

Turkey in 2012: A General Overview

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In the last couple of years, Turkey has attained an increasingly global visibility and developed a strong economy, becoming a crucial regional actor and important global market. The landslide electoral victories and single-party governments of the Justice and Development Party (AKP), the existence of weak opposition parties, the accession negotiations with the European Union, and a proactive foreign policy towards the Middle East and Africa have marked the decade. On the other hand, the country has continued to face serious problems, including a democratic deficit, societal polarisation, military ultimatums and attempted coups, assassinations, human rights violations, terrorist attacks, and an ongoing war in its south-eastern regions. A confrontational political climate and violence continued to prevail in the country in the aftermath of the 2011 national elections and throughout 2012. In what follows, we will analyse the main events and developments that took place in 2012 in Turkey by focusing on four important issues, namely: (i) the Kurdish question, (ii) the making of a new constitution, (iii) the democratisation initiatives, and (iv) the Syrian crisis.

The Kurdish Question

In mid-2009, the AKP government declared that it was working on steps aimed at solving the Kurdish question. However, by the end of the year, the “Kurdish opening,” or “democratic opening,” had failed, and a nationalist and anti-Kurdish rhetoric became rampant in the political arena, including in the discourse of the ruling AKP. Investigations into the Union of Communities of Kurdistan (KCK), the alleged urban wing of the PKK, began in late 2009 and have expanded since; the resulting arrests have involved politicians affiliated with the Peace and Democracy Party (BDP), elected mayors and municipal council members, as well as trade unionists, human rights activists, lawyers and academics. Although it was not openly declared, throughout the period, the National Intelligence Organisation (MIT) continued to hold talks with the PKK culminating in the Oslo Talks. The process was suspended in the second half of 2011 when the talks were leaked to the press. The Kurdish question became much more acute in 2011 and 2012, as the political process came to a stalemate. The vicious cycle of violence was compounded by the increasing number of violent attacks by the PKK and military operations that, on various occasions, had civilian casualties. The cycle of violence came to resemble the 1990s, when the country was stuck in a bloody war in the southeast and experienced attacks in its major cities. During the course of 2012, the PKK, in addition to engaging in clashes and attacks in the southeast, resorted to violence in a number of provinces in various parts of the country. As for the long-awaited measures in relation to the use of the Kurdish language in the public sphere,

the legal bans against its use in public life continued to exist in 2012. The courts ruled inconsistently on the use of multiple languages by the municipal authorities. The use of Kurdish during prison visits was also subject to restrictions and inconsistencies. In June 2012, the Prime Minister announced that Kurdish elective courses were to be introduced in public schools from the 2012-2013 academic year onwards. The BDP, which had long demanded the use of mother tongues in public education, did not consider the weekly two-hour elective classes to fulfil their demands. The boycott initiated by the BDP, the regulations regarding the elective language courses, and school administration policies resulted in very low levels of demand for these classes in the new academic year.

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On 12 September, a number of Kurdish prisoners went on a hunger strike. Soon, they were joined by others from both inside and outside the prison, including several prominent members of the BDP; by mid-November, over 700 people were on hunger strike. Their demands included the improvement of the prison conditions of the imprisoned PKK leader Abdullah Ocalan and the use of Kurdish in public life (especially the use of mother tongues in education). The government resisted these demands. The strikes lasted for more than two months until Ocalan called for them to end.

Once the strikes were over, the political process seemed to start anew. Around the same dates, the government announced that it was drafting a bill allowing defendants to use their native languages in court, which was adopted by Parliament at the beginning of 2013. On 28 December 2012, the Prime Minister announced the beginning of a new dialogue with Ocalan, marking the beginnings of the "peace process." The process, which seems promising this

time, has steadily continued throughout the first months of 2013 and has been accompanied by a toning down of the nationalist rhetoric in the discourses of the governing party and the redefinition of a nationalism that is not based on ethnicity.

