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COMPETITIVENESS OF ELECTIONS IN TURKEY – THE CASE OF PRO-KURDISH PARTY[1]

Adam Szymański

University of Warsaw

ORCID: https://orcid.org/0000-0002-6374-2736

e-mail: ar.szymanski@uw.edu.pl

Abstract: Turkey has had quite a long tradition of regular, competitive polls and multi-party democracy dating back to 1946. However, over the last decade, with the consolidation of Justice and Development Party's (AKP) grip on power, there has been a growing concern about the integrity of elections in this state. In subsequent elections, the ruling party has resorted to a plethora of means inhibiting their competitiveness. The aim of the paper is to analyze to which extent the fairness of elections in Turkey refers to the candidates representing minorities in this country, with a focus on the pro-Kurdish People's Democratic Party (HDP). The following questions will be posed: Do election laws and their implementation give candidates of pro-Kurdish parties a chance to compete equally with biggest parties, first of all AKP, in parliamentary, presidential and local elections? Did the political reforms improve the situation in this context? How do the observed authoritarian tendencies in Turkey in this decade influence the possibilities of equal participation of candidates of the pro-Kurdish parties in elections? What is the impact of the relationship between the government and pro-Kurdish political forces on these possibilities? The answer to these questions helps to verify two main hypotheses – H1: The limited chances of candidates of pro-Kurdish parties to compete with the AKP candidates are a result of presence of increasing number of electoral malpractices that could be identified in this state; H2: The development of these electoral malpractices goes hand in hand with the rise of authoritarian tendencies in the AKP era – unfavorable for the position of minorities and with the increasingly negative attitude of the Turkish government towards the pro-Kurdish political forces.

Keywords: de-democratization, elections, electoral malpractices, Kurds, People's Democratic Party, Turkey

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INTRODUCTION

Turkey has had quite a long tradition of competitive polls and multi-party democracy starting in 1946, with the then decision to hold "regular (…) free and fair elections, a major turning point in Turkey's recent political history" [Sayarı 2012: 183]. However, in the last decade, with the consolidation of Justice and Development Party's (*Adalet ve Kalkınma Partisi*, AKP) grip on power there has been a growing concern about the integrity of the electoral process. One of key indicators of democratic elections put into question is their competitiveness. Although different actors – representatives of political parties and independent candidates – can take part in subsequent elections, both the legal framework and its implementation show that there are no equal chances in the election race. The most noticeable phenomenon is in this context the favoring of the ruling party which uses the incumbency advantage to maintain or even increase the support of the electorate [Esen, Gümüşçü 2016]. The aforementioned deficits in electoral competitiveness are particularly problematic when we agree with the argument that this competitiveness decides about the form of political regime and its lack leads in the long-term perspective to the development of some kind of authoritarian regime [Gilbert, Mohseni 2011].

The unequal competition refers first of all to the minorities. The parties representing especially their interests[2] cannot compete on equal foot not only with the AKP but often also with the biggest opposition parties, in the first place with the Republican People's Party (*Cumhurriyet Halk Partisi*, CHP). This paper focuses on candidates of pro-Kurdish parties, mainly the People's Democratic Party (*Halkların Demokratik Partisi*, HDP), which actually represents also the interests of other minorities, e.g. LGBT. The analysis embraces elections in 2014 (local and presidential elections), 2015 (two parliamentary elections) and 2018 (parliamentary and presidential elections), although, if necessary, examples from other elections are presented as well, including the local elections from March 2019. Since the constitutional referendum from April 2017 has a different characteristic than elections in Turkey, it is not taken into consideration, although we can assume that it could be a source of additional examples for this analysis.

The article is aimed at verification of the following hypotheses – H1: The limited chances of candidates of pro-Kurdish parties to compete with the AKP candidates are a result of presence of increasing number of electoral malpractices that could be identified in this state; H2: The development of these electoral malpractices goes hand in hand with the rise of authoritarian tendencies in the AKP era – unfavorable for the position of minorities and with the increasingly negative attitude of the Turkish government towards the pro-Kurdish political forces.

[2] It must be underlined that many members of minority communities vote for the biggest parties. In the case of the Kurdish community, it is first of all about the AKP. However, this article focuses on the party representing in the first place the interests of this very important community.

The "electoral malpractice" is understood in this paper as the violation of electoral integrity, which means the violation of internationally accepted standards of elections throughout the whole electoral cycle, that is in the pre-electoral period, during the campaign, on the voting day as well as after the elections [Norris 2014: 21; Szymański, Wódka 2017: 104].[3] The existing scholarships on the participation of the pro-Kurdish parties in the Turkish elections – e.g. articles written by Ioannis Grigoriadis [2015] or Vahap Çoşkun [2015], with regard to the 2015 elections, concentrate rather on the traditional description and analysis of elections (election campaign, results achieved in elections and their reasons, the behavior of the electorate and consequences of elections), not on the issue of electoral malpractices and their impact on the participation of the pro-Kurdish parties. This article seeks to fill this lacuna.

