

**THE IMPACT OF INFORMAL INSTITUTIONS ON DEMOCRACY IN
TRANSITIONAL COUNTRIES: THE EXAMPLE OF AKSAKALS IN
KYRGYZSTAN**

By

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Abstract

The role of informal institutions in the democratization process and institutional analysis in transitional countries has been developed by academic scholars for the last decades. Academics believe that informal institutions shape political behavior and outcomes even more strongly than formal ones in post-communist world. The main focus of this paper is the examination of informal institutions and their relationships with democracy. Specifically, the thesis attempts to investigate if the informal *aksakals* institution promotes democracy in Kyrgyzstan. The answer can be found in Gretchen Helmke and Steven Levitsky's famous comparative work on the classification of informal institutions. This paper intends to prove that the informal *aksakals* institution belongs to accommodating and complementary types of informal institutions. Meaning, the *aksakals* institution supports and complements formal institutions in Kyrgyzstan. The work of Hans-Joachim Lauth is an advantage for research of the informal institution in the framework of political transformation in Kyrgyzstan. His work presents three dimensions of democracy and five central democratic institutions. If to combine these two categories, it provides with a concept of democracy, built on a matrix of fifteen fields. This gives an opportunity to make a separate analysis of the different aspects of democracy influenced by informal institutions. The 'Matrix of Democracy' is used as a foundation for study of the informal *aksakals* institution on these certain effects. Lauth's fundamental idea is that the impact of each informal institution differs significantly with respect to the fifteen fields of the matrix. The thesis, after comprehensive analysis, draws the pattern of impact of the informal *aksakals* institution on democracy in Kyrgyzstan. As a result, it concludes that in the country the informal *aksakals* institution is in line with complementary and accommodating types, since the *aksakals* institution gives in almost all fifteen, with the exception of only one field, positive results by supporting democracy and democratic institutions.

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Introduction

Over the last decades, institutional analysis has become one of the main focuses in developing and post-communist world. In fact, institutional change in transitional countries affected the structure of political life in respective states. Informal institutions in young democracies have been playing a pivotal role as a result shaping political behavior and its outcome, but one central question is which institutions are accurate for the new regime.

Although Central Asian states are still in transition, the transition has yet to lead to democratic governance. Kyrgyzstan, unlike other Central Asian states, was called an “Island of Democracy” in Central Asia in early 1990s, and the Legendary Parliament of 1993 is still remembered today as the most democratic and representative parliament throughout the twenty years history of Kyrgyzstan. However, this did not prevent from usurpation of power by two presidents that led to two revolutions and change in Kyrgyzstan. Many scholars investigating these two events did not bypass informal institutions; in fact, the topic received much more attention from academic commentators. The purpose of this paper is not to investigate the role of informal institutions during those two revolutions, but to reveal if informal institutions support or impinge performance of democracy in Kyrgyzstan.

Many transformation studies believe that the relationship between informal institutions and democracy is conflictive. However, this statement is too straightforward. Moreover, it is fundamental to look at this relationship more closely. To do this, firstly, it is important to define informal institutions, secondly, take a particular type of informal institution, and lastly, analyze its relationship with

democracy. In order to consider both, formal and informal institutions, it is significant to define what an institution is. The term institution used in this paper was developed by Hans-Joachim Lauth that is “a norm or set of norms, which have a significant impact on the behavior of individuals.”¹

The study of informal institution is relatively new to political science, anthropology and economics. While the latter studies informal institutions and their impact on economic activities in newly-established economies, political scientists focus on their impact on political processes. The general term of informal institution used here was coined by Helmke and Levitsky who argued that informal institutions are “socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels.”² The term of informal institution is going to be discussed further in subsequent chapters.

In this paper, I argue that the informal institution – *aksakals*, do not prevent the development of democratic principles. To rephrase it into question, can the informal institution sustain democratic development? My hypothesis is that *aksakals* support the operation of democracy and democratic institutions.

This thesis is divided into three chapters. The first chapter presents the theoretical framework of this paper and introduces the informal *aksakals* institution. The second chapter discusses the historical existence of the informal *aksakals* institution in Kyrgyzstan and its role in the society. Finally, chapter three focuses on the analysis of *aksakals* in the framework of “Matrix of democracy” introduced by Hans-Joachim Lauth.

¹ Hans-Joachim Lauth, “Informal Institutions and Political Transformation: Theoretical and Methodological Reflections,” *Paper presented at the ECPR Joint Sessions of Workshops*, Uppsala (2004): pp. 1-60

² Gretchen Helmke and Steven Levitsky, “Informal institutions and Comparative Politics: A Research Agenda,” *Perspective on Politics*, Vol. 2, No. 4 (Dec., 2004): pp.725-740

Methodology

Kyrgyzstan is taken as a case study in order to test the theory of Hans-Joachim Lauth about the relationships between the informal institution and democracy. For this I am using primary and secondary data.

This thesis combines descriptive research and case study. Thus the secondary data for this research was collected in order to see if there is a problem and if the hypothesis is valid.

A qualitative research method is especially useful in investigating and understanding topics. Therefore, this research can contribute to further research in the field of informal institutions with respect to cultural aspects and standards of local population, using either qualitative or quantitative research methods.

The types of data collection in this research contain primary and secondary sources. Hans-Joachim Lauth's "Informal institutions and political transformation: theoretical and methodological reflections", Gretchen Helmke and Steven Levitsky's "Informal institutions and comparative politics: a research agenda" and Azamat Temirkulov's "Formalization of traditional institutions and state-building in transitional countries. The example of "Aksakals" in the Kyrgyz Republic", all three are used as primary sources in order to frame the theory and inform the reader about the informal institution's status in Kyrgyzstan. Secondary sources such as scholarly articles and reports are used to prove or reject the hypothesis and the arguments claimed in the research.

Time constraints did not allow me to conduct extensive interviews with both government representatives and ordinary people that would represent diverse, social economic and political patterns in Kyrgyzstan. The practice shows that in order to measure the *aksakals* as an informal institution it is necessary to conduct extensive

interviews and surveys on a regular basis for several years in various regions. Only after that, one can draw conclusions about the informal institution. Fortunately, the primary and secondary sources that are used in this paper were produced after comprehensive study of the informal institution; all of them are truly representative of the people in Kyrgyzstan. Consequently, previous studies of the informal institution represent the country as a whole.

