Regime Change or Power Change – Adaptation Processes of Hybrid Regimes. The Case of Kyrgyzstan

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Paper for the
Research Fellows Lecture Series
at
The American University of Central Asia

I. Introduction

My presentation is roughly divided into three parts. The first part will give you a short overview of the background to my PhD project, i.e. the PhD programme I am participating in, and my main research interest, developed under the guidance of my advisor, Dr. Barbara Christophe of The Viadrina European University in Frankfurt an der Oder, Germany. The second part deals with the theoretical framework I have used to approach my subject of interest, i.e. the pre- and post-revolutionary regimes in Kyrgyzstan. What do I understand by hybrid? What are the adaptation processes I refer to? What is the debate concerning the regime all about? In addition I will give you a short description of the conceptualisation of my research project and its execution.

Since the second part is occupied with the theoretical approach and the corresponding debate, I would like to devote most of my time to the question of how to understand the current situation in Kyrgyzstan. Accordingly, the third and main part will deal with my preliminary research findings here in Kyrgyzstan and my hypotheses regarding the regime's trajectory and its future development.

II. Background

This PhD Project, or in German *Doktorarbeit*, is funded by the Robert Bosch Foundation, one of the larger company-based Foundations in Germany. The programme annually enables six young researchers to engage in PhD research into a topic, related to the transformation processes in Eastern Europe and the countries of the former Soviet Union. The programme demands the completion of the research project within two years. This is a difficult task taking into consideration the fieldwork in an unknown environment, teaching obligations at a local university and above all the challenges of everyday life in Bishkek.

In addition to being part of the Robert Bosch Foundation programme, I am one of a small group of researchers, who are dealing with the revolutions in the former socialist world. Under the guidance of Dr. Christophe, we are endeavouring to analyse developments before, during and after the so-called revolutions in Serbia, Ukraine, Georgia and Kyrgyzstan by trying to identify factors, which explain the underlying dynamics of change.

The question is: what has to happen, so that after the so-called revolutionary activities we can see the emergence of a set of more democratic rules compared to those, which existed before those activities took place?

III. Theoretical Framework and Conceptualisation

Observing the coming into existence of the semi-democratic and semi-authoritarian regimes after a long phase of transition, the academic world somehow got stuck in trying to find the right terms to describe and define the nature of those regimes. The concept of "Hybridity" or "Hybrid Regime" seems to fit best so far, as it allows for the irritating presence of both democratic and authoritarian features in one regime at the same time to be analysed.¹

¹ The term "Regime" here refers to the systemic structure for the accumulation and distribution of power

The concept's shortcomings are nevertheless challenging. Too many states fit the above given definition and thus the task to further differentiate the concept.

In an attempt to get rid of these shortcomings, many new "prefix" and "adjectival" democracy and authoritarianism concepts have been developed over the last 15 years, such as, delegative democracy, soft-authoritarianism, semi- authoritarianism, and defective-democracy.²

However, if the classification of regime types becomes too differentiated it faces the danger of being unable to account for changes and changes are not considered to be changes at all.

Two ways of thinking contribute to the persistent failure to come up with a positive definition of hybrid regimes. Firstly, most of the classifications are organized along a binary scheme, the one point of departure being developed democracy and the other being developed authoritarianism.³ By analysing special institutional arrangements according to their authoritarian or democratic character, one actually refuses to identify genuine characteristics of the regime. Secondly, most of the approaches fall into the trap of describing the regime in negative terms.⁴ It is either not fully developed authoritarianism or not fully developed democracy. These approaches hamper the analyst from locating the regime's source for systemic reproduction. If a special regime type is considered to be a failed democracy or failed authoritarianism it is usually considered to be unstable. However, what confuses the analyst regarding the hybrid regimes in the former Soviet Union is their striking persistence and their ability for systemic reproduction.

In general, these approaches fail to come up with a positive definition of hybrid regimes. Nothing is said about the regime's *functional logic*. No explanation is given for the dynamics of change, the dynamics of *adaptation processes*.

