

## Chapter 3

# NO HALF-MEASURES—FROM SEMI-PRESIDENTIALISM TO FULL PRESIDENTIAL SYSTEMS IN KYRGYZSTAN AND HAITI

*Sumit Bisarya*

---

## INTRODUCTION

Kyrgyzstan and Haiti—two very different countries in distant corners of the globe—exhibited interesting similarities in their constitutional reform processes in 2021: specifically, in the move away from semi-presidential systems towards a purely presidential form of government. In Kyrgyzstan constitutional change was ratified in a referendum on 10 January 2021, while in Haiti the process remained in limbo into 2022. Both were consistent not only in the objectives of their reform, but also in the rationale for doing away with semi-presidentialism—specifically, that the blockages imposed on politics by the divided executive had resulted in increased corruption and constraints on the directly elected president to deliver on the mandate given to him/her by the people. The arguments put forward by opponents of the reforms were also similar—that the result would be over-concentration of power in the office and person of the president.

---

**In a time of increasing populism and distrust of politics, might transitions from semi-presidentialism to pure presidential systems become a trend?**

In a time of increasing populism and distrust of politics, might transitions from semi-presidentialism to pure presidential systems become a trend? If so, what can we learn from the 2021 processes which unfolded in Kyrgyzstan and Haiti? This Annual Review chapter unpacks the two reform processes, providing details of the constitutional changes and the politics of each process. It closes

with some concluding remarks on what these processes might indicate for constitutional transitions elsewhere.

Before examining the cases, some definitional issues should be clarified. By semi-presidential, I mean a system whereby the president is head of state and is directly elected by the people, but shares executive power with a government which is responsible to the legislature. In presidential systems, on the other hand, executive power is entrusted entirely to a directly elected president who is also head of government and where the legislature and executive have independent, secure tenures. Kyrgyz commentators and media often refer to the 2010 Constitution as 'parliamentary'. Certainly, the legislature under the 2010 Constitution was more prominent and powerful than it was before, or than it is under the new 2021 Constitution. However, using standard comparative government terminology it would be classified as semi-presidential as it maintains a directly elected president with significant powers, albeit less power than before or after (Duverger 1980; Elgie 2011; Choudhry, Sedelius and Kyrychenko 2018).

Lastly, one should also note that semi-presidentialism per se is no indicator of weaker presidential powers than presidentialism. Indeed, some of the most authoritarian countries in the world, where power is most highly concentrated in the president, are semi-presidential. This occurs particularly in a form of semi-presidentialism known as 'president-parliamentary', where the government can be dismissed by the president, as well as through a no-confidence vote in the legislature (Shugart and Carey 1992).

---

### 3.1. KYRGYZSTAN

#### Historical background

Following the break-up of the Soviet Union, Kyrgyzstan's first independence constitution—similar to many in the region—provided formally for a semi-presidential system, but with a high degree of concentration of power in the president. The 1993 Constitution 'established a presidential supremacy beyond limits' (Venice Commission 2007), with a single pyramid of power atop which sat the president. Kyrgyzstan's first president, Askar Akayev, used and

expanded these powers to the fullest, establishing Kyrgyzstan firmly as a 'crown-presidential' system, whereby the system of government is conceptualized as separate branches of power, but which all emanate from the same trunk—the president (Partlett 2022).

Importantly, however, the Constitution provided for term limits, and as President Akayev came to the end of his final term in 2004/2005, his level of popularity had diminished to a point whereby he had neither the political nor popular support to change the Constitution to extend his stay in power (Hale 2014: 194–99). While Akayev committed to stepping down from the office of president, he sought to maintain a grip on power through family members who ran for election and through his party. But when the February 2005 parliamentary elections saw Akayev's party win more seats than expected, it triggered large-scale protests, which became known as the Tulip Revolution.