Chapter I: Theoretical Framework and the Informal *Aksakals* Institution

Literature on informal institutions in post-Soviet countries suggests that scholars have divided informal institutions into four types in relation with formal institutions. Gretchen Helmke and Steven Levitsky have studied informal institutions and how they are different from formal institutions. The latter are “rules and procedures that are created, communicated, and enforced through channels widely accepted as official.”³ The former is “socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels.”⁴ Moreover, Helmke and Levitsky argue that informal institutions should not be confused with weak institutions, informal behavioral regularities, informal organizations and culture. In most of the cases culture and informal institutions are mixed and never differentiated, but it is culture that usually shapes informal institutions. To distinguish between the two, it is vital to understand “informal institutions in terms of shared expectations rather than shared values.”⁵ Moreover, culture includes rules, values, traditions and customs – together they are the patterns of collective identity, which promotes a certain degree of common life styles, “but culture as a whole do not determine the individual actions in the same (concrete) way as informal institutions do.”⁶ Also whilst informal institutions are related to sanctions, culture does not use power sanctions, only if they are not expression of institutions.

Helmke and Levitsky identify four types of informal institutions – complementary, accommodating, substitutive and competing, while Hans-Joachim

³ Gretchen Helmke and Steven Levitsky, “Informal institutions and Comparative Politics: A Research Agenda,” *Perspectives on Politics*, Vol. 2, No 4 (Dec., 2004): pp.725-740

⁴ *Ibid.*, 725

⁵ *Ibid.*, 728

⁶ Hans-Joachim Lauth, “Informal Institutions and Political Transformation: Theoretical and Methodological Reflections,” *Paper presented at the ECPR Joint Sessions of Workshops*, Uppsala (2004): p. 8

Lauth classified informal institutions only into three types – complementary, substitutive and conflicting/competing. Complementary and accommodating types are the most important for this paper. These two types of informal institutions strongly collaborate with formal institutions and contribute to the efficiency of the latter. Substitutive and competing informal institutions exist along with ineffective formal institutions. “In such cases, formal rules and procedures are not systematically enforced, which enables actors to ignore or violate them.”⁷ Moreover, competing informal institutions create a situation when an actor follows one rule, while another rule is necessarily broken and creates incentives “that are incompatible with the formal rules: to follow one rule, actors must violate another.”⁸ Substitutive type is informal institutions that “are employed by actors who seek outcomes compatible with formal rules and procedures.”⁹ Thus, this type of informal institutions “achieve what formal institutions were designed, but failed, to achieve.”¹⁰

In any case, informal institutions have always been linked to formal ones, as scholars suggest informal rules appear and exist solely because of formal politics. Helmke and Levitsky stated, “much current literature assumes that actors’ incentives and expectations are shaped primarily, if not exclusively, by formal rules.”¹¹ Moreover, Lauth followed that there is need for co-existence on the part of both, meaning “informal institutions are dependent upon the existence of formal institutions. They live at the expense of the latter, by exploiting the formal

⁷Gretchen Helmke and Steven Levitsky, “Informal institutions and Comparative Politics: A Research Agenda,” *Perspectives on Politics*, Vol. 2, No 4 (Dec., 2004): pp.728

⁸ Ibid., 729

⁹ Ibid., 729

¹⁰ Ibid.,729

¹¹ Ibid., 728

institutions for their own purposes, by either partially occupying or penetrating them.”¹²

Azamat Temirkulov has focused his study of informal institutions on the *aksakals* in Kyrgyzstan. The informal institution has been persistent in Central Asia throughout the history of Kyrgyz nation. What is more, in Kyrgyz society age has always played a significant role on the basis of usual day; this factor has been fundamental for building a mutual relations. Kyrgyz people approach each other by pointing out age subordination. While it is addressed to an elder man, Kyrgyz people add *baike*, *ake*, *ava*, which is translated as senior brother, and *add eje* referring to an elder woman. In the case of old man the term *aksakal* (white beards) is used.

In provinces of Kyrgyzstan “a group of men, approximately of one age, having common past experience (usually going back to their youth), on a boundary of a certain age become *aksakals* and represent an informal *aksakal* institution of the given community.”¹³ However, not all of the old men can be considered as *aksakals*; *aksakals* are the group of men, whose authority is based on traditional as well as on personal charisma. Meaning, that their leadership goes back to their youth and in old ages they are recognized by the community. “While the term *aksakal* on the one hand could be used to refer to all old men in general, it is in a more narrow sense only used to address those old people who have earned respect and authority within the village as a result of their moral behavior, integrity and wisdom gained through experience.”¹⁴ Therefore, these principals are the core of informal *aksakals* institution. As Temirkulov argues their “traditional function is management of

¹² Hans-Joachim Lauth, “Informal Institutions and Political Transformation: Theoretical and Methodological Reflections,” *Paper presented at the ECPR Joint Sessions of Workshops*, Uppsala (2004): p.10

¹³ Azamat Temirkulov, “Formalization of traditional institutions and state building in transitional countries. The Example of “Aksakals” in the Kyrgyz Republic,” *Social Sciences*, (2010): pp. 82-97

¹⁴ Judith Beyer, “Revitalization, Invention and Continued Existence of the Kyrgyz Aksakal Courts: Listening to pluralistic accounts of History,” *Journal of Legal Pluralism*, Vol. 38, No. 53-54 (2006): pp.141-172

mechanisms of social control, with the purpose of maintenance of existence of a community by means of preservation of traditional values, norms, and customs.”¹⁵ To fulfill this duty, *aksakals* practice informal tools, such as *uiat* and *bata*, terms introduced in Temirkulov’s work.

If to translate from Kyrgyz language *uiat* is shame; such means are used by one or a group of *aksakals* in order to punish and criticize undignified behavior. “Theoretically, the most extreme degree of punishment can be exile from the community, but such a thing has never happened in the practice of the researched communities”¹⁶, says the author. As it can be seen, feeling of belongingness to a certain community is very important for Kyrgyz society. In situations, such as *uiat* people tend to stop communicating, helping the person and even greeting with him/her. Subjects of the punishment can become any person, in fact social status, age, sex do not influence.

Another tool that is completely opposite to *uiat* is *bata*. *Bata* is “a traditional ceremony where elders publicly bless those members of community who wish to begin a business.”¹⁷ In other words, *bata* given by the *aksakals* is considered to be the keys from the doors of success, accordingly it is an encouragement tool that is used by the *aksakals* institution. Therefore, “the tool of *bata* plays the role of a kind of “seal” in the hands of the *aksakal* institution.”¹⁸

Although both tools of influence, *bata* and *uiat* are strong ones, the *aksakals* in addition use networks that can stretch to neighboring communities. Their networks are usually based on old acquaintances and friendship. According to Azamat Temirkulov’s research the *aksakals* institution had limited functions during the

¹⁵ Azamat Temirkulov, “Formalization of traditional institutions and state building in transitional countries. The Example of “Aksakals” in the Kyrgyz Republic,” *Social Sciences*, (2010): p. 85

¹⁶ *Ibid.*, 85

¹⁷ *Ibid.*, 86

¹⁸ *Ibid.*, 86

Soviet Union; mostly they used their authority to manage family quarrels, disagreements related to customs and interpersonal misunderstandings. But after the Soviet Union's dissolution the *aksakals* institution started to broaden the area of its activity. The author believes, "by the end of 1990s, *aksakals* were definitely "locked in" as a stable social practice at moments of escalation of local conflicts."¹⁹ As a result, the informal *aksakals* institution operated as an active body in resolving local conflicts and was expanding in the sphere of its functions.