A better way to understand 'hybridity' is to look at the potential purpose of allegedly systemic misconstructions such as failing and contradictory institutional arrangements. In his analysis of Putin's Russia, Balzer uses the term *Managed Pluralism* to explain maintaining political competition for the power holders and the refusal to engage in full authoritarianism. By referring to the management of competition he shows, that the nature of hybrid regimes is probably not found in defective democratic or authoritarian institutional arrangements, but in something more fundamental: the input into the arena of political competition, which emerges from the pluralistic constitution of a society as a whole in the form of aggregated interests and their articulation.

However, it remains to be seen what actually causes the blocking of interest aggregation and articulation and what has to happen to overcome these causes. In addition, by focusing only on Russia, Balzer does not differentiate and create different regime types according to the interests to be aggregated and the corresponding blocking mechanisms.

Another approach, which revives the concept of *neopatrimonialism*, provides an answer to the latter problem by referring to the interrelationship between formal and informal practices for generating blocking mechanisms.⁶ Here the presence of two modes of social regulation provides the neopatrimonial regime with the ability to reproduce uncertainty for every single member of society, which translates into a power base for the regime as the only reliable source of delivering a limited degree of certainty.

One problem of the concept of neopatrimonialism is its failure to provide us with a typology of informal mechanisms. Where to look for and how to define them? And if there

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² See Lewitsky and Way (2002)

³ See for example Merkel, Puhle, Croissant et al. (2003) for an approach which takes democracy as a starting point or Ottaway (2003) for an approach, which takes authoritarianism as the starting point

⁴ See for example Merkel, Puhle, Croissant et al. (2003)

⁵ Balzer (2003)

⁶ See Erdmann and Engel (2006)

are problems finding and describing informal practices, how can we talk about their interrelationship with formal institutions?⁷

In short, most of the approaches provide us with valuable insights into different regime types. However the task remains to develop a concept, which leaves intact the main character of 'hybridity' but which can at the same time provide us with subtypes according to differing systemic characteristics, without failing to account for the dynamics of change by producing a positive description of a hybrid regime's functional logic.

One way that hopefully leads to an answer is by concentrating on conflicts in a double meaning. Theoretically conflict plays a great role in the literature of democratisation. It is assumed to be one of the driving forces for the establishment of rules for democratic procedures. Competing elite factions agree on a new set of rules when they can no longer be sure of reaching a certain goal purely by relying on their own resources. The danger of losing everything in an open-ended conflict forces them into a compromise, to which each competing faction adheres as long as the perception of insufficient resources on one's own side remains. In this way it is understood, that the emergence of democracy turns out to be a compromise between elite groups, competing for access to power and is not the result of changes initiated by democratically minded reformers. Conversely, a conflict not leading to a new set of rules, but being solved without changing the functional logic of a system, must be considered a reproduction of the system by adapting to a new environment.

Conflict is a lens through which a researcher can analyse and identify groups of agents and underlying interests, embedded in sets of formal and informal rules. Such an approach reveals the disturbances, which cause the regime to adapt. In addition, by focusing on individual revolutions it may help not only to identify but also to categorize and measure the real amount of change in that it – hopefully – enables the researcher to differentiate between adaptation processes, which secure the reproduction of the system and adaptation processes, the unintended consequences of which lead to a reconfiguration of the systemic structure and a change in the functional logic.

I said "hopefully", because above the theoretical considerations one has to deal with the real world and the "field" for generating empirical material as the basis for any interpretation. And this is challenging. In my case, the first task is to locate conflicts and secondly to analyse them by identifying the above-mentioned groups of agents and the interests involved. The third, and probably most difficult task is to account for the effects of formal and informal institutions.

Acknowledging that the volume of information needed to be gathered is too big when it comes to the national level (at least for one person with limited resources), I decided to focus on the provincial level: the towns of Kant and Kara-Balta and the corresponding Rayons: Issyk-Atynskij and Zhajylskij¹⁰.

Firstly, taking into consideration, that the logic of the regime is the same everywhere, where the space is penetrated by its structures, one can assume, that disturbances will initiate adaptation processes. Secondly, if there has been a change in the functional logic of the regime, than it should be present at the provincial level as well.

⁷ A preliminary, but still too vague answer, is provided by Helmke and Levistky (2004)

⁸ Rustow (1970)

⁹ According to *systems theory* every system is meant to reproduce its main structural principles (or its functional logic). Changes in the environment of the system may lead to changes in the conditions of exchange between the system and the environment and may consequently affect the question of reproduction. In such a case – I call it a disturbance – the system tries to incorporate the new conditions of exchange into its reproduction logic and to adapt to the new environment.

