

A constitution for Erdoğan Consequences of the political conflict in Turkey

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Since mid-2015 Turkey has been affected by a deep internal crisis, caused by rising political polarisation, increased levels of terrorist threat (posed by the Kurds and Islamic radicals) and the revived conflict with the Kurdistan Workers' Party (PKK). As a consequence of this crisis, over 350,000 residents of south-eastern Turkey have been forced to leave their homes. At the same time, due to the migration crisis and despite mutual distrust in relations between Turkey and the EU, cooperation between Ankara and Brussels has been intensifying. Turkey's ongoing destabilisation does not challenge the status of the ruling Justice and Development Party (AKP), which is *de facto* controlled by President Recep Tayyip Erdoğan; paradoxically, it strengthens the party. The internal crisis which the authorities have been deliberately fuelling is an element of a plan to rubber-stamp political change by introducing a presidential system of government. This is happening amid a thorough reconstruction of the socio-political order which has been underway for over a decade. In the upcoming months it is expected to result in the constitution being changed and, as a consequence, the institutionalisation of Erdoğan's autocratic rule.

The progressing consolidation of power in the hands of the President, who enjoys unquestioned authority within his party and in the state, is causing severe tensions and provoking an escalation in the conflict. However, Erdoğan has demonstrated an extraordinary ability to safely channel the disputes and use the destabilisation as an argument in favour of solidifying his power. This strategy has proved successful in both the social and political spheres. Skilful management of the migration crisis has boosted this tendency; the authorities in Ankara are working to strengthen cooperation with the EU on their conditions, thereby using Turkey's partnership with Brussels to legitimise their domestic decisions. The major goal of Turkey's dialogue with the EU, as the Turkish authorities see it, involves strengthening their legitimisation within Turkish society. This has been attained and does not seem to be threatened, even if Turkey's cooperation with the EU deteriorates (for example over visa liberalisation).

The crisis as a reason to live

The government's permanent clampdown of the domestic situation and its attack on the opposition, both in the parliament and outside it, have provoked a crisis which, according to the narrative promoted by Turkey's leadership, can only be

resolved by introducing political change. This will be rubber-stamped by the thorough reconstruction of the Turkish state, which has been ongoing for over a decade, combined with a reshuffle of the elite. In this context, the rising domestic tensions are serving as an argument in favour of strengthening presidential power.

For the process of the state's reconstruction¹, which has been ongoing since 2002, a change in the basic law is needed which would introduce a presidential system, strengthen executive power and thereby institutionalise the informal rule by President Recep Tayyip Erdoğan.

In the AKP's narrative, the strengthening of executive power is intended to be a remedy for the inefficiency of state institutions, which is expected to boost their efficiency and prevent the blocking of government initiatives.

The proposed change is part of the highly ideologised narrative supported by the AKP, in which a major role is played by the moral-ethical factor; the authorities have emphasised the supremacy of visionary politics pursued by the AKP over the opportunism of the opposition groups². The AKP's narrative provides for a strengthening of executive power as a remedy for the inefficiency of state institutions, a move which is intended to boost their efficiency and prevent the risk of government initiatives being blocked by other centres of power such as the parliament or the judiciary. Both these spheres belong to the last areas of activity of the parliamentary opposition and the Fethullah Gülen movement which operates outside the National Assembly. Gülen himself is a preacher and businessman in exile, and his supporters used to be members of new Turkish elites, together with whom they strove to block the influence of the old elites associated with the military and the Kemalist state apparatus.

The main point of this strategy involves creating an internal enemy whose actions would block the chances for implementation of long-term government plans. Similar motives were behind previous initiatives aimed at gradually removing the old establishment and neutralising the military, which culminated in the Ergenekon and Balyoz court trials³.

However, the gradual strengthening of Erdoğan and his milieu leads to the polarisation of the political stage. The first serious symptom of this may have been the split within the elites, which resulted initially in the corruption scandal which broke in December 2013 and in which charges were brought against four then ministers, Erdoğan himself (then Prime Minister) and his son. The scandal was inspired by the Gülen movement, and the underlying cause was the dissatisfaction which had been growing within the movement at Erdoğan's increasingly dominant position⁴.