In conflicts within communities besides informal "traditional" tools of influence, the *aksakals* institution practices formal methods and mechanisms. But in cases of disputes between communities, the institution prefers to use only informal methods, which is usually expressed through the *aksakals* networks.

The informal *aksakals* institution derives its authority based on different sources. Hans-Joachim Lauth extracted several of them. According to him, informal institutions "receive a diverging degree of social acceptance which lends them a basic measure of legitimacy."²⁰ The basis for the social acceptance is the purposes that the informal institution envisages. The informal institutions make interaction between individuals and groups easier through creation of known and accepted behavioral structures which later cannot be changed by individuals. Therefore, even if an actor chooses to neglect them, he/she has to accept, because the costs of rejection are too high. The uiat sanction of the informal *aksakals* institution can isolate an individual from the community, if he chooses to disobey. In the society where relationships and communication with "neighbors" are always number one priorities, this punishment is considered to be the most extreme one.

¹⁹ Azamat Temirkulov, "Formalization of traditional institutions and state building in transitional countries. The Example of "Aksakals" in the Kyrgyz Republic," *Social Sciences*, (2010): p. 86

²⁰ Hans-Joachim Lauth, "Informal Institutions and Political Transformation: Theoretical and Methodological Reflections," *Paper presented at the ECPR Joint Sessions of Workshops*, Uppsala (2004): p. 6

In comparison to formal institutions which are legitimized through state, informal institutions are based on self-enactment. While former is shaped by actors of authority, the latter develops “indigenously”. Lauth argued that “if their factual recognition lapses, so does their existence with it, whereas ineffectual formal institutions continue to be in demand and, in form at least, to exist.”²¹

According to him, informal institutions exist only because of rooted beliefs and attitudes of individuals. It does not necessarily mean that their acceptance is positive, it is just that the informal institution’s functioning is expected whether it is good or bad. “If one is looking for informal institutions, one must find the existence and the strength of informal institutions in the beliefs or attitudes of individuals. If they are not found, they do not exist.”²² It can be observed that the tools of the *aksakals* institution may result not only positive but also negative evaluation, however, it does not threaten the existence of the institution.

As it was mentioned earlier, Gretchen Helmke and Steven Levitsky in their paper developed four types of informal institutions based on the nature of their relationship with formal institutions. Competing and substitutive types of informal institutions “are employed by actors who seek outcomes compatible with formal rules and procedures.”²³ Therefore, these types of informal institutions appear when state structures are weak or lack authority. In the second chapter it will be shown that the *aksakals* informal institution did not appear as a reaction to weak and inefficient formal institution, in fact, the informal institution existed throughout the history of Kyrgyz people, but became active during the Soviet times when state structures were

²¹ Hans-Joachim Lauth, “Informal Institutions and Political Transformation: Theoretical and Methodological Reflections,” *Paper presented at the ECPR Joint Sessions of Workshops*, Uppsala (2004): p. 7

²² *Ibid.*, 8

²³ Gretchen Helmke and Steven Levitsky, “Informal institutions and Comparative Politics: A Research Agenda,” *Perspectives on Politics*, Vol. 2, No 4 (Dec., 2004): p.729

strong with effective formal institutions; detailed discussion of historical development of the *aksakals* institution will be in the next chapter.

Complementary informal institutions “‘fill in gaps’ either by addressing contingencies not dealt within the formal rules or by facilitating the pursuit of individual goals with the formal institutional framework.”²⁴ In other words, these informal institutions promote efficiency of formal institutions. As such, these types of informal institutions do not just exist nearby effective formal ones, “but rather play a key role in making effective the formal rules of the game.”²⁵ What is more, the *aksakals* were as a dispute management institution which was an alternative to the state as part of the decentralization efforts of the newly established government, which will be analyzed in details in the following chapter.

Unlike complementary informal institutions, accommodating ones may not necessarily improve the efficiency of formal institutions, but they promote the stability of formal institutions by decreasing demands for change. Accommodating type of institutions “are often created by actors who dislike outcomes generated by the formal rules but are unable to change or openly violate those rules.”²⁶ As Helmke and Levitsky inform, these institutions occurred during the Soviet Union within state socialist institutions, “because strict adherence to the formal rules governing Soviet political and economic life did not allow enterprises to fulfill state targets or permit individuals to meet basic needs.”²⁷ In fact, the informal *aksakals* institution was actively functioning in Kyrgyz communities within the Soviet Union. As it can be observed in coming chapter the *aksakals* informal institution was crucial to the survival of the Soviet system. As such, the informal *aksakals* institution is

²⁴ Gretchen Helmke and Steven Levitsky, “Informal institutions and Comparative Politics: A Research Agenda,” *Perspectives on Politics*, Vol. 2, No 4 (Dec., 2004): p. 728

²⁵ *Ibid.*, 728

²⁶ *Ibid.*, 729

²⁷ *Ibid.*, 729

accommodating and complementary types of informal institution. In this context, Hans-Joachim Lauth's concept of democracy, introduced in his famous work "Informal institutions and political transformation: theoretical and methodological reflections", is a great guideline to investigate the informal institution step by step. The author's 'Matrix of Democracy' is an advantage for this thesis that allows analyzing the *aksakals* institution in the framework of three important, for this paper, conditions: informal institution and democracy within political transformation.

Lauth introduces three dimensions and five institutions, which essentially feature the concept of democracy. "Democracy is a constitutional kind of rule, which allows the self-determination of all citizens (in the sense of sovereignty of the people) by guaranteeing their decisive participation in free and fair elections (of the main political representatives) and/or in political decisions (referendum)."²⁸ In its turn democratic participation on the political power is revealed in the dimensions of freedom, equality and political as well as juridical control.

The dimension of equality is certainly referred to political equality. This sustains formal fair treatment of all citizens by state, which is legal equality, and assures all citizens to participate in a fair and effective way in all formal institutions, needed for the democratic process. "While the dimension of liberty includes the possibility of the free participation in the democratic process in an active sense, the dimension of equality underlines the equal chance of having access to these rights."²⁹ At this point, it is worth to note that fair expresses the equal and effective use of the civil and political rights. In fact, liberty rights are also essential, since equality must be rooted in the acceptance of others as equals on the basis of individual's freedom.

