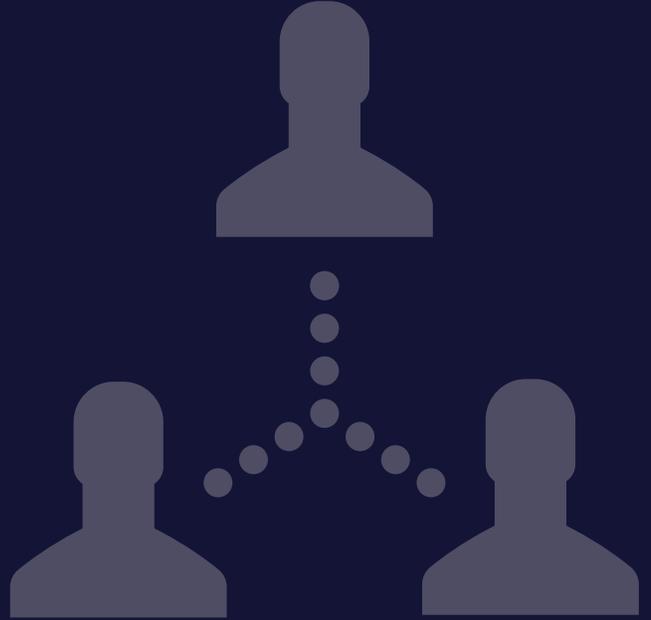


GOVERNANCE IN THE TURKEY OF THE FUTURE

HALUK ALKAN

This report is the summarized
version of the main report.



GOVERNANCE IN THE TURKEY OF THE FUTURE

ABSTRACT

Report considers the field of governance first at the level of constitutional institutions and tradition, addressing the development of Turkey's constitutional politics and contemporary debates as its subject matter. Secondly, the report includes the primary institutional structures relevant to establishing constitutional institutions into its subject matter. In this context, the political party regimes, electoral system, and public administration must be handled with their current structures and problems. Whether at the level of the constitution or the primary institutional structures, analyses are debated in terms of the socio-administrative dynamics that are determinant in shaping these structures, the effects these dynamics have on the formation of institutional structures and administrative traditions, and finally their impact on the functioning of Turkish politics. When creating the vision document, the report will identify Turkey's stance within global debates through both its similarities, as well as its peculiarities to other nations. In this context, concrete and practicable recommendations are made to improve the functionality of the Presidential System, which was introduced with the 2017 Constitutional Referendum.

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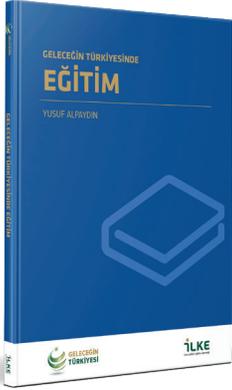
ABOUT THE AUTHOR



Prof. Haluk Alkan

Having completed his undergraduate studies at the İstanbul University Faculty of Political Sciences Department of Public Administration in 1992, Prof. Alkan went on to earn his Master's degree in 1995 from the Social Sciences Institute Political and Social Sciences program, also at İstanbul University. He earned his doctorate from the Marmara University Social Sciences Institute Political and Social Sciences program in 1998. Alkan is currently a faculty member at the İstanbul University Faculty of Economics Department of Political Science and International Relations. Alkan conducts political scientific research on comparative politics, political institutions, and Turkish political life while teaching undergraduate and graduate courses in these fields.

ABOUT THE TURKEY OF THE FUTURE PROJECT

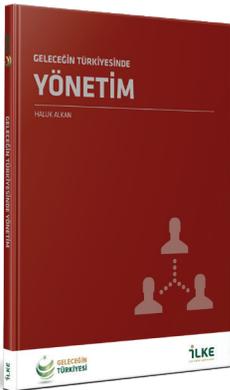


Having embraced the necessity of observing and understanding society, of producing analyses that acknowledge social needs, and of conducting studies oriented to social problems since the day of its inception, the İLKE Foundation for Science, Culture and Education believes in the importance of conducting studies relevant to humanity as a whole rather than any one particular group of people.

