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**REVISITING THE CONSTITUTION:
A CASE FOR PARLIAMENTARY SYSTEM IN
CENTRAL ASIA?**

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Abstract. Institutional design can impact the dynamics of power relations in authoritarian regimes. Under the presidential system in Central Asian states, the elite factions agree upon a presidential candidate before the elections and then ensure their candidate's victory by manipulating the elections. As the cost of exclusion in this process is very high, every elite faction is forced to collude with the other factions. Under a parliamentary system, bargaining among the elites in selection of the head of state would occur after the elections as the elites would have to first secure parliamentary seats to be able to vote for the head of state. Such a process would reduce the stakes in each particular election, making it harder for the elites to manipulate elections yet safer to allow some opposition. Furthermore, the balance of power among the elites in parliament would be decided by the people, giving them a voice in the process.

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Keywords: institutional design, presidential, parliamentary, Central Asia, elections

INTRODUCTION

Scholars have traditionally viewed institutional design as one of the tools of consolidation of democracy. They have argued that either parliamentary or presidential systems are more conducive to democratic consolidation. Moving beyond the simple dualistic view, they have argued for the suitability of one or the other system in specific cases (e.g. large federal states, highly fractured ethnic states, etc.). Yet, the debate proceeds primarily in the context of countries in transition. Most scholars view authoritarian regimes as largely unconstrained by constitutions and, therefore, do not include them in their research.

Yet, few authoritarian regimes today are completely without democratic institutions. Most have elections for the legislature and the head of state. Elections in these states are neither free nor fair. The elites maintain their grip on power through a wide variety of manipulative techniques (Schedler 2002). They are, however, also constrained by them. Thus, it is the purpose of this paper to analyze the effect of such constraints. This paper argues that the institutional design of authoritarian regimes can have an impact on the dynamics of the intra-elite and elite-mass relations. As authoritarian regimes differ widely, this paper limits its scope to the Central Asian states ruled by personalist dictatorships. It argues that a parliamentary system would soften the predatory nature of the regimes and reduce the probability of violent conflicts.

This paper begins by summarizing the debate over presidential vs. parliamentary systems in the first section. In the second section it provides a brief background of personalist regimes in Central Asia. In the third section it describes institutional constraints of the current presidential systems. In the fourth, it discusses the main disadvantages of presidentialism in Central Asian states. In the fifth section it presents the case for switching to a parliamentary system. In the sixth section it assesses the

likelihood of such a change. The paper concludes with a discussion of the limitations of the arguments presented and suggestions for further research.

PRESIDENTIAL vs. PARLIAMENTARY SYSTEMS

Since all presidential systems have parliaments and many parliamentary systems also have presidents, distinguishing between the two systems can be problematic. This paper follows Shugart and Carey (1992) in distinguishing the systems based on the non-legislative powers of the presidents. The paper will consider a system presidential if the president has an authority to appoint and dismiss the cabinet ministers. The system will be considered parliamentary if such authority is in the hands of the legislature.

In his criticism of presidential democracy, Linz (1994) articulates two major arguments against it. First, he argues, presidential systems suffer from dual democratic legitimacy as both the president and the legislature have legitimate claims to represent the will of the people. Therefore, when conflicts between them arise, they may be harder to resolve than in parliamentary systems. Second, due to the fixed length of presidential terms, the presidential system does not allow for the flexibility of responding to a changing situation. Linz also points out strong majoritarian tendencies and the “winner-take-all” approach to government in presidential systems as most of the executive power is concentrated in one office. Lijphart (1994) further notes that the one-person executive nature of presidentialism, as opposed to the collective executive body of parliamentarism, makes it less consensual and more majoritarian. However, presidentialism means not only concentration but also separation of power, which mitigates some of its

majoritarianism. An empirical study by Stepan and Skach (1994) also demonstrates a better record of the parliamentary system in consolidating democracy.

