



GEORGIAN FOUNDATION FOR
STRATEGIC AND INTERNATIONAL STUDIES

CHANGES IN THE TURKISH RULING SYSTEM

ZURAB BATIASHVILI

107

EXPERT OPINION





საქართველოს სტრატეგიისა და საერთაშორისო ურთიერთობათა კვლევის ფონდი
GEORGIAN FOUNDATION FOR STRATEGIC AND INTERNATIONAL STUDIES

EXPERT OPINION

ZURAB BATIASHVILI

CHANGES IN THE TURKISH RULING SYSTEM

107

2018



The publication is made possible with the support of the US Embassy in Georgia. The views expressed in the publication are the sole responsibility of the author and do not in any way represent the views of the Embassy.

Technical Editor: Artem Melik-Nubarov

All rights reserved and belong to Georgian Foundation for Strategic and International Studies. No part of this publication may be reproduced in any form, including electronic and mechanical, without the prior written permission of the publisher. The opinions and conclusions expressed are those of the author/s and do not necessarily reflect the views of the Georgian Foundation for Strategic and International Studies.

Copyright © 2018 Georgian Foundation for Strategic and International Studies

ISSN 1512-4835

ISBN 978-9941-8-0644-5

On June 24, 2018, snap presidential as well as parliamentary elections were held in Turkey from which the current president, Recep Tayyip Erdogan, and his ruling Justice and Development Party (AKP) – which has been in power since 2002 – emerged victorious.

These elections were significant in that Erdogan started a new five-year term on July 9 with sweeping new powers granted in a narrowly won constitutional referendum last year which effectively changed the ruling system from a parliamentary to a presidential one.¹

Arguably, these were the most fundamental and radical changes made to the government system in the history of the Turkish republic – and initiated by President Erdogan himself.

Why were the changes necessary?

Prior to July 9, 2018, Turkey was officially a parliamentary republic. This system, while imperfect, functioned for decades but the situation changed in recent years in the light of certain political developments.

President Erdogan found himself at the epicenter of these developments. Turkey has not had a leader as charismatic as Erdogan – who has been leading the country for 16 years now – since the days of the founder of the modern Turkish republic, Kemal Ataturk. In these 16 years, Erdogan’s party has managed to not only win every type of election in the country (presidential, parliamentary and local) but also instill fundamental changes to the country’s political reality and system.

Erdogan, who is known for his conservative views, began his political career in 1994 when he was elected as a mayor of Istanbul. He was able to eradicate a multitude of problems the city had faced, something which his predecessors were unable to do. Istanbul became a model and example for the rest of Turkey. But in 1999, Erdogan was stripped of his political position, banned from political office and imprisoned for four months for reciting a poem that incited religious hatred.² However, this incident just garnered him more public support and in 2001, Erdogan established the Justice and Development Party (AKP) which won the parliamentary elections the very next year.

After the AKP came to power, an economic boom started in Turkey and political stability took root. In 2005, Turkey was officially granted “candidate country” status³ by the EU on the basis of Erdogan’s “democratization process.”

The situation changed in the fall of 2013 when supporters of the US-based spiritual leader Fethullah Gülen – who had infiltrated various state structures – arrested the sons of three top ministers on corruption charges, subsequently forcing the ministers to resign.⁴

The Turkish government quickly denounced Gülen's supporters as a terrorist organization and used a state of emergency to begin "cleansing" (purging) the government structure. This process was still underway when an attempt to overthrow the government was carried out on July 15, 2016. The government stated that this attempted coup d'état was organized and carried out by Gülen supporters. This incident left 248 peaceful citizens dead and over 2,200 injured in just one night. With the help of its own supporters who quickly took to the streets, the government was able to curb this attempted putsch but healing these wounds and fully eradicating the risks proved to be a hard task.⁵

After the failed uprising, the government declared a state of emergency. It arrested over 50,000 people and dismissed over 130,000 individuals from state structures for alleged involvement in the attempted coup and in the FETÖ organization.⁶

All of this was exacerbated by clashes with other terrorist organizations such as Daesh (ISIS) and the Kurdistan Workers' Party (PKK). Other acute problems were also present in Turkey such as the Syrian refugee crisis, tense relations with the West, the war in Syria and economic concerns.

