

Elections in Turkey: A Crucial Test for a Well- Established Democracy

Sabine Freizer*

Turkey is entering a decisive electoral period in 2014. The upcoming elections have the potential to either further inflame political tensions that increased throughout 2013, or to help resolve the crisis. Three different sets of elections are planned – local, presidential and parliamentary. While the local ones are scheduled for March 2014, it is still possible the dates of the other two will be advanced. For the first time in its republican history, Turkey is expected to elect its president directly, and the regulations for this are still being worked out. At this juncture the Justice and Development Party looks certain to retain its governing position, especially if the parliamentary elections are held together with the presidential race in summer 2014, as this should guarantee that no new political party joins the fray. But for elections to bring stability of the political and economic environment they will have to be free and fair. An impartial elections commission, an open campaign, a lower threshold to enter parliament, more flexible rules for the registration of political parties, and a free media environment are all key in ensuring a more competitive series of elections and more secure country.



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In 2013 Turkey became a deeply divided country, and the elections in 2014 could either help bring it closer together, or drive it further apart. How the upcoming elections are run in such a polarized political environment will determine whether Turkey will remain a state whose legitimacy is based on the rule of law and democratic processes.

While opposition to the Justice and Development Party (AKP) and its supporters is not new in Turkey, it has expanded significantly throughout 2013. Turkey's traditional elite—deeply secular, nationalist and committed to the ideals and system set forth by Kemal Ataturk—have been full of mistrust since Prime Minister Recep Tayyip Erdoğan and the ruling AKP came to power in 2002. Members of this section of society were among those who in summer 2013 joined a small environmental group in opposition to the destruction of Istanbul's Gezi Park. But this subsequently sparked a much larger, nationwide movement against government policies led by a range of youth, environmental, leftists, women and civil society organizations that in many cases had held no previous political affiliation. A new political fault-line also opened up between the AKP and the Hizmet (Service) movement led by religious leader Fethullah Gülen, with differences over government policies in Turkey and abroad starting in 2010, but becoming most evident to the wider public in 2013.¹

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Then on December 17, 2013, Istanbul and Ankara police detained over fifty people, including the sons of three ministers and the head of a state bank, as part of a major investigation into bribery and corruption.² Erdoğan quickly criticized the operation, calling it a political assassination attempt against the government led by a nefarious international plotters and an “interest lobby.”³ Even after accepting the resignation of three ministers on Christmas Day and revamping his government, Erdoğan persisted in

1 Differences began over the ill-fated Mavi Marmara incident in May 2010 and were subsequently seen in disagreements over a host of issues including: the Kurdish peace process, the role of the National Intelligence Organization (MIT), an anti-match fixing law in football, reaction to the Gezi protests and most recently the planned closure of cram schools which are often run by Gülen-affiliated businesses.

2 Corruption allegations are linked to alleged bid rigging in construction contracts and the bending of rules and regulations, gold transactions with sanctions-restricted Iran, and misallocation of funds. After the first wave of detentions, the assets of seven businessmen and two legal entities were also frozen including those of two major construction companies. Sedat Ergin, “Four scenarios for the second wave of the corruption probe,” *Hürriyet Daily News*, January 8, 2014.

3 The Prime Minister has been blaming an “interest lobby,” a conspiracy of foreign and domestic banks, media and policy makers allegedly seeking to destabilize Turkey for profit, since at least January 2012, but he has also increasingly used the term to explain political developments in the country since the May-June 2013 protests sparked by plans to build over Gezi Park in Istanbul.

vouching for many of those under investigation, and condemning the prosecution's work as an attempt against his government in several campaign style rallies. Much of the Prime Minister's anger has been directed at Gülen and Hizmet, which the government has accused of using the judiciary and police to undermine the AKP in advance of the upcoming elections. Erdoğan has also announced changes in the educational sector that would close university preparatory schools, which are a pillar of Hizmet's business empire.⁴

The crisis has affected public institutions, especially the prosecution, police and judiciary. The government removed a key investigative prosecutor involved in investigating corruption. By January 8th, over a thousand police including city and provincial police chiefs, heads of units and deputy general directors were reported to have been removed from their posts.⁵ The government issued a decree requiring police chiefs to notify their superiors of any investigations begun by prosecutors. The Turkish Bar Association filed a lawsuit in response to the decree, arguing that it violated the separation of executive and judiciary powers, and the amendment was quickly overturned by the Council of State. But in a further move against the judicial system, Istanbul police refused to fulfil a prosecutor's order to detain thirty persons in the second phase of the corruption probe. The government also began to prepare legislation to roll back some of the judiciary's independence,⁶ especially the Council of State and the Supreme Board of Judges and Prosecutors (HSYK), which a 2010 referendum had made largely independent bodies.⁷ One of the Prime Minister's senior advisors justified the planned changes saying, "Turkey needs judicial reforms that eliminate the possibility of organized cliques manipulating their constitutional powers to advance their own narrow goals."⁸