Although hailed as a potential for democratic opening, unlike some of the contemporaneous 'colour revolutions' in the region—such as the Rose Revolution in Georgia or the Orange Revolution in Ukraine—the Kyrgyz protests did not result in any changes to the Constitution. Instead, Akayev's former prime minister, Kurmanbek Bakiev, who had resigned in 2002 and subsequently led the opposition to Akayev, inherited the same 'crown-presidential' constitution, with the same authoritarian effect.

---

**Following another wave of protests in 2010, the Constitution was changed—and quite significantly. The victorious protest leaders deliberately designed constitutional changes that would prevent a 'winner-takes-all' system.**

Following another wave of protests in 2010, the Constitution was changed—and quite significantly. The victorious protest leaders deliberately designed constitutional changes that would prevent a 'winner-takes-all' system (Hale 2014: 319–20). The president was stripped of their powers to appoint and dismiss the government without legislative approval, and was limited to a single, six-year term. Additionally, article 70.2 provided that no party could win more than 65 seats in the legislature (out of a total of 120)—meaning that there could be no unilateral constitutional amendments.

These constitutional changes produced some strengthening of democracy in Kyrgyzstan. During the post-2010 years, the constitutional chamber developed increasing independence (Dzhuraev et al. 2015), and the only president to fulfil their term

under the 2010 Constitution left power peacefully. However, the 2017 elections were also criticized for, *inter alia*, ‘misuse of public resources, pressure on voters, and vote-buying’, and media bias in favour of the outgoing president’s former prime minister and preferred successor (OSCE 2018). In general, although representative government indicators improved and democratic performance as a whole was stronger than under the 1993–2010 constitutional framework, most other democracy attributes, such as rights’ protection, impartial administration and absence of corruption, either stagnated or saw only marginal improvements (International IDEA 2022; Transparency International n.d.b).

### 2021 constitution reform process

As in 2005, disputes over parliamentary elections were the trigger for massive protests in late 2020. Amidst allegations of large-scale vote-buying and voter intimidation, a number of contesting parties called for protests and demanded the invalidation of the results. The Central Electoral Commission invalidated the election, and the protests also successfully freed from jail former parliamentarian Sadyr Japarov, who had been imprisoned in 2017 for kidnapping. Within days parliament voted for Japarov to take the post of prime minister, and following the resignation of President Jeenbekov, Japarov became interim president.

In November 2020, parliament produced a draft constitution with minimal public knowledge, input or scrutiny (Venice Commission 2021). Public consultations were invited, but only for a brief period as a constitutional referendum was scheduled for January 2021. This plan was changed into a two-phase constitutional reform: a referendum in January 2021 on the system of government for the new constitution, followed by a referendum on a new constitution in April 2021. The former—held alongside presidential elections which saw Japarov win by a landslide—voted overwhelmingly for a presidential system (84 per cent). And a new presidential constitution was approved by a similar margin at a referendum on 12 April.

Beyond the lack of consultation or public engagement, there were also two other serious weaknesses in the process of reform. First, the legislature that voted on the draft had overstayed its constitutional term due to the invalidation of the 2020 elections. While there are

---

**In November 2020, parliament produced a draft constitution with minimal public knowledge, input or scrutiny.**

no explicit limitations in the Kyrgyz 2010 Constitution on what a parliament which finds itself still *in situ* beyond its mandate can do, general democratic norms would suggest that such a legislature limit itself to only those actions necessary to exit from the constitutional crisis (Venice Commission 2020). Second, the constitutional procedure for amendment was not followed. Article 114.3 of the 2010 Constitution states that there must be an interval of two months between readings of the draft law for amendment. Further, article 97.6.3 of the 2010 Constitution gives the Constitutional Chamber of the Supreme Court the mandate to review draft amendments for their compliance with the Constitution. These represent important checks on the amendment process: to ensure adequate time for reflection and deliberation, and to ensure procedural integrity respectively. Both the mandatory delays and the review by the Constitutional Chamber were bypassed. However, it may also be noted that the Constitutional Chamber did sanction this expedited process (Imanaliyeva 2020), citing necessity due to extreme circumstances (Supreme Court of the Kyrgyz Republic 2020).

