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**PRINTING HOUSE:** Turkuvaz Haberleşme ve Yayıncılık A.Ş., Akpınar Mah. Hasan Basri Cad. No: 4, Sancaktepe, İstanbul/Turkey • Tel: +90.216.585-9000

On behalf of SET VAKFI İktisadi İşletmesi (2008) owned by Burhanettin Duran / ISSN 1302-177X

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**Insight Turkey** is a peer-reviewed journal indexed by the following databases and indexes: Bibliography of Asian Studies, Columbia International Affairs Online (CIAO), EBSCO, Elsevier Bibliographic Databases, European Sources Online (ESO), GALE-Cengage, Gender Studies Database, Index Islamicus, International Bibliography of Book Reviews of Scholarly Literature in the Humanities and Social Sciences (IBR), International Bibliography of Periodical Literature in the Humanities and Social Sciences (IBZ), International Bibliography of the Social Sciences (IBSS), International Political Science Abstracts (IPSA), Lancaster Index to Defence and International Security Literature, Left Index, Middle East & Central Asian Studies, Russian Academy of Sciences Bibliographies, Scopus, Social Services Abstracts, Sociological Abstracts, Worldwide Political Science Abstracts, World Affairs Online (WAO).

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FALL 2016 • VOLUME 18 NO. 4

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## EDITOR'S NOTE

MUHİTTİN ATAMAN

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Turkey has been holding elections since the end of the 19<sup>th</sup> century; and the country has been enjoying democratic elections since 1950. With a well-established electoral system, both local and general elections in Turkey are held in peace and stability. While there is no debate about the freeness, fairness and transparency of the elections, there are always some discussions about the representation problem such as the real power of politicians, the national threshold for political parties to be able to send their representatives to the parliament and the lack of instruments to overcome political crises.

Turkey's search for a new system of government dates back to the 1970s. The parliamentary system's shortcomings such as political turmoil caused by the coalition rule and political crises fueled by the president's selection by the parliament have been the driving force behind the debate over the governmental system. Furthermore, the fractured nature of political parties and clashes between different ideological and ethnic groups caused political instability which resulted in the military and bureaucratic tutelage. The military overthrew democratically-elected governments four times, suspended democratic system and closed down all democratic institutions. Each military intervention reset the political system, closed political parties, dissolved the parliament and thus prevented the consolidation of a democratic culture in the country.

It was clear that it was impossible to consolidate the democratic structure under the parliamentary system. Therefore, since the 1970s, different political figures have been calling for a reform in the governmental system of Turkey and the adoption of presidentialism in order to solve political, economic and social problems associated with the parliamentary system. Since then, the arguments on the change of the political system may be divided into three phases. First of all, Necmettin Erbakan triggered the debate in the late 1960s when he called for a constitutional change, which would bring the presidential system. Two traditional political movements in Turkey –Erbakan's National Outlook Movement (*Milli Görüş Hareketi*) and Türkiye's Nationalist Movement (*Milliyetçi Hareket*)– supported presidentialism to overcome political unrest.

Secondly, Turgut Özal declared his support for presidentialism in the following decade. Özal believed that the presidential system is more suitable for the social fabric and historical experiences of Turkey, since the President can more easily secure the national unity in societies divided along ethnic lines. Özal, who was in

favor of American-style presidentialism, tried to solve the political problems attached to the parliamentary governmental system. For Özal, presidentialism was the only way to free Turkey from the burden of unstable coalition governments.

The last phase includes the most recent efforts of the AK Party to adopt a presidential system. It is necessary to emphasize that two main events had a high impact on the discourses over the presidential system: the referendum held in 2007 and the July 15 coup attempt. While the July 15 made the vulnerabilities of the current political system obvious, the result of the referendum in 2007 motivated the AK Party to go further with the reforms. President Recep Tayyip Erdoğan brought the presidential debate back to the nation's political agenda in the 2000s. The last straw was the blocking of the presidential elections by the Constitutional Court, which is known as the "367 crisis." The debate on the election of the President once more created political turmoil in 2007. Therewith the AK Party made a constitutional change in the parliament, and after the referendum held in October 2007, the people approved the direct election of the President by the people. Thereby a significant milestone in Turkish political history, the first step towards presidentialism, was taken in the same year. According to the results of the referendum, the first presidential elections were held on August 10, 2014, in which President Erdoğan was elected with 51.79 percent of the votes.