Shugart and Mainwaring (1997) counter these arguments by pointing out that dual democratic legitimacy is not unique to presidentialism. Bicameralism, especially in the countries where both chambers have substantial powers, may have similar problems. In some parliamentary systems presidents have more than ceremonial powers, which may also lead to deadlocks. While acknowledging that the rigidity of fixed terms and the lack of reelections are problematic, the authors argue that these shortcomings can be mitigated by permitting reelections and shortening the term length. Excessive flexibility of the parliamentary system, on the other hand, can lead to unstable governments. The authors further note that the “winner-take-all” approach is not unique to presidentialism. Prime Ministers with a majority in parliament are even more powerful than presidents, as they have less checks and balances constraining them. Furthermore, the better record of parliamentarism is explained by the concentration of parliamentary democracies in Western Europe. New democracies, on the other hand, are mostly presidential.

As arguments for presidentialism, Shugart and Mainwaring cite a greater choice for voters; voters may want to choose one party for parliament yet someone outside of that party for the presidency. It also allows them to vote directly for the head of state, whereas in a deeply fragmented party system under parliamentarism it would be hard for the voters to vote out a particular executive. Furthermore, since legislators in a presidential system are not bound by the vote of confidence, they can vote on the merits of the legislation.

Shugart (1999) further claims that presidentialism is actually better suited for the less-developed countries. He notes that strong cohesive parties are necessary in order to provide collective goods in a country. However, in less-developed countries such “parliamentary fit” parties rarely exist. Legislatures in these countries are characterized by strong regional and particularistic interests, which are often reinforced by electoral systems. Therefore, a president representing nation-wide interests can better provide collective goods to the people. Presidentialism may also be better suited for ethnically divided or large federal states.

PERSONALIST REGIMES OF CENTRAL ASIA

Personalist regimes, as Geddes (1999) points out, normally evolve out of military or one-party regimes as a result of struggle among the rival leaders. In the case of Central Asia (including Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan), current political and economic elites rose through the ranks of the Communist party and relied on its support in the early days of independence (Melvin 2000). As the elites consolidated their power, parties became increasingly marginalized. Power is now concentrated in the hands of a single leader relying on the support of a relatively small circle of elites. The elites are not cohesive but rather are divided into factions, each struggling for access to resources.

Under Soviet rule, Central Asian politics were characterized by a high level of nepotism (Collins 2004). Traditional loyalties survived from the pre-Soviet period and were incorporated into the system. Failing to eradicate local elite networks after a number of attempts, the central government adopted a policy of relatively loose control over the region. The excesses of nepotism, however, prompted renewed purges of local elites

under Yuri Andropov and later Mikhail Gorbachev. Yet, the inability of Moscow's appointees to contain the ethnic conflicts that erupted in Central Asia at the height of political reforms forced the central government to negotiate with the local elites and allow them back in power. The candidates advanced by the local elites were relatively neutral, and not associated with specific local factions. As a result, the presidents of these republics, who retained their power after independence, have relatively weak bases of their own and are dependent on the dominant elite networks. Furthermore, no single faction dominates the political arena, and presidents balance factions against each other.

Tajikistan, however, stands in contrast to its neighbors. A single Moscow-backed faction dominated politics through most of the Soviet period. Thus, no power sharing agreement existed among the factions. Disintegration of the Soviet Union stripped the dominant faction of its support resulting in a civil war with other factions. The war ended only after Russia had brokered a peace agreement. While the agreement calls for a degree of power sharing between elite factions, another faction currently dominates the country, even though it lacks full control over it.

Kyrgyzstan provides another exception to the Central Asian politics. In the wake of the "Rose" and "Orange" revolutions in Georgia and Ukraine, Kyrgyzstan saw similar mass protests in March of 2005. The protests, which became known as the "Tulip" revolution, led to the ouster of Askar Akayev, the long-standing president of Kyrgyzstan (Radnitz 2006). Much like in Georgia, the protests were sparked by rigged parliamentary elections. In contrast to the other two cases, however, the protests were led less by political parties or NGOs and more by elites opposed to the current government. In fact,

the politics of Kyrgyzstan after the revolution are marked by more continuity than in Georgia or Ukraine.