---

**Japarov commented that the 2010 constitutional framework was ... a system 'by which three political parties unite, divide the country into three parts, and appoint some leftovers to the posts. That is why I propose to unite president with parliament'.**

During the constitutional reform process, Japarov commented that the 2010 constitutional framework was not parliamentary, but rather a system 'by which three political parties unite, divide the country into three parts, and appoint some leftovers to the posts. That is why I propose to unite president with parliament in order to have one organ...' (Radio Free Europe 2020). The parliamentary system of government has also been the target of criticism for the nationalistic Ata Jurt (Fatherland) party, and its successor Mekenchil (Patriots), which Japarov is closely associated with. For them, parliamentarianism runs counter to Kyrgyz tradition, which requires instead a strong president, a subordinate parliament and a strengthened role for the Kurultai—a traditional Kyrgyz assembly that acts as counsel to the leader (Engvall 2021). These calls for more centralized power were reflected in the new constitution.

The 2021 Constitution removes the position of prime minister as well as the power of the legislature to dismiss the government through a vote of no confidence. The direct election of the president is retained, with the added possibility of running for immediate re-election, which was removed in the 2010 Constitution. As such, it is clear that the office of the president is now the sole seat of executive power

and political leadership. In itself, this does not necessarily pose a threat for democratic governance. However, it should be balanced by sufficient oversight powers for the legislature, protections for the independence of state institutions, and incentives for the president to negotiate with a politically unaligned legislature rather than bypass the legislature and govern unilaterally. The text presents cause for concern in these regards.

Specifically, the 2021 Constitution provides that the president can exercise 'his powers through the adoption of decrees and order' (article 71). Read together with article 66, which delineates sweeping, overarching responsibilities of the president, this potentially provides a broad decree power that the president can use to govern unilaterally. In addition, the Constitution allows the president to call for a referendum unilaterally, a power which could be abused to both coerce and bypass the legislature.

In terms of oversight, there is no explicit power for questioning or censure of the executive by the legislature, and the legislature is shrunk in size from 120 seats to 90. In addition, the re-introduction of the possibility of recalling members of parliament further weakens the legislature vis-à-vis the president, who is secure in office.

With regards to state institutions, independence is in theory safeguarded in most cases through division of appointment powers between president and legislature. How strong this safeguard proves to be in practice depends greatly on the political composition and autonomy of the legislature. Notably, a separate Constitutional Court is reintroduced, as was the situation before the 2010 Constitution. In principle such a court could act as a check on overreach of executive (and legislative) powers. However, analysis of the Kyrgyz Constitutional Court pre-2010 shows that when political power was concentrated in the president, the court was weak, and it served to legitimize, rather than check, the decisions of the president. Only when political power was dispersed among different groups, as in the immediate months and years following the 2005 revolution, was it able to act as a significant check on power (Toktogazieva 2019).

Perhaps the most notable element in the new constitution is the establishment of a 'People's Kurultai' (article 7) as a 'public

---

**The 2021 Constitution removes the position of prime minister as well as the power of the legislature to dismiss the government through a vote of no confidence.**

representative' body with a vague 'advisory, supervisory' mandate, tasked with giving recommendations on the direction of national development. The composition and selection procedure are left to be decided by law.

The Kurultai is a traditional people's assembly, and has a long history in Kyrgyzstan governance, including several recent incarnations, in particular during the run-up to the 2005 revolution and subsequent years. While framed as a consultative body, there are legitimate concerns that it could be manipulated by the president to manufacture popular legitimacy for their decisions in order to coerce or bypass the legislature (Partlett 2021).

---

**In sum, the 2021 Constitution commits Kyrgyzstan unequivocally to a system of government dominated by the president.**

In sum, the 2021 Constitution commits Kyrgyzstan unequivocally to a system of government dominated by the president. While it falls short of some of the hyper-presidential systems in the Central Asia region, it establishes the president as the undoubted leader of state and government, and creates legitimate concerns that a populist, anti-democratic president could use the various tools and levers available to them to bring about democratic regression.