¹⁰ Both Rayons are located within the Chuyskaya Oblast. From Bishkek to Kara-Balta (to the west) the marshrutka (minibus) takes an hour, to Kant (to the east of Bishkek) a trip by marshrutka takes half an hour. ¹¹So far there is no reason to think, that the province is disconnected from the hybrid regime structures in Kyrgyzstan, the performance of which is usually perceived at national level.

IV. Regime Dynamics in Kyrgyzstan

If we take conflict as the lens through which to analyse and understand the developments in Kyrgyzstan, what can we state so far?

As for the provincial level, I think that the functional logic of the former system remains intact. The main conflict, i.e. the struggle between the lowest level of self-governance, the ajyl okmotu and the Gorupravy of Kant and Kara-Balta, on the one side and the central authorities on the other, does not lead to the establishment of a new set of rules. The self-governance bodies still lack a coherent legal base and access to sufficient resources in order to fulfil their prescribed tasks. ¹² It has to be mentioned that the problem is not a lack of resources, but the set of rules for their distribution. It is the central state via its tax agencies, which collects the resources, even those, which are a prerogative of the local self-governance bodies ¹³ and it saves the lion's share for itself. Only an insignificant amount of all collected taxes flows back to the local self-governance structures. ¹⁴ If a city or village needs more, it has to apply for special state grants.

As if this degree of dependency were not enough, the central state authorities actually control the budgeting process of the local self-governance bodies by not only defining the limits for income and expenditures, but also by interfering in the planning and execution process on a monthly basis.¹⁵

According to the formal rules, the central state agencies in the form of the Akimiats and the Oblast, or in the form of ministries, have the right to demand reports, to ask for additional information and even to ascribe special tasks (which have to be executed from the local self-governance body's own budget). In addition, the Akims as the main instance of power within a given region and being responsible for passing on the demands for help from local self-governance bodies to higher state authorities can use their formal broker's position in informal ways as well. They can agree or refuse to deliver resources to a particular local entity. The rules for distribution are too vague to establish special control procedures.

It seems that by reproducing a state of uncertainty the central authorities manage to control the periphery. In creating unclear, sometimes contradictory and mutually exclusory rules the central authorities repeatedly bring themselves back as the main and only decision making institution, which can solve problems by delivering additional resources. ¹⁸

However, even if we have the most transparent and clear set of rules regarding financial decentralization, it is improbable to assume, that such structures would immediately cause local self-governance bodies to prosper. There are strong informal forces at work in the relations between the local self-governance bodies and other state agencies. The Akims or higher political figures can push for the election of a certain candidate as head of a town or ayil okmotu. There is an example of the close relationship between a new head of a town and Deputy of the Zhogorku Kenesh for that region in one of my two cases. Other informal practices are present: votes are bought on a large scale 20 and the right to handle some business

¹² Interview with a *state official of Gorupravo Kant*, 12.04.06, field book I; in addition see publications of the *Association of Cities of the Kyrgyz Republic*, on www.citykr.kg (May 10, 2006)

¹³ Interview with a *state official of Gorupravo Kant*, 12.04.06, field book I; and *Tax Code of the Kyrgyz Republic* (as amended 1 February 2006 by the *Zakon Kyrgyzskoi Respubliki N32*), Razedel VIII, Mestnye Nalogi i Sbory ¹⁴ For example of the Padakhodnyi Nalog only 4% remains within the Local Budget, Interview with a *state official of Gorupravo Kara-Balta*, 12.04.06, field book I

¹⁶ Interview with a state official of Gorupravo Kant, 19.04.2006, fieldbook I

¹⁷ Interview with a *Deputy of the Gorkenesh Kara-Balta*, 07.05.2006, field book I, and Interview with *Nikolay, a Company Director in Kant*, 19.04.2006, field book I

¹⁸ In Kant the problem of rising ground water has become so urgent in recent years, that every Glava Goroda (Head of Town) and every Akim has to rely on central state funds to solve the most pressing problems.