In light of this all, the Turkish brass decided that in order to tackle the challenges it faced, it would be useful to change the system of government from a parliamentary to a presidential one, allowing it to make decisions and execute initiatives more quickly.

In terms of fundamental change, April 16, 2017 will go down in history as one of the most important dates in the history of the Turkish republic as 51.4% of the population supported a referendum on a constitutional amendment package (comprised of 18 articles) that envisaged a drastic increase in the president's powers alongside the abolition of the position of prime minister.⁷

Some of the changes to the government system are being implemented on the basis of the amendment to Article 18 of the constitution while other changes - on the basis of executive orders made by the president after his inauguration.

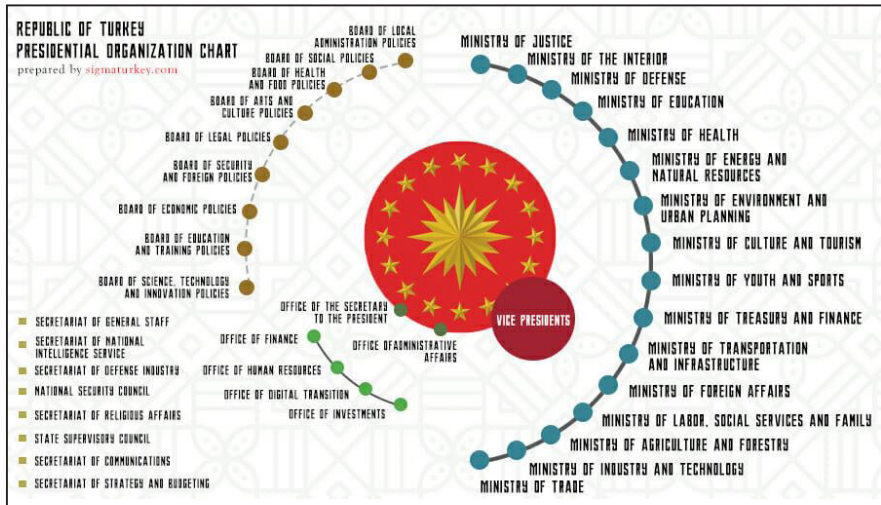
It is interesting to examine the changes in detail:

Changes in the political system

- Abolition of the office of the prime minister as well as of the prime minister's cabinet.
- Formation of the office of vice-president(s) to be appointed and/or dismissed by the president himself.⁸
- Appointment of the president as the head of the executive branch of the government.
- Possibility of appointing ministers who are not members of parliament.
- Entitlement of the president to create, abolish, amend and determine the structure of ministries as he sees fit.⁹
- Entitlement of the president to appoint and replace ministers as he sees fit.
- The president is no longer required to be non-partisan.
- Entitlement of the president to issue decrees/executive actions.¹⁰
- At the president's discretion, formation of nine multi-directional councils within the presidential administration that develop and elaborate policy, strategy and long-term vision for ministries.¹¹
- Additionally, the formation of four autonomous offices within the administration tasked with monitoring the execution of the president's policies¹² and various projects.¹³
- Subjugation of nearly every state institution to the office of the president.
- President given the power to prepare the state budget; to be approved by the parliament.¹⁴
- Curtailment of parliamentary authority.
- Curtailment of parliamentary control mechanisms.
- Abolition of the parliament's authority to appoint or remove ministers.¹⁵
- Raising the number of members of parliament from 550 to 600.
- Parliamentary and presidential elections to be held simultaneously and every five years instead of four.