---

## 3.2. HAITI

### Historical background

In 1804, following a successful rebellion of slaves, Haiti became one of the first countries in the world to promulgate a written constitution. Since then, Haiti has been no stranger to constitution-making, having promulgated 23 constitutions (Jude Charles 2020). Following decades of brutal dictatorship under Francois Duvalier (president of Haiti from 1957 to 1971) and his son Jean-Claude (president from 1971 to 1986), known colloquially as Papa Doc and Baby Doc, respectively, the 1987 Constitution was hoped to provide a framework for democratic governance and economic development.

However, progress has been slight and precarious at best. According to International IDEA's Global State of Democracy Indices, the country oscillated between authoritarian, democratic and hybrid regimes from 1987 to 2010, while for the last decade democratic progress has slowed and, in some regards, regressed, with Haiti consistently

categorized as a poorly performing hybrid regime. Large-scale corruption has been systemic and persistent, with Haiti consistently ranked towards the bottom of Transparency International's Corruption Perceptions Index (Transparency International n.d.a). With this rife corruption, and saddled with crippling debt by its colonial power and exploitation over decades by external powers (Linder 2022), Haiti has never managed to shake its moniker as the poorest country in the western hemisphere.

Thus, frustrations with the political system have led to various calls for constitutional reform, despite the 1987 Constitution's relative longevity (CCI 2020: 5). These have also included official initiatives to examine the need for constitutional reform, including the Groupe de Travail sur la Constitution under President Préval in 2009 and the Commission Spéciale sur L'Amendement de la Constitution de la Chambre des Députés of 2018.

In reaction to the authoritarian past, the 1987 Constitution sought to divide and limit power through numerous mechanisms, including the establishment of a semi-presidential system of government, a much-strengthened bill of rights and the reinstatement of a bicameral legislature. The 1964 Constitution of Francois Duvalier had established a life presidency, and this was replaced with strict term limits and regular elections at all levels of government. However, the numerous checks and balances often resulted in political conflict between president, parliament and prime minister, and accompanying levels of political instability: in the 33 years between 1987 and 2020, Haiti had 19 presidents and 23 prime ministers (Jude Charles 2020).

### **2021 constitution reform process**

The 2021 process was triggered in October 2019 when the scheduled parliamentary (and local) elections were postponed, which led to a situation in January 2020 whereby the legislative term of the entire lower chamber and the majority of the senate ended without a new legislature being elected, and President Jovenel Moïse was left to govern by decree (Fauriol 2021).

Pathways out of this institutional crisis were proposed by various internal parties as well as regional and international partners (UN Secretary-General 2020). Negotiations continued in a hostile

---

**The 2021 process was triggered in October 2019 when the scheduled parliamentary (and local) elections were postponed.**



political atmosphere throughout 2020, but ultimately the president insisted that constitutional reform precede legislative elections, and in October 2020 he established by decree a new Constitutional Commission, called the Independent Advisory Committee for the Drafting of the New Constitution (Comité Consultatif Indépendant pour L'Élaboration du Projet de la Nouvelle Constitution (CCI)).

The decree established the CCI as an independent body (article 5) composed of five members (article 3) and with a mandate to consult with experts, public officials and the public at large in order to develop a draft text. The decree also included an article that provided eight guiding principles for the draft (article 2), including, notably, that the draft should allow for the 'rationalization and clarification' of the political regime (rationaliser et préciser la nature du régime politique) (article 2.4).

In a volatile political atmosphere, the CCI set about its work in a remarkably organized and efficient fashion. In November 2020 it released a 'Note du Cadrage' (framing paper), which provided an assessment of the functioning of the 1987 Constitution across various areas. With regards to the system of government, the Note finds that 'the application of the Constitution has proven difficult' and is 'marked by a permanent tension between an elected President and an appointed Prime Minister' (CCI 2020: 6, author's translation).

