

Analysis

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Summary: The democracy package that Prime Minister Erdoğan introduced with fanfare on September 30 failed to meet expectations. The package contains around 20 items, including revisions in the electoral system, changes in laws pertaining to political parties, improvement of guarantees of individual liberties, increased penalties on hate crimes, and concessions, either of substance or symbolic value, to ethnic and religious minorities. But outside of those constituencies with particular concerns, the package has generated mixed reactions. It is unclear that such democratization is possible without incorporating Turkish civil society and other political parties into the process.

Democratization from Above: Erdoğan's Democracy Package

by *Ilter Turan*

In the world of business, when a new product is to be introduced to the market, the selective information released to the public to arouse interest is called a teaser. Teasers abounded prior to the “promulgation” by Prime Minister Recep Tayyip Erdoğan of his government’s Democracy Package. Newspapers speculated that it would contain this or that item, while cabinet ministers signaled that it would contain elements of surprise. Expectations ran high. The package that Erdoğan introduced with fanfare on September 30, which had been prepared by a small group of ministers, failed to meet expectations. It will be remembered as much by what it failed to include as by what it does.

It was known for a long time that a democracy package would be part of the Kurdish opening. The government lost time trying to calculate the outcomes of specific measures that might be included in the package, prompting the Kurdish Peace and Democracy Party (BDP) and the PKK operating from Qandil mountain in Northern Iraq to say that time was running out and imply that terror might resume. Although the prime minister probably judged that the prevailing period of calm had created

an atmosphere in which a return to violence would find little support, he knew that he had to deliver on his promise to maintain credibility and continue with the process.

The package contains around 20 items, including revisions in the electoral system, changes in laws pertaining to political parties, improvement of guarantees of individual liberties, increased penalties on hate crimes, and concessions, either of substance or symbolic value, to ethnic and religious minorities. In the electoral laws, there is currently a 10 percent national electoral threshold that the 1980-1983 military intervention had introduced to reduce fragmentation of the party system. The provision favored large parties. The government now offers to change it. This threshold may be reduced to 5 percent, with electoral districts downsized to five deputies each and results determined by proportional representation. Or it may be replaced by single member constituencies, the winner determined by a plurality of the vote. Critics have argued that these alternatives will continue to favor large parties.

Regarding political parties, the current law requires a party to have local



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branches in over half of the provinces, then over one third of the sub-provinces in those provinces and in at least three municipalities in the same sub-province to participate in elections. The requirement to have local branches below sub-province will be dropped. The percentage of the national vote a party has to receive to qualify for state funding will be reduced from 7 to 3 percent. Finally, parties will be allowed to have co-presidents, a practice not currently in the laws.

These changes, taken together, appear to facilitate the participation of the ethnically Kurdish BDP, which has encountered difficulties in national elections because of various systemic hurdles against small parties. The BDP had actually devised a strategy to overcome them by running its candidates as independents and the winners then forming a parliamentary party. Although this strategy deprived BDP of state funds, it assured it of parliamentary representation. So, while the BDP may welcome many of these changes, until the current national electoral threshold is lowered, it is unlikely to consider these measures useful for its further electoral prosperity.

A curious change is allowing political parties to have co-presidents. This was a BDP practice lacking a legal basis but ignored by the government. Recently, however, speculation has emerged that the change is mainly intended to render the AKP ready for a future contingency. Turkey will have presidential elections in the summer of 2014 in which Erdoğan is expected to run. It is also known that President Abdullah Gül, eligible for a second term, would like to remain in politics. If Erdoğan insists on running for presi-

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dent, competition between two men from the same political lineage may be avoided by their swapping jobs. Co-presidency might serve two purposes. First, the prime minister, traditionally the head of his party, has to be a member of parliament. If Gül is to become the prime minister, he would have to await 2015 national elections before he can hold the job. But, he could certainly be his party's co-president. Second, it is predicted that if Erdoğan is elected president, he will try to run the government, transcending the mainly symbolic powers of the office. To maintain his influence over his party, he might try to overcome legal limitations by installing a loyalist as party co-president and, through him, exercise leverage to "persuade" the new prime minister to accede to his preferences.