To verify the aforementioned hypothesis the following questions will be posed: Do elections laws and their implementation give candidates of pro-Kurdish parties a chance to compete equally with biggest parties, first of all the AKP, in parliamentary, presidential and local elections? Did the political reforms improve the situation in this context? How do the observed authoritarian tendencies in Turkey in this decade influence the possibilities of equal participation of candidates of the pro-Kurdish parties in elections? What is the impact of the relationship between the government and pro-Kurdish political forces on these possibilities?

The paper is structured as follows. To begin with, the author offers a snapshot on his understanding of electoral malpractices, underpinning the analysis. The theoretical framework to date will be outlined in this part. It is followed by a short, general outline of the issue of electoral malpractices in Turkey based on reports of international organizations and institutions. In the third, main part three substantial categories of electoral malpractice in Turkey and their impact on the possibility of competing in elections by the candidates of the pro-Kurdish party will be investigated.

THEORETICAL FRAMEWORK OF ELECTORAL MALPRACTICE

At the beginning of the 21st century, there has been a growing number of states in which elections are held but which do not meet standards of liberal democracy. This has led to the proliferation of theoretical studies published, e.g. by Andreas Schedler [2002, 2006, 2013], Sarah Birch [2011], Pippa Norris [2015, 2017] and Alberto Simpser [2013] that focus on the issue of the electoral integrity vs. electoral malpractice, including their conceptualization, indicators and typologies.

When it comes to the latter, for instance, Norris and her colleagues, in the broad-ranged Electoral Integrity Project, on the basis of the expert surveys, gauge

[3] There is a difference between the notion of "malpractice" and "mispractice" – the flaws in elections that are not made on purpose, but merely result from an unintentional error or other impediments.

the legitimacy of elections across 11 categories reflecting all stages of the electoral cycle: pre-election, campaign, polling day, and its aftermath. These 11 categories are: election laws; electoral procedures; boundaries; voter registration; party and candidate registration; campaign media; campaign finance; voting process; voting count; results and electoral management bodies [Norris 2014]. Schedler, on his part, presents the "chain of democratic choice", comprising seven "links" which, for the elections to be "democratic", have to remain unbroken.[4] These conditions lead Schedler to define the "menu of manipulation" – various forms of norm violation, such as reserved positions and reserved domains – limiting the scope and jurisdiction of elected offices; exclusion of opposition forces; repression and unfairness as far as access to media and financial resources is concerned; formal and informal disenfranchisement; coercing and corrupting the voters; electoral fraud and institutional bias; tutelage and reversal – preventing the winners from assuming power [Schedler 2002: 36–50]. Finally, Simpser enumerates the following incidences of electoral malpractice: stuffing ballot boxes; falsifying results; tampering with voter registration lists; vote buying before and during the election; creating obstacles to voter and candidate registration; intimidating voters before and during elections; intimidating candidates; voting multiple times; voting by those who are ineligible [Simpser 2014: 35–36].

This article, drawing on the vast scholarship on the theory of electoral integrity gauges the electoral malpractices in Turkey according to Birch's threefold categorization [Birch 2011: 28–38]. The author adopted Birch's taxonomy (although it also has its deficits such as blurred boundaries between three categories of malpractices or the lack of inclusion of some types of malpractices, e.g. meta-malpractices) [Darnolf, Elklit 2012: 1168–1172; Toros, Birch 2019] for the sake of clarity and practicality of our empirical analysis, as, on the one hand, it aggregates various forms of electoral malpractice, streamlining the complex *problematique*; on the other hand, it eschews the trap of excessive "stretching" of the concept of electoral malpractice.

Thus, in the paper, the author concentrates on three areas of electoral malpractices, referring to different stages of the electoral process:

a) "*manipulation*"[5] *of the law*: here, we look at the manipulation of electoral legislation, such as gerrymandering and malapportionment; additionally, this cat-

[4] These are: *empowerment* – the elected must wield real power; *free supply* – the voters have to have a real choice – a pool of candidates to chose from; *free demand* – voters must shape their preferences freely; *inclusion* – the franchise must be universal; *insulation* – voters must be able to cast ballots freely without being coerced or intimidated; *integrity* – casted votes must be counted honestly and weighed equally; *irreversibility* – those winning the franchise must be able to access office and exercise effective decision-making power till the end of the term.

[5] The author puts the term "manipulation" into quotation marks because it is actually a narrower term in comparison to "malpractice" but some scholars such as Birch or Schedler use both terms as equivalents.

egory could cover the manipulation of the criteria that determine the active and passive right to vote, campaigning as well as standards concerning opinion polls,

b) "*manipulation*" *of vote choice*: this category pertains to the violation of the right of the voters to have access to adequate information about the policy proposals. Most manipulations of vote choice take place during the electoral campaigns (unbalanced media coverage of electoral campaign favoring the ruling party/candidate), mishandling of resources (breaching of the regulations governing the use of campaign resources), vote buying and voter intimidation,

c) "*manipulation*" *of the voting act*: this dimension deals with the violation of the principle that all votes must have equal weight. The dimension of "effective aggregation" includes the counting and tabulation of votes and their appropriate conversion into seats. This component may include the obstruction of ballot access by potential candidates; the manipulation of vote choice registration and/or the electoral register; the manipulation of voting and of the process of counting and tabulation of votes.