In the following months the CCI embarked on a series of consultations with various sectors of society and provided opportunity for comments, releasing three successive drafts between January and May 2021. The political opposition generally abstained from engaging with the CCI, claiming that the process was illegitimate and constitutional reform should only be undertaken once the legislature was re-established through elections.

The first CCI draft came attached with an additional section titled 'Avant Propos' (foreword). The Avant Propos provides an overview of the methodology the CCI used to develop the draft, listing the guiding principles from the decree, the previous studies of the Constitution that the CCI considered and the themes for expert consultations. It then explains the conclusions the CCI drew regarding its analysis of

the flaws of the 1987 Constitution, and how the draft is designed to respond to these perceived shortcomings.<sup>1</sup>

The principal shortcomings identified are as follows (CCI 2021a: 6–7):

1. The dual executive denies the president the powers to deliver on the mandate they were elected for, while at the same time creating ongoing tension between the president and prime minister.
2. The fragmentation of political parties makes a stable legislative majority impossible, and results in petty haggling over every vote, which transforms appointment processes into sources of patronage for parliamentarians.
3. Decentralization of responsibilities to local levels is without sufficient finances.
4. The non-concurrence of electoral terms means that there are too many elections—on average citizens go to elections every 18 months.

In sum, in the view of the CCI the efforts of the 1987 Constitution, in the wake of decades of brutal dictatorship, to deconcentrate power resulted in a dysfunctional system. The semi-presidential structure, and the sharing of appointment and policy/law-making powers functioned not so much as an effective check on tyranny, but as a marketplace whereby public officials would use votes as opportunities for self-enrichment.

With regards to institutional design, the CCI's proposed response to the weaknesses it identified was a streamlining of the political system with regards to the efficacy of the powers of the state. This would necessitate a presidential system, but one better adapted to the context of political party fragmentation by (a) changing the electoral system from a two-round to a plurality system and (b) providing disincentives for smaller parties through campaign financing rules. In addition, the first CCI draft changed the legislature from a bicameral to a unicameral system and aligned all electoral terms at five years, and to start/end on the same day. The legislature

---

**The dual executive denies the president the powers to deliver on the mandate he was elected for, while at the same time creating ongoing tension between the president and prime minister.**

---

<sup>1</sup> As a sidenote, this form of public explanation of the reasoning which has formed the basis for the thinking of constitution-making bodies is an exception, when it should perhaps be the norm. Often constitution-making bodies put forward their drafts with no formal explanation of why constitutional reform is necessary or of the objectives that have guided constitutional design choices.

was now excluded from participation in the appointment of key state bodies, including senior members of the judiciary (not including the Constitutional Court) and the electoral commission. In other areas, the intention to streamline governance by tilting power towards the president was evident in the setting of default rules—for example, with regard to the budget: if the legislature cannot agree on a budget, the version submitted to parliament by the president enters into force (article 123). Similarly, with regards to several important appointments to leadership positions in state bodies (including head of the armed forces, director general of the police, the board of the central bank), the president's nomination will be automatically appointed *unless* objected to by a two-thirds majority in the legislature (article 147).

Two additional changes from the first CCI draft regarding the office of the president are worth mentioning: first, the very strict rule against re-election was abolished, in favour of a two-term maximum. The amendment procedure was made far easier. Under the 1987 Constitution, amendments required two-thirds of each house of the legislature, followed by two-thirds of a joint sitting of the next legislature following elections (articles 282–84). Additionally, article 284-2 provided that no sitting president could benefit from the amendment passed under their government. Referendums to amend the Constitution were prohibited (article 284-3). Under the CCI first draft, amendments could be passed either through a two-thirds super majority in the legislature (article 268) or the president could submit a proposal for amendment to referendum with the support of a majority of the legislature (article 269). The term-limit provision was no longer protected from amendment.

