



## **POLICY BRIEF**

# **Constitutional amendments in Turkey: Predictions and implications**

*Al Jazeera Centre for Studies*



As controversy rages regarding the nature of the presidential system proposed by the amendments, discussion will surely continue in the Turkish political milieu around the Nationalist Movement Party's motives for approving these amendments and the presidential system. [EPA]

## **Abstract**

The Justice and Development Party (AKP) could not possibly have received approval for the proposed constitutional amendments in parliament and needed the Nationalist Movement Party's support in order to carry out a referendum.

A difficult election campaign for the amendments awaits the two opposing parties; however, there is no way to be certain before the announcement of the referendum results. Nevertheless, the most important issue relates to the long-term consequences for the AKP, particularly in terms of its Kurdish base. In terms of ethnicities, the AKP is considered the party of Turks, Kurds, Arabs, Circassians and all other Turkish ethnic groups, while the Nationalist Movement Party has traditionally been committed to the most severe position against the Kurdish Nationalist Movement, including its armed and unarmed wings.

## **Introduction**

On 2 February 2017, the Turkish Parliament (Grand National Council) sent the new constitutional amendments package to President Recep Tayyip Erdogan for his signature. On 21 January 2017, these amendments had been approved in the second and final parliamentary reading. As a result, the battle for the amendments moves from the vestibule of party politics and parliamentary accounts to the street. The battle to win the

popular majority began on 8 February, and the referendum is to be held on 16 April 2017.

This is not a new constitution for Turkey but a bundle of amendments to the constitution, including eighteen articles. However, these amendments are the largest venture ever known in the history of the republic to change the system of government. Both the 1961 Constitution and 1982 Constitution, which were imposed under the supervision of military coup governments, effected changes in the governance structure, authority as well as the conditions of the presidency and the prime ministry; however, both kept the essence of the parliamentary system. The proposed amendments on the referendum, officially and extensively, will move Turkey towards a presidential system. For this reason, the battle surrounding them has been long and complex, with a profound impact on the political balance in the country.

The constitutional amendments proposed in the parliament and that will be presented in a referendum could not possibly have been approved without the support of the Nationalist Movement Party. Indeed, the amendments needed 330 votes to be approved in the parliament for a referendum, while the ruling AKP's parliamentary bloc does not exceed 316 deputies. What it ended up with was not just promises of support from the Nationalist Movement Party, but rather the provision of a package of amendments to the parliament on behalf of the two parties together: AKP and the Nationalist Movement.

As controversy rages regarding the nature of the presidential system proposed by the amendments, discussion will surely continue in the Turkish political milieu around the Nationalist Movement Party's motives for approving these amendments and the presidential system. The biggest question, though, has to do with whether Turkey is moving to a new era of political alliances. This paper attempts to read these two developments together: the availability of a parliamentary majority to approve the constitutional amendments, and the impact of consensus between the AKP and the Nationalist Movement on the future of power in Turkey.

### **Building a new political system**

Arguably, ever since the 2011 parliamentary elections, changing the system of government from a parliamentary to a presidential system has been the most important constitutional project of the AKP and its president, Recep Tayyip Erdogan. Erdogan and a number of his senior advisors and AKP leaders believe that Turkey is going through a critical stage, situated within a context of challenges and crises. The proposed

presidential system will allow for faster and smoother decision-making and a more stable system of governance. Nevertheless, the AKP did not initially propose a presidential system, but began with a project to draft a new constitution with full consensus, one that could replace the current constitution, which was written in 1980 under a military coup regime. To reach constitutional consensus, it formed a committee with equal membership from all parties represented in the parliament. However, the commission could only agree on about seventy articles of the new constitution, before dealing with the proposed presidential system, which brought it to a standstill and then dysfunction. With the failure to draft a new constitution, the controversy over the issue of the system of government abated, but reignited after the presidential election in 2014, which brought Erdogan to the presidency in the first direct presidential election by the people. Ahmet Davutoglu assumed the role of prime minister and announced his pledge to contest parliamentary elections the following year on a platform calling for turning the country into a presidential system.

During the period between mid- 2014 and mid-2015, supporters of the presidential system added another point to their position, arguing that the president's arrival to his position via direct elections led to jockeying for power and legitimacy between the president and prime minister. Thus, the adoption of a presidential system could provide the only resolution to the new constitutional imbalance at the highest levels of government and the state.

However, in the absence of consensus between the main parties, it was unclear how such a significant constitutional amendment could be passed. The AKP was unable to approve any constitutional amendment in the parliament, and it was also unable to put such an amendment to a referendum. In the June 2015 parliamentary elections, the AKP lost its parliamentary majority for the first time since 2002; subsequently, the country entered a state of anxiety and uncertainty. Clearly, some opponents of the presidential system, including prominent AKP members, blamed the loss of parliamentary majority on Erdogan due to his prominent participation in the election campaign and his repeated calls for the country to transition to a presidential system.

