

# **On the Way to a New Constitution in Turkey**

Constitutional History, Political Parties and Civil Platforms

October 2011



## 1. Introduction

Nowadays, creating a new constitution is the primary item on Turkey's political agenda. This short report will summarize the constitutional history of Turkey, stressing recent discussions about the process of creating a new constitution. The perspectives of civil platforms as well as political parties will be examined, since constitutions are written on behalf of all citizens, who live in a country, and everyone should have the right to express his or her own opinion.

## 2. The Constitutional History of Turkey

### Early Developments 1921-1980

The **constitution of 1921** was the fundamental law of Turkey for a brief period, from 1921 to 1924. It was a simple document consisting of only 23 short articles. In October 1923 the constitution was amended to proclaim Turkey a republic. However, the first article of the constitution of 1921 had already de facto defined Turkey as a republic, declaring that "Sovereignty is vested in the nation without condition. The governmental system is based on the principle of self-determination and government by the people." One other important aspect of this constitution is that it was the first and last Turkish constitution, in which the preferred moniker of the country was "the State of Turkey" rather than "the Turkish State".

The **constitution of 1924**, formally titled the **Constitution of the Republic of Turkey**, replaced the constitution of 1921 and was ratified by the Grand National Assembly of Turkey following the proclamation of the republic on October 29, 1923. The preparation and enactment of the constitution was so fast that neither the public nor any advocacy group had an impact on the constitution. It was inspired by the constitutions of France and Poland. The constitution of 1924 lasted for 36 years from 1924 until 1961: the longest time a constitution has ever remained in force in the history of Turkey.

The constitution of 1924 was amended seven times in total, two of which can be considered modal amendments. The most important amendments were as follows:

- Secularism was first introduced with the 1928 amendment to the constitution of 1924, which removed the provision declaring that the "religion of the state is Islam".
- With the amendment of December 5, 1934, women's rights to vote and be elected to parliament were recognized.
- The second article of the constitution was amended in 1937, secularism was explicitly upheld in the second article of the

Turkish constitution. The values of republicanism, nationalism, populism, statism and reformism were also enshrined in this constitution.


The 1924 constitution was maintained without change after the transition to a multi-party system in 1946. It came to an end with the military takeover of May 27, 1960. The revolutionary officers, with the help of opposition parties, started to prepare a new constitution to establish a more pluralistic mode of democracy, with all its attendant safeguards, while maintaining the modern and secular nature of the state.

The **constitution of 1961** was prepared by a constituent assembly composed of military leaders and indirectly elected civilians. The constituent assembly was made up of the National Unity Committee and the Representatives' Assembly. It was adopted by a referendum held on July 9, 1961, with 61.7 percent of the nation voting in its favor. For the first time in Turkish history, a constitution prepared by a constituent assembly was passed through a public referendum.

The constitution of 1961 introduced significant innovations. It strengthened the supremacy of the constitution by establishing a constitutional court, effectively restricting the powers of the elected branches of government, and strengthening the safeguards of fundamental rights and liberties through the rule of law. While the constitution of 1921 has generally been referred by the Kurdish population, who favors "the State of Turkey" instead of "the Turkish State", some parties in the country refers the constitution of 1961 as the most democratic constitution of Turkey.

In 1971, there was a second military intervention in Turkey's government, which used to be called as the "partial coup" of March 12, 1971. Rather than assume power directly this time, the military forced the resignation of the governing Justice Party (AP), which was replaced by a non-partisan administration. The constitution was amended twice, once in 1971 and again in 1973, under the influence of the military intervenors. The amendments cut back on individual rights and the power of the judiciary, and increased the power of the executive branch and the military.

The Turkish Armed Forces intervened once again on September 12, 1980. This intervention was carried out by the National Security Council, which was composed of the chief of the general staff and four commanders. The National Security Council stayed in power longer than its predecessor. It exercised extraordinary powers until November 1983, when general elections were held. Before they withdrew from government, the council not only prepared a new constitution but also adopted several hundred laws and law-amending ordinances that entirely restructured the



constitutional and legal order of Turkey. Although the constitution was adopted through a nationwide referendum, the extraordinary conditions that prevailed under the military regime of the time called the reliability of this consensus into question.