²⁸ Hans-Joachim Lauth, "Informal Institutions and Political Transformation: Theoretical and Methodological Reflections," *Paper presented at the ECPR Joint Sessions of Workshops*, Uppsala (2004): p. 26

²⁹ *Ibid.*, 27

The dimension of liberty is about the citizens' free self-determination in a political area. This includes interpretation of individual choices through the elections of political representatives in free and fair elections, and in addition, the opportunity of an ongoing political participation, entrenched in a public structure of competitive organizations. "The citizens' political participation is guaranteed by the existence of civil and political rights. Furthermore, sovereignty of the people implicates that the elected representatives own the political power and use it, respecting the individual rights (effective power to govern)."³⁰ In this case, to participate freely indicates that all rights have to be codified, so that the real possibility to join the rights is present.

The dimension of control incorporates the control of political power, which is government and parliament, through the means of political and juridical control. This particular dimension enfolds both vertical and horizontal accountability. The main actors in political control are the formal institutions of the state. Moreover, democratic control is based on the opportunity of citizens', civil society's and parliament's participation in control mechanisms in order to ensure their efficiency to defend their rights and to support initiative rights of the justice. In terms of juridical control, it is established by the constitutional behavior of the respective office holders. For both kinds of control transparency of political process is an important factor. As the author states, control is effective "if it aims at forcing the office holders to render an account of their acts and behavior in order to create the possibility of punishment."³¹ Therefore, this demands a justice to function independently, with support of other authorities and with initiatives of civil society.

³⁰ Hans-Joachim Lauth, "Informal Institutions and Political Transformation: Theoretical and Methodological Reflections," *Paper presented at the ECPR Joint Sessions of Workshops*, Uppsala (2004): p. 28

³¹ *Ibid.*, 28

Lauth marks five central institutions of democracy by their special functions. Those are procedures of decision, intermediate mediation/regulation of the intermediate sphere, public communication, guarantee of rights and the last one, rules settlement and implementation.

One of the main principles of democracy is elections and referenda. The institution “procedures of decision” enfolds both the possibility to select citizens’ representatives in government and parliament that is given by elections, and the possibility to participate directly in decision, which takes its expression in referenda. Moreover, the institution is distinguished by the standards of free and fair elections.

According to Hans-Joachim Lauth institutions of the intermediate sphere arrange the organization of interests in a way that they have an ability to be expressed. In addition, the institution selects and aggregates interests with respect to the democratic development, at the same time it means interpretation of individual preference. The institution “intermediate mediation” is considered to be democratic if all choices of the citizens have a fair chance to be articulated and accordingly, to be transformed into political decision. The author argues that “[P]arties and organizations of civil society are the main types of intermediate mediation, whereby both types of representations formulate different goals (office holding vs. decision influence).”³²

In democracies the institution of public communication is expected to regulate the possibilities of communication which are needed for other democratic institutions. They take form of democracy through the liberty rights regarding communication, such as freedom of speech, of expression, of information, of press. Moreover, transparency and openness are the indicators of democratic

³²Hans-Joachim Lauth, “Informal Institutions and Political Transformation: Theoretical and Methodological Reflections,” *Paper presented at the ECPR Joint Sessions of Workshops*, Uppsala (2004): p. 30

communication structure; this does not necessarily mean that all interests have the same impact, but that they have an actual chance to be articulated. Lauth believes that the condition of pluralistic structure of the mass media enables the expression of competing interests. In fact, for pluralistic structure it is not mandatory to evade any state ownership or state influence. In some cases the state needs to interfere in order to escape private monopolies. Following the author, “the general public creates the central institution place that enables to mediate rational building with the principle of people sovereignty.”³³

The institution of guarantee of rights allows all citizens to protect their rights directly in the framework of political participation. Citizens can defend their rights and/or influence the political process and policy outputs according to legal proceedings. This institution is analogous to procedures of decision with its binding nature, yet there is one significant difference, as Lauth argues whilst “voting expresses a Citizen’s decision, the juridical decision (judgment) is made by a judge (the court).”³⁴ Therefore in the juridical decision, citizens may cause a decision concerning a particular issue, but eventually they cannot define the content of the decision. The institution of guarantee of rights has a capability to fix political decisions in the elections or to affect them in the future. This institution covers all juridical procedures, which are significant for the forming of polity and politics, in order to convey its democratic nature. However, its main function is to guarantee civil and political rights by means of all accepted principles of the rule of law. This primarily contains the principles of equality, fairness and effectiveness.

³³ Hans-Joachim Lauth, “Informal Institutions and Political Transformation: Theoretical and Methodological Reflections,” *Paper presented at the ECPR Joint Sessions of Workshops*, Uppsala (2004): p. 31

³⁴ *Ibid.*, 31

The last institution – rules settlement and implementation is related to an effective government that fulfills the decisions of the democratic majority. The author states that this “implies the control of the exclusive authority of the state in the whole country and excludes the existence of non-constitutional Veto-powers (or official Veto-powers, which use their formal resources in an unconstitutional way) or ‘brown areas’.”³⁵ Moreover, the institution requires a ‘rational and effective bureaucracy’ as well as an ability to gain all the information of the citizens in order to implement their duty and do not violate individual rights. In its turn, the democratic character of an effective government is expressed through neutral and objective treatment of the citizens by government, parliament and bureaucracy. Lauth argues that this feature shows that “the rule is not abused by privileged elite, that no preferences (or minorities) are excluded by these institutions and that all citizens have access to these without including the social standing of a person (no privileged access for certain groups).”³⁶ And lastly, the democratic character of an effective government demands its control by state agencies and parliament.

Hans-Joachim Lauth achieved a concept of democracy by integrating two categories – dimensions and central democratic institutions. The concept of democracy is constructed on a matrix of fifteen fields that allows this paper an individual analysis of the different prospects of democracy. Furthermore, this paper will discuss the impact of the *aksakals* on these special effects. As a result, the analysis will research if the *aksakals* are the reasons for special defects in democracy of Kyrgyzstan. Are *aksakals* responsible for specific impacts? The analysis in the last

³⁵ Hans-Joachim Lauth, “Informal Institutions and Political Transformation: Theoretical and Methodological Reflections,” *Paper presented at the ECPR Joint Sessions of Workshops*, Uppsala (2004): p. 32

³⁶ *Ibid.*, 32

chapter will reveal if there is the stability and dynamic of democratic defects by reason of the *aksakals* and if there is an actual need to reform the strategies.

The informal *aksakals* institution has always been an important part of the Kyrgyz society. Lauth's 'Matrix of Democracy' is a relevant basis for analysis of the *aksakals* institution as the complementary and accommodating types of informal institutions. In this regard, it will be clearly seen that the informal institution does not hinder the democratic process in Kyrgyzstan, but demonstrates its impartiality and promotes democracy depending on the fields of the matrix.