ELECTORAL MALPRACTICE IN TURKEY – GENERAL OVERVIEW

Although there is no consensus among the students of Turkish politics as to the assessment of electoral integrity in Turkey (some scholars do not see any deficits concerning their competitiveness) [Ete, Altunoğlu, Dalay 2015: 183–184], most of them share the opinion that their fairness in the AKP era leaves a lot to be desired [Kalaycıoğlu 2015: 172; Çarkoğlu, Yıldırım 2015]. The concern over the fairness of elections is shared by voters themselves, with only six per cent of those supporting opposition parties crediting, before the June 2015 elections, the franchise with full fairness (in Turkish: *tam anlamıyla adil olacak*) [Çarkoğlu, Aytac 2015].[6]

Such mistrust of the fairness of the Turkish elections is borne out by more comprehensive studies, such as those run under the Electoral Integrity Project,[7] which takes elite opinion as a point of reference. In the summary of all elections in the period 2012–2018, the elections in Turkey have the following ranks, showing the intensification of the electoral malpractices in this state: 206 – August 2014 presidential elections, 234 – June 2015 parliamentary elections, 250 – November 2015 parliamentary elections and 300 – June 2018 presidential and parliamentary elections [Norris, Grömping 2019: 21]. When it comes to the elements of the electoral process, the lowest scores were given to the content of electoral laws as well as media coverage and campaign financing – the issues included in the two of three categories of malpractices in Birch's taxonomy (manipulation of

[6] As for AKP supporters, 59 per cent believe in full fairness of the elections.

[7] For methodology and empirical findings, see: https://www.electoralintegrityproject.com/ [access: 20.11.2020].

the law and voters). However, in the June 2018 elections there were also lower scores concerning electoral procedures and registering of candidates. Moreover, some deficits have emerged in the third category of Birch's taxonomy regarding the vote counting and work of electoral authorities [Norris, Grömping 2019: 21].

The OSCE/ODIHR reports on subsequent elections in Turkey correspond to these findings. Although the reports acknowledge some positive legal changes concerning different phases of the electoral process – e.g. lowering voting age, giving voting rights to Turkish citizens living abroad and the possibility of the use of other languages than Turkish in the election campaign, broad-ranging electoral legislation still contains regulations which undermine electoral integrity. Firstly, this pertains to those provisions which are not in accordance with electoral integrity rules ("institutionalized" ones, e.g. limits put on electoral rights – both voters and candidates, including independent ones or 10 per cent electoral threshold, as well as those introduced *ad hoc*, with the regulation on the division of electoral districts being the prime example). Secondly, the lack of certain regulations (e.g. with reference to use of media in campaign, financial matters, including reporting on campaign expenditures or appealing procedure in the case of the decisions of the Supreme Board of Elections) and ambiguous provisions (e.g. the regulations on competences of election authorities) may undermine the integrity of the elections. The OSCE/ODIHR reports also point out to substantial problems with the use of media and financial resources in electoral campaigns as well as, in the case of 2018 elections, malpractices concerning the voting act itself, confirming the findings of the Electoral Integrity Project. However, what is even more crucial is that they show that together with the rise of authoritarian tendencies in the AKP era, Turkey has seen a significant increase in the electoral malpractices, limiting fair competition between parties and favouring the ruling party at the cost of oppositional parties, including the HDP, particularly during the state of emergency introduced after the July 2016 coup attempt (July 2016 – July 2018) [*Republic of Turkey. Presidential Election* 2014; *Republic of Turkey. Early Parliamentary Elections* 2015; *Republic of Turkey. Early Presidential and Parliamentary Elections* 2018].

ELECTORAL MALPRACTICES – THE CASE OF PRO-KURDISH PARTY

As it was mentioned in the previous chapter, some legal amendments introduced in recent years improved the electoral rights of the Kurdish candidates. It concerns first of all the possibility to use other languages than Turkish in the election campaign, introduced before the 2014 presidential elections. This was the change particularly important for the Kurdish community and had the impact on the good result (9.76 per cent) in the presidential elections of Selahattin Demirtaş – a co-leader of the HDP [Szymański 2015: 116–120]. This change supplemented the series of previous reforms enabling the use and learning of the Kurdish language in Turkey. Surprisingly, the amendment was introduced during

the period of increasing authoritarian tendencies in the state. However, it must be remembered that in 2014, we could still observe the so-called Turkish-Kurdish peace process. Moreover, the HDP was not perceived at this time by the AKP as a serious competitor in elections [Yeğen 2015].