Whatever the case, the AKP's decisive win in the November 2015 parliamentary elections ended the period of political uncertainty, allowing the party to enjoy a comfortable parliamentary majority once again. However, this electoral triumph aggravated disagreements between the president and his prime minister, rather than improving consensus between them. Although a clear picture of the differences between Erdogan and Davutoglu does not exist, there is a belief that by early 2016, the president had

become convinced that his prime minister was no longer committed to the task of transforming the country into a presidential system. In essence, neither Erdogan nor Davutoglu understood the process of passing a constitutional amendment in order to transform the country into a presidential system. Even after the electoral triumph in November 2015, there were an insufficient number of AKP members in parliament to approve such a constitutional amendment, as long as the three other opposition parties in parliament refused to switch to a presidential system.

Davutoglu resigned from the AKP presidency and from the head of government in early 2016. Binali Yildirim took over the presidency of the party and the government, announcing his commitment to the presidential system from the moment he took office. This change, however, was not a favourable shift in the country's political climate, since the crucial developments following the failed coup attempt in July 2016. On the one hand, Erdogan's performance in the face of a coup strengthened his popularity as a trusted leader of the country and the state. On the other hand, the coup attempt created an impression among broad segments of the public that the parliamentary system is not stable enough, and that there is a need to strengthen the president's position. From Erdogan's point of view, he seized the opportunity offered by the failed coup attempt, and restored the presidential system as the foremost issue of political debate in the country.

### **The Nationalist Movement Party's shift in position**

In October 2016, for the first time and somewhat ambiguously, Devlet Bahçeli expressed his party's readiness to consider the proposal of the presidential system in parliament. Prime Minister Yildirim responded directly saying his party is ready to draft the constitutional changes and start a discussion with the Nationalist Movement Party about them. How and why did the Nationalist Movement Party change position? There are no clear-cut answers, but there is a range of evidence that provides an approximate answer.

The relationship between the AKP and the Nationalist Movement usually appears like an extremely complex family affair characterised by kinship and rivalry, harmony and conflict, and intimacy and hatred. There is much in common between the two parties and their popular bases. Considering the AKP is closer to a political coalition than an ideological party, the nationalist bloc in AKP, which is described as a moderate bloc, has considerable weight and influence. Furthermore, AKP's language ranges between Islamic conservatism and Turkish nationalism. Arguably, the Kurdish issue, which AKP

governments have exerted tremendous efforts to find a political solution to, was one of the most important indicators of the relationship between the AKP and the Nationalist Movement. Indeed, nationalists consider the Kurdistan Workers' Party (PKK) the biggest threat to Turkey's unity and stability. The Nationalist Movement Party never hesitated to denounce the communication between the AKP government and Kurdish nationalists, including contact with the PKK.

After making tangible progress in resolving the Kurdish issue, and several years of ceasefire between the Turkish troops and the PKK, the latter returned to armed action in mid-2015. The PKK wagered that political anxiety resulting from the inconclusive elections held in June would make Davutoglu's government more willing to compromise. Therefore, PKK leaders in the Qandil Mountains ordered groups inside Turkey to begin a large-scale insurrection campaign. However, Erdogan and Davutoglu realised the PKK's objectives, and agreed that the Turkish army should undertake a comprehensive response. In addition, security forces began preparing for a long-term confrontation with the PKK. This trend in the AKP government's policy towards the PKK created a favourable environment for rapprochement with the Nationalist Movement Party, which unreservedly supported the government's new position.

The failed coup attempt in July 2016 promoted rapprochement between the two sides. Surprisingly, from the first hours after the coup attempt, Bahceli and the Nationalist Movement Party, which has strong relations with the army and security forces, condemned the coup, and described officers responsible for the attempt as traitors. Bahceli's decisive position most likely emerged from his early conviction that the coup attempt is closely linked to the Gulen movement, which is hostile to the Nationalist Movement Party, whereas the nationalists considered it as a threat to the survival of the state and its unity. On the other hand, perhaps the coup attempt revealed to Bahceli the instability of the principles upon which the country depends, and that the system of government really needs to change.

What Bahceli said to justify his new standpoint in late 2016 regarding the presidential system makes sense. He said, "The reality is that Turkey is ruled by an elected president, and this president is powerful. He has unprecedented influence not only on the government, but also on his former party, the ruling party, to whom the president is supposed not to belong anymore. Indeed, no power can limit the president's influence." In addition, he said, "The failed coup attempt revealed that the Turkish state is moving towards a dead end, and the system of government is on the verge of collapse." To get

out of this impasse, Bahçeli suggested, "we have to deal more rationally with the idea of transforming the country into a presidential system."