It should also be noted that, similar to the electoral system for the legislators, the presidential election was changed from a two-round system to a plurality, one-round system—meaning that a president could win the expanded powers of the proposed new system while at the same time not having the support of the majority of voters.

Given that the opposition were essentially boycotting the process, and given the text of the first draft tilted the balance of power towards the president, the draft was subject to predictable public criticism and protests, where some accused President Moïse of

trying to entrench himself in power and return Haiti to its pre-1987 dictatorship (Celiné 2021).

The CCI responded with two more drafts, culminating in the final draft released in August (CCI 2021b, 2021c). The drafts saw a slight attenuation in the power of the president, including through: improved design of the Permanent Electoral Council, whose composition and appointment mechanism returned to a design similar to that under the 1987 Constitution; a strengthened amendment procedure and explicit prohibition of the provision on term limits; and—most notably—a return to bicameralism with the re-insertion of a senate, albeit one which would be significantly weaker than the senate under the 1987 Constitution. However, the overall structure of the Constitution—and its driving animus of a ‘rationalization of politics’ as called for by the original CCI framing paper—remained the same, as the CCI sought to consign semi-presidential government to history.

However, 2021 was a period of intense turmoil in Haiti, both within and outside politics, which led to further stalling of the transitional process, and, as of writing, Haiti is still without both an elected legislature and a new constitution. First, political opposition and street protests against President Moïse began to intensify from February 2021, which for many was when the president’s term should have ended due to a disagreement over when Moïse’s term began (Fauriol 2021); second, the scale of organized crime—in particular kidnappings—increased hugely throughout 2020 and 2021, leading the influential Catholic Church to call for a general strike and demand the president do more to prevent the ‘descent into hell of Haitian society’ (*The Guardian* 2021). Just as it seemed the crisis could not become more acute, a group of professional gunmen raided the presidential residence in the early hours of 7 July and assassinated President Moïse and badly injured his wife. Political in-fighting continued for the remainder of 2021, with the year coming to a close with neither elections nor a constitutional referendum in sight.

As of the time of writing, the CCI final draft remains on the table, potentially to be picked up when/if the political context allows.

---

**The overall structure of the Constitution—and its driving animus of a ‘rationalization of politics’ as called for by the original CCI framing paper—remained the same, as the CCI sought to consign semi-presidential government to history.**

---

### 3.3. CONCLUSION

Haiti and Kyrgyzstan are two countries with evident, and significant, differences. However, in 2021 both saw similar themes in the political discourse around constitutional change—longstanding disaffection with a political system that was deemed both corrupt and incapable of delivering for citizens, coupled with a constitutional crisis due to an irregular transition in power which created an opening for constitutional reform, and constitutional reform proposals which sought to streamline the framework for governance through strengthening the president by, *inter alia*, changing the system of government from semi-presidential to presidential.

Such changes are invariably met with caution. Mainstream constitutional design literature, and the constitutional assistance community, have developed an innate fear of constitutional change that involves increased concentration of power in the president (Vermeule 2014). These reservations are well founded based on countless empirical cases where concentration of power has led to authoritarian rule. However, the conditions of disaffection with politics and unconstitutional changes of government are by no means limited to Haiti and Kyrgyzstan, and similar debates over constitutional change are likely to echo in many other countries.

Numerous countries seem to be caught in a cycle between presidential-authoritarian systems and systems with more fragmented structures of power that are perceived as being corrupt and ineffectual. Finding constitutional design solutions to exit this cycle is beyond the scope of this chapter, and such solutions must be driven by context. However, such solutions will surely require creativity and innovation, rather than relying on mainstream concepts and mechanisms of separation of powers that have not evolved significantly since the Federalist Papers.