The situation started to change in 2015 – together with the failure of the "peace process" and the escalating conflict with the Kurdistan Workers' Party (*Partîya Karkerên Kurdistanê*, PKK). The increasing number of electoral malpractices in subsequent elections (2015 and 2018), limiting the electoral chances of the candidates of pro-Kurdish HDP and the use of electoral rights by Kurds – voters of the HDP (just to remind: many Kurds vote for the AKP candidates) – was added to the long-term formal limits to the electoral chances of the candidates of the pro-Kurdish parties – first of all 10 per cent electoral threshold and previously existed electoral manipulations. It was particularly noticeable after the June 2015 parliamentary elections which prevented the AKP to form the single-party government and brought a very good result to the HDP (it won 80 seats). The emergency rule created later a fertile breeding ground for further limitations of HDP equal participation in elections. The aforementioned electoral malpractices can be identified within all three categories of electoral malpractices singled out by Birch.

Manipulation of Law

The first group of electoral manipulations as singled out by Birch concerns electoral regulations. It refers in the Turkish case to the 1982 Constitution, the 1961 Law on Basic Provisions on Elections and Voter Registers, the 1983 Law on Parliamentary Elections, the 2012 Law on Presidential Elections, laws concerning local elections and the 1983 Law on Political Parties. The ruling AKP adopts or amends these laws (last set of amendments was adopted in March 2018) as well as uses legal loopholes to boost the support it gets in the elections.

Although this first category of electoral malpractices is not so often noticeable with reference to the pro-Kurdish party and its electorate, still some electoral manipulations, which limit the fair competition, can be identified. It concerns, firstly, the *malapportionment*. We can observe that the seat allocation established in the Law on Parliamentary Elections resulted in "a significant differential of registered voters to seats across constituencies" [*Republic of Turkey. Parliamentary Election* 2015: 6]. For instance, the number of registered voters per seat ranged from 27,059 persons in Bayburt province to 120,877 persons in a constituency in Izmir during the June 2015 parliamentary elections and from 40,303 citizens in Bayburt constituency to almost 165,000 in a constituency in Istanbul in the November 2015 parliamentary elections, while according to Council of Europe's rules, the differences in voting power of citizens between constituencies should not exceed 10 per cent, sometimes max. 15 per cent [*Republic of Turkey. Parliamentary Elections* 2011: 14; *Republic of Turkey. Parliamentary Elections* 2015: 6;

Republic of Turkey. Early Parliamentary Elections 2015: 6]. Though there is no strong evidence that these regulations have been introduced intentionally to favor the ruling party, the HDP filed complaints (rejected by the Supreme Board of Elections) about the manipulation of statistics (on which allocation is based) in some provinces – during the June and November 2015 elections [*Republic of Turkey. Parliamentary Elections* 2015: 6; *Republic of Turkey. Early Parliamentary Elections* 2015: 6].

Other malpractices concern the *limitation on eligibility to stand for elections*. The electoral regulations deprived the citizens of this right if they had not done the military service, had been barred from the public service or had been convicted of a crime, even a minor one. This led, e.g. in the June 2018 elections, to making some HDP candidates ineligible to stand for the elections. It was among others about the situation in which

> (…) the court delayed issuing the declarations [about eligibility – A.S.] to 20 of the HDP candidates beyond the legal deadline. Two HDP candidates and one CHP candidate were rejected by the SBE on grounds the that they did not have political rights due to past convictions despite court declarations that confirmed the contrary. [*Republic of Turkey. Early Presidential and Parliamentary Elections* 2018: 13]

Manipulation of Vote Choice

The second cluster of electoral malpractices, i.e. the manipulations of vote choice, underpin the problems with the fairness and competitiveness of elections in Turkey. The AKP has been abusing incumbency advantage to the detriment of other parties whose resources are limited. A number of malpractices within this category are classified as the most problematic for electoral integrity in Turkey. A lot of them (much more than in the case of the first presented category of electoral manipulations) have something to do with the pro-Kurdish party and its electorate. The author will follow Birch's division of this category of electoral malpractice into "manipulation of genuine preferences" and "undue influence". While the former refers first of all to shaping the voter's electoral preferences using biased media, misusing the state financial resources in the election campaign, violating the regulations on campaign financing, conducting smearing campaigns against the electoral rivals and even intimidating candidates, the latter pertains mainly to influencing the vote choice by proffering some rewards to the voters or imposing sanctions on them [Birch 2011: 31].

Media bias belongs to the "manipulations of genuine preferences" category. The OSCE reports show that different Turkish media outlets were not impartial during the election period. It was noticeable with reference to the HDP, e.g. during the 2018 presidential and parliamentary elections. As indicated in the ODIHR report, "national TV channels presented the HDP and its presidential candidate

Mr. Demirtaş predominately in a negative tone throughout the monitored period, often equating both with a terrorist organization. The share of the HDP and Mr. Demirtaş coverage was 18.4 and 2 per cent on TRT1, 14.7 and 2.6 per cent on A Haber, 10.5 and 3.2 per cent on CNN Türk, and 14 and 3.2 per cent on Show TV" (while the data for the AKP and Erdoğan looked as follows: 34.2 and 40.6 per cent on TRT1, 38 and 66.5 per cent on A Haber, 40.6 and 59.5 on CNN Türk, and 33.7 and 34.7 on Show TV) [*Republic of Turkey. Early Presidential and Parliamentary Elections* 2018: 19–20].