The economy was also shaken. Since December 17th, the Istanbul

4 Ertan Aydin, "Turkey's Failed Bureaucratic Coup," Project Syndicate, January 10, 2014. Benjamin Harvey and Selcan Hacaoğlu, "No Truce in Turkey as Erdogan Party Sees Graft Probe as Coup," Bloomberg News, January 8, 2014. Dan Bilefsky and Sebnem Arsu, "Hundreds of Police Officers are Re-Assigned in Turkey," *The New York Times*, January 7, 2014

5 "Fight over graft probe deepens as 16 police chiefs dismissed overnight," *Hurriyet Daily News*, January 8, 2014

6 "Ruling AKP Party Submits Proposal to Parliament, Seeks to Restructure Top Legal Body," *Today's Zaman*, January 7, 2014

7 Quote from EU report; see also Ali Aslan Kılıç, "Opposition Says no Support for Government to Suppress judiciary," *Today's Zaman*, January 2, 2014; Semih İdiz, "Can Something Positive Come from This Scandal?" *Hurriyet Daily News*, January 2, 2014. Jean Marcou, "Turquie: le gouvernement et les juges face a face," Observatoire de la Vie Politique Turque, December 31, 2013.

8 Ertan Aydin, "Turkey's Failed Bureaucratic Coup," Project Syndicate, January 10, 2014

stock market (XU100) has lost 12 percent and the Turkish lira is 8 percent down against the U.S. dollar.⁹ As many of the corruption allegations involve the construction sector, one of the main drivers of the country's recent growth, the economy is likely to suffer from a downturn in foreign and possibly domestic investment. With other accusations focusing on Halkbank, one of the main state banks, the previously respected banking sector's reputation is at risk.

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In any case, local elections are planned for March 30, 2014 and presidential ones for later in August. From the municipal races onwards, the polls will be viewed as a crucial test for the AKP, and for Erdoğan, who has indicated his wish to remain in power in some capacity until the Republic's centennial in 2023. But the elections are also essential to help re-establish a sense of political stability and trust. For that, they have to be genuine, free and fair, to meet international standards, and leave little room for any fraud allegations.

Turkey has in the past demonstrated a strong commitment to democratic elections. There is a strong tradition of competition between parties; electoral institutions and laws are well established; participation is high and campaigns lively.¹⁰ Until now, separation of powers has been clear and most fundamental freedoms guaranteed. Trust in the electoral system has been high, violations of democratic procedure generally rare and international monitoring groups have assessed little need for extensive international observation, as takes place in other parts of the region.

But the upcoming elections pose a greater set of challenges than in the past because of the growing uncertainty regarding Turkey's democratic credentials. Since the 1980 coup d'état, political polarization has never been so deep; for the first time a president will be directly elected; crucial constitutional reform has stalled, and

9 Mehul Srivastava and Benjamin Harvey, "Erdogan Eye on 'Crazy Projects' Links Turkey Scandal to Builders," Bloomberg, January 5, 2014.

10 OSCE ODIHR Election Assessment Mission Report 2011, p.2.

over the past couple of years freedom of media and freedom of expression have faced serious constraints. Due to deficiencies in the country's election laws, much will depend on the work of the Supreme Board of Elections (YSK) and its ability to remain impartial, independent and apolitical.

Three sets of elections, three sets of challenges

In March 2014, citizens will elect a large number of local executive and legislative authorities including: metropolitan city, provincial and town mayors, district heads and a host of municipal and provincial council representatives.

The AKP won approximately 51 percent of all municipalities in 2009. Certain parts of the country are likely to remain out of reach, especially the western coast (which during the last local polls in 2009 tended to support the Republican People's Party-CHP) and the Kurdish-majority south east (which gave its support to the pro-Kurdish Democratic Society Party-DTP).¹¹ Overall, in 2009 DTP won in ten provinces, CHP in seven, and the Nationalist Movement Party (MHP) in two, compared with the AKP's victory in 62 provinces.¹²

In 2014 the race is likely to be particularly close in the major cities of Ankara, Istanbul and Izmir (the latter is currently controlled by the CHP). In these three cities, the main opposition CHP decided to back candidate that are well known and popular, but at least in Istanbul and Ankara are also new to the party.¹³ The CHP has chosen to focus on electability rather than ideology or values as the main criteria for its candidates.¹⁴ The BDP will try to maintain the former DTP's hold on the south east, but the AKP is betting that its votes from the region's Kurdish majority will increase due to its engagement with the leader of the banned Kurdistan Workers' Party (PKK) Abdullah Ocalan in 2013 and the traction they have gained by evoking Islamic Sunni solidarity.¹⁵

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¹¹ DTP was later closed by the government and largely replaced by the Peace and Development Party (BDP)

¹² Ali Çarkoğlu, "Turkey's Local Elections of 2009: Winners and Losers," *Insight Turkey*, Vol. 11, No 2, 2009, pp.1-18.