The New Constitution

Turkey's 1982 Constitution was an undemocratic text solidifying the authoritarian state structure, as well as the bureaucratic and military tutelage. Since its ratification, it has been amended 17 times. The latest amendments took place in 2010 and included major changes to the judiciary system and to fundamental rights and liberties; yet despite all these changes, the undemocratic and authoritarian spirit of the 1982 Constitution, securing state power rather than rights and freedoms, has remained. During the 2011 national election campaigns, many of the major political parties included a new constitutional vision in their party platforms; the AKP declared that working on a new constitution would be its first priority after the elections. The 12 June 2011 elections, with 87% voter turnout, resulted in the AKP's third consecutive victory, with the party receiving 50% of the national vote. The elections produced a parliament representing 95% of the voting electorate, a suitable platform for constitution-making through a parliamentary-based process, but even with such popular support, the AKP did not have the absolute majority it needed to draft a new constitution unilaterally.

A three-stage process was initiated after the elections to draft the new constitution. The first stage was the creation of a parliamentary commission to be open to societal deliberation. In fact, a new civilian constitution to consolidate democracy and strengthen the culture of living together in diversity requires societal deliberation and participation. The second stage was the drafting of the constitution by the commission. The third stage involved open public discussion of the draft constitution, with the commission making the necessary changes, and sending it to the standing Constitution Committee and the General Assembly for parliamentary approval.

An ad-hoc Constitution Conciliation Committee was formed with equal representation (three members each) of the four political parties represented

in Parliament: the AKP, the Republican People's Party (CHP), the Nationalist Movement Party (MHP) and the BDP. Unlike the Parliament's standing committees, the Constitution Conciliation Committee determined its own rules and procedures in a series of meetings from October 2011 onwards. The Committee defined the key elements of its working procedure as (i) conducting a consultation process with the participation of different segments of society, (ii) seeking consensus for all decisions made, and (iii) requiring the Committee's own approval and the consensus of all political parties for any amendments made to the draft constitution during the Standing Committee and General Assembly deliberations.

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The Conciliation Committee conducted a consultation process asking civic groups and initiatives, government departments, and individuals to submit written comments and testimonies on its website, by email and by post. Some 68,000 written comments and testimonies had been received by the end of April 2012. The Committee also held 160 hearings, some of which involved representatives of minorities. The second stage – deliberation and drafting of the constitution – started in May 2012. During the writing process, the discussions on contentious issues, i.e. the article on citizenship, were postponed for further discussion. Although the aim was to finish the draft by the end of 2012, in early January 2013, the Committee agreed to proceed with the writing of the constitutional articles.

The Democratisation Initiatives

Although the government seemed to commit itself to further democratisation mainly through its work on

the new constitution, a third judicial reform package, the draft studies for which were started in June 2011, was adopted by Parliament in July 2012. The package included amendments to speed up judicial procedures and guarantee procedural rights. It abolished the specially authorised courts, replacing them with regional courts for serious crimes. It prohibited the seizure of written work before publication and eased the restrictions on media reporting of criminal investigations. It redefined bribery and extended its scope as a criminal act. Yet this package left the problems related to the independence, efficiency and impartiality of the judiciary untouched, and it fell short of guaranteeing liberties. The government then started drafting the fourth judicial reform package in the second half of 2012. The package included measures related to violations in the area of human rights, such as expanding freedom of expression and freedom of press, preventing long detention and trial periods, and ensuring fair trial. The draft was presented to the Prime Minister in February 2013 and will be subject to the parliamentary procedure.

Apart from the work on the new constitution and judicial reform packages, a number of other favourable developments took place in 2012. Parliament adopted the law establishing the National Human Rights Institution. The individual application procedure to the Constitutional Court, introduced by the 2010 constitutional amendments and enabling individuals to appeal to the Constitutional Court if other domestic remedies have been exhausted, entered into force in September 2012. In order to prevent and combat violence against women and domestic violence, in March 2012, a comprehensive new law protecting family members and those in relationships other than marriage from violence was introduced. An Ombudsman institution, tasked with examining complaints related to the functioning of the administration on the grounds of the rule of law and human rights, was established.

