

CONSTITUTION-MAKING and (DELIBERATIVE) DEMOCRACY TURKEY

Past experiences with constitution-making

- First Constitutional Monarchy of **1878**
- Second Constitutional Monarchy of **1908**
- Constitution of **1921** short lived war time constitution
- Constitution of **1924** drafted and adopted by ordinary parliament
drafted by a constituent assembly that was partly
- Constitution of **1961** appointed/elected by organizers of the 1960 coup.
Approved with a referendum.
drafted by a constituent assembly dominated
- Constitution of **1982** by the organizers of the 1980 coup. Approved
by a referendum and institutionalized the
presidency of coup leader.

1908

1923

1960

1982

19 instances of constitutional amendment under the current 1982 constitution

- consensual reform process led by a parliamentary ad-hoc body: **1995** and **2001** amendments
- limited cooperation between political parties: **1999**, **2002** and **2008** amendments
- confrontational constitutional change led by the ruling party: **2007**, **2010**, **2017** amendments
(all passed by a referendum, after receiving less than 2/3 majority in the parliament)

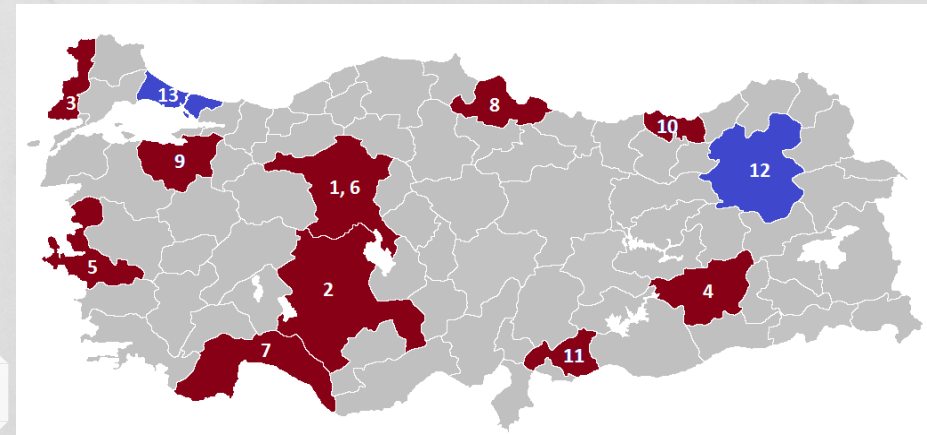
Failed Constitution-Making 2011-2013 Constitutional Conciliation Commission

- equal participation of all political parties represented in the parliament and participation of the civil society.
- individual proposal submissions through the official constitution-making website and citizen consultation process across the country, **Turkiye Konusuyor**.
- no pre-determined mechanism to incorporate civil society consultations and citizens' deliberations/consultations.
- failed after 18 months, a major source of disagreement was the ruling party's desire to adopt presidential system
- achieved consensus on 60 articles, 43 belonged to the chapter on fundamental rights and freedoms.

Transformation of parliamentary democracy to executive presidency through the gradual "executive aggrandizement"

- **1982** Constitution established a parliamentary system with an empowered president.
- **2007** constitutional amendment adopted by a referendum, provided for the direct election of the president.
- **2017** constitutional amendment transformed the system to an executive presidency with weak checks and balances, adopted by a referendum held under a state of emergency.

2012



Turkiye Konusuyor (Turkey Speaks) by **TEPAV** (The Economic Policy Research Foundation of Turkey)

4738 randomly selected citizens and local NGO representatives participated in **13** meetings organized in **12** major cities during the period from January to June 2012 to discuss 10 main issues about the new constitution debates.