This reflects the de-democratization process in Turkey in recent years, which embraces also the freedom of media. It implies that ever increasing number of media outlets are under the government and AKP's *de facto* control. One would struggle today to find independent TV channels, newspapers or even individual users of social media which dare criticise the government. The banning of websites or publications, seizure and closure of media (including the ones dealing with Kurdish issues such as "Özgür Gündem" in 2016), censorship or self-censorship, increasing number of lawsuits against journalists and other persons for defamation, insulting the President as well as legal cases against journalists based on the Criminal Code and Anti-terror law are only a few examples of restrictions on the freedom of expression and media – with a rising tendency after 2011 [Yılmaz 2016].

This creates a substantial problem for the fair competition regarding the use of media in the election period. The incumbents have at their disposal many supportive channels of communication with the electorate, while the capabilities of candidates of the opposition are in many ways limited. The most critical situation was during the November 2015 election period due to the particular election environment (fight against the PKK, terrorist attacks) when also the anti-terror law and Criminal Code were used against media. Apart from the incumbents' clear advantage, the pro-Kurdish media were raided by the police and many Kurdish journalists were arrested. It substantially limited the use of media in campaign by the HDP [*Republic of Turkey. Early Parliamentary Elections* 2015: 14]. During the 2018 presidential elections, "the SBE allowed the HDP presidential candidate in detention to have his two 10-minute slots, but they were recorded on the same day, which restricted him from commenting on the later developments in his second appearance" [*Republic of Turkey. Early Presidential and Parliamentary Elections* 2018: 18].

The second and third type of electoral malpractice within the manipulations of genuine preferences of voters concern the financial issues. It pertains to *the misuse of state resources* during the campaign and *violation of campaign finance regulations*. In the first case not only HDP but other opposition parties in Turkey were disadvantageous in comparison to Erdoğan and the AKP. Because of this just a few examples are worth presenting in this article. For instance, Erdoğan as the Prime Minister and the presidential candidate in 2014, used his public appearances, some of them state-financed, for election purposes – as in the case of the launch of a high-speed train line in late July. He began his campaign before the

formal date of the start of the election campaign. It was not in accordance with Art. 64–66 of the Law on Basic Provisions on Elections and Voter Registers [*Republic of Turkey. Presidential Election* 2014: 13]. He managed to take advantage over other candidates beforehand, as they had to wait to raise the funds and make expenditures until 11 July 2014 – the date of the official announcement of the list of candidates. As Ersin Kalaycıoğlu claims, "it appeared the AKP candidate could use the resources of his governmental office while the other candidates could not. This seems to have undermined the fairness of the election and its democratic credentials" [Kalaycıoğlu 2015: 162–163].

The AKP as a whole also used its privileged position as the governing party. The AKP "made the most out of its access to state resources in its election campaign: the governing party used public employees to inform and mobilize the voters, its officials travelled in planes and cars belonging to the state, and its campaign activities benefited from free access to the resources of municipal and local governments" [Sayarı 2016: 271]. As far as the public employees are concerned, they were more eager to help the party in elections, e.g. when they had their permanent status extended (in cases of work on a contract basis) or when they were paid from the public resources for gasoline in the case of travelling on their own to election rallies [Aslan-Akman 2012: 89].

When it comes to the violation of campaign financing regulations, it is usually about overspending and/or failing to declare expenditure or contributions. Again a very good example is the August 2014 presidential election. The financial regulations in the relevant election law stipulated that financing candidates by parties or through loans is not possible and that the individual support with the use of special bank accounts is allowed. However, the lack of well-defined limitations could in practice lead to large disparities between candidates, depending on their "fund-raising" potential. It was noticeable, e.g. during the 2014 election campaign, in which Erdoğan, being the Prime Minister, received much more financial support than other candidates, with the support from companies being part of the patronage system and the aforementioned public resources [Taş 2015: 785–786]. When it comes to the individuals' support, the numbers show again how disadvantageous were candidates of opposition, first of all, the HDP co-leader. Erdoğan received about 24 million Turkish liras, while İhsanoğlu – 2.1 million Turkish liras. Demirtaş, in turn, got only about 360,000 Turkish liras – not having the possibility to receive money from big companies – in comparison to Erdoğan and İhsanoğlu [*Turkish Elections. Presidential Election* 2014].