The current state of the deterioration in our intellectual productivity, inefficiency in realizing current potentials, and the expansion of problems building up in all spheres of life, riddled with many a vicious cycle, have reaffirmed the İLKE Foundation's conviction in studies oriented to field-research and problem-solving. To this end, we prepare reports by experts in their fields and provide them to the public in the fields of Education, Higher Education, Administration, Economics, Foreign Policy, Social Policy, Cultural Policy, and Civil Society.



As the İLKE Foundation, we aim to contribute to Turkey's vision for the future by adding the İLKE reports to our studies that promote principles and provide solutions, studies that check the world's pulse while simultaneously being informed by local dynamics. Within the purview of the Turkey of the Future project, we aim to provide guidance to policy-makers by developing coherent, functional, and sustainable strategy and policy recommendations based on data and knowledge in social, economic, cultural, and political spheres.



Foreword

As the İLKE Foundation for Science, Culture and Education, we believe that NGOs and the studies conducted therein are critical for policy-makers, practitioners, and the society. Accordingly, we endeavor to shape our studies so to function as a bridge between decision-makers and society. It is evident that society's level of prosperity will rise when the structures and functions of civilian organizations are better understood and constructed.

As the İLKE Foundation, we attach importance to being an active part of the construction of a strong society with institutions such as İLEM, YEKDER, and İGiAD that are part of our organization and are conducting compelling and leading studies in their fields. In this, we endeavor to keep our finger on the pulse of the civilian sphere while proceeding with the understanding that a deeper comprehension of national issues is necessary. We strive to construct all our studies in a perspective that addresses, first of all, our country and the entire world, for the wind of globalization has left no door unopened and has connected even the most disjointed of things. With this care and understanding, we prepare policy notes and research reports comprising proposals for practical solutions in a variety of fields and present them to the public. While we believe in the importance of the accumulated knowledge of the past, we also believe that the day's circumstances must be analyzed properly as to equip ourselves with a strong vision of the future.

The İLKE Foundation has espoused the mission of preparing our country for the future, under the Turkey of the Future Project, as it has done in other studies. With the Turkey of the Future Project, we study Turkey's fundamental issues on a real basis and by observing the integrity of time and space. Our main effort has consisted of consistently challenging the difficulties encountered when handling the issues comprising the project, treating the problems holistically, and suggesting solutions not only concerning our country but also worldwide. We believe that understanding and communicating problems is an important obligation, for solutions will become possible only when we meet problems head on and understand them holistically. Having said that, we also appreciate the importance of consulting our constructs, methods, and outputs with experts being aware that studies pertaining to the future are open to speculation.

We initiated the "Turkey of the Future Project" in 2018 with this objective. With this project, we want to draw attention to the increasing importance of speaking about the future in an era of constant change. In the purview of the project, we develop medium-term vision proposals for Turkey through research reports in the fields of primary and higher education, economy, governance, foreign policy, social policy, cultural policy, and civil society. In the other part of the project, we provide specific diagnoses and policy suggestions related to the aforementioned fields and their subfields through Policy Notes and Analysis Reports.

We hope that the studies conducted in the purview of the Turkey of the Future Project will illuminate our road ahead in the relevant fields and contribute to the creation of a more sustainable order.

Lütfi Sunar

Chairman of the İLKE Foundation
Coordinator of the Turkey of the Future Project

Introduction

Administrative systems are certainly a notion that can be treated within a variety of conceptual frameworks whose content and scope can be furnished in different ways. Accordingly, defining the content and scope of the current study is imperative. The report first addresses the subject of administrative systems at the level of constitutional institutions and tradition. The study, out of necessity, takes the development of Turkey's constitutional politics and contemporary debates as its subject matter. Secondly, the primary institutional structures that are important for establishing constitutional institutions have been included in the subject matter. In this context, Turkey's political party regime, electoral system, and public administration are handled through their current structures and problems. The study debates the analyses, whether at the level of the constitution or primary institutional structures, based on the inclusion of the so-

cio-administrative dynamics that have been determinant in shaping these structures, the effects of these dynamics have had on the formation of institutional structures and administrative traditions, and finally their impact on the functioning of Turkish politics. In this framework, addressing Turkey's administrative system vision separately from global developments and debates is unfathomable. Accordingly, understanding Turkey's position in global debates and the contexts surrounding its position necessitates determining its similar and unique aspects when creating the vision document.