The sudden death of Saparmurat Niyazov, the “president for life” of Turkmenistan, on the other hand, demonstrates an alternative scenario of power transfer in Central Asia. According to the constitution, in the case of a sudden death of the president, the chairman of the parliament assumes the powers of an acting president and presidential elections are held within two months (Holley 2006). The acting president is barred from running in these elections. Yet, immediately after the president’s death Ovezgeldy Atayev, the chairman of parliament, was arrested on criminal charges. The health minister Gurbanguly Berdymuhammedov became the acting president, and the parliament changed the constitution to allow him to run in presidential elections. He won the elections two months later and was sworn in as the new president of Turkmenistan. In this case, the power struggle among the elite factions resulted rather quickly in the selection of a successor who is expected to continue most of the policies of his predecessor.

Similar to other authoritarian regimes, the economies of the Central Asian states are characterized by rampant bribery and corruption. Governments have retained a large degree of control over the economy by stalling privatization efforts (Freedom House 2006; Hellman 1998). This allows them continued access to the resources of the most profitable industries and financial institutions. Agriculture is another major area of rent seeking, particularly in Uzbekistan and Turkmenistan (International Crisis Group 2004). As under the Soviet regime, farmers are required to grow cotton. Yet, governments pay them only a fraction of its global price, while pocketing the difference.

In order to retain access to these rents, elite factions have done everything in their power to stall reforms. Over the years the lack of reforms has led to a continuous decline in the real income of the population. Fearing popular discontent, governments have employed increasingly repressive measures in order to hold on to power (Freedom House 2006). They have increased the contingent of police and secret service personnel, giving the police a free hand in dealing with the population. Furthermore, a lack of legal reforms has left the Central Asian states with a low level of private property protection. Excessive restrictions and repressive regulations in the private sector have led to widespread corruption and extortion of bribes by government officials.

FORMAL INSTITUTIONS

Formal democratic institutions in Central Asia serve mostly as façades, covering up the undemocratic nature of the regimes. Governments of the Central Asian states manipulate elections, both presidential and parliamentary, in order to ensure their hegemony over the political and economic affairs (Freedom House 2006). Although formal separation of powers exists, the balance of power is strongly skewed toward the executive. Particularly in Uzbekistan and Turkmenistan, the legislature has very little influence over the internal affairs of their respective governments. No opposition is allowed in parliament.

Kyrgyzstan and Tajikistan are more tolerant towards opposition, yet governments of these countries extensively employ their administrative resources in order to marginalize challengers.

According to Shugart and Carey (1992), the strength of the executive is defined by its legislative and non-legislative powers. Non-legislative powers refer to the authority

of the executive to appoint and dismiss the cabinet as well as to dissolve the parliament under certain conditions. The strength of the executive also increases if the legislature cannot censure cabinet ministers. Non-legislative powers of the executive indicate whether the system is presidential, parliamentary or semi-presidential. Legislative powers of the executive can be either proactive or reactive. The authority to issue decrees gives the executive proactive powers. It allows the executive to change the status quo in the direction of his or her preference. Package and line-item vetoes, on the other hand, grant the executive reactive powers. A package veto blocks the whole bill, while a line-item veto allows fine-tuning of the bill by blocking only parts of it. Veto powers allow the executive to maintain the status quo by blocking legislature's attempt to alter it.

All of the Central Asian presidents have full control of cabinet formation and dismissal (ODIHR Democratization Department 2006). Furthermore, parliaments in these countries do not have the authority to censure cabinet ministers, and with the exception of Tajikistan, all presidents can dissolve parliaments. Thus, all Central Asian states are firmly presidential. Additionally, these presidents have strong legislative powers, which include both veto and decree authority. Such a combination gives them a great degree of control over the legislative process. While none of the presidents has a line-item veto, the overall weakness of the legislature makes it unnecessary.

The Case of Kyrgyzstan

The mass protest rallies in November 2006 forced the president of Kyrgyzstan to agree to a new (third) revision of the constitution. Under this revision, the size of the parliament was increased to 90 members from the current 75, with half of the members to be elected through proportional representation. A party securing at least 50% of the seats allotted

through proportional representation would gain the right to form the new government. This stipulation effectively turned the country into a parliamentary system (Institute for War and Peace Reporting 2006). Yet, the shift was short-lived. As the parties in the parliament were elected under the old constitution, no party had members elected through proportional representation. Consequently, none of the parties could form a government under the new constitution. After the seating government resigned a political crisis ensued due to the inability of the parliament to form a new government (RIA Novosti 2006). Threatened with dissolution, the parliament adopted yet another (fourth) revision of the constitution in December 2006. It restored the power of the president to appoint the cabinet. Thus, Kyrgyzstan remained presidential.