## REFERENCES

- Celiné, S., 'Un projet de Constitution téléguidé par le Palais National' [The new Constitution Project of Haiti is closely monitored by the National Palace], *Ayibo Post*, 17 April 2021, <<https://ayibopost.com/un-projet-de-constitution-teleguide-par-le-palais-national>>, accessed 31 July 2022
- Comité Consultatif Independent (CCI), 'Note de cadrage: Éléments pour l'élaboration du Projet de la Nouvelle Constitution' [Framing Note: Elements for the elaboration of the Draft of the New Constitution], November 2020, <<http://www.haiti.org/wp-content/uploads/2020/11/CCI-CONSTITUTION-Note.pdf>>, accessed 31 July 2022
- , 'Avant-Projet Constitution' [Pre-Draft Constitution], January 2021a, <[https://www.haitilibre.com/docs/CCI-CONSTITUTION\\_Projet-de-Constitution-2-fevrier-2021-20h00.pdf](https://www.haitilibre.com/docs/CCI-CONSTITUTION_Projet-de-Constitution-2-fevrier-2021-20h00.pdf)>, accessed 31 July 2022
- , 'Deuxième Version: Avant-Projet Constitution' [Second Version: Pre-Draft Constitution], May 2021b, <[https://www.haitilibre.com/docs/18052021\\_2AVANTPROJET.pdf](https://www.haitilibre.com/docs/18052021_2AVANTPROJET.pdf)>, accessed 31 July 2022
- , 'Projet de la Constitution de la République de Haiti' [Draft of the Constitution of the Republic of Haiti], September 2021c, <[https://www.haitilibre.com/docs/07092021\\_PWOJEKONSTITISYONAYITI.pdf](https://www.haitilibre.com/docs/07092021_PWOJEKONSTITISYONAYITI.pdf)>, accessed 31 July 2022
- Choudhry, S., Sedelius, T. and Kyrychenko, J., *Semi-Presidentialism and Inclusive Governance in Ukraine: Reflections for Constitutional Reform* (Stockholm: International IDEA, 2018), <<https://doi.org/10.31752/idea.2018.8>>
- Duverger, M., 'A new political system model: semi-presidential government', *European Journal of Political Research*, 8 (1980), pp. 165–87, <<https://doi.org/10.1111/j.1475-6765.1980.tb00569.x>>
- Dzhuraev, E., Toktogazieva, S., Esenkulova, B. and Baetov, A., 'The law and politics of keeping a constitutional order: Kyrgyzstan's cautionary story', *Hague Journal on the Rule of Law*, 7 (2015), pp. 263–82, <<https://doi.org/10.1007/s40803-015-0013-7>>
- Elgie, R., *Semi-Presidentialism: Sub-types and Democratic Performance* (Oxford: Oxford University Press, 2011), <<https://doi.org/10.1093/acprof:oso/9780199585984.001.0001>>
- Engvall, J., 'The fall of Kyrgyzstan's parliamentary experiment and the rise of Sadyr Japarov', Central Asia Caucuses Institute, 21 January 2021, <<https://www.cacianalyst.org/publications/analytical-articles/item/13657-the-fall-of-kyrgyzstan%E2%80%99s-parliamentary-experiment-and-the-rise-of-sadyr-japarov.html>>, accessed 31 July 2022

