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## *TURKEY in FOCUS*

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### **TURKEY'S PUSH FOR REFORMS: MOVING BEYOND RHETORIC**

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Turkey's democratic reform process gained full momentum with the ratification of the latest amendment package on May 7, 2004. The package included crucial changes such as the abolishment of the State Security Courts (DGMs), which had been established following the 1980 military coup "to deal with security offenses against the indivisible integrity of the State." Equally important, these amendments brought final touches to the Constitution to completely abolish capital punishment. They also included measures that introduced civilian provision over military expenditures and removed military representatives from boards that oversee broadcasting and higher education. Other amendments inserted some basic clauses to the law in a bid to ensure gender equality, such as "men and women have equal rights".

These changes are a continuation of a wave reforms that took an added urgency during the previous DSP-MHP-ANAP coalition government and continued with a faster pace and broader coverage during the current ruling of the Justice and Development Party (AKP). Since 2001, the country has witnessed nine such major reform packages and revision of Turkish Penal and Civil codes. The nine packages introduced vital changes to Turkey's constitution, which was drafted in 1982 under the military regime. The reforms have also altered accompanied laws, regulations, and practices, a key element for the consolidation of democratic structures that the country has been longing for so long.

Whether or not Turkey receives a date in December this year to start accession talks with the EU, the reforms will have crucial positive long-term consequences for Turkey's social and political transformation. In fact, the quest for reform has already started to change the political culture and challenged many taboos that were unthinkable just a few years ago.

## **Remembering 1990s**

To put recent changes in a broader context, it is important to briefly analyze the 1990s, a period often referred in Turkey as “the lost decade”. Only through such a contrast it is possible to grasp the true extent of democratic change that has been taking place in the country for some time.

In 1990s, democratization efforts mainly fell victim to weak and short-lived coalition governments; failed political leadership, and strong military influence in politics, and a heightened security environment aggravated by the war against the Kurdistan Worker’s Party (PKK) and fear from the Islamic resurgence. Throughout the decade, successive governments and state authorities dismissed allegations of human rights abuses as PKK propaganda or as isolated incidents. Any attempt to abolish capital punishment or grant more cultural and political rights to Kurds, even as recent as 2000, were strictly resisted on the grounds that this would threaten the territorial integrity of the country.

This situation continued until the end of the decade, and events such as EU’s exclusionary attitudes towards Turkey during the 1997 Luxembourg Summit and the capture of PKK leader Abdullah Ocalan in 1999 triggered the nationalist sentiments and skepticism towards democratization. Some proponents of reform were even accused of being part a foreign contemplation to divide the country on ethnic lines. In this environment, and in the absence of a political will to transform the country, any attempt for reform proved ineffective.

### **DSP-MHP-ANAP Coalition Efforts: Signs of Change Amid Internal Debacles**

Turkey has come a long-way in the democratization path in comparison to the 1990s. The initial push for reform came as the EU declared Turkey as one of the candidate countries for membership during the Helsinki Summit in December 1999. The DSP-MHP-ANAP coalition government, which took office in June 1999 and led by Bulent Ecevit, found itself under heavy internal and external pressure to carry out an ambitious reform program. Despite frequent foot dragging and quarrels among the coalition partners about controversial reform issues, the Ecevit government successfully introduced National Program in March 2001 (a roadmap of reforms promised by the government in response to EU membership requirements), enacted two important constitutional reform packages in October 2001 and August 2002, changed numerous laws and regulations to harmonize with those constitutional changes, and revised Turkey’s 75-year old Civil Code in November 2001.

To mention some, these legislative changes removed military officers as judges in the State Security Courts, amended political parties law to make judicial closure of parties more difficult, as well as introduced first steps in tackling critical areas such as broadcasting and education in mother tongues other than Turkish, reducing the political role and status of the National Security Council, eliminating death penalty, and improving freedom of thought and expression. The packages expanded the right to association, and imposed stricter penalties on human traffickers. They also allowed non-Muslim minority communities such as Greeks, Armenians and Jews greater rights over religious properties. The government also lifted emergency rule in four cities in southeastern Turkey in June 2002.