### The 1980 Coup d'Etat and a New Constitution

The current Turkish constitution was enacted after the September 12th 1980 intervention. The **1982 constitution** was stricter than the previous one, especially on the subject of fundamental rights and liberties. The number of irrevocable articles in the constitution was increased to three. While only the article defining the Turkish State as a republic has been irrevocable in the 1960 Constitution, the first four articles of the 1982 constitution were now immutable. They read as follows:

- Article 1 - Form of the State: The Turkish State is a Republic.
- Article 2 - Characteristics of the Republic: The Republic of Turkey is a democratic, secular and social state governed by the rule of law; bearing in mind the concepts of public peace, national solidarity and justice; respecting human rights; loyal to the nationalism of Atatürk and based on the fundamental tenets set forth in the Preamble.
- Article 3 - Integrity of the State, Official Language, Flag, National Anthem and Capital:
  - 1) The Turkish state, with its territory and nation, is an indivisible entity. Its language is Turkish.
  - 2) Its flag, the form of which is prescribed by the relevant law, is composed of a white crescent and star on a red background.
  - 3) Its national anthem is the Independence March. Its capital is Ankara.
- Article 4 - Irrevocable Provisions: The provision of Article 1 of the Constitution establishing the form of the state as a Republic, the provisions in Article 2 on the characteristics of the Republic and the provision of Article 3 shall not be amended, nor shall their amendment be proposed.

There are ongoing discussions about changing the current constitution, which had already been amended sixteen times. Ten of these amendments were implemented under the rule of the Justice and Development Party (AKP). The last initiative for an amendment was the one approved by a referendum held on September 12, 2010.


The most radical and comprehensive amendment was that of 2001, which involved changes to 34 articles, followed by the 1995 amendment, which amended 15 articles. The amendment in 2004 changed ten articles.

Some of the most significant amendments can be summarized as follows:

- The 1995 amendment abolished the ban on the political activities of associations and permitted them to engage in collaborative action with political parties and other civil society organizations.
- Articles 51 and 52, which govern the right to form labor unions, were extensively amended in 1995. Thus, parallel to the changes made in Article 33 regarding freedom of association, the ban on unions' political activities or their collaboration with political parties and other civil society organizations was abolished. The article was amended again in 2001, substituting the word "employees" for the word "workers", thus extending the right to unionize to public employees—without granting them the right to strike.
- Articles 68 and 69, on the regulation and prohibition of political parties, were extensively amended in 1995 and 2001. The 1995 amendment redefined and somewhat limited the grounds for the prohibition of parties.
- With the constitutional amendments of 1995 and 2001, the constitutional guarantees for political parties were significantly strengthened.
- The 2001 amendment regularized the restrictions on fundamental rights and liberties. Fundamental rights and liberties may be restricted only by law and solely on the basis of the reasons stated in the relevant articles of the constitution, without impinging upon their essence. These restrictions shall not conflict with the letter and the spirit of the constitution, the requirements of democratic social order and the secular republic or the principle of proportionality.
- The majority of the amendments made in 2004 were carried out in reaction to Turkey's new international commitments and its efforts to accede to the European Union. The phrase "death sentence" was removed from the constitution. State Security Courts were abolished. From the perspective of business law, it was stipulated that, in case of a conflict between domestic laws and international agreements concerning fundamental rights and liberties, to which Turkey had agreed, international agreements should take precedence.

### A Serious Attempt to Change the Constitution: The 2007 Elections and Their Aftermath

In the so-called "e-coup" attempt of April 2007, the Turkish military posted an electronic memorandum on its website declaring the army a guardian of the secular regime. This military intervention into politics restarted public discussions about the appropriate role for military in politics.



This debate about secularism overshadowed the election held in July 2007. In the election, the Justice and Development Party (AKP) won majority representation in the parliament for the second time. Because of the requirement that any political party win at least 10 percent of the vote to be represented in the Grand Assembly, Democratic Society Party (DTP), whose supporters are concentrated in Turkey's eastern Kurdish-populated cities, decided to have its members run as independent candidates to bypass this requirement. It won 20 seats in parliament in the 2007 election.