The violation of campaign finance regulations is possible also in the case of parliamentary elections. The ODIHR report from the November 2015 elections indicates that:

> There are no limitations on general party and campaign-related expenditure. Political parties are required to declare their campaign funds solely through annual party financial reports submitted to the Constitutional Court. Independent candidates declare their cam-

> paign funds through personal tax declarations. (…) Incomes and expenditure of parties and independent candidates during the campaign were not publicly available. [*Republic of Turkey. Early Parliamentary Elections* 2015: 13]

During the same elections, some parties who were under particular attack from the governing party for political reasons did not receive on time the state funds they were supposed to receive according to the relevant regulations (following the June 2015 elections). HDP politicians got this money for the first time after the elections. As authors of the OSCE report rightly state, "it limited their campaign abilities and placed them at a disadvantage compared to parties entitled to state support" [*Republic of Turkey. Early Parliamentary Elections* 2015: 13].

The advantageous financial position of the AKP having large state and private financial resources (the latter thanks to the developed patronage system in Turkey – more about it below) is visible during election rallies, which can gather many thousands of people transported with the use of the party resources. They take part in the mass events during which they can get different free party gadgets, toys for children, or food and drinks. During the whole election period, the AKP governments have distributed consumer durables, coal and food to the poor, vouchers as well as substantial agricultural subsidies [Akarca 2015: 88]. It contrasts first of all with the HDP election campaign. You have to pay for all gadgets during its rallies. The party members were not able to distribute the goods being solely at the disposal of the incumbents. The same refers to the election campaign on the streets of towns. The AKP is the most visible party thanks to numerous flags as well as big posters and banners placed almost everywhere, also on special election vehicles – buses or vans. Other parties, though present on the streets, are less visible. When it comes to the pro-Kurdish party, even if flags of the AKP and HDP are waving at the same place, the telling is their location – the AKP flags are usually placed higher and are more visible than the ones belonging to the pro-Kurdish party.[8]

In terms of fairness and competitiveness of elections there are problematic cases of "*black arts*" *of manipulative campaign* as well as *intimidation of candidates* or *obstruction of their campaign activities*. When it comes to the former type of electoral malpractices, the best examples could be observed during the June 2018 elections. We could read in the relevant ODIHR report that:

> (…) the incumbent president repeatedly referred to other candidates and parties as supporters of terrorism. On 6 June in Muğla, the incumbent referred to the HDP presidential candidate as a terrorist, and to the CHP presidential candidate as a supporter of terrorism. Similar messages occurred in his campaign speeches on 7 June in Mersin and on 10 June in Denizli. [*Republic of Turkey. Early Presidential and Parliamentary Elections* 2018: 18]

[8] All these observations come from participation of the author of this paper in the election rallies of different Turkish parties during June 2011 and June 2015 election campaigns.

We can find the most striking examples of the latter type of the electoral malpractice during the November 2015 elections and June 2018 elections, with measures taken against the HDP, which became the main electoral adversary of the governing party following the June 2015 elections. The AKP aim in Autumn 2015 was to bring the support of the HDP below the 10 per cent threshold, which would give the former party the sufficient majority to govern alone again. It must be underlined that political parties held only limited campaigns at the time of conflict with the PKK and terrorist attacks, concentrating their efforts on strategic provinces where they had lost or won seats in the previous elections with slight vote margins, and in large cities that hosted a significant proportion of the electorate. However, the HDP campaign activities were even more limited by different actions against its candidates and members. The intensification of negative media coverage was very clear in the pro-government media reporting on the HDP, in comparison to the June 2015 elections [*Republic of Turkey Early Parliamentary Elections* 2015: 2–5]. It can be pointed out that from 187 attacks against political parties during the election period, 168 were directed against HDP politicians. More than 5,000 members of this party were taken into custody. This limited substantially HDP's campaigning potential and had also a negative impact on electoral choices in the situation of charges of membership of a terrorist organization against more than 1,000 HDP activists [Çarkoğlu, Yıldırım 2015: 14].

The situation looked similar during the June 2018 elections under the emergency rule. The presidential candidate of the HDP Demirtaş was in detention during the election campaign and could not use the right to campaign freely. 394 HDP activists were detained. The members of the party reported also on the obstruction of their campaign activities, police monitoring and harassment. Most of attacks during the campaign were directed against the HDP politicians. We can read in the OSCE/ODIHR report about concrete examples:

> Police in Ankara, Manisa, Istanbul and Bursa confirmed the incidents of violence and vandalism against the HDP. On 17 May, the Ankara Governor initiated an investigation against a police officer who allegedly disrupted the HDP campaign in central Ankara. On 1 June, campaign premises of HDP were attacked in two locations in Istanbul. On 5 June in Bolu, MHP activists allegedly took down and burned the flags from the HDP party office (…) On 5 June, the police dispersed the HDP rally in Ceylanpınar by using pepper spray, although the rally had been approved (…). [*Republic of Turkey. Early Presidential and Parliamentary Elections* 2018: 15]

The examples of *undue influence* regarding the HDP can be pointed out as well. For instance, on 21 June 2018, "the Minister of Interior warned CHP voters to refrain from voting for the HDP or otherwise to bear responsibility for this" [*Republic of Turkey. Early Presidential and Parliamentary Elections* 2018: 15].