Finally, Turkish Parliament passed amendments that eliminated controversial provisions of Turkey's Civil Code such as the one requiring wives to seek their husbands' permission to work and promoted gender equality. The new code raised the legal age for marriage to 18 for both sexes from 17 for men and 15 for women. It also set a legal separation period of six months before couples can file for divorce. The revised code also lowered the legal age for adopting children from 35 to 30 and granted adoption rights for single parents.

October 2001 and August 2002 reform packages and revisions in the Civil Code could well be described as the opening stages of many significant changes that still continue to take place in the country.

### **Justice And Development Party and Renewed Passion For Reform**

With its landslide victory in November 2002 elections, AKP became the first party in over a decade to hold enough seats in Parliament to exercise a clear majority and enjoy a one-party government. Thus, AKP found itself in an ideal environment to complete the remaining work that was left from the previous government.

The AKP government passed five major political reform packages in 2003 and one in May 2004, introducing changes to different areas of legislation. These were enacted in January 2003 (the fourth package), in February 2003 (the fifth), in July 2003 (the sixth), in August 2003 (the seventh), in December 2003 (the eighth), and in May 2004 (the ninth).

The fourth and fifth reform packages included changes strengthening the fight against torture, broadening the scope of freedoms of association, demonstration and peaceful assembly, expanding freedom to use Kurdish in broadcasting and election campaign periods. They removed some anti-democratic elements in the Turkish Penal Code, introduced measures to improve police conduct, gave prisoners/detainees immediate access to lawyers, lifted some restrictions on press, and eased restrictions on the ownership rights of minority foundations. These amendments also paved the way for a retrial of imprisoned former deputies of pro-Kurdish Democracy Party (DEP).

The sixth and seventh reform packages touched probably the most controversial issues. The sixth package abolished the Article 8 of Anti-Terrorism Law, and terminated its current proceedings, for which Turkey has been widely criticized by the Council of Europe and other international bodies. Most of the journalists and writers in prison had been sentenced under this provision. The package also revoked the authority of the Secretary General of the National Security Council (NSC) to appoint one member to the supervision board for cinema and music works. The sixth package also amended the related provision of broadcasting law (named as RTUK) to guarantee the right to broadcast in languages other than Turkish. Despite the fact that the reform package of August 2002 had recognized that right, no significant action had been undertaken until then. Moreover, the package provided guarantee in naming children. In several reported incidences, some civil servants had denied registering the traditional Kurdish names despite the fact that related legislation and Turkish Supreme Court had recognized this right. On the area of religious freedom, the new clauses in the package eased the rules and

procedures for construction planning with regard to places of worship for other faiths than Islam. Turkey has frequently been a target for the EU criticism on the freedom of religion. Christian communities in Turkey have been facing some obstacles in initiating their churches. These changes also eased the registration of the real estates of the foundations of religious communities by expanding the application period. Although the August 2002 reforms had abolished the ban for these foundations to have new real estate, these foundations still faced difficulties in registering their properties prior to the defined deadlines.

Only a few weeks later, the government passed a seventh package in August 2003. The package was crucial in terms of introducing changes to the structure of the NSC. Stressing the advisory status of the military-dominated NSC, new measures limited the number of times the NSC meets, enabled appointment of a civilian head to the NSC's secretariat and allowed greater parliamentary scrutiny over military expenses. According to the amendments, a deputy premier can be appointed to oversee the execution of some of the NSC's recommendations, a duty previously carried out by its secretary-general.

In addition, the Parliament approved a bill in December 2003, attempting to remove policies of secrecy governing the NSC's staff, by-laws and regulations, allowing decisions on these matters to be published in the government's Official Gazette.

The May 2004 legislative package concludes most of the reform processes initiated and enhanced through previous packages dating back to October 2001.

### **YOK Reform and *Imam Hatips*: A Speed Bump In The Reform Process**

Enjoying a single-party government and an overwhelming majority in Parliament, AKP has been successful in passing reforms in a swift and determined manner. Yet, a major source of tension between the AKP ranks and the secular groups within and outside Parliament has been the Higher Education Board (YOK) bill that the AKP government brought to national attention within the broader context of EU harmonization laws.