The AKP's victory and the aforementioned discussions about the military's appropriate role in politics led the party to prepare a new draft contained proposed changes to the constitution, which had been created during the period of military rule. The draft was prepared by a commission headed by Prof. Dr. Ergun Özbudun. Despite long discussions over the necessity of a new constitution, the draft and the election campaign promise of the party to enact a new constitution were left aside.

To reform the electoral process, a constitutional referendum about the election of the president was held in 2007. The constitution of 1982 had declared that the president of Turkey was to be elected by the Grand National Assembly of Turkey. In the 2007 referendum, it was proposed that the president be elected by popular vote instead of by parliamentarianism. In addition, it was proposed that the presidential term be decreased from seven to five years, and that the president be allowed to stand for a second term. The final proposed reform entailed reducing the quorum of lawmakers needed for parliamentary decisions. Ahmet Necdet Sezer, who was the president at the time, preferred to hold a referendum over the proposed constitutional changes because he could not veto the law for constitutional changes for a second time. A referendum on October 21, 2007 drew 60 percent of eligible voters to the polls. Nearly 70 percent of the participating voters supported the constitutional changes.

The public demand for an entirely new civil constitution had been increasing. In 2010, the Turkish parliament adopted a series of constitutional amendments. Although the amendments did not achieve the two-thirds majority of votes required to immediately implement the changes, they did receive a majority of 330 votes (60 percent), which was sufficiently to allow the amendments to be presented to the electorate in another referendum.

The reform package was accepted by parliament and the referendum process was initiated. On the twenty-first anniversary of the 1980 coup, a referendum was held for a more so-called "comprehensive" change to the constitution. Supporters claimed that the judiciary would be subject to extensive reforms, resulting in a more democratic judicial system. It was further promised that

Turkey would be brought into conformity with European Union standards through new regulations, which would also expand the human rights and civil freedoms of Turks.

The most oft-discussed item in the referendum was the proposed repeal of Provisional Article 15 of the constitution, which exempted members of the Council of National Security, the Consultative Assembly and governments formed during the "September 12 period" from being prosecuted.

One other major point of discussion about the constitutional change concerned Article 10, which was interpreted as an attempt to lift the ban on headscarves in universities. The article originally states: "Women and men have equal rights. The state is responsible for implementing this principle." In the proposed changes, the AKP added the following sentence: "The measures to be taken for this purpose [securing equality] cannot be interpreted as contradictory to the principle of equality."


Finally, the independence of the judiciary was discussed primarily by leftist groups, though it was not given adequate attention by the oppositional parties in parliament, who rejected the constitutional reform. The number of people on the Supreme Board of Prosecutors and Judges (HSYK) was increased from seven to 21 and the president was given the right to appoint some of them.

Voter turnout in the referendum was 73.71 percent. 57.88 percent of participants voted for the constitutional reform, while 42.12 percent voted against it. Although voter turnout was generally viewed as high, opponents of the reform led a campaign to boycott the reform, emphasizing. Some were motivated to join the boycott out of their desire to solve the Kurdish problem. It should also be stressed that the Republican People's Party and the Nationalist Movement Party opposed the reform package.

The referendum was seen as a vote of confidence for the AKP government. But the debate continued over the question of whether or not the constitution would abandon its military and repressive character with a single change. Thus, an entire constitutional change was not become out of agenda, while Turkey was getting ready to new elections.

#### Developments since the Elections on June 12, 2011

In the elections on June 12, 2011, the ruling party of Prime Minister Recep Tayyip Erdoğan won a third term in parliamentary elections after receiving 49.83 percent of votes. The Republican People's Party's (CHP) won 25.98 percent, while the Nationalist Movement Party's (MHP) picked up 13.01 percent. Because of



the 10 percent threshold required to win seats in parliament, thirty-five candidates, all of whom were backed by the Kurdish Peace and Democracy Party (BDP) under their Labor, Democracy and Freedom Bloc alliance, were also voted in as independent candidates.

The AKP won 327 seats, which was slightly less than the 330 required to propose constitutional changes to a referendum without the support of other parties in parliament. However, all parties agreed on the need for a new constitution in Turkey.

At the opening of parliament, the BDP and CHP both boycotted the ceremony, as Hatip Dicle from the BDP had been stripped of his seat and eight other members had been denied their seats due to prison sentences that were considered politically motivated by both the BDP and the CHP. While the CHP has since reversed its decision, BDP followed it as late as the opening of the parliament on October 1.