The Development of Turkey's Constitutional Politics and Contemporary Debates

Constitutional institutions in Turkey have been shaped as a consequence of socio-economic and political processes that have occurred from the top-down. When the 1921 Constitution is exempted, the dominant

theme in Turkey's constitutional politics appears to be constitutions were established as documents for resolving the expectations of the political and bureaucratic elites who were attempting to reduce politics to an instrument of transforming society. The fact that the last two constitutions that fashioned multi-party democracy, the 1961 and 1982 constitutions, were products of military coups has also kept alive the issue of constitutional legitimacy in a foundational sense. Accordingly, this process of constitutionalization has always had difficulties with the electoral constitutional institutions that were reflections of bottom-up transformations; the conflict between the top-down style of instructive politics and the style of politics responsive to political demands has been one of the principal dynamics shaping Turkey's political life.

Constitutional developments in Turkey, particularly since the transformation of the 1982 Constitution, have taken shape as a reflection of this aforementioned tension. Saying that Turkey has been successful in creating an administrative system vision is currently impossible despite the constitutional amendments that were established primarily as a result of reactive and contemporary challenges. Even though the pressure for change against political institutions, resulting from the conflict in 2007, led to the form of government being changed through the 2017 constitutional changes, complementary democratic and institutional changes must be put on the agenda and made part of a broad social debate in order to achieve the consensus of a long-lasting and comprehensive constitutional foundation.

Primary Institutional Structures Consequential in Establishing Constitutional Institutions

An administrative system's functioning is not only tied to constitutional institutions. A matter at least as important as constitutional institutions is how to democratically realize regulation changes in vital areas that can give life to the constitution. As this study has addressed, many regulations that inhibit the democratic functioning of the system as a result of constitutional processes continue to exist in current regulations. Handling changes in the electoral system, political parties law, public administration, personnel regime, and municipal administrations based on enabling the legitimacy of the system and its democratic functioning beyond the expressive changes that inevitably result from the new institutions and powers brought by constitutional amendments will gain importance in the near future.

Along with the presidential system, the institutional relationship between the legislative and executive branches has changed and the need to establish a balance in order to procure the efficacy of the executive branch and the preeminence of the legislative branch has come to the fore. Because the style of politicking in Turkey is shaped on the basis of legislative-executive fluidity, the impact this new institutional model will have on political life and the style of politicking must be properly analyzed. In this context, the sphere of presidential decrees, which was a natural result of the new system, and the boundaries of the legislative sphere must

be reestablished in terms of democratic processes and the effectiveness of the system. Concurrently, the political and administrative actors who take part in instituting practices that are appropriate to this feature of the new system must also be addressed.

As such, the issues that need consideration include the distinction between the judicial and executive branches turning into a tension between officials and politicians, the need for the legislative branch to be informed on the executive branch's policy priorities, and the need to establish mechanisms at the constitutional level for informing the Parliament regarding problems encountered by the executive branch and their solutions. The new system requires creating cooperative channels between the legislative and executive branches and a change in behaviors based on this.

Turkey, along with elections, has transformed into an institutional structure where the legislative and executive branches, both of whose legitimacy is directly derived from the people, work together. Accordingly, this transformation makes more difficult the possibility of a political balance where an electorally dominant executive branch works with a parliamentary amalgam of multiple parties. Even though the probability of the parliamentary amalgam directly causing an executive crisis or even political instability has weakened, having the two institutions build a relationship of mutual respect and cooperation on policies is important for the new system to be able to become firmly established. Further needs include strengthening the Parliament's lawmaking capability as a result of policy-oriented deliberations,

having the executive branch improve policy-development strategies that consider the parliamentary amalgam, having the Parliament take the problems expressed by the executive branch into consideration when lawmaking, and establishing such institutional infrastructure in this regard.

