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Research Report

Parliamentary crisis follows Turkish elections: Constitutional and Kurdish questions demand resolution yet opposition refuses cooperation

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Parliamentary Crisis Follows Turkish Elections

Constitutional and Kurdish Questions Demand Resolution
Yet Opposition Refuses Cooperation

Günter Seufert

In the weeks leading up to the Turkish parliamentary elections on 12 June, there was much talk of potential danger in the Turkish and Anglo-American media. Prime Minister Recep Tayyip Erdoğan, it was claimed, was set to impose a dictatorship of the conservative majority, so people should vote for the opposition. Without a strong counterweight to guarantee the participation of all political currents in the drafting of a new constitution, there was a threat of the emergence of a presidential system tailored to Erdoğan himself. As it turns out, the scenario of authoritarian majority rule was overblown and instead Turkey's real problems come to the fore again. The judiciary continues to be instrumentalised for political ends, and there is a lack of an opposition to hold the government to deeper democratisation by espousing credible liberal positions. But the biggest headache is the Kurdish problem, which is coming to a head again.

In the run-up to the election the pro-government press complained that leading English-language newspapers were beating the drum for a stronger opposition and a weaker government, specifically naming the *Economist*, the *Wall Street Journal*, the *Financial Times*, the *New York Times* and the *Observer*. All of these were hoping that the Republican People's Party (CHP), which represents the country's bureaucratic elite, would make a good showing and form a counterweight to Erdoğan's Justice and Development Party (AKP).

Post-Election Relief

Most foreign media were accordingly relieved when the results came in. Although the AKP increased its share by 3.3 percent, to reach 49.9 percent of the 87 percent turn-out, it failed to achieve the two-thirds majority required to amend the constitution. The good showing of the CHP, which gained 5 percent to reach 25.9 percent, was especially welcomed. Before the election the CHP's new leader Kemal Kılıçdaroğlu had broken – at least rhetorically – with its traditional authoritarian statist nationalism. More or less overnight the party started calling for decentralisation and

local democracy, as well as propagating cultural rights for the Kurds, political control of the military and the adoption of a liberal constitution.

The extreme right Nationalist Movement Party (MHP) remained in parliament with 13 percent of the vote, torpedoing Erdoğan's plan for it to miss the 10 percent threshold and cede its seats to the AKP. The overtly nationalistic campaign Erdoğan ran in pursuit of this goal boomeranged in the largely Kurdish south-east, where the pro-Kurdish Peace and Democracy Party (BDP) amassed about half the vote. Although the BDP gained only 6.7 percent nationally (up 1.5 percent), it increased its share in the south-eastern provinces by between 15 and 20 percent at the cost of the AKP, and increased its representation from 20 to 36 seats. In order to get around the 10 percent threshold the BDP, as four years ago, stood "independent" candidates. With 326 of 550 deputies the AKP can now form the government on its own, but to amend the constitution it would need the support of the pro-Kurdish deputies or some of the 135 CHP deputies.

Judicial Machinations

Although the AKP, CHP and BDP all campaigned on support for a new liberal constitution, they have pursued a course of confrontation since the elections. The BDP is boycotting parliament (with the approval of imprisoned PKK leader Abdullah Öcalan) and holding parliamentary group meetings in Diyarbakir, the biggest city in the Kurdish south-east. The CHP deputies refused to take the parliamentary oath for two and a half weeks and only fell into line after it became clear that their actions enjoyed scant support among the population.

The immediate trigger for this blockade of parliament was a string of highly controversial court rulings. Directly after the election various courts refused to release remand prisoners who had been elected as deputies for the BDP, CHP and MHP. Although the courts had sanctioned

this interpretation of parliamentary immunity in earlier elections, this time around they are blocking the release of six BDP deputies, two from the CHP and one from the MHP.

The pro-Kurdish BDP is battling with other legal difficulties too. In April 2011 the Supreme Board of Election (YSK), whose members are elected from the Court of Cassation and the Council of State, banned twelve BDP candidates from standing, leading to violent protests in Kurdish areas. After the vote the Board also annulled the election of another candidate after he lost his appeal against a conviction for "spreading terrorist propaganda".

Even before the election the Board was making headlines. In March 2011 it stripped Turks living in Europe of their right to vote at consulates, for "technical reasons". Given that Turkish voters in Europe tend to support conservative Muslim parties, this decision must be seen as a move against the AKP.

One factor that encourages such legal manoeuvring is a widespread attitude among judges that one of the foremost tasks of the law is to protect the Kemalist state. Pro-Kurdish and conservative Muslim forces, as well as liberal groupings, are therefore kept on a tight leash through rulings based on the Anti-Terror Law (with its extremely flexible definition of terrorism), the Criminal Code (which makes it a crime to insult "Turkishness"); an electoral law that quickly strips those convicted of political offences of the right to stand, and the political party law.

The frame of reference for political verdicts is the 1982 constitution, which was adopted under the oversight of the generals. It stipulates an ethnic Turkish definition of citizenship, postulates a culturally homogenous Turkish nation, restricts freedom of religion in the name of secularism, and requires loyalty to "the nationalism of Atatürk". For a long time the prerogative of defining what this meant lay in the hands of the military.