- Fauriol, G. A., "A cycle of instability": Haiti's constitutional crisis', Chatham House, 5 February 2021, <<https://americas.chathamhouse.org/article/cycle-instability-haiti-constitutional-crisis>>, accessed 31 July 2022
- The Guardian*, 'Catholic Church says Haiti faces descent into hell after clergy kidnappings', *The Guardian*, 12 April 2021, <<https://www.theguardian.com/world/2021/apr/12/catholic-clergy-abducted-ransom-haiti-france>>, accessed 31 July 2022
- Hale, H., *Patronal Politics: Eurasian Regime Dynamics in Comparative Perspective* (Cambridge: Cambridge University Press, 2014), <<https://doi.org/10.1017/CBO9781139683524>>
- Imanaliyeva, A., 'Kyrgyzstan: Constitutional Chamber nixes attempt to halt power grab', Eurasianet, 2 December 2020, <<https://eurasianet.org/kyrgyzstan-constitutional-chamber-nixes-attempt-to-halt-power-grab>>, accessed 11 August 2022
- International IDEA, The Global State of Democracy Indices, 2022, <<https://www.idea.int/gsod-indices/democracy-indices>>, accessed 1 August 2022
- Jude Charles, C., 'The context for Haiti's ongoing constitutional reform process', ConstitutionNet, 12 December 2020, <<https://constitutionnet.org/news/context-haitis-ongoing-constitutional-reform-process>>, accessed 31 July 2022
- Linder, E., 'Investigating Haiti's "double debt"', *New York Times*, 22 May 2022, <<https://www.nytimes.com/2022/05/22/insider/investigating-haitis-double-debt.html>>, accessed 31 July 2022
- Organization for Security and Co-operation in Europe (OSCE), 'Kyrgyz Republic: Presidential Election, 15 October 2017: OSCE/ODIHR Election Observation Mission Final Report', 8 March 2018, <<https://www.osce.org/files/f/documents/7/7/374740.pdf>>, accessed 11 August 2022
- Partlett, W., 'Kyrgyzstan's 2021 Constitution: a brief comparative and historical analysis', University of Melbourne Legal Studies Research Paper No. 944, 23 April 2021, <<https://doi.org/10.2139/ssrn.3834766>>
- , 'Crown presidentialism', *International Journal of Constitutional Law*, 20/1 (January 2022), pp. 204–36, <<https://doi.org/10.1093/icon/moac006>>
- Radio Free Europe, 'Kyrgyz presidential hopeful Japarov defends draft constitutional reforms', 24 November 2020, <<https://www.rferl.org/a/kyrgyz-presidential-hopeful-japarov-defends-draft-constitutional-reforms/30967116.html>>, accessed 31 July 2022
- Shugart, M. S. and Carey, J. M., *Presidents and Assemblies: Constitutional Design and Electoral Dynamics* (Cambridge:

Cambridge University Press, 1992), <<https://doi.org/10.1017/CBO9781139173988>>

Supreme Court of the Kyrgyz Republic, 'Decision of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic on Behalf of the Kyrgyz Republic', 2 December 2020, <<http://cbd.minjust.gov.kg/act/view/ky-kg/9789>>, accessed 11 August 2022

Toktogazieva, S., 'Constitution without constitutionalism? Challenges to constitutionalism in the Kyrgyz Republic', *Constitutional Review*, 5/2 (November 2019), p. 275, <<https://doi.org/10.31078/consrev524>>

Transparency International, Corruption Perceptions Index, Haiti 2021, [n.d.a], <<https://www.transparency.org/en/cpi/2021/index/hti>>, accessed 31 July 2022

—, Corruption Perception Index, Kyrgyzstan 2021, [n.d.b], <<https://www.transparency.org/en/cpi/2021/index/kgz>>, accessed 11 August 2022

United Nations Secretary-General, United Nations Integrated Office in Haiti: Report of the Secretary-General, S/2020/123, 13 February 2020, <<https://digitallibrary.un.org/record/3850721?ln=en>>, accessed 19 September 2022

Venice Commission, 'Opinion on the Constitutional Situation in the Kyrgyz Republic', Document CDL-AD(2007)045-e, <[https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2007\)045-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2007)045-e)>, accessed 31 July 2022

—, 'Kyrgyzstan – Urgent amicus curiae brief relating to the postponement of elections motivated by constitutional reform', Document CDL-AD(2020)040-e, <[https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2020\)040-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2020)040-e)>, accessed 31 July 2022

—, 'Joint opinion of the OSCE-ODIHR and Venice Commission on the Draft Constitution of the Kyrgyz Republic', Document CDL-AD(2021)007-e, <[https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2021\)007-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2021)007-e)>, accessed 31 July 2022

Vermeule, A., *The Constitution of Risk* (Cambridge: Cambridge University Press, 2014)