- Confirmation of ministers no longer needs a vote of confidence from the parliament.¹⁶
- Entitlement of the Directorate of Religious Affairs to engage in schools and the education system.¹⁷
- Subordination of TİKA (Turkish Cooperation and Coordination Agency), the department responsible for relations with Turkish emigrants and Turkic communities abroad, as well as the Funds Department to the Ministry of Culture and Tourism.
- Subordination of AFAD (Disaster and Emergency Management Authority) to the Ministry of the Interior.
- Merging of the Treasury and the Ministry of Finance, the latter of which is led by Erdoğan's son-in-law, Berat Albayrak,¹⁸ who was previously the Minister of Energy and Natural Resources.
- Abolition of the EU Ministry which joined the Ministry of Foreign Affairs as the EU Division.¹⁹
- In the case that the president is ill or abroad, his duties are to be carried out by the vice-president and not the speaker of the parliament as it was previously.²⁰
- Confirmation of Fuat Oktay as vice-president; he was previously the head of AFAD.
- Reduction in the number of ministries from 21 to 16. Notably, the majority of new ministers are not politicians.²¹ All in all, the new composition of ministries is as follows:
 1. Ministry of Justice – Abdulhamit Gül
 2. Ministry of Labor, Social Services and Family – Zehra Zümrüt Selçuk
 3. Ministry of Environment and Urban Planning – Murat Kurum
 4. Ministry of Foreign Affairs – Mevlüt Çavuşoğlu
 5. Ministry of Energy and Natural Resources – Fatih Dönmez
 6. Ministry of Youth and Sports – Mehmet Kasapoğlu
 7. Ministry of Finance and Treasury – Berat Albayrak
 8. Ministry of the Interior – Süleyman Soylu
 9. Ministry of Culture and Tourism – Mehmet Ersoy
 10. Ministry of National Education – Ziya Selçuk

11. Ministry of National Defense – Hulusi Akar
12. Ministry of Health – Fahrettin Koca
13. Ministry of Industry and Technology – Mustafa Varank
14. Ministry of Agriculture and Forest – Bekir Pakdemirli
15. Ministry of Trade – Ruhsar Pekcan
16. Ministry of Transport and Infrastructure – Cahit Turan²²



Changes in foreign relations

- The Ministry of Foreign Affairs, like the General Staff, has maintained a certain level of autonomy for decades. But the recent changes affected this agency as well. From now on, new staff from outside the ministry can be appointed to managerial positions.²³ This process has already begun with the appointment of non-career diplomats to ambassadorial positions.²⁴
- The president has been given power to determine those countries for which differing visa regulations will be implemented.
- In the case of war or a state of emergency, the president has been given authority to restrict the entry of foreign citizens into the country.

Changes in defense and national security

- The General Staff, which was previously formally subject only to the prime minister, was subordinated to the Ministry of Defense.
- For the first time in the history of Turkey, a Chief of General Staff was appointed to the position of the Minister of Defense – Army General Hulusi Akar. The purpose of this appointment was to appease the military brass in this period of transition.²⁶
- The Ministry of Defense has been made responsible for military, political, legal and social issues as well as their educational, financial, budgetary and logistical services. The ministry also ensures the operation of the military-industrial complex, military shipbuilding, staff health and veterans affairs.
- The commanders of the navy, air force and land forces have also become subordinate to the Ministry of Defense.
- If necessary, the president has the power to give direct commands to the aforementioned military branches without requiring consent from any other agency; this problem became visible during the suppression of the attempted coup on July 15, 2016.²⁷
- Upon issuance of a presidential decree, the composition of the High Military Council (YAS) responsible for the promotion of high military officials has been changed. If previously its composition consisted of 15 army generals and an admiral and the prime minister only symbolically chaired the council, it is now completely under civilian control. The composition of the revised council now consists of the President and Vice-President, Ministers of Defense, Justice, Foreign Affairs, Interior, and Finance and Treasury, as well as the Chief of General Staff and Commander of the Military Land, Naval and Air forces. The council is to meet at least once a year. It will now meet upon necessity and not in August as it did usually.
- Also with a presidential decree, the functions of the Secretariat of the National Security Council, which had existed and functioned since the 1960 military coup and operated as one of the primary instruments by which the military had influence on civilians, have been transferred to the Security and Foreign Policy Council which is one of the nine councils within the presidential administration. It is yet unclear who will head this council and also what its relations with the president, Ministry of Defense and military commanders might be.³⁰

- If a presidential order/decreed conflicts with parliamentary laws, the issue will be discussed by the Constitutional Court. It is, however, noteworthy that out of the 15 members of the Constitutional Court, 12 are appointed by the president and three by the parliament.³¹

End of the state of emergency?