The new and ongoing trials of coup attempts opened up spaces for democratisation as they questioned torture, unresolved assassinations, political murders, extrajudicial killings, and other undemocratic ways of attaining and keeping state power. The trial of the perpetrators of the 12 September 1980 military coup, namely Kenan Evren, the former head of the army who went on to serve as President, and Tahsin Sahinkaya, the former air force commander, started

in April 2012. The trial was made possible by the 2010 amendments to the constitution, which ended the immunity of the architects of the coup. This investigation was followed by other inquiries into the military's interventions in politics, one of them being the investigation of the 28 February 1997 coup. Meanwhile, due process in the Ergenekon case, investigating an alleged deep-state network plotting a series of attacks and provoking a military coup, and the Sledgehammer case, concerning the investigation of an alleged coup plan, continued.

However, due process of law and the results of some of the crucial trials led to disappointment with regard to the usefulness of adjudication for democratisation. The killing of 34 civilians in Uludere, Sirnak province, in a military airstrike on 28 December 2011, became subject to official inquiry when a parliamentary subcommittee was created on 12 January. Throughout 2012, the investigation continued without producing any results. The incident came to be marked by the absence of effective and transparent public inquiry. The five-year court case on the assassination of Turkish-Armenian journalist Hrant Dink finished on 17 January 2012. The result came as a blow; all of the defendants were acquitted of charges of links to a terrorist organisation, and only one person was convicted on charges of murder. Due process in the court case investigating the atrocities perpetrated in the 1990s by the Gendarmerie Intelligence Unit (JITEM) was still continuing at the end of 2012, leading to the release of one of the key suspects. The trial started in 2009 and has almost reached the statute of limitations; this, in effect, will leave the inquiry into the extrajudicial killings and missing persons unanswered.

The Syrian Crisis

The socio-political developments in the Arab world in the last couple of years turned into regime transitions in the region with the explosion of civic unrest in Tunisia in December 2010 and its spillover. The authoritarian governments of Tunisia, Egypt, Bahrain,

Jordan, Morocco, Yemen and Libya collapsed like dominoes, and the era came to be known as the "Arab Spring" in relation to the demands for political participation and basic liberties of the people in these countries. Since October 2011, a full-fledged process of upheaval against the Assad regime has also been going on in Syria, resulting in a massive death toll due to its use of violent measures to cling to power.

At the outset of the Arab Spring, Turkish foreign policy aligned itself with the Arab peoples and change; however, the Syrian crisis is steadily ceasing to be seen as part of this larger context and increasingly being interpreted as tension between Turkey and Syria. The diplomatic efforts of the Arab League, the UN and the EU failed, and, in 2012, Turkey found itself in the position of a front-line state for the solution of the crisis. The government backed regime change in Syria and followed an open-border policy towards refugees while at the same time cutting down its diplomatic and economic ties with the country. As of December 2012, there were around 145,000 Syrian refugees in nine different camps in Turkey, and the influx continues.

The ongoing civil war in Syria has also created significant tensions with Turkey because Turkey's relations with Syria had been booming since 2007. The crisis easily became politicised in the domestic political arena. It has been taken out of the larger context of the Arab Spring and humanitarian problems and used by both the ruling AKP and opposition parties to extract domestic political advantage. The continuing influx of refugees and escalating border tensions have fed the existing polarisation in Turkey.

Bibliography

- BAÇ, Meltem Müftüler and KEYMAN, E. Fuat. "Turkey under the AKP Rule: The Era of Dominant Party Politics," *Journal of Democracy*, vol. 23, No.1, p. 83-99, 2012.
- OZBUDUN, Ergun. "Turkey's Search for a New Constitution," *Insight, Turkey*, vol.14, No.1, 2012.