¹⁹ Interview with an Entrepreneur in Kara-Balta, 01.03.2006, Field book I

²⁰ Interview with an NGO activist from a village Internatsionalnaya, 23.04.2006, Field book I

depends on connections to licensing bodies and one's "Krysha". ²¹ Initiatives for transferring conflicts, which affect everyday life, into the political arena thus bringing them within legal conflict solving and decision making procedures, are blocked by arbitrarily applied formal rules or the application of informal practices such as co-optation, family ties and repression. An initiative to bring the chaotic taxi transport system in Kara-Balta onto the political agenda was stopped, as it was being unfolded and brought heavy losses to those, who benefited from the anarchic situation by collecting rents in the form of bribes. A new decree of the local / regional administration deprived the initiative of its basic arguments. Sometime later the taxi transport system, which had started to become more regulated, was back to its anarchic state.²² In one ayil okmotu the election for its head became a matter of family allegiance, as all the candidates were more or less unable to develop a programme and ended up promising more or less the same things.²³ The segregation of the community into new immigrants and old immigrants deepens affiliations along family lines and leaves the newcomers without a voice in the newly elected administration. A local radio station refused to take part in the elections because the experiences of other mass media organisations serves as an example of what can happen if one does not deliver the right message to the voters.²⁴ The local newspaper used its monopoly position in the local mass media market to run a detailed portrait of its main shareholder, who was running for the office of head of the town, just a day before the election (having presented the portraits of all the other candidates weeks before).²⁵

However, I also found some progress, or at least some indicators of progress. One of the main problems of local self-governance in Kyrgyzstan and a quite surprising one for the *island of democracy* is the structure of the controlling body within the local self-governance system. The speaker of the local kenesh is related to the head of the corresponding executive body, i.e. the gorupravo or the ayil okmotu. It means, that the executive is controlling itself. This irritating fact led to the situation, where the only real control was exercised by higher state structures, whereas the local kenesh became a toothless body, fulfilling all the wishes of the speaker, the head of the corresponding executive body. Conflicts have thus rarely been solved within this institution. There has been no real struggle over the execution or approval of the budget, which is a good way of preventing interests from becoming articulated.²⁶

There are interests, which can be articulated, is shown in the next example. Recently a law was passed, which stipulates that the speaker of a local kenesh is to be elected from among the deputies.²⁷ That means, that the kenesh will actually be enabled to exercise control. In one town kenesh this may in future lead to real struggles over the approval of the local budget.²⁸ Here every year a huge sum is spent on the running costs of a special boarding school established by an order from the central authorities.²⁹ Each of the remaining educational facilities has to cover their own running costs with much-reduced sums of money, although they mainly cater for children from the town. The newly elected speaker is eager to test his new powers on the future budgeting process.³⁰ This law for the first time creates the opportunity for control to be exercised by local self-governance bodies. It will lead to future

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²¹ Interview with *Nikolay, a Company Director in Kant*, 19.04.2006, Field book I; the term "Krysha" (literally 'roof') refers to a patronage-like relationship. Another Russian word used is "pokrovitel'stvo" (protection, patronage)

²² Interview with an NGO activist from Kara-Balta, 01.03.2006, Field book I

²³ See footnote 20.

²⁴ See footnote 19.

²⁵ Interview with an NGO- activist from Kara-Balta, 18.02.2006, field book I

²⁶ Interview with a *Deputy of the Gorkenesh Kara-Balta*, 07.05.2006, field book I

²⁷ Zakon Kyrgyzskoi Respubliki dated 06.02.2006, *O vnesenii i dopolnenii v zakone Kyrgyzskoi Respubliki "O mestnom samoupravlenii i mestnoi gosudarstvennoi administratsii" i "O status deputatov mestnych keneshei"* ²⁸ See footnote 26.

²⁹ Kara-Balta planned Budget 2006.