Matrix of Democracy			
	Liberty	Equality	Control
Procedures of decision	Free elections and referenda (no restrictions)	Equal chances of participation, Equality of votes	Control exercised by election review board
Intermediate mediation/regulation of the intermediate sphere	Freedom of organization	Equal rights of organization	Control y parties and civil society
Pubic communication	Freedoms of communication	Equal chances to participate	Control by media (independent journalism)
Guarantee of rights	Free Access to court	Equal rights and equal treatment in court	Effective court order supreme court
Rules settlement and implementation	Effective government (Parliament, rational administration)	Equal treatment by Parliament and administration	Separation of powers (parliamentarian opposition, second chamber, audit division etc.)

Chapter II: The Informal *Aksakals* Institution in Modern Kyrgyzstan

The Soviet period with its massive and profound political, economic, social and cultural reforms did not fail to have an influence on any local Central Asian institution as well as on any individual. Nevertheless, the *aksakals* managed to survive during the Soviet Union, while all other local legal institutions were officially abolished. It is significant to understand under which conditions the institution did not cease to exist, but rather influenced and developed the political behavior of independent Kyrgyzstan. Looking at academic articles and at historical materials gives a more comprehensive historical understanding of the *aksakals*, that will be provided in the following chapter.

Pre-revolutionary times

Back in pre-revolutionary times, before the invasion of Central Asia by the Tsarist army in the 19th century, Kyrgyz people did not have any codified legal system. Conflicts, property concerns, family issues were transmitted verbally within the society. The Kyrgyz, being nomads at that time, inhabited the territory between the mountains of the Tien Shan and the Pamir. Their camps included up to fifteen extended families, whose members were agnatic relatives. “Within their complex kinship system, the economic and territorial unit of the encampment, together with the extended family, can be considered to have been the most important groupings in terms of everyday life.”³⁷ In addition, in winter times they used to live jointly in one village and during summer months pasture together in the mountains. Extended families and encampments had their *aksakals* who managed their activities and

³⁷ Judith Beyer, “Revitalization, Invention and Continued Existence of the Kyrgyz Aksakal Courts: Listening to pluralistic accounts of History,” *Journal of Legal Pluralism*, Vol. 38, No. 53-54 (2006): p.159

functioned as mediators and judges in cases of conflict. Decisions of the *aksakals* were based on customary law (*adat*) which in turn was affected by Islamic shari'a. Local judicial practices (*ereje*) were orally passed and changed throughout the years. There was not an official court of *aksakals*, but instead gatherings and councils during life-cycle events and in cases of conflicts. If to refer to the quote of the former president Askar Akaev, the poet Kazybek had said: "There were not any courts and no police, just *aksakals* together, admonishing each other."

Aside from the *aksakals*, there were other groups who were also responsible for building and keeping peace within the village. They were the *biys*, the *kazis* and the *manaps*. *Biys* were the leaders of larger kinship entities (*uruu*). Olga Brusina, the Russian anthropologist "differentiates between the activities of *aksakals* and *biis* (*biys*) by saying that *aksakals* used to manage disputes within the encampments, whereas *biis* mediated between encampments as well as within and between *uruus*."³⁸ *Biys* frequently used to form arbitral courts to solve disputes. This group of dispute management was active in the northern part of today's Kyrgyzstan and in the Kazakh territory, while in the southern part of the region, the Fergana Valley, *kazi* courts had its own court system. *Kazi* courts "were established by the Khans of the Khokand Khanate and applied the shari'a only."³⁹ While to become an *aksakal* and a *biy* one had to be respected in the community and have a good knowledge of the customary law, *kazis*, on the other hand, had to complete a special education and be elected to office in order to become a judge. In terms of *manaps*, it is very straightforward; they were usually rich and aristocratic people who had many cattle, but who also characterized themselves as leaders during war times and as mediators

³⁸ Judith Beyer, "Revitalization, Invention and Continued Existence of the Kyrgyz Aksakal Courts: Listening to pluralistic accounts of History," *Journal of Legal Pluralism*, Vol. 38, No. 53-54 (2006): p.160

³⁹ *Ibid.*, 160

in cases of conflict. As it can be seen, Kyrgyz society possessed council of the *aksakals* as a part of institutionalized mechanisms for dispute management in pre-revolutionary times. Though the customary law was not common for all, it differed regionally from south to north and locally from smaller to larger kinships, and generally changed in the course of time. All of these institutions went through considerable changes with the Russians settlement in the 19th century.

The Tsarist Period

With the arrival of the Russians, all of the legal institutions described above became subject to a ‘reformation’ by the Tsarist administration. Before the invasion, “Russian army officers, Russian ethnographers and other scientific had been sent out on expeditions and fieldwork to investigate the ‘customs’ of the new societies of the expanded Tsarist Empire.”⁴⁰ As a result, all of the information about Kyrgyz society before and during the Tsarist times that we have today comes almost solely from the writings of those people. Therefore it is important to keep in mind that the goal of the Tsarist as well as Soviet administration was to understand Central Asian societies in order to change them according to their own ideas. Meaning, the reports of Russians in those times were written under the influence of specific political missions. Certainly, their findings were used by the colonial administration in order to change the Kyrgyz judicial practices and degrade them in the comparison with the newly introduced laws of the Russian powers. Along with the Kyrgyz legal institutions “special military courts for the resolution of conflicts between locals and migrated

⁴⁰ Judith Beyer, “Revitalization, Invention and Continued Existence of the Kyrgyz Aksakal Courts: Listening to pluralistic accounts of History,” *Journal of Legal Pluralism*, Vol. 38, No. 53-54 (2006): p.161

Russians were established.”⁴¹ Although, biys could still continue their function and make decisions, it was applicable only over what the Russian administration believed to be ‘minor issues’. Unlike in pre-revolutionary times, decisions made by biys could be abolished by Russian administration and also be appealed against. In addition, the courts of the biys had to be elected and appointed following the same procedures as the newly appointed regional administrators. According to Judith Beyer they ‘had to keep a record of their decisions, received a stamp and – because of the territorial re-arrangement of the Governorate-General of Turkestan that divided members of one uruu into different administrative districts – had to preside over cases other than those of their own kin.’⁴²

Consequently, such method influenced the overall behavior of the biys, in order to get the position of the byi, individuals tried to use different means to be nominated of their own kin. Once the goal was achieved, the new biys tried to obtain as much wealth as possible. Mostly, it was expressed in cooperation with officials, ‘staging’ cases and selling decisions. Overall, this development contributed to a growing mistrust in the courts of biy among the population. Considering that the reforms were targeted on the northern territories, rather than on the southern part of the Fergana Valley, people started turn to the kazis instead. But more often, dispute management entirely moved away from the institutionalized courts towards the gatherings of the *aksakals* who, “not being targeted by the administration, received considerable popular confidence and to some extent took the place of the Russified courts of biis.”⁴³

⁴¹ Judith Beyer, “Revitalization, Invention and Continued Existence of the Kyrgyz Aksakal Courts: Listening to pluralistic accounts of History,” *Journal of Legal Pluralism*, Vol. 38, No. 53-54 (2006): p.161