The Kurdish question and the new constitution are on the agenda of the AKP government. It will try to solve the Kurdish dilemma in the framework of a new constitution. However, although the AKP government has started taking steps toward a solution to this historical problem by launching a “democratic opening” process, the actual process has adopted a nationalist and intolerant discourse, especially during elections. In the meantime, the Turkish army has intensified its fight against PKK guerilla forces just as Prime Minister Erdoğan lashes out at the Labor, Democracy and Freedom Bloc members’ boycott.

The ongoing war in the country also affects the constitution making process. Bloc members argue that it is impossible to make a new constitution in these circumstances. This does not mean that they do not support the need for a new constitution. Indeed, it should be emphasized that the need for a new constitution is the most crucial point of agreement among the parties in the parliament.

### 3. The Political Parties Involved in the Process of Constructing the New Constitution

#### The Justice and Development Party (AKP)

The constitutional platform of the AKP has started to work on the new constitution. AKP Vice President Ömer Çelik was chosen as the coordinator of the constitution task force. Çelik stresses the negotiations that his group has undertaken with NGOs, but he places special importance on soliciting every citizen’s view on the new constitution, and establishing a system by which those views can reach parliament. In line with this view, he has given South Africa as an example of a country, whose constitution was

decided through an open, participatory process. Çelik has quoted former South African president Nelson Mandela’s statement that “people are free to be free”, saying that this statement should embody the soul of Turkey’s new constitution.

To assist the constitutional platform with its research, the constitutions of other countries including Germany, Austria, Belgium, Denmark, France, Italy, Ireland, Spain, Holland, Poland and Portugal, have been translated into Turkish so they can be used during the ongoing discussions over the new constitution of Turkey.


The AKP has also discussed the idea of soliciting public opinion from all Turkish citizens about the new constitution through SMS and e-mail. However, this has been criticized as a way of deceiving people, and the AKP’s philosophy of participatory constitutional process attacked as simply asking people for advice.

According to the plan of the AKP, President of the Assembly Cemil Çiçek will call on to all parties to participate in the Conciliation Commission for the Constitution sometime in the near future. The AKP intends to not present a draft constitution so as not to create the perception that it is imposing its version on the rest of the parliament. The party’s constitutional commission will work toward a “strategy of communication and conciliation” until that time.

#### The Republican People’s Party (CHP)

The Republican People’s Party (CHP) has also been devoting attention to the new constitution. Even before the elections, CHP announced its new constitutional policy, which the party has stressed as “new” because the CHP was the first political party of the Turkish Republic and has generally been criticized as always supporting the status quo. The party established a constitutional platform of its own and prepared a report. CHP members have argued that even the immutable articles of the constitution could be rewritten, but they have not clarified this. The CHP holds that the republic should be a constitutional state based on secularism, democracy, and human rights. The party has also recommended that a new constitution-writing process be accompanied by a new law on political parties, wherein the threshold required to have a seat in parliament is no higher than 5 percent.

The most important policy promoted by the CHP is about local governance. The party has stressed the need for local government reform. However it has also supported the preservation of the unitary state structure. In response to the Kurdish population’s demand for an education in everyone’s mother tongue, the CHP has advocated “teaching of mother



tongue other than Turkish”, where the difference between the two policies could not be understood clearly.

Regarding the constitution creation process, the CHP demanded that a constitutional council be formed, the members of which would be elected without any threshold and work solely on the constitution. The party has stressed the need for the participation of NGOs, occupational organizations, unions, academicians and students in this process.

#### The Nationalist Movement Party (MHP)

The MHP actually prepared a draft constitution, but decided not to announce it to the public to ensure a constitutional process based on social consensus. Instead, the party explained parts of its draft during the constitutional negotiations. MHP Vice President Semih Yalçın stated that his party would take part in any initiative, in or out of parliament, to make the new constitution. He added that the parliament should carry out the process with the participation of all parties and citizens. The MHP insists on preserving the first three articles of the constitution. In Yalçın’s words: “We demand that the unified structure of the country be preserved and that nothing to be done to change the language of the state, its unity or its integrity. Anything that the MHP does not agree to will not be accepted by society at large.”