¹³ Mustafa Sarigul, mayor of Istanbul's Sisli district and Mansur Yavaş former mayor of Ankara's Beypazarı district will run for CHP in Istanbul and Ankara respectively. Aziz Kocaoğlu the current mayor will run again for İzmir.

¹⁴ Ezgi Basaran, "Poll Winners Will Become Our Candidates in Local Elections, Turkey's Main Opposition Leader Says," *Hurriyet Daily News*, October 28, 2013.

¹⁵ Abdullah Ocalan has called on his followers not to get involved in the current AKP-Hizmet conflict.

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While municipal elections are traditionally fought over local issues,¹⁶ this time voters are likely to cast their votes based on national issues because of the political crisis and the temporal proximity between these polls and the presidential race. It is possible that CHP, generally considered the party of the country's secularists, along with the ultra-nationalist MHP, will benefit from this. The two parties have their own image problems. They are often viewed as being old-fashioned, male-dominated, lacking a vision for sustainable economic growth, and unable to project political confidence in an increasingly volatile region. During the Gezi protests, they kept a low profile. According to one survey at the time, some 41 percent of the Gezi participants said they voted for the CHP in 2011, but only 31 percent indicated they would do so now.¹⁷ Even if they no longer want to give their vote to the AKP, it is hard to imagine many religiously conscious Gülen supporters backing either the CHP or the MHP.¹⁸

The current party system works against change and rejuvenation. Within the main parties, internal rules and structures favor a small coterie of elders. Candidate lists and other important decisions rarely engage party branches. To be included on a party list generally requires the payment of a fee. Youth wings exist but many are frustrated by their lack of access to party leadership. Only the AKP has an extensive network of party branches that provide support and services to their members. The AKP is also the party that most extensively conducts polls to determine what issues matter most to its voters.

Municipal elections could have offered the best chance for the development of a new political party, despite the restrictive rules for the establishment of new parties at the local level.¹⁹ For example,

"Those who want to set our country ablaze once again with the fire of a coup should know that we will not throw gasoline on this fire. They will find us to be against every coup attempt just as we always have been." January 11, 2014 at <http://rojavareport.wordpress.com/2014/01/11/ocalan-we-will-not-throw-gasoline-on-this-fire/>. Link tweeted by @fgeerdink on January 12, 2014.

16 Ali Çarkoğlu, "Turkey's Local Elections of 2009: Winners and Losers," *Insight Turkey*, Vol. 11, No 2, 2009, pp.1-18.

17 Survey carried out by Konda Research and Consultancy, "Who are They, Why are They There and What do They Demand?" June 6-7, 2013.

18 Erdoğan believes that Hizmet votes are 3 percent in total and that at least 1.5 percent will vote for Erdoğan because there is no alternative. Hizmet believes that its voting power is 6 percent alone and that it can influence the voting preferences of at least 20 percent. Turkish analyst, email correspondence, January 8, 2014. See also Mahir Zeynalov, "Who will Hizmet Support in Local Elections?," Today's Zaman blog, January 12, 2014

19 They are similar to those applied for groups seeking registration for state wide polls. According to Law no 298 on General Principles on Elections, political parties must have formed their organizations

a split occurred in the Kurdish BDP, leading to the creation of the People's Democratic Party (HDP) in autumn 2013, which aims to appeal to more leftist voters.²⁰ Even though Hizmet has always underlined its role as a civil society movement rather than a political one, it could have backed activists wishing to create a new party. But that window has now closed with the December 30th decision by the Supreme Board of Elections (YSK) that only parties that met the registration conditions six months prior to the March 2014 polls can run in those races. Twenty-five parties qualify to run in the March elections, but besides HDP, none are particularly new or focused on finding a social democratic alternative to the existing options.²¹

In 2014, municipal elections will for the first time be held under the new legislation passed in 2012, which created twenty-nine metropolitan municipalities. This has changed some electoral boundaries. Setting new elections boundaries with the express purpose of creating an advantage for a party in power is common even in mature democracies, and is known as “gerrymandering” in the U.S. It is difficult to determine whether the AKP has changed the boundaries in order to create an advantage at election time. But research by Crisis Group in the southern district of Hatay found that there is a perception among some respondents that new boundaries, which divide the provincial capital Antakya in two, were drawn along ethnic lines—Sunni versus Arab Al-levi.²² In Izmir, where the mayor is currently a CHP member, there is concern that the inclusion of traditionally more conservative suburbs into the new metropolitan municipality will give AKP an advantage. To diminish such perceptions, the authorities still have opportunities to make the criteria for the assignment of electoral borders public.