³⁰ See footnote 26.

conflicts, which will clear the way for sets of more generalized rules. For instance, currently it is unclear, what happens when a budget is constrained because of orders from above but not approved by the local kenesh because of the aggregation and articulation of differing interests.³¹

However, doubts remain regarding the effectiveness of the law. Is the position of the newly elected speaker sufficiently funded?³² If not, it leaves good opportunities for cooptation strategies by the executive body, which can rely on some of its own resources (for instance, the distribution of positions, public services and orders for communal construction). How specific are the rules, which form the speaker's power base?³³ What does the fact that the division of competences has been carried out in one town, but in the second the head of the town still exercises the powers of speaker of the town kenesh?³⁴

Doubts accumulate if one looks at the revival of rayon kenesh. These bodies seem to have been unable to exercise their defined powers from the very beginning. Vested with the power to give approval to the appointment of the Akim, specific regulations for the corresponding procedure have not yet been defined.³⁵ Taking into consideration the fact that the rayon kenesh consists not of specially elected deputies, but of all deputies of all ayil and town kenesh, one can imagine the huge amount of organizational work needed to get a rayon kenesh session started (in the Issyk-atynskij Rayon the kenesh consists of 289 deputies).³⁶ One can easily imagine informal practices being used to secure special outcomes of the decision making process, which takes place in such a body (what is the relevance of the fact, that many deputies from remote ayil okmotu do not have transport to attend rayon kenesh sessions?)³⁷

Nevertheless, the introduction of control bodies is something that should be considered a positive change. It remains to be seen, whether the changes are sufficient. More in-depth research is necessary and perhaps ... more time.

Regarding developments at national level, the situation is much more complex and it is difficult to identify the main actors and agents. Sometimes there is an impression, that everybody involved is interchangeable and the conflicts presented are mere games to entertain frustrated society and the hopeful international community.

However, I think we should study one main conflict, following the change of power in March 2005, which came close to ending up with a new set of rules and thus perhaps in a change of regime. What I am referring to is the conflict between the presidency on the one hand and parliament on the other. What had been accomplished in the Ukraine before the final victory of the orange revolution and the election of Viktor Yushchenko as president, i.e. the transfer of power from the all-powerful presidency to the legislative body, the Verchovna Rada, seemed possible in post-revolutionary Kyrgyzstan as a result of pre-revolutionary promises

³¹ Neither in the corresponding law nor in information sheets on local budgeting processes is the case of non-approval by a local kenesh discussed, see Zakon Kyrgyzskoi Respubliki dated 25.09.2003 *N215 O finansovo-ekonomicheskikh osnovakh mestnogo samoupravlenia*, Statya 7, Punkt 4, and UNDP Kyrgyzstan, Soros Kyrgyzstan, et.al., *Rukovodstvo po byudzhetu dlya grazhdan*, Bishkek, 2002

³² Actually the amended Law does not provide a clear answer regarding this question. Zakon Kyrgyzskoi Respubliki, *O mestnom samoupravlenii i mestnoi gosudarstvennoi administratsi* (as amended February 6th 2006 by *Zakon Kyrgyzskoi Respubliki N34*)

³⁴ Interview with a *state official of the Goruprava Kant*, 14.04.2006, fieldbook I.

³⁵ See Lenta Novosti, 14.04.2006, *Obrazovany komissii ZIK KR dlya organizacii golosovania po dache soglasia* na naznachenie raikeneshem glavy mestnoi gosadministratsii

³⁶ Zakon Kyrgyzskoi Respubliki ot 06.02.2006, O vnesenii i dopolnenii v zakone Kyrgyzskoi Respubliki "O mestnom samoupravlenii i mestnoi gosudarstvennoi administratsii" i "O status deputatov mestnych keneshei", Statya 1, Punkt 2

³⁷ Interview with a Deputy of the Gorkenesh Kara-Balta, 07.05.2006, field book I

and expectations and a parliament, ready to fight for new powers under the leadership of its speaker.

The newly elected president had difficulties getting his cabinet approved ³⁸, the appointment of judges was vetoed by parliament ³⁹ and the rhetoric between the two power institutions became heated, even hostile, not to mention the long debate on the national budget, where many deputies could use insider knowledge and were asking unpleasant questions regarding some problematic budget items. ⁴⁰ This all happened at a time, when expectations for constitutional change were still high and statements of the president to delay constitutional reform were met with resistance.

However, several reasons led to the situation of a seemingly productive conflict changing into in a blocking conflict. The first was institutional: under article 63, paragraph 2 of the Kyrgyz Constitution the president has the prerogative to dissolve parliament when there are insurmountable contradictions between the different branches of power. After this long struggle the president started to refer to his prerogative in public. A second reason is connected to the interest groups of the deputies of the ZhK: many of them desperately need their immunity. Too many deputies have been involved in shady business activities or had misused their official powers in earlier times. They would run the risk of facing criminal charges, if they lost parliamentary immunity, so not all deputies were willing to risk an open confrontation with the presidency. Thirdly, informal mechanisms played an important role (although it is difficult to measure the extent of their influence): it has been repeatedly stated by commentators, that the presidency has ways of directly influencing the decision-making activities of some of the deputies.