Despite the fact that the scandal failed to undermine the authority of the then Prime Minister or challenge his position, it became a pretext for an open confrontation with the group centred around the government camp's former ally. Since the scandal emerged, numerous figures associated with Gülen have been removed from public life (this mainly concern officials holding posts in the police, the military and judiciary structures), and the media controlled by Gülen's movement are being taken over for allegedly offering financial support to a 'terrorist organisation', as the government currently sees this group. The present stage of the battle with the opposition media, as part of which the board of administration of the Feza Gazetecilik Media Group, owner of Turkey's biggest news-

¹ For more, see Marek Matusiak, *The great leap. Turkey under Erdoğan*, *OSW Point of View*, 27 May 2015, <http://www.osw.waw.pl/en/publikacje/point-view/2015-05-27/great-leap-turkey-under-erdogan>

² Cf. Kürşat Bumin, *AkParti 'ahlakçı' birharekettir*, *Diken*, 18 April 2016, <http://www.diken.com.tr/ak-parti-ahlakci-bir-harekettir/>

³ The trials were held in 2008–2013 (Ergenekon) and 2010–2012 (Balyoz), and focused on attempts by the military to overthrow the government. 257 and 325 individuals were sentenced respectively. For more see Marek Matusiak, *op. cit.*, p. 51.

⁴ Cf. Selin Ongun, *RuşenÇakır: İslam yok ortada iktidar savaşıvar*, *Cumhuriyet*, 23 November 2015, http://www.cumhuriyet.com.tr/koseyazisi/428513/Rusen_Cakir__islam_yok_ortada_iktidar_savasi_var.html

paper *Zaman*⁵, was recently taken over, may be a sign of the government's determination both to fight the conservative opposition and strive to attain its overriding goal.

Ahmet Davutoğlu's resignation from the party leadership and the post of Prime Minister following an extraordinary AKP party meeting on 22 May should be viewed in a similar context.

The AKP is winning the voters' support by presenting them with a prospect of development, stability and prosperity resulting from impressive economic growth, while on the other hand it spreads visions of instability and the threat of terrorism.

Even though in this case no public confrontation between the Prime Minister and the President took place, tension between them had been mounting, caused by the Prime Minister's attempts at political emancipation and the creation of his own powerbase within the AKP. Davutoğlu, an adviser to Erdoğan for many years, an architect of Turkey's foreign policy and a party ideologist, was the last politician within the ruling camp who could have counterbalanced the President's influence within the state. In this sense, from Erdoğan's point of view, as Turkey's second most popular politician Davutoğlu could have been considered to pose a threat to Erdoğan's plans to solidify his personal power.

The ruling camp's ability to safely channel certain unfavourable tendencies in domestic politics, combined with its determination to change the political system, is well illustrated by the strategy the AKP has adopted towards the parliamentary opposition. For example, attempts were made to emphasise the links between the

pro-Kurdish People's Democratic Party (HDP) and the Kurds of the PKK. The HDP entered the parliament after the June 2015 elections and deprived the AKP of parliamentary majority⁶. The HDP does indeed maintain contacts with the Kurdistan Workers' Party, although the gravity of such accusations and their use for political purposes in the renewed conflict between Turkey's authorities and the PKK weakened the HDP's position ahead of the November 2015 snap elections, and as a consequence, enabled the AKP to regain parliamentary majority⁷. The authorities' uncompromising stance towards the Kurdish rebellion has further weakened the HDP and boosted nationalist sentiment within Turkish society. This has resulted in the gradual marginalisation of the Nationalist Movement Party (MHP), whose ideological offer has been taken over by the AKP. In the context of increasingly likely political change, we may observe progressing stagnation on the part of the opposition. Neither the MHP nor the Republican People's Party (CHP), the largest opposition party, has been able to devise a competitive offer. As the whole process continues, the parliament is becoming marginalised, and it is ultimately likely to be reduced to a place in which to express controlled dissatisfaction.

In this way, the internal crisis, which is being constantly fuelled by Erdoğan, is turning into a strategy intended to compromise opponents, hold them accountable for destabilisation, and thereby create arguments in favour of strengthening the President's role. Following Davutoğlu's dismissal, the AKP itself is increasingly becoming not so much of a political party as the President's powerbase, composed of loyal executors of his policy.