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Even though there is likely to be significant focus on the municipal elections, ultimately, the powers of local governments are

in at least half of the cities (of the country) at least six months prior to the election date and have held their general assembly to qualify to run in elections for MPs, mayorships, local and provincial councils. Turkey's centralized republican tradition does not favor the development of local level politics or political forces which could be seen as federalist.

20 The HDP has allocated a 10 percent quota for lesbian, gay, bisexual and transgender (LGBT) candidates and 50 percent for women. It is fielding Sirri Sureyya Onder, who was a leader of the Gezi protests, as its Istanbul mayoral candidate. Orhan Kemal Cengiz, *Al Monitor*, November 7, 2013.

21 For full list see <http://www.ysk.gov.tr/ysk/docs/Kararlar/2013Pdf/2013-622.pdf>.

22 Crisis Group Europe Report No. 225, *Blurring the Borders: Syrian Spillover Risks for Turkey*, April 30, 2013, p.22.

limited in Turkey's highly centralized system.²³ Consultation with local community groups is minimal. As the European Union (EU) noted in its 2012 progress report on Turkey, new legislation re-centralized government powers, mainly in the fields of land use planning and urban renewal, and few city councils function effectively. The Law on Metropolitan Municipalities did not implement the "Council of Europe recommendations on strengthening municipalities through devolution of powers or enabling them to raise their own revenue", noted the EU in 2013.²⁴

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Women are also barely represented at the local level. Currently they make up less than 1 percent of mayors, hold 4.2 percent of city council seats and 3.3 percent of provincial assembly seats.²⁵ According to statistics from the Turkish women's organization KA-DER there are only 26 women out of the 2950 local executive heads (mayors of various types). BDP is the only major party whose charter sets out a clear "gender" quota of 40 percent, talks of positive discrimination and has pledged equal male/female party leadership.²⁶ It has proposed that female candidates run for mayor in Diyarbakir, the main Kurdish city in the south east, as well as in thirty-one other local races. CHP also has thirty mayoral candidates (at different levels) so far.²⁷

After the March elections, the country's attention will quickly turn to the presidential contest scheduled for August 2014. For the first time in Turkey's republican history, the president will be directly elected. Previously, the president was chosen by a two-thirds parliamentary majority.²⁸ The decision to make the president directly accountable to the people was made in 2007 after Abdullah Gül, the incumbent, was unable to secure the necessary number of parliamentary votes needed to accede to the post.²⁹

At the time, it was widely assumed that constitutional reforms

23 The March elections will not affect provincial governors who are prime ministerial appointees.

24 European Union Progress Report Turkey 2013, p.8.

25 The representation of women in parliament has nevertheless increased from 9.1 percent after the 2007 elections to 14 percent today. See OSCE ODHR Election Assessment Mission Report 2011, p.23.

26 The BDP statute is available at http://www.bdp.org.tr/tr/?page_id=2.

27 CHP MP response via Twitter @Aykan_Erdemir January 13, 2004

28 In 2007 the CHP boycotted the parliamentary vote and argued that a quorum of 367 attendees was needed to vote on the president. The Constitutional Court annulled the first round of presidential elections in parliament on the grounds that the two-third quorum was not present.

29 For Gül to finally accede to his post a snap parliamentary election had to be held on July 22, 2007. The AKP secured enough MPs to vote for Gül in August 2007.

would be passed to increase presidential powers and move Turkey from a parliamentary republic closer to a presidential one.³⁰ Even though it is highly debatable whether Turkey would benefit from such a change, a directly-elected president is likely to feel that he has more popular legitimacy than his predecessors.

A Constitutional Preparatory Commission was set up in 2011 to reform the current constitution, including executive powers, but failed to deliver. AKP leadership has suggested that it might introduce its own draft constitution to the Turkish National Assembly, and if it cannot secure the required 367 votes (of 550) to pass it without going to a referendum, then it would take it to a public vote (requiring between 330-367 MPs). But the political climate since the Gezi events this summer weighs against a referendum, which would require a majority of ‘yes’ votes to pass.³¹

In 2014, Turkey will see its first presidential election and campaign.³² The law and by-lines stipulating how the elections will be held are still being worked out, and are likely to be highly dependent on the YSK’s interpretations.³³ Any Turkish citizen over forty, with a higher education and eligible to serve as an MP can run. Nominations require signatures from twenty MPs. The candidate with the absolute majority of valid votes is elected, and if no one obtains 50 percent, a second round is held between the two top candidates. Under the new system the president is still expected to be non-partisan, and thus to sever his party relations.³⁴

Turkey has been rife with speculation about presidential candidates, especially the possibility that President Gül and Prime Minister Erdoğan might run against each other, following the Constitutional Court’s ruling in June 2012 that Gül could serve a full seven-year term (until 2014) and run again for the presidency, al-

30 Currently the Turkish president may summon meetings of the National Assembly, promulgate laws, return laws for reconsideration to the Assembly and ratify international treaties. He appoints the prime minister, convenes and presides over meetings of the Council of Ministers when he deems it necessary and calls new elections of the National Assembly. He is authorized to dispatch the armed forces and declare martial law. He has various appointment powers including of key judicial authorities. For more, see tccb.gov.tr.

