior Minister Guronov, replacing him with Ömürbek Subanaliyev, a northerner and a longtime Kulov ally; Subanaliyev announced that his first step would be to fire the Bishkek police chief, Moldomusa Kongantiyev, but this did not happen. Crowds of opposition supporters surrounded the White House, from which the external guard had vanished, though there were rumours of heavily armed special forces positioned inside. That night, a group of parliamentarians attempted to force a new constitution through parliament, with the backing of the head of the Constitutional Court, Cholpon Bayekova, but won the support of only 39 deputies. Twenty pro-Bakiyev parliamentarians boycotted the session.

7 November. Pro-government demonstrators began rallying on the Old Square, as opposition demonstrators continued to mass on Alatau. Tensions began to escalate rapidly, and when a clash between the two sides seemed inevitable, riot police moved in, breaking up the crowds with stun grenades and tear gas and, backed by armoured vehicles, taking up positions between the two squares. Pro-Bakiyev rallies broke out in the south. With the danger of civil conflict looming, opposition and presidential representatives held a last-minute meeting, and agreed in principle to put a compromise constitution before parliament the following day.

8 November. Once more tensions rose early in the day as large numbers of Bakiyev supporters rallied in front of the parliament; many in the crowd, however, seemed to be employees of state-funded institutions who had been coerced to participate, and the crowd slowly began to disperse. Negotiations between leaders of the two sides ultimately produced agreement on a draft constitution which was submitted to and passed by the parliament. Uncertainty persisted, however over how the president's

¹⁶ Press conference by Melis Eshimkanov and Kabay Karabekov, Bishkek, 1 November 2006.

¹⁷ This constitution, Baysalov stated, would combine elements of a draft constitution drawn up in June 2005 with newly agreed-upon elements. Its main feature was the creation of a 105-member parliament, with the parliamentary majority bloc having the right to form the government. Press conference by Edil Baysalov, Bishkek, 1 November 2006.

supporters would respond and whether he would ultimately sign and implement the new document.¹⁸

9 November. President Bakiyev signed the constitution at 13:00 local time.

V. THE CONSTITUTIONAL ISSUES

One of the government's earliest promises upon assuming office was to review the constitution, with an eye towards limiting presidential power in order to prevent a return to the excesses of the Akayev years. A Constitutional Assembly consisting of government and civil society members was formed in April 2005, chaired by then Speaker Tekebayev. It presented a draft in June 2005 in which the powers of the parliament were considerably expanded at the president's expense. After his inauguration in August 2005, Bakiyev announced that he would form and chair a new Constitutional Assembly of 300 members. Many began to doubt the president's commitment to reforms that would limit his powers.

The reform processes proceeded in fits and starts over the next several months, with committees and working groups being formed and producing competing drafts envisioning strictly presidential, strictly parliamentary and mixed systems of government. Increasingly, Bakiyev began to question the need for speedy reform, arguing that the current constitution should remain in place until the next round of presidential and parliamentary elections in 2010, even if a new draft was developed and approved prior to that date. As opposition pressure mounted, Bakiyev announced that he would begin the constitutional reform process by late November and began to hint that this reform might involve the dissolution of parliament – a clear message to his rivals.

On 8 November, the parliamentary speaker, Marat Sultanov, and President Bakiyev announced that they had agreed a compromise on the constitution under which the president would retain the right to name ministers but the parliament would have the right to sack them. The SNB, which used to answer directly to the president, would come under the prime minister and therefore be subject to parliamentary scrutiny. But, as noted, it remains unclear whether this compromise ultimately will be acceptable to and carried out by all sides.

VI. THE RESPONSES NEEDED

A. A NATIONAL APPEAL

The fact that negotiations between the two sides has begun is welcome. Nonetheless, as long as supporters of both sides remain in the streets of Bishkek, the possibility for provocations and deadly conflict remain. It is essential that the two sides issue a joint statement calling on their respective supporters to vacate the two squares. Likewise, they must issue an appeal to supporters throughout the country not to come to Bishkek to participate in demonstrations on one side or the other. Any clashes now could well make future negotiations difficult, if not impossible.