On July 19, 2018, the state of emergency that was announced after the coup attempt two years ago officially ended.³² Erdogan had promised to end the state of emergency before the elections as the situation concerned investors and the EU. However, Justice Minister Abdulhamit Gül stated that the end of the state of emergency did not mean the end of the fight against terrorism.

The Turkish government has prepared and submitted a new anti-terrorism package for legislative approval. Considering that “terrorism” is quite loosely defined in Turkey, the opposition groups believe that these regulations are unconstitutional³⁴ and as repressive as the state of emergency itself.³⁵ According to the opposition, the Turkish government is making a significant part of the emergency measures permanent.³⁶

Parliament approved the amendments package on July 25, 2018, thereby imposing certain restrictions³⁷ which will be in force for the next three years. Namely:

- The government, as it was during the state of emergency period, is entitled to dismiss government employees in the state sector without court decision.³⁸
- Investigations against the vice-president(s) and/or ministers can only begin with presidential consent, the speaker of the parliament needs to give permission to launch an investigation against a parliamentarian and the consent of the minister of the interior is required to launch an investigation against a governor.³⁹
- Ministers and heads of other agencies are entitled to dismiss state employees⁴⁰ (including generals, admirals and police chiefs) suspected of having links with terrorists’ organizations by means of commissions established within these institutions.⁴¹
- The Higher Education Council (YÖK) is entitled to dismiss representatives of academic circles.

- Personnel dismissed from state services are not entitled to appeal the decision in court.⁴²
- In the case of public unrest, a pre-trial detention term may be increased by 12 days.⁴³
- The state is entitled to continue the practice of appointing trustees in institutions and companies with ties to terrorist organizations.
- Persons dismissed from state service are deprived of the right to carry firearms and their passport. The Ministry of the Interior is entitled to confiscate the passports of the spouses of such persons as well.⁴⁴ Relevant agencies are also entitled to tap these aforementioned spouses' telephone lines.⁴⁵
- Governors are entitled to restrict movement of citizens in certain regions for the purpose of ensuring public order and security.
- Governors are also entitled to restrict and/or ban public meetings and demonstrations/protests.
- Military personnel (including generals) may be subjected to a metal detector screening when entering a military establishment.
- In the case of a state of emergency, security forces are entitled to conduct searches within military units without a prosecutor's order.

Conclusions

- Turkey has not only moved from a parliamentary system to a presidential one but, rather, it has radically changed its form of government.
- The new system does not resemble any existing governmental system. It is created to cater to Turkey's specificity.
- The author of the reforms and their chief architect, President Erdogan, will remain the main actor of Turkish political life for the foreseeable future.
- As a result of the amendments, power has been amassed at the hands of one person – the president. However, this reform is legally legitimate because it was implemented by the Turkish population in accordance with the will expressed in a public referendum.
- The role of new institutions (councils and offices) established within the presidential administration will be important in terms of managing

the new system. However, since these institutions are newly created, it will take some time to determine exactly how the new system will work.

- The military finally lost the level of autonomy it had in managing the state system that it had had for decades.
- Despite the statements of certain opposition leaders, Turkey's state structure has not changed; it remains a republic, as guaranteed by the Constitution of Turkey.
- The state of emergency has been officially ended but most restrictions remain in effect for the next three years.
- Due to the current reality and developments of the past several years, it is expected that this "cleansing" process (dismissals and detainment) will continue within state structures.
- As a result of the reforms, Turkey has drifted away from the European model of governance. The process of rapprochement and integration with the West (primarily with the EU) will certainly be complicated.
- Amendments to the Turkish government system are not likely to be over and its continuation is expected.