⁴² *Ibid.*, 162

⁴³ *Ibid.*, 162

The Socialist Period

The Soviets in 1927 decided to disestablish customary law and its institutions. While the courts of byis had already lost its authority by this time, manaps were just counted as a class of enemies. Being as individual leaders with their wealth, manaps were targeted as “feudal elements”. “The first collectivization phase starting in 1928 was aimed at diminishing their influence among the population by collecting their cattle, forcing the nomads to settle and establishing a country-wide network of administration offices.”⁴⁴ In terms of the kazi courts in the southern part of Kyrgyzstan, they ceased to exist due to policy against all traditional legal institutions and Muslims in general. However, the *aksakals* broke through the Soviets. Judith Beyer states that the *aksakals* “being regarded as family members and ‘old people’ in the first place, were simply not recognized as a legal institution by the administration, although their increasing activities had been noticed towards the end of the Tsarist Empire.”⁴⁵

The Independent Kyrgyzstan

After gaining the independence, the then Kyrgyz president Askar Akaev announced “the formation of a wide network of autonomous and active civil institutions, independent of state and political structures”. As a result, Akaev signed a decree on the establishment of courts of elders, which was approved on January 25, 1995. According to Art. 92, they can be constituted in villages, settlements and towns

⁴⁴ Judith Beyer, “Revitalization, Invention and Continued Existence of the Kyrgyz Aksakal Courts: Listening to pluralistic accounts of History,” *Journal of Legal Pluralism*, Vol. 38, No. 53-54 (2006): p.162

⁴⁵ *Ibid.*, 163

by the local population, local parliaments (kenesh) or other representative bodies of local self-government.

In a speech to the *aksakals* in February 2005, Akaev emphasized the strong link of the current institution to its predecessors, the uniqueness of the *aksakals* court and its suitability for contemporary reforms,

“While I was writing a book ‘The Kyrgyz state and the national epic Manas’ I had to read and review the history of the Kyrgyz people through the whole 2200 years of its existence. I determined that Kyrgyz people were a united force back then. They not only built on their spiritual nomad civilization, but also knew how to govern themselves. The Kyrgyz *aksakals* and their courts played a big role in this regard. This becomes clear when reading Kazybek’s poem. He said: ‘One word was said to those who overstep the limits. There were not any courts and no police, just *aksakals* together, admonishing each other.’⁴⁶...Starting from last year we are working on local self-governance and it does not mean that we are following after some Western countries, as some people think. These principles of self-governance were in the history of the Kyrgyz people. There have never been *aksakals* courts in the history of other countries.”

There were several reasons for introducing the *aksakals* court as a revival of traditional Kyrgyz institution. One of the first reasons is that Akaev was able to use the *aksakals* court in his efforts at nation-building. Right after independence, it was

⁴⁶ The Kyrgyz poet Kazybek was born in 1901. Being a son of a manap, he was imprisoned during the Stalin era and died in 1936 (according to other sources, 1943). He is famous in Kyrgyzstan for his poems, some of which he wrote during his imprisonment.

necessary to define what it means to be ‘Kyrgyz’. The *aksakals* court along with “campaigns such as the proclamation of the existence of a Kyrgyz state for 2200 years, or the definition of the epic Manas as the history of all Kyrgyz, serve to build up a sense of nation identity.”⁴⁷ Secondly, the *aksakals* court, being as a dispute management institution, became an alternative to the state courts as a part of the decentralization efforts of the government. Kyrgyzstan, as a democratic country, continued its policy reforms which started in 1996 when a new administrative unit was introduced in order to strengthen the regions’ abilities to govern themselves. This can be seen not only as the Kyrgyz governments move towards democracy, but also the *aksakals* court’s capability to complement the state court; moreover, UNECE and OSCE regarded the *aksakals* institution as ‘pre-judicial, conflict resolution body’. According to Beyer’s research, each municipality (aiyl okmotu) has one *aksakals* court. The *aksakals* court “are also of significance for modern state reforms since they had been institutions of local self-government long before Western reformers deemed this approach especially suitable for the country.”⁴⁸ The third reason, the *aksakals* institution was an advantage for Akaev to deal with international organizations. “Especially in regard to the approach of alternative dispute resolution, *aksakals* courts could be presented as suitable in their function as mediating bodies and as effective dispute management institutions.”⁴⁹ Renee Giovarelli and Cholpon Akmatova’s reports assessing the value of the *aksakals* courts referred to them as being “democratic and responsible to their constituents”. They were, as a result, regarded as ‘available’ for the objectives of international

⁴⁷ Judith Beyer, “Revitalization, Invention and Continued Existence of the Kyrgyz Aksakal Courts: Listening to pluralistic accounts of History,” *Journal of Legal Pluralism*, Vol. 38, No. 53-54 (2006): p.146

⁴⁸ *Ibid.*, 146

⁴⁹ *Ibid.*, 147

organizations by UNFPA in 2003. In 2005 Akaev refers to these concepts in his speech, “To my mind this unique national court system plays a big role in the development and the realization of the conception of the national idea that Kyrgyzstan is a country of human rights.” The last reason, why Akaev established the *aksakals* courts, is more his personal incentive. He wanted to strengthen his position as president, by using the influence of the *aksakals* courts in the villages for his own political aims. In his given speech, he was particularly thinking of the upcoming parliament and presidential elections and directly asked the *aksakals* to help,

“As you know, our constitution says that basic human rights and freedom are guaranteed for everyone. Thus we put human rights above all. ... Unfortunately, some political groups do not respect the constitution. We should not allow those people to destabilize the situation, to disrespect our laws and trample on them, and to attempt to import political games from other states in order to rule the situation. Our state, which is well known as the ‘democratic island’, should remain the same.”

The role of the first president Askar Akaev in this context was enormous. The *aksakals* institution was not simply the tool for revitalization of Kyrgyz tradition; its boundaries were much broader as it enfolded in itself the establishment of democracy in Kyrgyzstan. The following chapter will analyze in details the impact of the *aksakals* institution’s on democracy in the country. Also it is important to mention, despite the *aksakals* court legislation, individual *aksakals* that are not members of a formal court still resolve disputes in Kyrgyzstan. For instance, in Beyer’s research an

independent non-state *aksakal*, Ulan Ata, described his position in the following way,

“People come to me with their problems. I summon all persons involved and try to find out what happened. Then they tell me their story. If a problem is easy, I solve it myself. If it is not, then I call Ydyrys, Toloberdi and Esenbek. I need three people. So I call three *aksakals*. We consult each other saying ‘He is rights and he is not right’. We come to consensus and talk to the people who have problems. If the problem is easy, I solve myself. If it is not, I need other *aksakals*.”⁵⁰

As it was mentioned earlier, the informal tools such as ‘uiat’ and ‘bata’ are also indicators of informal dispute resolution in the *aksakals* institution. Furthermore, independent *aksakals* solve problems on informal level, which is usually that takes form of oral proceedings. Ulan Ata elaborated on this more and informed about the difference between his work and work of the head of the *aksakals* court,

“He is a judge. His work is higher than ours. They record their cases and inform the regional court to ensure that they know about them. And we do not because we do not keep a record.