For the effects of institutional transformation on the style of politicking to have utility in overcoming Turkey's administrative problems, a set of reforms apart from the constitutional debates must necessarily be promulgated to this end.

Balance between Judicial Activism and Judicial Passivism

Judicial activism has been one of the determinant mechanisms of tutelage over politics in Turkey. Judicial rulings on fundamental issues have had the effect of increasing tensions and even deepening polarization rather than making a compromise between different societal blocs and expanding human rights in Turkey. This attitude has suppressed political actors and excluded the expectancies of large societal blocs. Striking a balance between judicial activism and judicial passivism in Turkey is vital. Democracy rises on top of the principle of the rule of law. However, if mechanisms developed on the principle of the rule of law take up the role of judicial activism, they can turn into an oppressive instrument that harms political legitimacy. Overcoming this problem is possible making judicial reforms broadly ranging from the constitutional level to the legal and legal education levels.

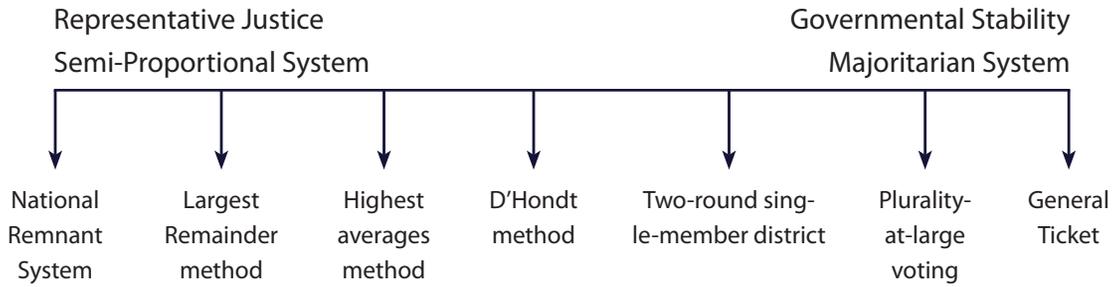


Figure 1. Electoral systems based on representative justice and governmental stability.

Rethinking the Electoral System

Another issue in this context is renouncing the impediments that weaken Parliament's representative capacity and rethinking the electoral system. When considering Turkey's political practice, impediments based on electoral thresholds are seen to have not achieved the intended aims of balancing representative justice or governmental stability. Accordingly, the balance of stability-representative justice system must be achieved not by excluding a portion of the votes but by developing new alternatives within the electoral system.

Reforms that Support the Strengthening of Intra-Party Democracies

Another issue relevant to strengthening the institutional basis of Turkey's administrative system is related to the realization of a reform in support of intra-party democracies. A strong and democratic governance can rise above institutional party structures. To this end, a foundation must be established, which enables institutionalization processes such as maintaining the stability of party organizations, value production, and long-term relationships

with constituents based on changing leadership and administrative units. The determinant parameters of such a reform are the membership system, delegate elections, central organization, parliamentary groups, distribution of authority in local branches and their participation in decision-making processes within the party, and the candidacy system. Also, bans on political parties in general and the regime's of closing parties must be reevaluated.

The Key to an Effective Administrative System: The Need for Reform in Public Administration

Another matter in need of consideration regarding the future of the administrative system in Turkey is reforming public administration. One of the oft-mentioned intentions of the 2017 Constitutional Amendments was the creation of an effective public administrative system. Procuring an effective administrative system merely at the constitutional level is impossible. Such a change is closely related to simplifying the organizational structure and distribution of authority at the level of the central administration by structuring an audit system that provides administrative openness and transparency

