

Who Will Write Turkey's New Constitution?

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On June 12, Turkey faces general parliamentary elections. Opinion polls show that the ruling Justice and Development Party, or AKP, will win the polls for the third consecutive time since 2002. In anticipation of its victory, the AKP has promised to draft a new constitution for the country. The governing party needs to receive 367 seats in the 550 member Turkish parliament, i.e. 2/3 supermajority, to single handedly write a new constitution without first seeking consensus.

Turkey is indeed in need of a new constitution to replace its outdated and illiberal 1982 text; the jury is out on whether the AKP, a coalition of Islamists and conservatives, will adopt a liberal constitution. First, however, the following question must be answered: can the governing party obtain the supermajority required to allow it to unilaterally write Turkey's new Magna Carta?

The answer largely depends on Turkey's uniquely high 10 percent electoral threshold. Parties receiving less than 10 percent of the vote are barred from achieving representation in the legislature, instead allocating most of their seats to the winning party. Realistically, four parties are currently vying for the legislature: the AKP, the main opposition social democrat Republican People's Party, or CHP, the rightist Nationalist Movement Party, or MHP, and the Kurdish nationalist Peace and Democracy Party, or BDP.

Polls show that the AKP and CHP will have no problem surpassing the threshold. The BDP, which is running independent candidates to avoid the threshold as independents do not have to qualify the national threshold but must simply gain enough support in their respective provinces to enter the parliament, will enter the legislature. The prospects for the MHP to surpass the threshold, however, are much more dubious.

Whether the AKP gets the legislative supermajority depends as much on how many parties join the parliament as the performance of the AKP itself. Since a few early polls showed the MHP failing the 10 percent threshold, the crucial question, not just for MHP, but for the prospect of an AKP supermajority, is whether the MHP will achieve representation in the parliament, or cede its representation to AKP.

Varying, and often politicized, polls show the AKP vote hovering around a 43-55 percent range of the popular vote. The CHP has about 23-32 percent support, and MHP has around 9-15 percent. BDP seems to be on pace to receive 5-8 percent.

Our research, based on poll figures and election scenarios that we ran on [bilincliyo.com](#) run by the ARI Foundation, a Turkish nongovernmental organization, shows that the AKP has a chance of winning 2/3 (367 seat) legislative supermajority with less than half of the popular vote depending on how the MHP and the CHP perform. A few possible scenarios are listed below:

AKP over 52 percent, CHP under 23 percent, MHP under 12 percent; AKP supermajority guaranteed even in a four party legislature: If the governing party gets an overwhelming 53-55 percent of popular support, with the opposition performing at the lower end of expectations (CHP getting 21-23 percent, and MHP obtaining 10-12 percent), then the AKP would receive 362 to 377 legislative seats. The CHP would obtain 109-115 representatives, with the MHP getting 38-43 seats. BDP support ranging from 5-8 percent would give that party 26-30 members. The AKP would then have the supermajority to adopt a constitution of its liking, without the need to build consensus. It should be noted, however, that in this scenario, if CHP votes were to surpass 22 percent, an AKP supermajority would be unlikely even if the governing party received 55 percent of the vote.

AKP under 47 percent in a four party parliament, yielding no AKP supermajority: assuming a four party parliament with CHP, MHP and BDP getting 23-27 percent, 10-15 percent and 6-8 percent of the vote respectively, and with the AKP performing at the lower end of expectations (getting 43-47 percent), this would give the governing party 314-335 seats in the legislature. The CHP would get 142-140 representatives, and the MHP 45-63 members, with 30-31 seats going to the BDP. This scenario would produce no AKP supermajority, yielding a new constitution based on consensus.

MHP fails the threshold and AKP crosses 48 percent, AKP supermajority guaranteed: This would yield a three-party parliament, with MHP failing the threshold. In this case, the AKP would win the supermajority with 48 percent of the votes even if the CHP were to get 25-28 percent and BDP were to garner 6-8

percent, securing 151-152 seats and 27-30 seats, respectively.

MHP fails the threshold, but CHP crosses 27 percent, requiring AKP to reach 52 percent or more to secure a supermajority: The only way the AKP will not win a supermajority in a three-party parliament is if support for the CHP were to surpass 27 percent and if AKP votes are below 52 percent, with the BDP getting 6-8 percent. This scenario would give AKP 366-359, CHP 162-164 BDP 29-30 seats, respectively.

The AKP has officially embraced Turkey's Western vocation and democracy, yet in practice, the AKP has promoted its vision of a new Turkey, one that is not instinctively Western, and has also implemented a majoritarian and illiberal take on democracy.

If the AKP were to win the supermajority on June 12, it would likely write a constitution without seeking consensus with the rest of the society, making its vision for Turkey a key part of the country's constitution, the AKP leadership has already suggested they are planning to create a presidential system that would consolidate all powers in one office.

Whichever scenario is carried out will ultimately decide who writes Turkey's new constitution. Will the MHP enter the parliament? If it does not, will support for the CHP fall under 27 percent? And if the MHP enters the legislature, will the CHP receive more than 22 percent, preventing an AKP supermajority? The answers to these three questions will determine who will write Turkey's next constitution, and with it, Turkey's future.

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[SID=12&newActiveSubNav=Turkish%20Research%20Program&activeSubNavLink=templateI02.php%3FSID%3D12&newActiveNav=researchPrograms](#)) at The Washington Institute, where Hale Arifagaoglu serves as a research assistant. ❖

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