Turkey in 2013: Constitutional process, politics, and democracy

Turkey

January 29, 2014



Like 2,299 people like this.

JTW Interview with Prof. Ergün Özbudun

The drafting process of a new constitution was one of the main subjects on our political agenda in 2013. However, Parliament was not able to complete the draft. How do you assess this situation? What does a new constitution mean for Turkey?

2013 was been a year during in the which constant efforts by the Inter-party Constitutional Reconciliation Commission to prepare a new constitution failed, as it turned out. Such a result was not unexpected, considering that the inter-party agreement regarding the foundation of the commission set unanimity as the condition for enacting constitutional clauses. Indeed, it is nearly impossible to reach any unanimous consensus regarding highly controversial subjects over which society is extremely polarized, such as the Kurdish issue and the relationship between the state and religion. The sixty clauses currently agreed upon by the members of the Commission are not related to subjects regarding major disagreement, but to those technical in essence and mainly of secondary importance. One forthcoming scenario is allowing the Turkish Grand National Assembly (TGNA) to legislate on these sixty constitutional clauses. Even though such a move will not change the fact that Turkey is still in dire need of a novel constitution in accordance with universal democratic standards, it could be referred to as a partial step toward democratization by our political regime. On the other hand, there is no consensus between the four major political

parties in Turkey over presenting these constitutional amendments to the TGNA. Rather than insisting on the condition of unanimity, it seems like a more realistic option to seek consensus between two or three parties.

The presidential system was another subject which was widely discussed in 2013. What is your assessment regarding this subject? Is the presidential system an ideal one for Turkey?

The presidential system is certainly not fit for Turkey. When the parliament is predominated by opponents of the president's political stance on such systems, unresolvable bottlenecks and crises emerge. In a presidential system, the "winner takes all" mentality would escalate political polarization and friction to an unprecedented level. On the other hand, such systems have an innate inclination towards authoritarianism, where checks-and-balances are insufficient and the president's discretion is nearly unlimited. The AKP's insistence on the presidential system under the roof of the Inter-Party Constitutional Reconciliation Commission led to an inability on the part of the Commission to build consensus over a wide variety of subjects.

How do you evaluate Turkey's performance in terms of democratic criteria in 2013?

In this regard, unfortunately, Turkey's 2013 performance was unsuccessful. Confidence in the judiciary was deeply shaken. The prolonged periods of detention, the problems regarding the right to fair trial, the increased self-censorship by the media, the use of disproportional force by the police against peaceful protestors and rallies, and the limitations on free speech due to the vague terminology used in provisions concerning Anti-Terrorism Law are some examples. Even though to a limited extent the third and fourth judicial reform packages and the democratization package announced by PM Erdoğan on 30 September 2013 included positive amendments, the greater picture does not mark a betterment in democratic standards in Turkey. For instance, Freedom House —one of the world's foremost democratic rating institutions—estimated in 2012 that Turkey's already bleak scores in political and basic civil liberties showed a fall of three and four points, respectively. Our concern is that Turkey's score may decline further, considering its record in 2013. According to the classification by the Freedom House concerning the scores gained by the countries listed, Turkey is a "partly free" country.

How do you evaluate the Gezi Park Protests and the political process afterwards with regard to democracy and politics in Turkey?

The Gezi Park Protests marked an unfortunate retreat in democratic standards in Turkey. Arguments describing these protests merely as a conservationist reaction or as a provocation by foreign powers in order to overthrow the government by appealing to anti-democratic means are both inaccurate. Government circles perceived and diagnosed these protests as a foreign-sponsored conspiracy carried out by domestic appendages—just like it did with regard to the recent corruption probe and the discussions around it. In the beginning, the protests were totally peaceful. They reflected a perception that has been rising lately about the government intruding into the private

lives and choices of secular people. The disproportionate police force used to suppress these events led to the participation of destructive marginal groups in the protests. The Gezi Park Protests exacerbated political polarization which was already at a worrisome level within Turkish society. On the other hand, pushing up democratic standards, successfully completing a new constitution, coming up with a fair and peaceful solution to the Kurdish issue; all of these require the emergence of a reconciliatory, civilized, and moderate dialogue process between political parties in Turkey.

By Oğuz Kaan Pehlivan
Translated by Emre Tunç Sakaoğlu
Source: Journal of Turkish Weekly



0 Comments Sort by **Top**

Add a comment...

Facebook Comments Plugin