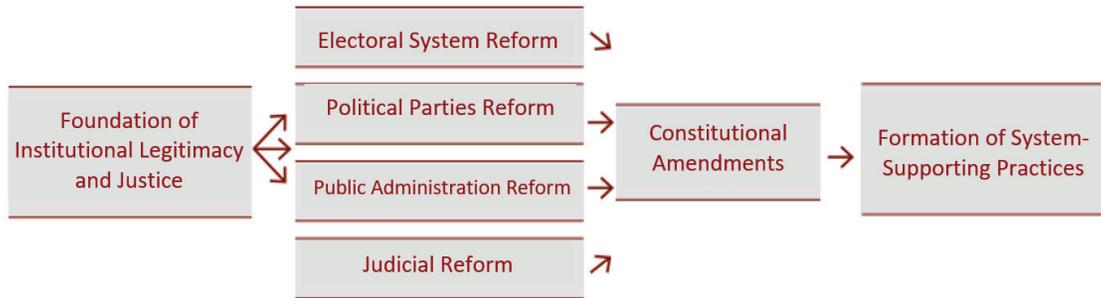


Figure 2. Overall framework of the organization of public administration in Turkey.

and creating a personnel regime that possesses the accountability to support it.

The public administration reform must also tend to the distribution of authority and the provision of public services between central and local governments. Without disregarding Turkey's current realities, the issue of strengthening local administrations must be sorted out. Debates on the future of Turkey's administrative system include alternatives beyond the 2017 Constitutional Amendments. Certainly, a study on the administrative system must include these debates as well. A matter in need of emphasis at this point is that all governance systems originate from an inherent need for democratic institutionalization and, in this regard, possess both advantages and disadvantages simultaneously. Accordingly, thought must be given to solutions based on designing mechanisms that strengthen a governance system's positive aspects and eliminate negative ones. This report also touches upon alternative debates.

Conclusion

In addressing the administrative system of the Turkey of the future in this report, the primary suggestion is that the institutional

organization be reevaluated on the basis of legitimacy and justice. All bodies that make, apply, and monitor decisions in the name of the people must be organized on a foundation of legitimacy based on the people. Above all else, achieving this is closely related to the electoral system, political parties reform, and reorganization of public administration. However, the internal procedures and decision-making of bodies organized on the basis of legitimacy must remain within the purview of the widespread sentiments in society, administrative efficacy, and expansion of rights and freedoms. The institutions that are created might possibly become institutionalized as a result. A foundation for justice will become possible with the creation of a mechanism or mechanisms of balance and inspection among political institutions as well as devotion toward them. By creating political institutions on the basis of institutional legitimacy and justice, the groundwork for institutionalized practices will also have been achieved, which is the most important pillar for the system's longevity. Accordingly, civilians would be able to construe such an administrative system will be construed as a good in and of itself by civilians and the system will achieve longevity.

GOVERNANCE

IN THE TURKEY OF THE FUTURE



TURKEY'S ADMINISTRATIVE VISION

The Presidential system must be consolidated using a participatory mentality while recognizing citizens' expectations without disregarding the dynamics of the difficulties Turkey is undergoing.

1

Laws and relevant regulations must be reviewed and revised to contribute to the new system's functionality.

2

Strengthening cooperative and communicative mechanisms that ministerial and other executive bodies have with the Parliament.

3

Reevaluating the constitutional framework and making a broad range of changes to supplement the 2017 Amendments.

4

Making efforts toward strengthening the Parliament's law-making capabilities.

5

Establishing a balance where the scopes of authority that presidential decrees and the preeminence of the legislative branch have are both strengthened.

GOVERNANCE IN THE TURKEY OF THE FUTURE

The report considers the field of governance first at the level of constitutional institutions and tradition, addressing the development of Turkey's constitutional politics and contemporary debates as its subject matter. Secondly, the report includes the primary institutional structures relevant to establishing constitutional institutions into its subject matter. In this context, the political party regimes, electoral system, and public administration must be handled with their current structures and problems. Whether at the level of the constitution or the primary institutional structures, analyses are debated in terms of the socio-administrative dynamics that are determinant in shaping these structures, the effects these dynamics have on the formation of institutional structures and administrative traditions, and finally their impact on the functioning of Turkish politics. When creating the vision document, the report will identify Turkey's stance within global debates through both its similarities, as well as its peculiarities to other nations. In this context, concrete and practicable recommendations are made to improve the functionality of the Presidential System, which was introduced with the 2017 Constitutional Referendum.