The AKP soon detected Bahçeli's signals. Consequently, Prime Minister Yıldırım hastened to form a committee to draft the constitutional amendment. In early December, after long talks between the two parties, the AKP and the Nationalist Movement announced their agreement on the draft amendment. On 10 December 2016, the two parties jointly presented the draft to the parliament, where the discussion started. Although a number of representatives from the Nationalist Movement, the oppositional Republican People's Party and the Democratic Peoples' Party (Kurdish orientation) all voted against the amendments, following the referendum, the amendment package was adopted, at the centre of unprecedented consensus between the AKP and the Nationalist Movement Party.

### **Transformational balance**

After the chairperson of the Nationalist Movement Party proved his credibility in supporting the constitutional amendments in parliament, on 6 February 2017, he announced that the party will support the amendment in the referendum campaign. On the other side, leaks from the office of the president of the republic say the president is determined, in the event that the people approve the constitutional amendment and the country begins moving towards a presidential system, to appoint ministers from the Nationalist Movement. Moreover, he will even appoint associates from the party management to senior positions, such as state governors. Given the fact that the presidential system will eliminate the post of prime minister, and the president will be forced to appoint members from his parliamentary bloc, such leaks suggest that Erdoğan will consider the Nationalist Movement Party an official partner in the presidential system of government.

Behind the consensus remarks and disclosure of partnership, it seems that the Turkish political arena has passed a major turning point, which may have an impact on the overall balance of political forces in the country. On 31 January 2017, in its English edition, the oppositional *Hürriyet* newspaper published commentary pointing out that the shift in relationship between the AKP and the Nationalist Movement into an unofficial coalition may form the basis to govern Turkey for more than 50 years to come. In general, it is obvious that the electoral weight of the conservatives (including the centre-right and those holding an Islamically oriented ideology) and nationalists together in Turkish politics exceeds more than 60 per cent of the Turkish population. In fact, this

electoral weight is not new, nor is it linked to the AKP and the Nationalist Movement, in particular, but dates back to the beginning of multiparty democratic governance in 1950; and it has demonstrated its stability over the decades, as it reflects a well-established image of the Turkish political arena and its forces.

Such calculations are not far from President Erdogan's thinking and the thinking of opposition party constituents who oppose the president, like the Republican People's Party. It seems that some opposition – such as that of the Republican People's Party, who condemns the presidential system and has a negative outlook on the growing consensus between the AKP and the Nationalist Movement – stems from fear that consensual relations could evolve into a strategic consensus, thus reflecting on the future of governance in the country.

**However, the risks of such expectations and concerns need to be considered:**

The referendum has not been held yet, and although public polls show support for the constitutional amendments ranging between 54 and 60 per cent, no one can say that the adoption of the amendments is already guaranteed. There is a difficult election campaign awaiting the parties who oppose the amendments, and it is difficult to ascertain before the announcement of the referendum results. The country's economic situation is not entirely well; and the bloc opposing the amendments does not refute this argument. In addition, nobody can measure the extent of the Kurdish voters in favour of the amendments, especially considering the worsening escalation between the government and Kurdish nationalists.

Moreover, the extent of opposition to the presidential system inside the Nationalist Movement Party, both at the party level within the parliamentary bloc and at the grassroots level, should not be underestimated. On 5 February 2017, a number of civil society organisations who are linked to the Nationalist Movement Party, such as the Nationalists Student Union, invited voters to reject the constitutional amendments. In the event that the amendments are approved in the referendum, a significant segment of nationalists who believe that compliance with the AKP hurts the Nationalist Movement will reject this relationship's shift towards a strategic consensus.

However, the most important issue here concerns the long-term consequences for the AKP and its base, in particular the Kurdish part. In terms of ethnicities, the AKP is considered the party of Turks, Kurds, Arabs, Circassians and all other Turkish ethnic groups, while the Nationalist Movement Party has traditionally been committed to the most severe position against the Kurdish Nationalist Movement, including its armed and



unarmed wings. Therefore, it is hard to imagine the AKP obtaining a parliamentary majority without Kurdish support. In fact, there are more Kurdish AKP representatives than representatives of the Democratic Peoples' Party, which has strong relations with the PKK.

During the past few months, particularly after the failed coup attempt, conflict between the AKP government and the Kurdish Democratic Peoples' Party escalated. Indeed, a number of leaders and deputies of the Democratic Peoples' Party have been arrested and charged with supporting terrorism. While the extent of the impact left by this escalation on the AKP's Kurdish electoral base is unclear, it is clear that the Kurdish majority, which rejects the PKK's armed orientation, imagines that the period of escalation will not last long, and that the AKP will eventually return to revive the path of political settlement. Therefore, if compliance with the Nationalist Movement pushes things in another direction, and the bloody conflict between the government and Kurdish nationalists continues, the AKP is expected to pay a considerable electoral price.

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