The most important step of Turkey's journey toward the presidential system was taken after the July 15 coup attempt. The AK Party leadership, backed by Nationalist Movement Party (MHP), decided to utilize the possibilities that emerged in the aftermath of the violent coup attempt, orchestrated by FETÖ infiltrators. Considering the vulnerable atmosphere in the country and indeed the region, the two parties decided to increase domestic politics and eventually prepared a constitutional reform bill. Representatives of the two parties submitted the draft bill to İsmail Kahraman, the Speaker of the Parliament, on December 10, 2016. The draft was accepted by the parliament on January 21, 2017, after long discussions made in the General Assembly. The parliament passed the draft with 339 deputies (out of 550), that is, the constitutional reform package bringing a change in the system of government will be put to the vote in a national referendum.

As it is stated in this special issue of *Insight Turkey* by Robert Elgie, institutional engineering goes well beyond the switch from semi-presidential to a presidential system; rather it involves the passage of a new constitution or at least a set of reforms to the current constitution. A similar policy has been followed in the Turkish case. The constitutional reform bill refers to the proposed system as an executive presidency (*cumhurbaşkanlığı sistemi*) rather than presidentialism (*başkanlık sistemi*). However, the bill is designed according to the principles of presidentialism. The bill considers changing the system of government to avoid political instability and benefitting from experiences of other presidential systems of government to solve systemic problems.

The constitutional reform bill proposes the following structural changes. First of all, it successfully addresses the problem of dual legitimacy by identifying the president as the head of the executive branch. The President is expected to appoint his/her deputy presidents, cabinet members and senior government officials under the new system. The new system will allow the President to maintain ties with his/her political party.

Second, the structure of the legislative branch will be changed. The number of members of the parliament will increase to 600 (from 550). The parliament will exercise the right to introduce bills. The minimum age to run for the parliament is dropped to 18.

Third, according to the constitutional reform bill, the executive branch and the legislative branch will have the power of mutual termination. The presidential and parliamentary elections will be held every five years and simultaneously. The President and the parliament are able to decide about the new elections, but for both institutions. Neither the executive nor the legislative branch will be able to dissolve the other without dissolving themselves. In other words, these two institutions are interdependent, known also as the “check-and-balances” principle.

Fourth, the constitutional reform bill gives the President the right to issue decrees or executive orders. However, the President cannot issue decrees about the existing laws or concerning fundamental rights, political rights, privacy rights and political obligations. On the other hand, laws issued by the legislative branch precede the Presidential executive decrees. It is expected that this presidential power will increase the responsiveness of the state.

Lastly, the constitutional reform bill rearranges the structure of supreme judiciary in the country. While it will abolish military courts, the bill will change the structure of the main decision-making body, the Board of Judges and Prosecutors. The board is designed to have 13 members. Two board members, the Minister of Justice and the undersecretary of the Ministry of Justice are permanent. While four of them will be chosen by the President, the remaining seven members will be appointed by the parliament.

The current issue of *Insight Turkey* mainly deals with the transformation of Turkey's political system, which is a hot topic both domestically and internationally. Two commentaries and four research article focus on the political transformation, either in general or just focusing on the Turkish case.

The commentary of Burhanettin Duran and Nebi Miş provides a historical outline of the discussions on the transformation of the political system in Turkey, with a brief focus on the current constitutional reform bill proposed by the AK Party and MHP. They concisely analyze why Turkey needs a change in governmental system. Ahmet İyimaya also brings a historical perspective of the

transformation, but he concentrates mainly on the constitutional reforms that paved the way to the change of the system of government. Afterwards, İyimaya responds to each of the criticisms directed to the draft proposed by the AK Party and MHP.

As mentioned above, four research articles are dedicated to the political systems. While Robert Elgie and Ali Yaşar Sarıbay provide a conceptual framework, Serdar Güleler and Gülgün Tosun focus directly on the Turkish case and the constitutional amendment draft.