DISADVANTAGES OF THE PRESIDENTIAL SYSTEM

The main drawback of the presidential system in Central Asian regimes is that its majoritarianism and inflexibility due to fixed terms aggravate the personalist nature of the regimes. First, it makes it easier for the presidents to ensure their reelection because they only stand for election once every five or seven years. The long tenures of the Central Asian leaders underscore this point. In this situation every elite faction is forced to deal with the president, even if it does not agree with the policies of the current government, or face a total exclusion from power which, given the protracted tenures, make the real costs very high.

Second, the system lacks flexibility to respond to changing situations. Even when a president loses support of the elite factions, there is no mechanism for replacement of the leader. Thus, it took a breakdown of the regime during the “Tulip revolution” to oust

the sitting president of Kyrgyzstan in 2005. The president was replaced by the leader of another elite faction as a new compromise among elites. Had Kyrgyzstan been a parliamentary system, the shift in leadership could have been achieved by a no confidence vote.

Third, the system promotes collusion among elite factions. By colluding with presidents, factions are also forced to deal with all other factions. As neither presidents nor elite factions can claim legitimacy through democratic elections, neither of them is in a position to exclude other factions from the governing coalition. Thus, even if some elites were to favor political and economic reforms, they would lack any institutional means to confront the hardliners within the government. The inability of political actors to exclude anyone from government leads to a larger number of veto holders, which according to Cox and McCubbins (2001) increases the rents and fiscal pork.

ADVANTAGES OF THE PARLIAMENTARY SYSTEM

Elections in authoritarian regimes are manipulated by the elites. A mere shift to a parliamentary system is not likely to change that. The difference is the cost of such manipulation. Under the presidential system, the dominant factions have to ensure the outcome of only one election, that of the president. In the parliamentary system, the outcome is decided in the several dozen elections of members of parliament. The higher number of elections makes it harder for the central elites to manipulate the outcome. Furthermore, the lower stakes in each district election make the elites more likely to compromise. As they only need to ensure a majority in the parliament in order to control the government, it is much safer for them to allow some opposition in the elections.

Another major difference is the process of selection of the head of state. Under the presidential system, the dominant factions agree on a candidate before the elections and then ensure his or her victory. People have no voice in this process. Under the parliamentary system, the elites first have to be voted into the parliament. Selection of the head of state comes after the elections. The balance of power among the factions is uncertain before the elections and is decided by the people. Therefore, the elites have to compete with each other in order to place themselves in a better position to influence the formation of the government.

The fact that bargaining among the elite factions happens after elections has several positive effects. First, it increases the importance of elections. It further institutionalizes the process of political succession via elections, thus increasing the stability of the country. Second, it allows people to influence the outcome of elections. And finally, the winning parties themselves can then claim legitimacy of their rule as they have popular backing. It also allows them to exclude factions that do not have wide public support. Assuming that people are more likely to punish the most egregious rent seekers, the parliamentary system will force the elites to change the way they extract rents. Instead of directly violating property rights, the elites will have to choose the rents that are less conspicuous, such as tax breaks and subsidies. This will reduce the predatory nature of the current regimes.

It should be noted, however, that the advantages listed above assume that major elite factions will form competing parties. If the elites chose to form a single party that dominates all elections, the impact of switching to a parliamentary system would be negligible. One way to promote a multiparty system is through electoral rules (Taagapera

and Shugart 1989). Higher district magnitude leads to a higher number of effective parties, where district magnitude refers to the number of deputies elected from a district. Thus, a system with single member districts (SMD) tends to promote party dualism. Multiple member districts with proportional representation (PR) tend to increase the number of parties. Therefore, establishing a PR system will increase competition among the elites. Furthermore, the PR system will further reduce the stakes of elections in each district.