#### The Peace and Democracy Party (BDP)

The Peace and Democracy Party (BDP), on the other hand, gives primacy to the Kurdish demand for democratic autonomy. Policies supporting democratic autonomy have already passed within the party legislation. A constitution commission to be established in the party will determine how this demand should be articulated within the constitution. Commission members will try to begin a dialogue with the AKP.

### 4. Civil Constitutional Platforms

In addition to these party-specific platforms, civil society has also been insisting on a need for a new constitution. Many civil platforms have been established to determine what people need from a new constitution. In the following pages, the leading platforms will be discussed. Although the recent election had the highest participation rate of any election in Turkey, it should be mentioned that neither the governing party nor the parliament should alone devise the new constitution of Turkey. The AKP has also been saying that they will take the views of all NGOs into consideration, even the ones with a single member!

#### The Constitution Platform (<http://www.anayasaplatformu.net>)


The Union of Chamber and Commodity Exchanges (TOBB), the Turkish Confederation of Employer Associations (TİSK), the Confederation of Turkish Trade Unions (Türk-İş), the Hak-İs Confederation, the Confederation of Turkish Public Employees Unions (Türkiye Kamu Sen), the Confederation of Turkish Tradesmen and Craftsmen (TESK) and the Union of Turkish Agricultural Chambers (TZOB) believe that Turkey needs a healthy constitution creation process and discussion process. These seven groups came together in 2007 under the principle that the constitution creation and discussion process was as important as the content of the constitution. They held a “Constitution Platform National Workshop” in Ankara on October 8 and 9, 2007, with the participation of 250 people from 83 organizations. The workshop concluded with a declaration of the fundamental changes they want to take place in the constitution. They argued that the first four principles of the constitution should not be changed and stressed the importance of creating a more participatory constitution. These institutions ended their studies with the constitution making process became out-of agenda But they started to work again after issuing a common press statement on April 9, 2010. They also called on all trade bodies and NGOs to participate in this process. The secretarial work of the Constitution Platform is carried out by Economic Policy Research Foundation of Turkey (TEPAV).

It is mentioned in the joint statement of the Constitution Platform Initiative that: “What we need is a platform for open debate all around the country, to find common ground. As we seek common ground, we will be in need of an information infrastructure that will enrich overall wisdom. It is evident that a democratic milieu of open debate will be solidified and intensified with information. On the other hand, a healthy platform of debate will also contribute to the collective wisdom and experience of Turkey.”

As clearly demonstrated, this platform mainly stresses the constitution creation process. They also published an explanation of the constitution creation processes of different countries, including France, Spain, Venezuela and South Africa, on their website.

#### The New Constitution Platform (<http://www.yenianayasaplatformu.org>)

The New Constitution Platform has been working on the subject with the pioneering role of Osman Can (former constitution reporter), Adnan Özer, Ayhan Ogan, Balççek Pamir İter, Enver Sezgin, Gülçin Avşar, Rohat Avşar and Veysel Uçum. Between December 12, 2010 and May 19, 2011, the platform held 24



meetings on the new constitution in various cities around Turkey and some districts of İstanbul. The data gathered in the meetings were transferred to the Constitution Working Group, which declared the results of these meetings in a report. It was urged that the public opinion be received directly in the constitution creation process and that adequate tools for collecting this feedback be created. The platform also recommended that the parliamentary president direct the constitutional process after taking all political opinions into consideration. Some have claimed the platform was established with the support of the AKP in order to create a public constitutional platform that would surreptitiously adhere to AKP values and goals.

### The Civil Solidarity Platform (<http://www.sivildayanismaplatformu.org>)

This platform was formed by the TGTV Foundation (representing 140 NGOs), the Hak-İş Confederation (representing 8 unions), the Memur-Sen Confederation, the Mediterranean Solidarity Platform (representing 10 NGOs), the Anatolian Platform (representing 40 NGOs), and many other local platforms from cities including Bursa, Denizli, Kahramanmaraş, Kayseri, Konya, Kütahya, Zonguldak and Edirne. The NGOs participating in this platform are generally known for their political conservatism. They describe their aim thus: "At this moment in our history, we demand to contribute to the restructuring of our country in line with democracy and law, and to keep society's attention on a democratic and civil constitution through protecting peace, unity and solidarity." The platform is trying to win parties over to this aim, and create awareness about it throughout the whole country.