The expansion of individual liberties mainly includes broadening ethnic and religious protections. On the ethnic front, responding to Kurdish concerns, the use of languages other than Turkish in campaigns will be decriminalized. It will also become possible to open private schools where the medium of instruction is not Turkish. As regards changes pertaining to religious liberties, those who interfere with the performance of religious rites or with lifestyles deriving from thought or belief will be penalized. The restrictions on collecting charitable contributions (meaning the legal monopoly of the Turkish Aerial Society to collect the skins of sacrifice animals) will also be repealed. Women in public service jobs will be allowed to cover their heads except in the police, military, and the judiciary. The historic Assyrian Church will get back some land around a monastery previously confiscated by the state.

There is also the introduction of restrictions and penalties against the use and dissemination of private information on individuals in order to prevent their being defamed. The routing and the location of public marches and rallies will now be planned by public authorities in consultation with those who are to hold them, but it will no longer be necessary to have an interior ministry official monitor the event. Finally, anyone qualifying as a voter will be able to join a party, making it possible for almost all public officials to acquire partisan affiliation, which many observers find problematic in the Turkish context.

Turning to discrimination and hate crimes, an Anti-Discrimination and Equality Board will be established



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to monitor violations, while penalties for crimes of hate (needing more specific definition) will be increased. This point has piqued curiosity regarding whether groups other than believers in monotheistic religions such as atheists or GLT persons will also be covered under the planned change.

Then there is a list of symbolic concessions to Kurds on restrictions, such as decriminalizing the use of the letters x, w, and q (which are part of the Kurdish alphabet), allowing towns and villages that have been given Turkish names to reassume their historic names, and abolishing the pledge of allegiance that glorifies Turkishness in primary schools. Gestures to other groups include changing the name of Nevşehir University to Hacı Bektaş Veli University to honor the minority Muslim Alevi population and the opening of an Institute of Roma studies to accord recognition to the Roma of Turkey.

The prime minister has said that this is just the beginning of more reforms, recognizing that these proposals may not be considered sufficient by various segments of the population. The Alevi population has expressed frustration that nothing of substance has been offered to them, such as funding for their religious establishment, a facility that the state extends to the Sunni population through the Directorate of Religious Affairs. The Greek Orthodox Church was unpleasantly surprised that the Khalki Seminary that was closed 40 years ago will not be opened unless Greece extends some new facilities to its Turco-Islamic population. The Kurdish leadership has indicated that while the moves are in the right direction, they hardly go far enough to meet their expectations.

Outside of those constituencies with particular concerns, the package has generated mixed reactions. The EU, which the Turkish government takes less and less into consideration in devising policies, has responded favorably, as has the United States. Domestically, the nationalistic MHP has said that the package is a sellout to the Kurds. The major opposition CHP has found many of the measures less progressive than the bills that they have introduced, which the government has ignored. The secularist segments of the population see some of the measures as simply opening the way for more religion in public life. Those who were part of the Gezi demonstrations seem unimpressed. Their suspicions are in fact being borne out by announcement of

government plans to increase powers of the police. In short, the package appears unlikely to defuse the intensifying polarization toward which the country has been moving.

Can the government deliver on its current promises and move quickly to produce other packages? There are a number of impediments. To begin with, the government has excluded the opposition from the process. This means that any item requiring constitutional change would not be possible because of a lack of a qualified majority. The government does have the majority to enact ordinary legislation, but transforming promises into bills and then laws requires time. The country is going first into local, then presidential elections within a matter of several months. An attempt by the prime minister to rush legislation through without much debate may produce dissatisfaction in his own party if they have been excluded from preparation of the package. The easiest procedure may be to affect those changes that can be achieved by a government decision. This has already begun to happen.

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There is no doubt that Turkish political system, classified as a partial democracy by Freedom House, is in great need of further democratization. It is unclear that such democratization is possible without incorporating Turkish civil society and other political parties into the process. Democratization from above by non-participatory means



chosen for implementation by the prime minister and his close associates may not prove sufficient to elevate Turkey to being a fully functioning democracy. It may, nevertheless constitute an opening to more comprehensive democratization. If the opposition chooses to seize the opportunity and pressure the government to expand its democracy agenda rather than merely oppose it, the agenda might become more comprehensive and move ahead faster.

About the Author

İlter Turan is a professor of political science at Istanbul's Bilgi University, where he also served as president between 1998-2001. His previous employment included professorships at Koç University (1993-1998) and Istanbul University (1964-1993), where he also served as the chair of the International Relations Department (1987-1993), and the director of the Center for the Study of the Balkans and the Middle East (1985-1993). Dr. Turan is the past president of the Turkish Political Science Association and has been a member of the Executive Committee and a vice president of the International Political Science Association (2000-2006). He is a frequent commentator on Turkish politics on TV and newspapers.

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