31 Most parliamentary decisions in Turkey are made by an absolute majority which the AKP with some 320 seats out of 550 can easily secure today. It does not however have the two-thirds required to make constitutional amendments.

32 It is largely assumed that the elections will be held in August 2014. But if the office of the president is vacated for any reason, elections shall be held within sixty days following the vacancy.

33 The only constitutional amendment made so far is to Article 79, to say that the general conduct and supervision of election of the president shall be subject to the same provisions relating to the election of deputies.

34 Article 101 of the Constitution clearly states that the president shall be impartial.

Gül often gains higher public approval ratings than Erdoğan, and may also have retained greater trust among liberals, Hizmet members and Turkey's international supporters in the EU and U.S., but he is not considered to have control over the AKP party machinery to the same degree as the prime minister.

beit only for a five-year term. This has been fueled by the “good-bad cop” public image the two have taken on, with the president offering conciliatory words after the prime minister’s tough statements. Gül often gains higher public approval ratings than Erdoğan, and may also have retained greater trust among liberals, Hizmet members and Turkey’s international supporters in the EU and U.S., but he is not considered to have control over the AKP party machinery to the same degree as the prime minister.

Erdoğan has repeatedly said that he would run for the post if his party asked him to. Under current AKP rules he cannot run for a fourth consecutive term as prime minister. Gül has been less open about his plans, which could include a run for the presidency, or for the post of Prime Minister if Erdoğan vacates the post.

Turkish analysts generally believe that the AKP’s local elections results will be the main factor in Erdoğan’s calculations on whether or not to run for president, and predict that if AKP does not get the 50 percent it won in the 2011 parliamentary polls, Erdoğan is unlikely to run for the presidency.³⁵ If he were to lift his party’s prohibition on four consecutive terms in elected office, Erdoğan could simply stay on as prime minister.³⁶

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At the same time, the AKP could decide to move the 2015 parliamentary elections forward to coincide with the presidential contest. This would likely increase the AKP’s advantage and give its preferred presidential candidate a clear boost, via the AKP’s parliamentary campaign. But in principle, as the president is constitutionally non-partisan, i.e. supposed to serve the state above the political fray, he should not rely on party funding or structures for his campaign.

During the last parliamentary elections in June 2011, Erdoğan’s AKP took just under 50 percent of the vote, the Republican People’s Party (CHP) 26 percent, and the Nationalist Movement Party (MHP) 13 percent. Even though fifteen parties ran in the elections, none outside the top three gained more than 1.25 percent of the vote. Kurdish candidates ran

35 Murat Yetkin, “2014: Turkey’s Year of Destiny,” *Hurriyet Daily News*, 2 January 2014.

36 Lifting the self-imposed three-term limit for members of parliament has been discussed over the past year. Most recently see interview with Osman Can, AKP Central Committee member, in Benjamin Harvey and Selcan Hacaoglu, “No Truce in Turkey as Erdogan Party Sees Graft Probe as Coup,” *Bloomberg News*, 8 January 2014.

as independents and secured twenty seats. The current system of seat allocation is based on closed lists and follows the D'Hondt method, which tends to favor larger parties. Candidates also need to win many more votes in western Turkey's urban areas than in the more rural regions. For example, the MP representing Tunceli in 2011 won 28,800 votes compared to his colleague in Istanbul-1 constituency who gathered 112,500 votes.³⁷

If the parliamentary elections are held in 2014, it is unlikely that party representation in parliament will change fundamentally even though the AKP is likely to lose some seats.³⁸ No new party besides HDP has been established. Rumors that there might be a rift in the AKP before the next parliamentary poll have been rife since at least summer 2013, but have gathered force since the December corruption scandal. Seven AKP MPs resigned in December 2013; however they made no statements claiming that they left to launch a new political alternative, and none of the men has the domestic popularity needed to quickly build a dynamic opposition to the ruling party. The same goes for the ministers who were shuffled out of government in December 2013. Many leading AKP politicians who are banned by an internal party rule to run for a fourth mandate could also join a splinter party, but so far none has expressed such an intention.

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The earlier the parliamentary elections, the less likely it is that an AKP splinter group could compete. It can be assumed that as in the local polls, the YSK will determine that new parties need to meet all the necessary conditions to run at least six months before an election is held. Political parties that are not yet in parliament must meet extensive requirements to participate in polls, including proving that they have registered offices and a full list of candidates in at least half of the provinces. Parties cannot make coalitions to overcome these requirements.