These factors led to the situation, where the leader of the opposition faction within the parliament lost the support of most of the deputies and was deprived of his powers as the speaker of parliament and above all was socially banned for breaching traditional values of behaviour.⁴⁵

The first public statements of the new speaker of the ZhK, the controlling body at national level, were striking regarding the question of possible engagement in conflicts with the executive branch of power. He stated, that he would not seek confrontation but cooperation. Conflicts between the branches of power would belong to the past.⁴⁶

From my perspective this defeat of one of the competing elite power factions determined the reproduction of the functional logic of the regime for the time being. It remains to be seen, whether the new wave of protest, set to take place at the end of April, can be transferred into the political arena and push for the creation of a new set of rules (in this case, for example, a specific agreement binding on all sides as to how and when to change the Constitution of the republic).

My opinion is that a new set of rules, a more democratic one, only appears where a conflict is productive. By productive conflict I mean, referring here to Dankwart A. Rustow⁴⁷, that the

³⁸ Kommersant, 20.09.2005, Kyrgyzstan Takes a lot of trouble to Approve the Cabinet

³⁹ Lenta Novosti, 13.12.2005, Deputaty ZhK KR vybrali sudei mestnogo znachenia

⁴⁰ Lenta Novosti, 13.12.2005, Deputaty v nyneshnem parlamente ne te, chtoby okazyvat' na nikh davlenie

⁴¹ *Constitution of the Kyrgyz Republic* (as amended February 18th 2003 by Zakon Kyrgyzskoi Respublici "O novoi redaktsii Konstitutsii Kyrgyzskoi Respublici, approved February 2nd 2006, by a Referendum), Statya 63, Paragraph 2.

⁴² Abyldaev (2006)

⁴³ Interview with a political analyst in Bishkek, 01.02.2006

⁴⁴ Abdyldaev (2006)

⁴⁵ Ibid

 ⁴⁶ Lenta Novosti, 10.03.2006, M. Sultanov: "Ya starayus' byt' nekonfliktnym". Interv'yu so spikerom ZhK KR
 ⁴⁷ Rustow (1970)

struggling protagonists must have clearly articulated interests and that the length of the conflict must be long enough, so that the struggling protagonists can experience their own incapacity to act and last but not least, it must open up the opportunity for decision in the form of an agreement among the struggling protagonists.

I am not sure, whether all these conditions are in place, regarding the conflict between the rulers and the opposition in Kyrgyzstan. Based on the pre-revolutionary demand for substantial constitutional change, the opposition has a clear goal and bearing in mind the rather long process of struggling for this goal, one can think of the second condition to be fulfilled on both sides. However, it is not absolutely clear, what exactly the rulers stand for. A spongy concept of stability has been pronounced⁴⁸, one that does not provide clarification on a whole range of political issues. Last but not least, the question of opportunity for agreement remains open. One can only hope that those in power are able to understand the limits of their own resources and for the opposition to be strong enough to withstand the manifold informal practices, mobilized by the ruling party. Finally one should hope that the international community is strong enough to let conflicts unfold in Kyrgyzstan and not resort to mobilizing the *democratisation discourse*, which is mainly concerned with maintaining democracy but has less to say on the conditions for the emergence of a democratic order.

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⁴⁸ Almost on a daily base those in power refer to an urgent need for stability in the country. Usually this claim is justified by referring to foreign investors who would prefer a peaceful and stable Kyrgyzstan, see for example Lenta Novosti, 20.04.2006, *K. Bakiev uveren, chto zapugat' vlast' razlichnymi mitingami ne udastsya*

⁴⁹ The most amusing one of which is the organization of pickets against pickets, as happend in Osh and Talas, see Foundation for Tolerance International, 03.05.2006, *Early Warning for Violence Prevention: Kyrgyz RepublicWeekly Bulletin*, Issue 39, Review of 26 April – 2 May 2006

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