THE LIKELIHOOD OF INSTITUTIONAL REFORM

Despite the long-term advantages of a parliamentary system for the people as well as the elite factions, experience shows that presidents are unlikely to willingly relinquish their dominant positions. The Andijon events in 2005, when the government of Uzbekistan ruthlessly suppressed a popular demonstration, as well as the “Tulip revolution” in Kyrgyzstan underscore the point. After all, as Easter observes, the very choice of political institutions is informed by the wishes of the dominant interest groups to further their position (Easter 1997).

On the other hand, the main goal of elites is not to maintain authoritarian regime but rather to retain access to resources. Authoritarianism may have initially been the easiest way to enforce this goal, but it is becoming increasingly costly: maintaining a large security apparatus requires additional resources. International pressure adds more to this cost. The stern response from the United States and European Union in the wake of the Andijon events in 2005 indicates that the West is increasingly unwilling to tolerate repressive measures and human rights violations from authoritarian regimes (Human

Rights Watch 2006). Deterioration of diplomatic ties between Uzbekistan and the West deprived the former of an important source of technical assistance and financial aid, imposing an additional cost of employing repressive measures to control the population.

Yet, while the cost of maintaining an authoritarian regime may be increasing, the cost of political liberalization to the elites under the current presidential system is still higher. Given the concentration of power that exists in the single office of the president, the elites risk losing a major portion of their wealth if they allow political competition. Switching to a parliamentary system would decrease the cost of political liberalization for the elites. Consequently, it would change the cost equation in favor of political liberalization.

There are some signs that elites are coming to understand the need for institutional change. In Uzbekistan, the constitution has been changed recently to strengthen political parties in parliament (Uzbekistan Today 2006). Additionally, some of the power to appoint officials in local governments has been devolved from the president to the local electoral bodies. In Kyrgyzstan, a short-lived parliamentary experience in 2006 further indicates that such reforms are possible during the temporary weakness of the ruling faction.

CONCLUSION

Most work dedicated to electoral reforms concentrates on the countries transitioning to democracy. Consequently, the arguments over the superiority of a parliamentary vs. presidential system normally evaluate the ability of either system to foster the consolidation of democracy. The purpose of this paper is to expand this argument to the

regimes that are clearly non-democratic. In particular, this paper analyzes the possible effects of institutional design on authoritarian regimes. Given the diversity of authoritarian regimes, this paper concentrates specifically on the highly personalist regimes of Central Asia.

The presidential system in Central Asia exacerbates the personalist tendencies of the regimes. Thus, a concentration of power in single office forces soft-liners to collude with hard-liners, as neither group can claim public support in the struggle against the other. The strength of either political group, normally measured by the numerical showing of its party in the parliamentary elections, cannot be gauged in this case, as legislatures have no meaningful powers. Prolonged presidential terms only increase the majoritarianism of the regime, making the cost of not colluding even higher. Furthermore, the rigidity of the fixed terms under presidentialism fails to adjust to changing environments.

Switching to a parliamentary system would reduce the political repression of the system by decreasing the stakes in each particular election. It would also increase stability due to the higher flexibility of the system. The bargaining among the elites in the government formation process would happen after the elections. Thus, the elite factions would have to compete with each other for parliamentary seats. The balance of power among elites would therefore be determined by the voters, giving them a voice in the process. Furthermore, the winning side would be able to claim legitimacy through public support. Competition among the elites would also reduce the most egregious forms of rent seeking.

The effectiveness of the parliamentary system, however, depends largely on the existence of strong cohesive parties. Further research is required as to what kind of parties would arise in Central Asia under a parliamentary system. The impact of the nature of these parties on the dynamics of the elite-mass relations has to be studied as well. Furthermore, given the diversity of authoritarian regimes, this paper has limited itself to the personalist regimes of Central Asia. However, the argument could be expanded to other regions as well as other types of authoritarian regimes.