Over the past years there has been much talk about lowering the existing ten percent national electoral thresholds to get into parliament.³⁹ As the highest threshold in Europe, this standard has been deemed “excessive” by the European Court of Human Rights

37 OSCE ODIHR Election Assessment Mission Report 2011, p.11.

38 AKP, CHP and MHP are again likely to be the only parties that can pass the 10 percent threshold. Polls are highly politicized in Turkey. One recent polls gives AKP 42.3%, CHP 29.8% and MHP 18.7%, Sonar Haber, January 9, 2014 at <http://www.sonarhaber.com/album-p5-aid,595.html#galeri>, another poll by Denge gives AKP 47.5%, CHP 28.9% and MHP 12.7% tweeted by @memetsimsek (Turkish Minister of Finance) January 10, 2014

39 The Council of Europe has repeatedly criticized Turkey for the high threshold.

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(ECHR). To overcome it, the Kurdish-identified Peace and Democracy Party (BDP) has supported independent candidates instead of party lists in 2011. But it is much harder to win seats through this route, and requires extensive organization. Some opposition parties have also in the past entered into coalitions to try to overcome the 10 percent barrier, but in general have had little success.⁴⁰

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The Constitutional Preparatory Commission was supposed to address the threshold issue but after it failed overall, Erdoğan proposed three alternatives as part of his “democratization package” in September 2013. He suggested keeping the 10 percent national threshold, decreasing the threshold to 5 percent while implementing a narrowed constituency system, or setting up a single-member district system with no threshold. Since then, this appears to have dropped off the legislative agenda. Even if one of the changes were made, it is unlikely that party diversity would increase in parliament. The democratization package also sought to ease conditions for the establishment of political parties, to reduce the threshold for political party budget support, remove restrictions on political party membership and the use of languages other than Turkish in political campaigning. These initiatives have yet to pass into law.⁴¹

The broader electoral environment

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For elections to be free, all citizens should be able to enjoy their fundamental rights, the freedoms of expression, association, peaceful assembly and movement. Voters should have a genuine choice and not be under any influence or pressure, especially from state structures. Elections are considered fair if all candidates compete on an equal playing field, with unimpeded access to the media

40 For example the Social Democratic Party joined CHP and the True Path (DYP) and Motherland parties (ANAVATAN) previously united as the Democratic Party.

41 In its recent report, the European Commission noted a lack of progress on alignment with European standards of laws on the closure of political parties or on the financing of political parties and election campaigns. See European Commission, *Turkey 2013 Progress Report*, October 16, 2013, p.8.

on a non-discriminatory basis, under campaign finance regulations that do not discriminate, and a clear separation between state and party so that administrative resources are not used to benefit any specific party or candidate.⁴²

Past elections in Turkey have been assessed as democratic. Even when political tensions have run high, the Organization of Security and Cooperation in Europe (OSCE) concluded that:

“The overall conduct of the elections represents a notable achievement against a background of political tensions which arose in the spring of 2007 [...] The elections demonstrated the resilience of the election process in Turkey, characterized by pluralism and a high level of public confidence.”⁴³

Since starting its EU accession negotiations in 2005, Turkey’s progress in meeting the Copenhagen political criteria has also been acknowledged. These criteria require institutional stability, guaranteeing democracy, the rule of law, and human rights.

Campaigning has always been vibrant and free, even if also extremely negative and aggressive. Campaign events have never met the same kind of heavy-handed police response faced by unsanctioned rallies organized since the Gezi events, although violence against party premises, mainly the AKP’s, has been reported in the past. AKP in particular has proven to operate a highly professional campaign machine. Erdoğan seems to enjoy addressing large rallies across the country, which he has done not only during campaigning periods but also during the Gezi protests and again in December 2013. When the campaign formally starts the onus will be on the AKP to use its own party funds rather than administrative resources to guarantee an equal playing field.

Nevertheless, there has been some backsliding in several key democratization areas. These setbacks may threaten the government’s ability to hold free and fair elections in 2014-2015.

Most crucially, trust in the Turkish press has plummeted. During the Gezi protests in summer 2013, the main television networks were extremely hesitant to provide any coverage. In a poll conducted in June by MetroPol, 53

During the Gezi protests in summer 2013, the main television networks were extremely hesitant to provide any coverage. In a poll conducted in June by MetroPol, 53 percent said that the press is not free.

⁴² *Election Observation Handbook* (Warsaw: OSCE ODIHR, 2010), p.22.