The government's first attempt has been during July 2003, with a draft law seeking to reduce the number of YOK members, and change the procedure in electing rectors. The bill also foresaw changes to the university entrance exam, proposing to add extra points to graduates of vocational, as well as religious (Imam Hatip) schools in entering universities. The AKP government argues that vocational school graduates are currently at a significant disadvantage when entering the university exam. On the other hand, the Education Board claims that the government's real intentions are solely limited to allowing students of religious schools, trained to become "Imams", to attend secular universities. Faced with intense pressure by deans and university professors, the government last October announced its decision to postpone the draft law. However, a year later, the AKP officials revived the same heated discussion with another attempt to pass the YOK legislation. In addition to objections from the academic community and political parties, the Office of the Chief of Staff issued a statement, noting that proposals violated the country's secular principles. Although AKP-dominated Parliament passed the bill, it chose not to push it once again, after President Sezer's veto.

## **Overcoming the Implementation Challenge?**

Despite a remarkable process in passing new legislation, the implementation deficiencies have been a major challenge for Turkey's democratization. Recognizing this fact, the EU has frequently admonished Turkish authorities about the need to pay more attention to the implementation of legislated reforms. The latest of such warnings came right after Turkish Parliament passed May 2004 reforms, in a mid-term report on May 18. While it applauded the amendments, the report criticized the fact that only three schools teaching Kurdish are operating, while broadcasting in Kurdish has yet to commence. It criticized the verdict of the Ankara State Security Court on former DEP deputies. It also voiced concern that Parliament must exert full control of defense expenditures, and urged Turkish officials to effectively tackle torture and ill-treatment cases.

The Turkish government seems determined "not to leave any excuse to the EU". Within a few weeks of the mentioned report, the Turkish state radio and television (TRT) started broadcasting in Bosnian, Arabic, Circassian, and two common Kurdish dialects. Moreover, in its long awaited verdict, Turkey's appeals court ordered the release of four former DEP deputies on June 9.

These new steps expand on some institutional arrangements this government made to improve human rights record and implementation of reforms in the country. To name a few, the AKP government signed the European Convention for the Protection of Human Rights and Fundamental Freedoms' Protocol, which stipulated the abolishment of the death penalty. It also created human rights committees for each province and district, as well as established the High Board of Human Rights. In September 2003, AKP leaders launched the Reform Monitoring Group, comprised of Foreign, Justice and Interior Ministers. The monitoring group is designed to ensure the implementation of new laws and regulations concerning human rights and civil liberties. The Reform Monitoring Group, in addition to the newly established European Union Communications Group, regularly informs the embassies of the EU member countries of Turkey's progress in implementing key reforms.

## **Moving Beyond Rhetoric**

Despite its deficiencies in implementation, the reform process undertaken by the last two governments is one of the most remarkable achievements in the Turkish political history. Democratic changes of the last three years portend a fundamental shift in the political life and institutional structures of the country. Fortunately, reform efforts have been drawing more popular support lately, especially as they started to yield visible positive results.

In some circles, both in Turkey and abroad, there has been a common perception that reforms in the country are passed as a concession to the EU. They also argue that these reforms are externally imposed and do not have a strong internal impetus. Thanks to the successful policies of the last two governments, AKP in particular, this perception is now transformed to reflect the true nature of change in Turkey: These democratic reforms should go on regardless of Turkey's integration into the EU as they are built upon decades long and well rooted struggle by the reformists to transform the country.

As the EU officials continuously remind their Turkish counterparts, passing legal reforms alone do not bring about real change if they are not properly implemented. Fortunately, recent developments raise hopes that Turkish policy makers might at last be starting to ‘own’ the democratization process and move beyond rhetoric through decisive actions so as to fully implement legislated reforms. If AKP leadership fulfills its promises in this regard, such ownership might actually substantiate Prime Minister Erdogan’s words that Copenhagen criteria will be Ankara criteria.

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