Bibliography

- Collins, Kathleen. 2004. The logic of clan politics: evidence from Central Asian trajectories. *World Politics* 56 (2):224-261.
- Cox, Garry W., and Matthew D. McCubbins. 2001. The institutional determinants of economic policy outcomes. In *Presidents, parliaments and policy*, edited by S. Haggard and M. D. McCubbins. Cambridge, UK: Cambridge University Press.
- Easter, Gerald M. 1997. Preference for presidentialism: postcommunist regime change in Russia and the NIS. *World Politics* 49 (2):184-211.
- Freedom House. 2006. *Nations in transit 2006: democratization in East Central Europe and Eurasia*. Lanham, MD: Rowman & Littlefield Publishers.
- Geddes, Barbara. 1999. What do we know about democratization after twenty years? *Annual Review of Political Science* 2:115-144.
- Hellman, Joel S. 1998. Winners take all: the politics of partial reform in postcommunist transitions. *World Politics* 50 (2):203-234.
- Holley, David. 2006. Turkmenistan candidate looks like a lock: the country's power brokers line up behind the acting president. *Los Angeles Times*, December 27, A6.
- Human Rights Watch. 2007. *The Andijan massacre: one year later, still no justice*. Human Rights Watch 2006 [cited May 9 2007]. Available from <http://hrw.org/backgrounder/eca/uzbekistan0506/uzbekistan0506.pdf>.
- Institute for War and Peace Reporting. 2007. *Proportional representation offers major political change*. Institute for War and Peace Reporting, November 15, 2006 [cited January 5 2007]. Available from http://iwpr.net/?p=bkg&s=b&o=325418&apc_state=henh.
- International Crisis Group. 2007. *The failure of reform in Uzbekistan: ways forward for the international community*. International Crisis Group 2004 [cited May 9 2007]. Available from http://www.icg.org/library/documents/asia/central_asia/076_failure_of_reform_in_uzbekistan.pdf.
- Lijphart, Arendt. 1994. Presidentialism and majoritarian democracy: theoretical observations. In *The failure of presidential democracy*, edited by J. J. Linz and A. Valenzuela. Baltimore, MD: John Hopkins University Press.
- Linz, Juan J. 1994. Presidential or parliamentary democracy: does it make a difference? In *The failure of presidential democracy*, edited by J. J. Linz and A. Valenzuela. Baltimore, MD: John Hopkins University Press.
- Melvin, Neil J. 2000. *Uzbekistan: transition to authoritarianism on the Silk Road*. Amsterdam: Harwood Academic Publishers.
- ODIHR Democratization Department. 2006. *Legislation online*. ODIHR Democratization Department 2006 [cited January 7, 2006]. Available from <http://www.legislationonline.org>.
- Radnitz, Scott. 2006. What really happened in Kyrgyzstan? *Journal of Democracy* 17 (2):132-146.
- RIA Novosti. January 5. *Kyrgyz parliament adopts new Constitution* (World). RIA Novosti, December 30, 2006 [cited 2007 January 5]. Available from <http://en.rian.ru/world/20061230/58151655.html>.

- Schedler, Andreas. 2002. The menu of manipulation. *Journal of Democracy* 13 (2):36-50.
- Shugart, Mathew S. 1999. Presidentialism, parliamentarism, and the provision of collective goods in less-developed countries. *Constitutional Political Economy* 10 (1):53-88.
- Shugart, Mathew S., and Scott Mainwaring. 1997. Juan Linz, presidentialism and democracy: a critical appraisal. *Comparative Politics* 29 (4):449-471.
- Shugart, Matthew S., and John M. Carey. 1992. *Presidents and assemblies: constitutional design and electoral dynamics*. New York: Cambridge University Press.
- Stepan, Alfred, and Cindy Skach. 1994. Presidentialism and parliamentarism in comparative perspective. In *The failure of presidential democracy*, edited by J. J. Linz and A. Valenzuela. Baltimore, MD: John Hopkins University Press.
- Taagapera, Rein, and Matthew S. Shugart. 1989. *Seats and votes: the effects and determinants of electoral systems*. New Haven, CT: Yale University Press.
- Uzbekistan Today. 2007. *On strengthening role of political parties in renewal and further democratization of state governance and modernization*. Uzbekistan Today 2006 [cited May 09 2007]. Available from http://www.ut.uz/eng/legislation/on_strengthening_the_role_of_political_parties_in_the_renewal.mgr.