⁴³ *Republic of Turkey: Early Parliamentary Elections* (Warsaw: OSCE ODIHR, July 22, 2007), p.1.

percent said that the press is not free.⁴⁴ Journalists talk increasingly openly about heated anti-independent press rhetoric from the government, self-censorship, losing their jobs over critical pieces, and the threat of jail sentences. The Committee to Protect Journalists calculated in December 2013 that forty persons working in the Turkish press are languishing in jail on various charges, making Turkish the biggest incarcerator of journalists in the world.⁴⁵ State officials themselves continued to launch suits against critical journalists and writers, including for Twitter messages. In its 2013 Press Freedom Index, Reporters Without Borders ranked Turkey 154th out of 179 countries for its press freedom. During the December 2013 corruption crisis, the organization issued a statement saying that “[b]y trying to impose pre- and post-publication censorship on coverage of a major anti-corruption investigation targeting the heart of the government,” the authorities “are increasing the already remarkable opacity that cloaks leading political issues and judicial cases in Turkey to the detriment of the public’s right to know.”⁴⁶

As in 2011, it will be good if political parties receive free airtime on the public broadcaster and can purchase airtime from other broadcasters under the same conditions for all campaigning.

In past elections, the media has tended to play a positive role, contributing to a vibrant campaign climate.⁴⁷ At the same time, private TV channels have generally given the majority of airtime to the ruling party/government, and the regulator does not interpret the media’s obligation to be impartial during the campaign as requiring the equality of coverage of electoral contestants.⁴⁸ In an environment where much of the media is controlled by large economic groups, with economic interests and ties to the ruling government, maintaining an equal playing field between candidates will pose a substantial challenge, especially at the presidential level. As in 2011, it will be good if political parties receive free airtime on the public broadcaster and can purchase airtime from other broadcasters under the same conditions for all campaigning.

⁴⁴ <http://www.metropoll.com.tr/>

⁴⁵ Nina Ognianova, “Turkey – World’s Top Press Jailer Once More,” CPJ blog, December 18, 2013.

⁴⁶ Reporters without Borders, “Journalists Scapegoats Again in Latest Political Crisis,” December 25, 2013.

⁴⁷ The broadcasting authority, the Radio and Television Supreme Council (RTÜK), is tasked with monitoring national private broadcasters for infringements, including unbalanced coverage. It has sanctioned broadcasters with program suspensions due to repetitions of violations in the past.

⁴⁸ OSCE ODIHR Election Assessment Mission Report 2011, p.19-20; OSCE ODIHR Elections Assessment Report, July 22, 2007, p.18-19.

So far, the Supreme Board of Elections (YSK), which consists of seven members elected from among the jurists at the Supreme Court of Appeals and the Council of State, is widely seen as professional and impartial. Recent talk of governmental efforts to reduce the independence of the Council of State and Supreme Board of Judges and Prosecutors (HSYK) has not spread to the YSK. This is very encouraging for the fairness of the upcoming elections. However, the YSK decisions, which tend to be wide ranging due to inadequacies and lack of clarity in existing legislation, have not been immune to criticism in the past.⁴⁹ Much of the elections' success will again depend on the YSK's impartiality and professionalism.

Especially amongst government opponents, rumors abound about inflated voter registries, tampering of elections results, bussing of voters to several polling stations and other electoral violations, but there has been little detailed or verifiable evidence of this. The YSK has pledged that for 2014, election protocols will be signed by polling stations supervisors and published online.⁵⁰

Monitoring of campaign spending and adherence to caps on donations to candidates and parties is limited. Presidential candidates are supposed to finance their campaign through citizen donations put into special "election accounts." Apparently an individual cannot donate more than 8,259 TL (approximately 4500 USD), but how this will be monitored and whether corporate entities can offer donations is unclear. The Law on Political Parties allows firms to donate to political parties, but puts a limit (currently 2000 TL annually) on donations by private persons or firms. But legislation on party income and expenditures as well as campaign financing is weak. Political parties and independent candidates disclose their campaign related income and expenditures but there are no limits on spending, and verification of documents does not always happen. Important recommendations by an expert Council of Europe body on party funding transparency have not yet been fully implemented.⁵¹

49 OSCE ODIHR Election Assessment Mission Report 2011, p.3. The OSCE went so far as to recommend that YSK "should refrain from issuing decisions that conflict with the legislation," p.5.

50 "YSK Chairman Promises More Transparency in Polls," *Today's Zaman*, August 21, 2013.

51 *Republic of Turkey Parliamentary Elections 12 June 2011, OSCE/ODIHR Needs Assessment Report 30 March-1 April* (Warsaw: OSCE/ODIHR, April 13, 2011), p.9. GRECO (Group of States of the Council of Europe) of the Council of Europe has been working closely with Turkey since 2010 on transparency of party funding. It provided a series of nine recommendations, and its 2012 report found that none of them have been fully implemented. It concluded: "the reform process is still at a very early stage and no tangible results – with a few exceptions, such as the adoption of legislation on campaign funding of presidential candidates – have been achieved to date, it is not yet possible to draw final conclusions and to assess whether GRECO's recommendations are being dealt with satisfactorily.

Local and international election monitoring groups can help ensure that the upcoming elections meet international standards and do not become another source of controversy.