Manipulation of Voting Act

As far as the manipulation of the vote is concerned, this category was generally less problematic in terms of election fairness till 2015 elections. The Electoral Integrity Project reports gave relatively high scores to this category [Norris et al. 2015: 10]. However, it cannot be said that there were no deficits at all. They occurred, though rarely, also in the case of the pro-Kurdish party. Yet, the challenge here was generally drawing a line between the malpractices, which favor the ruling party and unintentional malpractices, whose consequences are neutral for the outcome of the elections. The situation changed in the November 2015 elections. During this and particularly the June 2018 elections, some malpractices concerning the voting act emerged. They affected the HDP electorate or activists, reflecting at the same time the political reality in which the AKP together with a new ally – Nationalist Action Party (*Milliyetçi Hareket Partisi*, MHP) had a negative attitude towards the HDP treating their members as terrorists.

Manipulations of the vote before the voting day concerned in the case of the pro-Kurdish party *a failure to provide adequate polling arrangements*. Some problems emerged in this context already during the November 2015 parliamentary elections. The relocation of polling stations took place in the mainly Kurdish provinces in south-eastern Turkey based on the decision of District Election Boards. The explanation from the AKP was that it had been done so because of the safety situation and the possibility of putting pressure on voters in the particular situation in the region (the AKP politicians pointed out that in many polling stations in 16 provinces all votes were given to the HDP in the June 2015 elections). The Supreme Board of Elections decided that it is against the law to relocate the polling station outside the so-called *muhtarlık* (smallest administrative area) but only several District Election Boards relocated the polling stations within the respective area [*Republic of Turkey. Early Parliamentary Elections* 2015]. It led to the situation that many voters of Kurdish descent were not able to cast the vote due to locating a polling station far away from the place of living. Assuming that they would vote for the HDP, this worked in favor of the AKP.

The March 2018 amendments to electoral laws during the state of emergency legalized the moving and merging of polling stations on security grounds at the request of state authorities and authorized the assignment of voters residing in the same building to different polling stations. As we can read in the ODIHR report:

> (…) the changes resulted in practice in some voters having to travel several kilometers to vote, and voters were not informed in a systematic manner of their new place of voting. Some ODIHR EOM interlocutors expressed concerns that these measures aimed at lowering the turnout of voters in areas considered to be HDP strongholds (…) According to the HDP, the number of affected voters was more than 320,000. [*Republic of Turkey. Early Presidential and Parliamentary Elections* 2018: 9]

The implementation of the electoral law led then to the obstruction of ballot access.

As regards the *manipulation of voting*, some doubts were raised whether cutting off the electricity during the voting day in a large number of polling stations, also in the southeast of the country, during the March 2014 local elections was done intentionally to influence the results of elections. A rather ridiculous explanation presented by the government representatives that it was perpetrated by cats did not help to explain this phenomenon [*Enerji Bakanı Taner Yıldız…* 2014]. However, other similar cases of alleged forgeries were generally not identified during the voting act in subsequent elections in Turkey. Mispractices, rather than malpractices, prevailed (e.g. outdated election materials, errors on ballot papers, lack of possibility to exchange the spoiled ballot paper, etc.) [*Republic of Turkey. Parliamentary Elections* 2015: 22].

However, observers of the June 2018 elections raised doubts if some malpractices in the east and south-eastern part of the country concerning voting did not take place. There is no clear evidence.[9] However, even the OSCE/ODIHR observers assessed the voting in this part of Turkey more negatively, reporting, e.g. on group voting in some polling stations or interference in the voting process of the police and security officers. The CHP, HDP and human rights activists complained that there were serious irregularities in polling stations in the Suruc district, Şanlıurfa province, including allegation of ballot box stuffing and requesting cancellation of results [*Republic of Turkey. Early Presidential and Parliamentary Elections* 2018: 24–26].

Although the March 2019 local elections are beyond the scope of this article, one new type of electoral malpractices must be mentioned because it concerns clearly the election of HDP politicians. The last stage of the electoral cycle is giving the mandates to the elected people. However, it happened during the March 2019 local elections that seven HDP politicians who were elected as majors in south-eastern provinces of the country did not take the posts. The Supreme Board of Elections decided about the annulment of certificates of these HDP politicians, referring to the emergency decrees which do not allow these politicians to take the posts of majors. They would become the public employees and the mentioned decrees dismissed them from public offices during the emergency rule. What is more, the mandates were given to the candidates of the AKP who were second in the elections. On 19 August 2019, three other majors from the HDP in Diyarbakır, Mardin, and Van provinces lost their posts following the decision of the Interior Ministry, accused of having links with a terrorist organization. They were replaced by the governors of the aforementioned cities [Demirtaş 2019].

[9] Note from an interview with an expert, Koç University, Istanbul, 15.05.2019.

CONCLUSIONS

Different types of electoral malpractices can be identified in Turkey during the AKP era. Their biggest group refers to the vote choice. These electoral malpractices are usually connected with activities of the single-party governments of the AKP, which uses the incumbency advantage (either through the adoption of skewed, biased regulations or use of different resources being mainly at the disposal of the governing party) in order to keep the support of the electorate or even increase it, then consolidate its power and at the same time restrict the area of party competition and electoral chances of opposition.