Such strong politicisation of legislation

and courts fosters infighting within the judiciary, which in turn leads to completely unpredictable rulings that consequently enjoy little public legitimacy and regularly obstruct the political process. Examples include the numerous party prohibition cases, the frequent annulment of laws by the constitutional court, the non-admission of candidates at elections and multifarious prosecutions for political offences with resulting restriction of the freedom of the press.

Consolidating the Basic Conflict

Turkey needs nothing more urgently than a reinvigoration of the reform process in parliament. The outcome of the election should be seen not only as a consolidation of the Turkish party-political spectrum but also an indication of a consolidation of the basic underlying conflict in the Republic of Turkey. The big winners of the election, the AKP by total vote and the BDP by its huge influence in the Kurdish south-east, each represent a portent of doom for the Kemalist Turkey. Both represent strong grassroots social movements and both stand in conflict with Atatürk's ideal of a strictly secular and ethnically homogeneous Turkish nation. The AKP rejects the religion-excluding facet of the Kemalist project and espouses instead the model of a moderately Muslim Turkish nation. The BDP opposes the ethnic Turkish dimension of the nation propagated by the Kemalists and stands for the idea of a Kurdish nation.

Indeed, the BDP's election campaign represented the first attempt to set up a Kurdish popular front. The party, this time, made no effort to distance itself from the banned Kurdish Workers' Party (PKK). In fact one of the BDP's leading figures, Leyla Zana, called for votes "for Kurdistan, for peace and for guerrillas" and said that Öcalan would be the teacher of the next Kurdish generation. On the other hand the BDP, in another new development, also fielded religiously affiliated critics of the PKK. This united national movement de-

mands that the Kurds be allowed to govern themselves, for the first time openly asserting a legal political status for the ethnic group.

One thing that enabled this quantum leap in Kurdish politics was the AKP government's taboo-breaking policy of rapprochement. Today the existence of the Kurds and their right to education in their mother tongue is widely recognised in Turkish society and politics. The policy of opening also signalled to western Turkey that the war against the PKK is unwinnable. The other pertinent factor is the way the ongoing transition in the Middle East and North Africa has enhanced the legitimacy of popular movements. The Turkish government can still rely on international support in dealing with terrorist attacks by the PKK, but it could not put down a Kurdish popular uprising without undermining its own regional and international standing. Unsurprisingly, the BDP today concentrates on mass demonstrations, civil disobedience and the establishment of parallel structures.

In comparison to this rather abrupt change in Kurdish politics, the nine years of AKP government can rightly be called a "silent revolution", as the Secretary General of the Council of Europe, Thorbjørn Jagland, put it. The old bureaucratic and military elites, especially the generals, have had to accept great inroads into their power, while their ideology, Kemalism, has lost most of its clout. The outcome has been a seismic shift in the domestic political landscape. One sure sign of this is the CHP's course correction, which may have occurred largely passively but is all the more fundamental for that – even if it has so far been of a purely rhetorical nature. For the first time the Turkish population is shaping its state rather than vice versa. The country's old order, symbolised by the generals' constitution of 1982, can no longer integrate this society. If the Kurdish conflict is not to escalate there is therefore an urgent need to elaborate a new consensus in the form of a new constitution. Instability in

neighbouring Syria can quickly lead to a further internationalisation of this conflict.

A New Political Style?

However, instead of seeking consensus for a liberal constitution the opposition is set on confrontation course. CHP and BDP are both demanding legislation to overcome the deadlock created by the judiciary and both are blockading the work of parliament, which is the only place where a political solution to the crisis can be found. But that is where the commonalities end. All the BDP's deputies, including those in prison, won the direct mandate of tens of thousands of voters. The presence of all the pro-Kurdish deputies in parliament is a precondition for finding a political solution to the conflict.

The two imprisoned CHP deputies are a very different matter. They are facing trial in the Ergenekon conspiracy case. Not only are they accused of seeking to overthrow the parliamentary order, but they represent neither their party nor a movement in society, and they gained their safe party-list positions only against stiff resistance within their organisation. The CHP's willingness to boycott parliament for more than two weeks for these two deputies underscores doubts about the sincerity of the party's democratic realignment.

But the AKP has made major errors too, assuming the seat denied by the Board of Election to the aforementioned Kurdish BDP deputy. This formally correct but politically indefensible step further offended the Kurds of the BDP. As the current crisis shows, the outcome of the election may have banished the previously decried "dangers", but Turkey's fundamental problems are still deepening.

Possibilities for EU Influence

The question of EU membership played no role in the elections, but its setbacks in Syria have again reminded Ankara of Europe. In the coming months it would be

very useful for Brussels and Berlin to send signals strengthening the parliamentary process to all sides. Only if the parliamentary process can be resumed can Turkey move forward with restructuring its political system. And only a Turkey where that transformation succeeds can be a dependable partner.

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