Local and international election monitoring groups can help ensure that the upcoming elections meet international standards and do not become another source of controversy. In this regard, the key organization is the Organization for Security and Cooperation in Europe's (OSCE) Office for Democratization and Human Rights (ODIHR). It has been criticized for allegedly exceeding its mandate by countries such as Russia and Azerbaijan, which want to establish more stringent rules for the organization's work.⁵² International monitoring groups like the European Stability Initiative (ESI), on the other hand, have accused the OSCE of not doing enough.

Despite these criticisms, OSCE ODIHR is the one international body that has over twenty years of election monitoring experience, having observed or assessed some 250 elections processes and substantial election-related commitments by participating states like Turkey.⁵³ ODIHR has traditionally had a big presence at elections in Turkey's neighborhood, with some 220 observers in Russia (2011 State Duma elections), 445 in Albania (2013 parliamentary elections) and 350 in Georgia (2013 presidential elections). In Turkey's 2011 elections, it only deployed an elections assessment mission with nineteen observers based on the OSCE preliminary needs assessment that found that interlocutors in country "did not raise serious and systematic concerns with regards to election day procedures."⁵⁴ The OSCE does not traditionally monitor local elections and there are no plans to do so in Turkey in March. It is likely to seek an invitation to observe the upcoming parliamentary and presidential polls, and a larger full observation mission would be valuable.

Not only is Turkey reluctant to accept large numbers of international monitors, there are few local observation groups. Despite

It would appear, however, that some (planned) measures would not fully meet the requirements of the recommendations, in particular, as regards the strengthening of the monitoring mechanism which clearly needs to adopt a much more pro-active approach than in the past." Third Evaluation Round, Compliance Report on Turkey, GRECO (Strasbourg: March 23, 2012), p.18

52 Address by H.E. Elmar Mammadyarov, Minister of Foreign Affairs of the Republic of Azerbaijan, 20th meeting of the OSCE Ministerial Council, Kiev, December 6, 2013. Address by H.E. Sergey Lavrov, Minister of Foreign Affairs of the Russian Federation, 20th meeting of the OSCE Ministerial Council, Kiev, December 5, 2013.

53 "All OSCE participating states have committed themselves to invite international observers from other OSCE participating states, ODIHR, and the OSCE Parliamentary Assembly to their elections. As such, the states recognize that election observation can play an important role in promoting transparency and accountability, as well as enhancing public confidence in the electoral process." See OSCE ODIHR *Election Observation Handbook*, p.13. See also OSCE Copenhagen Document (1990).

54 *Republic of Turkey Parliamentary Elections 12 June 2011, OSCE/ODIHR Needs Assessment Report 30 March-1 April* (Warsaw: OSCE/ODIHR, April 13, 2011), p.11.

previous OSCE recommendations, domestic legislation does not explicitly provide access for international and civil society observers to all stages of the electoral process. Outside the press, detailed analysis of electoral processes is rare. The kind of monitoring and mapping of election day violations, as seen most recently in Russia, for example, does not happen in Turkey.⁵⁵ Observation duties are largely left to political parties who are very active on election day, reviewing copies of precinct electoral protocols and on some occasions organizing parallel vote tabulations. But this does not replace the full-scale campaign, election-day and post-election monitoring and analysis by independent non-partisan groups, which often helps strengthen trust and transparency in the electoral process.

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Using elections to build trust and overcome the current crisis

2014 will be the year of elections in Turkey. Due to the highly polarized political environment, there are many concerns that the polls will fuel the current crisis and contribute to the further weakening of the investment climate. However, the country has demonstrated in the past that even when political tensions are high, electoral laws, institutions and high voter turnout have ensured a free and fair process, where very few express a sense of disenfranchisement.

Several steps could still be taken by the government to improve the competitive climate: lowering the threshold to enter parliament, relaxing requirements for new parties to participate in polls, explaining the boundaries of new electoral districts to the public, clamping down on attacks on independent media, ensuring that state resources are not unfairly used to support the governing party's campaign, allowing for full international and domestic election observation and ensuring the independence of the Supreme Election Board.

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Turkey's current corruption crisis is destabilizing the country, but its national institutions, especially the judiciary, and its solid democratic tradition place the country in a very different league to its neighbors east and south, and help justify its EU candidacy. But the events in December 2013 and January 2014 have made all too clear how the rule of law can be undermined. In the same vein, electoral fraud, previously unheard

⁵⁵ Though Russia's main elections watchdog - Golos - is being pursued by the government and Russian courts for failing to register under the new "foreign agent" law.

of, could become tempting. But the weakness of the current opposition and the government's ability to dictate the dates of the coming polls makes it unnecessary for the AKP to take such measures in order to retain power. Turkey and the AKP are in for a challenging year but democratic institutions and practice still offer a way out of the current crisis.