⁵ Mateusz Chudziak, Another stage of the fight with the media in Turkey, *OSW Analyses*, 9 March 2016, <http://www.osw.waw.pl/en/publikacje/analyses/2016-03-09/another-stage-fight-media-turkey>

⁶ HDP's main narrative ahead of the elections on 7 June 2015, in which it won 80 seats and the AKP lost its parliamentary majority, was its objection to introducing a presidential system by way of amending the constitution.

⁷ With its 317 seats (in the 550-strong parliament) the AKP has a parliamentary majority, although 330 votes are needed for a constitutional referendum to be called, and a majority of 367 votes would be needed to pass the new constitution in parliament.

The game with the voters

The social aspect of the method of governance adopted by the AKP, which focuses on maintaining and ultimately consolidating power, involves a certain kind of game which it is playing with the voters. On the one hand, the AKP is skilfully winning the voters' support by presenting them

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with a prospect of development, stability and prosperity resulting from Turkey's impressive economic development. On the other hand, it spreads a vision of instability and the threat of terrorism (posed by both the PKK and Islamic radicals). The former strategy is intended to be applied if the constitutional reform is carried out by way of a referendum. In the latter, the increase in potential and actual threats is presented as a result of actions by Turkey's internal and external enemies, whose destructive actions are possible only because the central authorities (including the President himself) are not strong enough to counteract them.

On the one hand, the source of the AKP's strength is its unquestioned successes, such as consistent economic growth, wide-scale infrastructural investments and Turkey's increased significance in the international arena resulting from a coherent and assertive foreign policy⁸. In this context, the change to the constitution is being presented as a necessary step towards strengthening the leadership to whom the Turks

⁸ Despite a series of failures in the Middle East section of Turkey's foreign policy, the Turkish authorities and pro-government media continue to promote a vision of Turkey as regional leader and to emphasise the country's significance for its Western allies.

owe their country's leap in development over recent decades. The AKP has a massive propaganda machine at its disposal⁹, and nurtures in the voters the trauma of the 1990s as a period of political instability, the fight with the PKK and the rule of coalition governments headed by party leaders pursuing their specific goals. The economic crisis which affected Turkey at the beginning of this century and which was only alleviated during the AKP's rule¹⁰ was considered one of the results of the destabilisation of that period. According to this narrative, the party has a specific brand of know-how, which will also be necessary to resolve the present crisis. The authorities adopted this propaganda strategy in the aftermath of the elections of 7 June 2015, in which the AKP lost its parliamentary majority for the first time since gaining power. The prospect of a coalition government began to be associated with the above-mentioned trauma of the 1990s. The AKP's electoral victory showed that this strategy was successful at that point.

The policy based on the efficient management of the social traumas of the late 1990s, which formed an element of the efforts to rubber-stamp the political change, can also be illustrated by a statement Erdoğan made at the beginning of the government's anti-terror operation in September 2015 following the bomb attack in Dağlica in south-eastern Turkey. This later turned out to be one of a series of bloody attacks in Turkey in recent months. The President explicitly said that the attack had only been possible because the AKP's power was

⁹ Companies associated with the government control over two-thirds of Turkey's media market. See Zülfikar Doğan, Turkey witnesses 'unprecedented onslaught on critical media', *Al-Monitor*, 11 April 2016, <http://www.al-monitor.com/pulse/originals/2016/04/turkey-akp-unprecedented-measures-curb-critical-media.html#ix-zz45cQdkdZ>

¹⁰ The role of Kemal Derviş is being omitted here. Derviş was minister of finance in the government headed by Bülent Ecevit, in 2001–2002 he reformed public finances, the results of which became apparent during the AKP's first term. For more see Marek Matusiak, *op. cit.*, p. 22.

not strong enough¹¹. This attack was the first in a series of terrorist attacks to be staged not only on territories affected by the fight with the PKK; between June 2015 and April 2016 Turkey saw 7 suicide terrorist attacks, in which around 220 people were killed and several hundred were injured. Referring to this issue, pro-government media consistently claim that strengthening the authorities' power would be the most suitable resolution to the crisis. At the same time, they present Turkey's situation in the context of the global terrorist threat, which raises the universal and timeless dilemma of the choice between freedom and security¹².