B. AN INTERNATIONAL APPEAL

The international community must add its voice. In particular, it is essential that the UN, the U.S., the EU, the OSCE, Russia and neighbours such as Kazakhstan urge the Bakiyev administration to continue to refrain from the use of force and to engage in dialogue with the opposition. Likewise, they should urge the opposition to refrain from any provocative actions, such as the seizure of buildings, which would give the government and security forces a pretext for clampdown.

C. MEDIATION

For the moment at least, the two sides appear to be negotiating reasonably well with one another. Nonetheless, it is important to give both the government and the opposition assurances that the international community has a genuine interest in the country's stability. The international community must be prepared to offer its services, as needed, as a neutral moderator and a neutral venue for continued negotiations. The Bishkek OSCE mission may be in the best position to provide this. The EU should dispatch its new Special Representative to Central Asia, Pierre Morel, to Bishkek immediately to assess the situation and determine the extent to which the EU may be able to facilitate the process. Ideally, such a visit should be a joint one with the OSCE Secretary General, Karel de Gucht, to stress the extent of international concern and commitment to help. As long as there is still a willingness for both sides to talk, the situation can be saved.

If the president and opposition leaders break off their meetings and refuse to talk further, as has happened in the past, a potential route the international mediators should consider to restore communications would be to

¹⁸ Crisis Group observations, Bishkek, 31 October-8 November 2006.

bring together Speaker Sultanov with the head of the presidential apparatus, Myktybek Abdyldayev, and two leading opposition figures, Melis Eshimkanov and Temir Sariyev, who have shown a willingness to compromise. The talks could then be widened to bring in other figures.

Beyond the constitutional issues over which confrontation has most directly focused, there is a need to start a national reconciliation process to address the growing tensions between northern and southern political elites, supporters of the previous regime and those of the current one. The rhetoric has grown increasingly heated over the past year, and it is essential that trust-building measures between regions and factions begin. This may also require the redistribution of certain government positions. Once again, the international community must be prepared to act as broker and host of such discussions. The government must not attempt to prosecute any of the opposition for their actions during the confrontation. Likewise, the opposition should refrain from putting demands for resignation to the government as a means for resolving political disputes.

VII. CONCLUSION: WAYS FORWARD

The crisis shows that further delay of fundamental political reform in Kyrgyzstan cannot be allowed. Moreover, there must be an end to the use of “the street” to settle political disputes. If the country is to avoid becoming a failed state, the admittedly difficult work of restructuring political institutions must begin at once.

Constitutional reform is the obvious place to start. The constitution under which Kyrgyzstan has been living, like those of most neighbouring states, granted almost unlimited powers to the president. In countries such as Tajikistan or Uzbekistan, where the parliament is largely a rubber-stamp institution, this is unlikely to provoke conflict. In Kyrgyzstan, however, where parliament increasingly sees itself as a genuinely independent political entity – and a potentially equal player in the political system – such an approach was obviously no

longer tenable. The constitution needed to be changed with an eye towards a greater balance of powers between all branches of the government. The international community should take an active role in mediating the very fragile reform process that now appears to be underway. Even as first efforts are begun to implement the constitutional compromise, more attention must be paid to institution building.

Constitutional reform should not take place in a vacuum. Kyrgyzstan’s judicial system also requires a fundamental overhaul, beginning with the police, continuing to the courts, and including the penal system. A functioning, politically independent, transparent and unbiased justice system is an integral part of a functioning state, without which democracy is impossible. Faith in the justice system can go a long way towards improving confidence in government, and one that works is one of the best means available for preventing disputes from escalating into potentially violent conflict.

Having come to the brink of civil conflict, both sides in the dispute must now step back. The international community must be prepared to act as a peacebroker and mediator. If Kyrgyzstan does erupt into civil conflict, this could create a major humanitarian crisis and have seriously destabilising effects on other states in the region, most of which suffer from varying degrees of internal instability themselves. It would also be used as a justification for the continued suppression of political opposition in countries such as Uzbekistan. On the other hand, if a compromise can be implemented, and if Kyrgyzstan can become the first Central Asian state to move away from a potentially authoritarian presidential system of government, it may provide a positive example for other states in the region which may soon have to make serious choices about their governance, such as Kazakhstan. The situation in Kyrgyzstan can still be salvaged; the country still has the chance to become a model of political reform in Central Asia. There is much to gain as well as to lose.

Bishkek/Brussels, 9 November 2006

APPENDIX A

MAP OF KYRGYZSTAN



APPENDIX B

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