We do everything orally.”

According to Beyer other members of the village have also responded regarding the informal *aksakals* institution, they emphasized that before going to official courts, including the formal *aksakals* court, they would first advise with the *aksakals* from their uruus (tribes). This means, those *aksakals* who are related to a person with family ties are closer than the *aksakals* courts as a formal institution.

⁵⁰ Judith Beyer “Revitalization, Invention and Continued Existence of the Kyrgyz Aksakal Courts: Listening to pluralistic accounts of History,” *Journal of Legal Pluralism*, (2006): p.167

Nevertheless, the villagers in most of the cases do not differentiate between formal and informal *aksakals* institution, mostly because sometimes the head of official *aksakals* court could be at the same time the head of the informal institution. As a result, the informal *aksakals* institution was a significant part of local village community, since they were regarded not just elderly people who would resolve problems, but also they had capacity to bring peace and stability to the community.

The *aksakals* institution was a survival for Kyrgyz nation throughout the history of the Tsarist Empire. After the collapse of the Soviet Union, the independent government formalized the *aksakals* institution; however it did not end the existence of the informal one. Today in villages both, formal and informal *aksakals* institution function and are regarded as trustworthy, just, accessible and cheap dispute resolution body for local people.

Chapter III: The Informal *Aksakals* Institution and Democracy: Applying “Matrix of Democracy”

To prove that the informal *aksakals* institution is in line with complementary and accommodating types of informal institution this paper will apply the ‘Matrix of Democracy’. In chapter one of this paper, the matrix was explicated and therefore will serve as a guideline for analysis of the informal *aksakals* institution, and in this regard its impact on democracy in Kyrgyzstan will be revealed.

Procedures of decision (elections)

Does the informal *aksakals* institution have an influence on free voting? Although the informal *aksakals* institution may become a tool for political means, there is no evidence that the members of the community are forced to elect a particular candidate or do not have possibility of free elections. They may want to elect their respective leaders; however, this is the core of free elections and referenda that there are no restrictions for anybody. Furthermore, ordinary members of the community can also candidate, for that reason, the liberty of election is not reduced. The same structure can be identified by analyzing the dimension of equality. Each person of the community has the same vote, as well as equal chance to candidate. In fact, the *aksakals* do not affect the candidacy of persons outside the community. The informal institution does not affect the possibility of control or monitoring the elections, too. Even on usual day basis the members of the *aksakals* institution are always ready to cooperate with international organizations. Due to the relevance of the *aksakals*, being as an important part of the local village structure, the international organizations established a new way of interacting with them. NGOs started training the old men in human rights, women's rights and other principles of law. At seminars lead by international organizations, "two young trainers from the capital of Bishkek arrived in the countryside with an agenda to instruct the old men...on women's rights to land. The two-day seminar consisted of several panels aiming at educating the *aksakals* on legislation, especially with regard to land rights and women's rights, but also on procedural law."⁵¹

⁵¹ Judith Beyer, "Revitalization, Invention and Continued Existence of the Kyrgyz Aksakal Courts: Listening to pluralistic accounts of History," *Journal of Legal Pluralism*, Vol. 38, No. 53-54 (2006): p.151

Intermediate mediation/regulation of the intermediate sphere

(organization rights)

There is no indicator for reduction of liberty neither outside either inside the *aksakals* community in this democratic institution. The informal *aksakals* institution considers all interests; therefore everybody has a chance to organize. In another Beyer's research⁵², she brings an example of a real case process, where two arguing parties had to negotiate and find compromise through the *aksakals* institution. During the dispute resolution procedure many third parties were given a right to express their opinions. As the author writes, they left the aksakal's house "to pick up Ainura's brother, but since he is not home, we take his sister with us instead. Then, we pick up another *aksakal* court member from his house. Together we visit Emil and his parents. There, on the street in front of their house, the aksakal starts talking to Emil and his mother. A neighbor, also an old man, joins the group."⁵³ In this example two arguing sides were Ainura and Emil; nevertheless, other individuals were also involved in order to get the whole picture of the situation. As a result, everybody was given time to speak out and tell their points of views, in this way the *aksakals* institution give a chance to the ideas to be organized. In the same way the equal chance of organization is not diminished since regular members have freedom to organize, for instance, in cases of meetings. In some cases both, formal and informal *aksakals* institutions, contribute together to the effectiveness of the institution, they tend to frequently consult with each other during the meetings. "Although the elders do not invite the head of the *aksakals* court to their meetings, they would welcome

⁵² Judith Beyer, "Imagining the State in Rural Kyrgyzstan: how perceptions of the state create customary law in the Kyrgyz aksakal courts," *Max Planck Institute for Social Anthropology Working Papers*, No. 95 (2007): pp. 1-18

⁵³ *Ibid.*, 10

him if he showed an interest in participating.”⁵⁴ The dimension of control also is not affected negatively because the *aksakals* have no incentive for control of national government. In fact, the *aksakals* support the government. They “are often loyal to the authorities as they can provide material and other benefits such as rewards, pension increases and support from the state for their children.”⁵⁵ In communities where the aksakal was awarded for being one of the most successful ones raises his authority among his fellow *aksakals* and the village in general. According to Beyer’s conducted research in one of the villages in Kyrgyzstan, the aksakal was invited by the former president Akaev to receive an award; as such, he enjoyed honor and respect in his community.

Public communication

The informal *aksakals* institution does not influence the communication structure. They neither support either impinge different kinds of communicative liberties and related freedoms. In this way, equal chance to use the communication liberties is not affected. There is also no contribution to the control function. The *aksakals* do not have any effect on control activities of media either.

Guarantee of rights

The *aksakals* have no impact on the free access to rights and the independence of courts. However, they can reduce the application of rights for some individuals by social pressure through informal tools. Specifically, the sanction of uiat can be

⁵⁴ Judith Beyer, “Revitalization, Invention and Continued Existence of the Kyrgyz Aksakal Courts: Listening to pluralistic accounts of History,” *Journal of Legal Pluralism*, Vol. 38, No. 53-54 (2006): p.168

⁵⁵ Azamat Temirkulov, “Informal Actors and Institutions in Mobilization: the periphery in the ‘Tulip Revolution’,” *Central Asian Survey*, Vol. 27, No. 3-4 (Dec., 2008): p.321

expressed in a condemnation. This “can take place publicly at a meeting or in a form of rumors. People stop greeting, communicating with and offering help to the person.”⁵⁶ Overall, this possibility features the potential reduction on equal chances to protect their rights. However, the informal institution does not lessen or weaken the institution of judicial control.

