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## A GUIDE TO TURKEY'S CONSTITUTIONAL REFERENDUM

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**F**or many Turkish citizens this will be the most important electoral decision in their voting life. A referendum has been called for April 16 to approve a major constitutional reform. If they vote *Evet* (yes) they will be giving Erdoğan greater powers to rule Turkey. If they vote *Hayir* (No) they will turn their back to a President that insists that he needs those powers to fight against external and internal enemies. In order to understand the importance and the implications of such a vote, one should take these five points into consideration:

The motivations: Erdoğan has been one of the most outspoken voices urging to substantially revise a Constitution that was adopted under the rule of a military junta in 1982. His party agreed that Turkey needed a new Constitution but not everyone was convinced that a presidential system, as envisaged by Erdoğan, was the response to the country's needs. In fact, this is one of the elements that planted the seeds of mistrust between him and the former Prime Minister, **Ahmet Davutoğlu**. Arguably, Erdoğan is tempted by the possibility to extend the presidential mandate, the promise of a life-long immunity, the consolidation of a single political leadership for the country and the idea of a more executive presidency allowing him to react quicker. Last year's failed coup d'état only amplified Erdoğan's perception that all of this is necessary. In Turkey many are also speculating about why **Devlet Bahçeli**, the leader of the right-wing nationalist party (MHP), decided to facilitate this constitutional reform. Is it a transactional support in exchange for something we don't know yet? Does it respond to intra-party quarrels? Or does it aim at bringing the Justice and Development Party (AKP) closer to the line of MHP, or hard-core Turkish nationalism?

The content of the reform. This reform only relates to **18 out of the 177 articles** of the Constitution. Yet, if adopted it will imply a major political shift. Turkey will become a hyper-presidential system. The Presidency of the Republic will be partisan and executive. The post of Prime Minister will disappear. The President will have an asymmetric leverage over legislative power. He (or she) could call for early elections but the Parliament could not hold the President accountable.

Impeachment is foreseen but is a remote possibility (the vote of at least two-thirds of the parliament is needed). The critics of the reform argue that the independence of the judiciary is also at stake, particularly due to the new system of election of the Supreme Board of Judges and Prosecutors (HSYK). The approval of the reform also extends the time horizon for Erdoğan to remain in power, as he could run for two additional mandates of five years (if elections are held in 2019, he could remain in post until 2029). Last but not least, the new provisions also grant a life-long immunity to the President.

The implications for Turkey's political party system. One of the side effects of the constitutional referendum is that it is testing how cohesive the two parties that are calling for a Yes vote are. The split in the right-wing nationalist MHP has already materialised. **Meral Akşener**, a former MHP parliamentarian who aspired to replace Bahçeli, is actively campaigning for a No vote. Many speculate that she may try to articulate a new right-wing party once the referendum campaign is over. There is also division in the AKP. Some figures of the party like former President Abdullah Gül and former deputy Prime Minister Bülent Arınç have **declined** to participate in the Yes campaign. This could herald intra-AKP divisions, particularly if the constitutional reform is rejected, and shake Turkey's political landscape. A key element in this development is whether Erdoğan will want to hold early elections. In principle, chances are higher in case of a tight defeat; but also a tight victory. On the contrary, if an overwhelming majority votes Yes, Erdoğan might not feel the need. With an overwhelming No vote going to polls becomes too risky for the AKP.

The effects on the Kurdish issue. Precisely because the AKP needs the MHP support to pass this reform, Erdoğan's party is gradually getting closer to a Turkish nationalist rhetoric. This move, together with some symbolic measures undertaken by Ankara-appointed governors, risks antagonising part of the traditional Kurdish AKP supporters. Unwillingly, the constitutional debate has revived the mainly Kurdish People's Democratic Party (HDP). This came despite having part of its leadership arrested and its loss of popularity due to the **surge of PKK violence**. As long as Erdoğan relies on the support of MHP, the chances to revive the peace process are remote. In the meantime, terrorist actions will contribute to feed Erdoğan's argument that a strong presidency is needed to overcome the PKK and other enemies.

The international implications. The polarisation of Turkey's politics as well as the post-coup process has damaged the country's international reputation. EU-Turkey relations are under stress and the coincidence of electoral processes in Turkey and Europe intensifies the risk of collision. The recent **Dutch-Turkish crisis** is the most visible example. Erdoğan feels abandoned by its Western allies and believes that some of them are working to topple him. Once more, this reinforces his claim that the President needs a greater margin of manoeuvre to defend himself (and the country). In the coming days, turbulences are likely to intensify; particularly if European institutions and leaders openly criticise the fairness of the electoral process. While short-term political strategies and blame games are likely to increase the level of tension, economic arguments may be the only stabilising force. Erdoğan and Turkish and international business sector, may not want to make Turkey's economy even more vulnerable, which would be the case if an abrupt divorce with the EU takes place. The EU may also be willing to explore damage control strategies in light of its stakes in Turkey.

On April 16<sup>th</sup> the world's eyes will be on Turkey. Turkish citizens will not only decide whether Turkey needs a presidential system and how much power should be granted to Erdoğan. They will also decide on what democracy means for them.