A crisis turned success

The AKP's highly ideologised rule and its determination to definitively introduce a new political order have manifested most explicitly in the policy the authorities are pursuing towards the two biggest challenges of present Turkish politics: the renewed conflict with the PKK and the migration crisis. The former has triggered a nationalist turn in the AKP's policy and boosted the party's position; the latter has enabled an unprecedented rapprochement in Turkey's relations with the European Union – on Turkey's conditions. This, in turn, has resulted in Ankara's relations with Brussels becoming an instrument in Turkey's domestic policy. This is proof of the Turkish authorities' ability to resolve crises in their favour.

According to calculations by the International Crisis Group, in the period between July 2015 and mid-March 2016 alone, the anti-terror op-

eration claimed the lives of 350 people on the government forces' side, 660 on the side of the PKK, as well as at least 250 civilians. Moreover,

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on territories affected by operations by the Turkish military and police forces (mainly the provinces of Diyarbakır, Hakkari, Mardin and Şırnak) at least 350,000 individuals were forced to leave their homes¹³. The huge social costs of the operation have not posed any challenge to the AKP's position, despite the progressing destabilisation resulting from the conflict between the Kurds and Islamic State being moved onto Turkish territory. In this context, the authorities are ruling the country in a state of maximum emergency. Criticism from opposition groups is silenced on a regular basis. In addition, the HDP is growing increasingly weaker as a force which supports Kurdish terrorism, or at least challenges the unitary nature of the Turkish state¹⁴. Combined with the boost in nationalist sentiment within Turkish society and the crackdown on the Kurdish population, the above-mentioned factors have led to a hardening of the

¹¹ Interviewed by a journalist from the pro-government TV station ATV, Erdoğan said: "If one party had 400 deputies or a sufficient number to pass a new constitution, the situation today would be completely different". Erdoğan'dan Dağlıca açıklaması, *Hürriyet*, 6 September 2016, <http://www.hurriyet.com.tr/erdogandan-daglica-aciklamasi-30002984>

¹² Merve Şebnem Oruç, Freedom or security: Our era's dilemma, *Daily Sabah*, 28 April 2016, <http://www.dailysabah.com/columns/merve-sebnem-oruc/2016/04/28/freedom-or-security-our-eras-dilemma>

¹³ The Human Cost of the PKK Conflict in Turkey: The Case of Sur, *Crisis Group Europe Briefing N°80*, 17 March 2016, <http://www.crisisgroup.org/~/media/Files/europe/turkey-cyprus/turkey/b080-the-human-cost-of-the-pkk-conflict-in-turkey-the-case-of-sur.pdf>

¹⁴ In late 2015, HDP leaders attended an extraordinary meeting of the Democratic Society Congress, an umbrella organisation grouping activists of legally operating Kurdish organisations and groups directly associated with the PKK. During the meeting, the HDP's co-leader Selahattin Demirtaş called for an autonomous entity to be established, which Ankara interpreted as support for self-proclaimed 'people's assemblies' which effectively renounced their allegiance to the central authorities and announced autonomous entities in several provinces in the eastern part of the country. Mateusz Chudziak, Turkey's internal front: the conflict with the Kurds escalates, *OSW Analyses*, 30 December 2015, <http://www.osw.waw.pl/en/publikacje/analyses/2015-12-30/turkey-internal-front-conflict-kurds-escalates>

AKP's stance, as evidenced by the recent vote on constitutional amendment, which will most likely result in stripping the Kurdish MPs of their immunity and eliminating the HDP from parliament. This, in turn, will open the way to the adoption of a new constitution. In this context, making the People's Democratic Party accountable for the destabilisation of the south-eastern part of the country and for offering financial and logistic support to local residents seems to be of key importance¹⁵. This is a clear message that the AKP is continuing to work to regain the Kurds' support; for example, they may begin to emphasise the fact the new Prime Minister Binali Yıldırım is of Kurdish origin.