Rules settlement and implementation

Overall, *aksakals* do not effect rules settlement and implementation in a strong way. It can reduce the effectiveness of bureaucracy by refusing the cooperation, however, such cases was not seen in the history; *aksakals* always collaborate with central government. Therefore, the informal institution does not diminish the exclusive authority of the state. The influence on the equality dimension is the same in this category, since equal treatment by Parliament and administration exists. Political control is not affected by official institutions, which is given by the separation of powers, meaning, the *aksakals* do not affect negatively, if such finds its existence.

The impact of the informal *aksakals* institution was revealed with respect to the fifteen fields of the matrix; therefore, the ‘Matrix of Democracy’ has been a relevant guideline for the thesis. In most of the fields, the informal institution contributed its positive outcomes towards democracy in Kyrgyzstan, with the exception of only one field - equal rights and equal treatment in court – demonstrated its negative effect. The influence of the *aksakals* institution on democratic institution of public communication indicated its neutrality by neither supporting nor infringing the democratic development in the country.

⁵⁶ Azamat Temirkulov, “Informal Actors and Institutions in mobilization: the periphery in the 'Tulip Revolution',” *Central Asian Survey*, Vol. 27, No. 3-4 (Sep.-Dec., 2008): p. 321

Matrix of Democracy			
	Liberty	Equality	Control
Procedures of decision	Free elections and referenda (no restrictions) <i>positive</i>	Equal chances of participation, Equality of votes <i>positive</i>	Control exercised by election review board <i>positive</i>
Intermediate mediation/regulation of the intermediate sphere	Freedom of organization <i>positive</i>	Equal rights of organization <i>positive</i>	Control by parties and civil society <i>positive</i>
Public communication	Freedoms of communication <i>neutral</i>	Equal chances to participate <i>neutral</i>	Control by media (independent journalism) <i>neutral</i>
Guarantee of rights	Free Access to court <i>positive</i>	Equal rights and equal treatment in court <i>negative</i>	Effective court order supreme court <i>positive</i>
Rules settlement and implementation	Effective government (Parliament, rational administration) <i>positive</i>	Equal treatment by Parliament and administration <i>positive</i>	Separation of powers (parliamentarian opposition, second chamber, audit division etc.) <i>positive</i>

Conclusion

More than two decades ago, Kyrgyzstan paced on the path of democratization and nation building. The *aksakals* institution became part of nation building process and received significant attention from academic scholars as well as from the government. Although the *aksakals* institution was formalized in the mid-1990s, the informal *aksakals* institution did not cease its existence. Certainly, this does not mean that the latter tried to survive in the communities; indeed, their existence was expected and still was in demand. One of the first reasons is that majority of people favor the *aksakals* with whom they have family ties, rather than the *aksakals* who are in the official courts. Secondly, the usage of informal tools, such as ‘uiat’ and ‘bata’ contributes to its informality. The third feature of informal *aksakals* institution is an oral performance of the elderly man during informal procedures.

In this context, the question easily arises whether the informal *aksakals* institution promotes democracy in Kyrgyzstan. Scholars such as Lauth and Helmke and Levitsky developed the theoretical and methodological reflections and the research agenda on informal institutions accordingly. While Helmke and Levitsky contributed to the theory with the classification of informal institutions, Lauth provided the concept of democracy which is expressed in the matrix.

Informal institutions are generally defined as “socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels.”⁵⁷ Four types of informal institutions were presented in Chapter One of this paper. They are: complementary, accommodating, substitutive and competing. Complementary and accommodating informal institutions exist alongside effective formal institutions. This has been the case of the *aksakals* institution in

⁵⁷ Gretchen Helmke and Steven Levitsky, “Informal Institutions and Comparative Politics: A Research Agenda,” *Perspectives on Politics*, Vol. 2, No. 4 (Dec., 2004): pp. 725-740

Kyrgyzstan. If the formalized *aksakals* institution mostly functioned only as the complementary type, the informal *aksakals* institution had role of both, complementary and accommodating types. Within the Soviet Union, the informal institution managed not only to survive, but also became active in dispute resolution by the end of the Empire.

Considering the history of Kyrgyz nation one finds that during Russian administration the informal *aksakals* institution had a capacity of decision making only over 'minor issues'; such situation can also be observed after the independence, where local communities first apply to the official *aksakals* court, only if the court was not able to find solution, or the arguing parties do not agree with the decision, then they can apply to the state court. Nevertheless, in villages people prefer the *aksakals* court than the state one. The featuring reasons are that the *aksakals* court makes decisions much quicker, because of less bureaucracy; they are not or at least less corrupt; certainly, less expensive and more accessible, and finally, the *aksakals* court more culturally conscious than the state court. In this way the *aksakals* institution perform as the complementary type and therefore do not hinder formal institutions in Kyrgyzstan.

Due to the *aksakals*' family relation with one of the parties, mostly locals choose to consult with those *aksakals* before cases are brought to the official *aksakals* court or to a regular state court. Such behavior is practiced today and was also the situation that took place during the Soviet Union; actors who disfavored the outcomes made by formal institutions, were not able to openly express their attitudes, but still had an access to the local *aksakals* institution, which was not openly operating either. In this regard, the informal *aksakals* institution executes as complementary and accommodating types.

To explain such development this paper analyzes the informal *aksakals* institution, as a part of complementary and accommodating types, through the prism of ‘Matrix of Democracy’. Lauth introduced the concept of democracy by combining two categories – three dimensions of democracy and five central democratic institutions – that provides with matrix of fifteen fields. The matrix allows this paper to make a separate analysis of the informal *aksakals* institution on the different aspects on democracy. Out of fifteen fields, eleven of them contributed with positive outcomes, three of the fields demonstrated its neutrality and only one field displayed a negative result. Overall, with majority presenting positive impact of the informal *aksakals* institution on democracy in Kyrgyzstan, it can be concluded that the institution does not prevent the democratic development.

The thesis examined the informal *aksakals* institution as one of the supporting engines of the democratization process in Kyrgyzstan. Therefore, the government can further promote the development of the *aksakals* institution along with democracy. Nevertheless, one of the fifteen fields is responsible for a negative outcome for democracy and naturally it can be questioned if it is possible to change it in order to provide with positive impact. The field of equal rights and equal treatment in official court was not able to result positively, as a result of informal tools such as ‘uiat’ and ‘bata’; to eliminate these phenomena in the society may be possible, though it requires much time, effort and will from the society itself. The instruments of influence, used by aksakals, have been existing as long as the Kyrgyz nation exists. Consequently, it is almost impossible to stop practicing ‘uiat’ and ‘bata’ tools, yet any of the scholars did not state that it is hopeless to find another way to make the field work positively.

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