Elgie argues that as the constitutional reforms are discussed, it is important to move beyond the simple headline debate about the respective pros and cons of each system; nevertheless, he suggests that we must think about the specific context and case. Moreover, Robert Elgie argues that none of the three main government systems is either immune to every criticism or devoid of all merit. Accordingly, it is misleading to suggest that the introduction of any particular governmental system will necessarily lead to dictatorship or democracy.

Complementary to Elgie's article, Ali Yaşar Sarıbay argues that even though not the sole forms of organization in a democratic system, political parties constitute the most effective bodies of people's will. After a general theoretical framework of the political parties and political system, Sarıbay argues that the more democratic a political system is, the more democratically political parties will have to function. On the other hand, the higher the eagerness of political parties to function democratically, the more the democratic capacity of a political system will expand.

Amongst the contributors to the research articles, Serdar Güleler evaluates in detail the constitutional amendment draft proposed by the AK Party and MHP. Güleler analyzes the transformation process of the system of government by focusing on different subjects regulated by the proposed bill. Taking into consideration the proposed draft, Gülgün Tosun in her article discusses the advantages and disadvantages of a presidential system for Turkey. She concludes that political, cultural, social and historical circumstances of a given country must be taken into account to decide which governmental system is preferable for the country.

Other commentaries and articles in this issue take a broader look at the contemporary issues in Turkey and in the world. Engin Yıldırım in his commentary entitled "The Odyssey of the Turkish Constitutional Court (TCC) into the World of Individual Application," sheds light on the latest reforms of the TCC. Due to the introduction of the individual application instrument, it is expected from the TCC to sit at the forefront of human rights protection; while in the past it was accused of defending the state's ideological principles with complete disregard for basic rights and freedoms. Nevertheless, Yıldırım emphasizes

that the TCC should not be left alone in this path, and that public authorities and bodies, including the judiciary, should pay their dues as well.

At a time when the internationalization of higher education in Turkey deserves an exceptional focus, it has been underrated by the academicians in recent years. Mahmut Özer in his commentary tackles this topic and after a brief examination of the situation in other countries, he focuses specifically on the Turkish case. Due to the current achievements of Turkey, it is possible to be optimistic regarding the internationalization of higher education in Turkey; nevertheless, as Özer specifies, there are a lot of challenges and future possibilities that need to be considered by the Turkish government.

Confronted with the hypocrisy of the Western media, Sare Aydın Yılmaz intends to shed light on the role of women during the July 15 coup attempt. At a time when the feminine aspect was largely ignored by the West, Aydın Yılmaz brings specific cases of how Turkish women left their children at home, and went into the streets to protect their country; some of them didn't return.

Different actors have dominated the international arena in 2016, amongst them Russia and Iran; the last three articles of this issue focus on the latest policies of these actors. Dmitry Shlapentokh, in his article focuses on the historical relations between Kazakhstan and Russia. He asserts that Kazakhstan has followed a passage from Eurasianism to Kazakh Nationalism, lately followed by a trend towards the Euro-Islam. During his analysis, Shlapentokh focuses on the Russian policies and role towards the developments in Kazakhstan. Şafak Oğuz, on the other side, points to the Russian hybrid warfare and NATO's response during the last years. The last article, by Farhad Rezaei, brings attention to the ballistic missile program of Iran. Rezaei reviews the entire history of Iran's ballistic missile program and hypothesizes that just like its nuclear program; Iran developed its ballistic missiles arsenal as a strategy of deterrence, a response to Iraq's invasion and Washington's policy of containment.

The current issue, hence, from an academic standpoint peruses the political transformation in Turkey, with a special focus on the latest constitutional amendment draft proposed by the AK Party and MHP. As many of the authors in this issue have argued, it is necessary to emphasize that the reforms and the political system transformation in Turkey can be analyzed only by focusing on the Turkish system and its specifics without comparing it with any other case in the world. With that in mind, the future of the political system in Turkey will be determined only by the will of the people through the referendum that will be held in the spring of 2017. ■