Works Cited:

1. www.gfsis.org/ge/blog/view/849
2. Avcu, Arife, "Erdoğan 'milli duruş' istedi". *Milliyet* (İstanbul), 25 Temmuz 1999, ss. 17.
3. "EU enlargement past, present and future". *BBC News*. 2008-11-06.
4. www.web.archive.org/web/20150417173035/www.m.milligazete.com.tr/haber_detay.php?id=311141
5. www.gfsis.org/ge/blog/view/710
6. www.bbc.com/turkce/haberler-turkiye-44799489
7. www.gfsis.org/ge/blog/view/710
8. www.gfsis.org/ge/blog/view/849
9. www.tr.sputniknews.com/turkiye/201806211033950015-turkiyenin-yeni-yonetim-sistemi/
10. *Hürriyet*, 11.07.2018.
11. *Hürriyet*, 19.07.2018.
12. *Cumhuriyet*, 11.07.2018.
13. *Hürriyet*, 19.07.2018.
14. *Hürriyet*, 11.07.2018
15. www.al-monitor.com/pulse/originals/2018/07/turkey-erdogan-bring-state-institutions-under-his-control.html
16. www.tr.sputniknews.com/turkiye/201806211033950015-turkiyenin-yeni-yonetim-sistemi/
17. *Odatv*, 09.07.2018.
18. www.theregion.org/article/13856-039-the-presidential-system-039-turkey-erdogan-took-control-of-all-expect-economic-crisis
19. www.haberturk.com/ankara-haberleri/15997041-disisleri-bakanligi-sozcusu-aksoyun-bilgilendirme-toplantisi
20. www.tr.sputniknews.com/turkiye/201806211033950015-turkiyenin-yeni-yonetim-sistemi/
21. www.cumhuriyet.com.tr/haber/siyaset/1024486/Bakanliklarda_isimler_ve_logolar_da_degisiyor.html
22. www.yenisafak.com/2018-bakanlar-kurulu-listesi-iste-kabinede-yer-alan-isimler-h-3383100
23. *Hürriyet*, 18.07.2018.
24. *T24*, 20.07.2018.
25. *Odatv*, 09.07.2018.
26. www.hurriyetdailynews.com/opinion/murat-yetkin/erdogan-reforms-turkish-military-radically-134595

27. www.al-monitor.com/pulse/originals/2018/07/turkey--revamping-national-security-apparatus.html
28. www.hurriyetdailynews.com/opinion/murat-yetkin/erdogan-reforms-turkish-military-radically-13459.5
29. www.hurriyetdailynews.com/turkish-general-staff-put-under-defense-ministry-134576
30. www.al-monitor.com/pulse/originals/2018/07/turkey--revamping-national-security-apparatus.html
31. www.sigmaturkey.com/2018/07/13/presidential-system-the-13-arguments-turkeysnewjourney/
32. www.aa.com.tr/tr/gunun-basliklari/turkiyede-ohal-sona-erdi/1208010
33. www.al-monitor.com/pulse/originals/2018/07/turkey-state-of-emergency-expires.html
34. Cumhuriyet, 19.07.2018.
35. www.netgazeti.ge/news/293493/
36. Hürriyet, 18.07.2018.
37. www.hurriyet.com.tr/gundem/kritik-duzenleme-tbmmde-kabul-edildi-40908346
38. Hürriyet, 20.07.2018.
39. www.sigmaturkey.com/2018/07/19/normal-abnormal-turkeysnewjourney/
40. www.sigmaturkey.com/2018/07/19/normal-abnormal-turkeysnewjourney/
41. Habertürk, 17.07.2018.
42. Habertürk, 17.07.2018.
43. Hürriyet, 17.07.2018.
44. www.hurriyetdailynews.com/anti-terror-bill-keeps-some-national-emergency-provisions-for-three-more-years-134677
45. www.sigmaturkey.com/2018/07/19/normal-abnormal-turkeysnewjourney/
46. www.al-monitor.com/pulse/originals/2018/07/turkey-state-of-emergency-really-over.html
47. www.sigmaturkey.com/2018/07/19/normal-abnormal-turkeysnewjourney/