This study shows that these electoral chances are limited in the case of the pro-Kurdish HDP. This phenomenon lasted till the 2018 elections (or rather the April 2017 constitutional referendum) mainly a result of the "manipulations of the vote choice". It reflected the aforementioned general observations about the scope of electoral malpractices in Turkey. The "manipulation of the election laws" was in the case of the HDP less noticeable. The AKP did not substantially "manipulate also the voting act" in this context.

The governing party simply did not have to do it till the April 2017 referendum and the June 2018 elections. The tense political atmosphere driven by the AKP shaped the electoral environment, having impact on voting behaviors – to the advantage of the incumbents and disadvantage of the oppositional parties, first of all, the pro-Kurdish party. The observed practice of societal and political polarization, as well as rampant populism of the AKP politicians who tend to manipulate the society by evoking rather basic fears (e.g. of losing stability) and ideological concerns (first of all nationalism) referred particularly to the HDP, limiting its electoral chances. The November 2015 parliamentary elections were a good case in point here.

An important issue emerges in this context. The electoral malpractices limiting the competitiveness of elections and electoral chances of the HDP are to a certain extent a function of the rising authoritarian tendencies and development of the de-democratization process in Turkey. However, the study shows that even more important in the case of the pro-Kurdish party is the state of the relationship between the government and the pro-Kurdish forces.

During the so-called "peace process" – until 2014 – even some electoral reforms favorable for the HDP were conducted, although at the same time the authoritarian tendencies were already noticeable [Gunter 2013]. We could observe some electoral malpractices at this time – e.g. when it comes to the use of media and different resources by incumbents. However, their scope increased first in 2015 when the AKP policy towards the Kurdish issue and HDP changed. The best example was the election campaign before the November 2015 parliamentary elections. It was the time when the mentioned evoking of basic fears and ideological concerns was the AKP tactic to limit the chances of the HDP – in addition to the increasing number of electoral malpractices – first of all media bias, violation of

campaign finance regulations and intimidation of HDP candidates or obstruction of their campaign activities.

However, this tactic was sufficient (and as it appeared successful – the AKP formed a single-party government again) only in the case of the 2015 elections. Since the incumbents played for higher stakes in the case of the April 2017 referendum and June 2018 elections – i.e. the AKP and Erdoğan needed more than 50 per cent of support to be able to introduce effectively the presidential system *a la Turca* [Esen, Gümüşçü 2017], they had to use the electoral malpractices more extensively, including the "manipulation of the voting act". This affected negatively the electoral capabilities of the HDP which the AKP tried to marginalize, (mis) using the state of emergency and continuing its policy towards Kurds from 2015.

Tytuł: Konkurencyjność wyborów w Turcji – przypadek partii prokurdyjskiej

Streszczenie: Turcja ma długą tradycję regularnych i konkurencyjnych wyborów oraz systemu wielopartyjnego, począwszy od 1946 roku. Jednak w ostatniej dekadzie, wraz z konsolidacją władzy przez Partię Sprawiedliwości i Rozwoju (AKP) rosną obawy o demokratyczny charakter wyborów w tym państwie. W kolejnych elekcjach partia rządząca wykorzystuje wiele środków podważających konkurencyjność wyborów. Celem niniejszego artykułu jest analiza zagadnienia, w jakim stopniu tureckie wybory są uczciwe z punktu widzenia udziału w nich kandydatów reprezentujących mniejszości w tym kraju. Nacisk jest położony na prokurdyjską Ludową Partię Demokratyczną (HDP). W artykule zadane są następujące pytania: Czy prawo wyborcze i jego implementacja umożliwiają kandydatom HDP prowadzenie kampanii na równych zasadach z innymi ugrupowaniami, przede wszystkim partią rządzącą – w wyborach parlamentarnych, prezydenckich i lokalnych? Czy reformy polityczne poprawiają sytuację w tym kontekście? Jak obserwowane tendencje autorytarne w Turcji w tej dekadzie wpływają na możliwość równego udziału w wyborach kandydatów HDP? Jaki jest wpływ relacji między partią prokurdyjską a AKP na tę możliwość? Odpowiedź na te pytania pomoże zweryfikować następujące hipotezy – H1: Ograniczone możliwości kandydatów partii prokurdyjskiej równego konkurowania z kandydatami AKP są rezultatem rosnącej liczby nieprawidłowości wyborczych w tym państwie; H2: Rozwój tych nieprawidłowości następuje równolegle z pogłębianiem się tendencji autorytarnych w okresie rządów AKP – niekorzystnych dla pozycji mniejszości oraz z coraz bardziej negatywnym podejściem tureckiego rządu do prokurdyjskich sił politycznych.

Słowa kluczowe: de-demokratyzacja, wybory, nieprawidłowości wyborcze, Kurdowie, Ludowa Partia Demokratyczna, Turcja

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