Aside from the conflict with the PKK, another highly important problem generating huge costs and provoking internal tensions is the presence of around 2.7 million migrants on Turkish territory. According to the authorities in Ankara, since the beginning of the military operation in Syria in 2011 the government has spent over US\$9 million on providing care of refugees. For the Turkish authorities, the migration crisis has become a bargaining chip in both domestic politics and in Turkey's relations with the European Union. In the domestic aspect, the 'open door' policy towards the migrants is intended to demonstrate the moral supremacy of the ruling elite over the liberal and left-wing opposition which condemns Erdoğan's autocratic tendencies and seeks support from the West¹⁶. In the foreign policy aspect, the migration issue has become an opportunity for

Turkey to strengthen its position in its relations with Brussels. Efforts to conclude a cooperation agreement and accelerate Turkey's process of accession to the EU have been advancing, but now on Ankara's terms. The ruling AKP has monopolised the country's relations with Brussels, as evidenced by the unprecedented visit by German Chancellor Angela Merkel to Turkey amid the autumn 2015 electoral campaign. This means that progress in European integration and the efforts to achieve a strong position in Turkey's relations with the EU are beginning to be seen as successes attributed to the ruling elite.

The autocratic course of action adopted by the Turkish President will be continued, and the change to the constitution will legitimise it, most likely before the end of this year.

The EU side, for its part, has abandoned the role of reviewing Turkey's domestic policy, which in previous years had enabled it to influence this policy. In this way, in the domestic aspect, Turkey's relations with Brussels have been reduced to a tool with which to legitimise the government's actions and fight the opposition. Regardless of how the process of Turkey's rapprochement with the EU ends, Ankara remains in pole position. Should it succeed, the position of the authorities is likely to strengthen and the opposition will become marginalised. Additionally, any failure will not weaken the voters' support for the AKP. Erdoğan's power will remain strong, and will likely become ever stronger. The blame for the failure of the whole process will be put on Brussels, which additionally will be unable to recover the political instruments to influence Turkey which it had had.

¹⁵ This assistance does not always reach the residents of towns affected by military action. However, the authorities clearly state that they are fighting the terrorists, not the Kurds as such. See 'The human cost...', *op. cit.*

¹⁶ One example here is the opinion of the pro-government columnist Hilal Kaplan, who accused the Turkish academic community of having a 'post-colonial inferiority complex' towards the West. She contrasted this with the policy pursued by the AKP, which teaches the West humanitarianism through its approach to refugees. Hilal Kaplan, 'Post-colonial lust of some Turkish academics', *Daily Sabah*, 23 October 2015, http://www.dailysabah.com/columns/hilal_kaplan/2015/10/23/post-colonial-lust-of-some-turkish-academics

Parliamentary cleansing – the final step towards constitutional change

As in foreign policy¹⁷, in domestic affairs the Turkish government has pursued a long-term plan which involves the ultimate introduction of a presidential system. This will institutionalise Erdoğan's power and rubber-stamp the reconstruction of Turkey's socio-political order which has been ongoing for over a decade (aside from political change and the neutralisation of the military, this includes a reshuffle of the political and economic elites). At present, the most likely development of the situation will involve exploiting the tensions surrounding the Kurdish conflict and stripping HDP deputies accused of supporting terrorism of their immunity, as well as organising by-elections in their constituencies. In the situation of the crackdown on the Kurdish population and the forced evacuation of territories affected by the conflict, it should be expected that these MPs will be replaced

with AKP candidates. Another scenario provides for more early general elections, in which the HDP will lose (and will likely be banned). In this scenario as well the AKP will be likely to win in predominantly Kurdish constituencies. This variant would also enable Erdoğan to reorganise his camp once again and remove those party members who allegedly supported Davutoğlu after his dismissal, in order to replace them with candidates loyal to the President.

The autocratic course of action adopted by the Turkish president will continue and the likely change to the constitution will legitimise it, most likely before the end of this year. Any further development of the situation will depend on Erdoğan's personal ambitions. This in turn will aggravate social polarisation and cause further conflicts. At the same time, Turkey will likely evolve in the direction of an authoritarian state with a strong central power and a weak parliament. For the EU, Turkey will remain a difficult and unpredictable partner.

¹⁷ Cf. Szymon Ananicz, *Alone in virtue. The 'New Turkish' ideology in Turkey's foreign policy*, *OSW Point of View*, 27.04.2016, <http://www.osw.waw.pl/en/publikacje/point-view/2015-04-27/alone-virtue-new-turkish-ideology-turkeys-foreign-policy>

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