### The Democratic Constitution Movement (<http://www.demokratikanayasahareketi.net>)

This movement is formed by a group of intellectuals on November 7, 2010. The group organized meetings in 40 cities to discuss what kind of constitution would be best for Turkey. Since its first meeting, the initiative has opened branches in approximately 20 cities. Following the local meetings, they organized a central "Constitutional Conference" in Ankara in April 2011. Around the same time, the platform organized a constitution workshop in İstanbul entitled, "Everyone's Constitution be Created by All of Us".

The members of the movement started a petition calling for a constitutional council to work on a new constitution over the next two or three years. The petition advocated that half of the council members be women, and that it consist of young people, workers, Alevi, Kurdish and Laz people, all ethnic and religious minorities, trade bodies, unions, universities, major public democratic organizations and representatives of political parties. The petition

further demanded that members be elected without any threshold system. They completely reject the idea that the parliament can make the new constitution on its own, given the 10 percent rule that keeps certain parties out.

### The Libertarian Constitution Platform (<http://www.anayasa.org>)


This platform was established by the union members, members of civil organizations and left-wing individuals, who emphasize the need to solve Kurdish problem in Turkey. The platform's members argue that, despite the 10 percent threshold required for represented in the parliament, the election results have nevertheless enabled the representation of different political opinions in the parliament. However, the decisions of the Supreme Election Board and special courts that prevented elected deputies from becoming parliamentarians, affected the representative structure of the parliament. Thus, they believe that the biggest priority should be amending the laws on elections, political parties, associations and union, meetings and demonstrations, the Turkish penal code and the anti-terror law.

The Libertarian Constitution Platform holds that, in order for the new constitution to be civil, democratic and legitimate, organized civil society has to participate in the constitutional creation process. At the same time, though arbitrary discussions that do not reach any end result are not successful example of democratic participation. Thus, on behalf Turkish parliament, the parliamentary constitution commission should also institutionalize the participation of civil society within the creation process of the constitution. Civil society representatives should have the right to participate in this process.

### The Women's Constitutional Platform

Consisting of more than 200 women's organizations, Women's Constitutional Platform was formed in order to guarantee equality among women and men under the 2007 constitution of Turkey. The platform announced their demand that 26 articles of the draft prepared by academicians under the leadership of Prof. Dr. Ergun Özbudun for Justice and Development Party be changed. They drew attention to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which Turkey signed in 1985 and pointed out that the constitution had to be in accordance with the international agreements Turkey had already signed.

The platform argued that the preliminary article of the constitution should clearly emphasize that Turkish citizens reject any kind of discrimination, racism and hate-based violence, demand peace and social consensus and believe in equality, desire to live in a



constitutional democracy based on human rights and the rule of law, are bound to an egalitarian, pluralistic, participatory and liberal democracy, adhere to the principles of social justice, and are sensitive to environmental issues and animal rights. They also lobbied to add “ensuring the effective equality of women and men” to the article that defined the role of the state. In addition, they argued that “ethnicity, sexual orientation, sexual identity, marital status, age and disability” should be added to the possible reasons people might face discrimination and that discrimination on these bases should be prevented by the constitution. They demanded that the constitution protect affirmative action or positive discrimination.

The platform continued meeting even after the conclusion of the constitutional debates in 2007. They are working on revising their already proposed demands in order to make a contribution to the current constitutional process.

#### The Ecological Constitution Initiative (<http://ekolojikanayasa.org>)

The Ecological Constitution Initiative described its aim as opening a discussion that would make the new constitution a civil and democratic one that protected the rights of nature and upheld ecological principles. The initiative held a preliminary workshop on February 19, 2011 and a final meeting on May 15, 2011, after organizing local preparatory meetings in Ankara, İzmir, Adana, Trabzon, Diyarbakır, Tekirdağ and Bursa.

The members of the initiative demand that the constitution not define “man” as an independent being, the interests and future of whom are separate from the environment. They hold that the definition of good citizenship should include the duty to not harm nature and to be its custodian on behalf of future generations. They stress the importance of signing international agreements to protect the environment and the perspective that nature has no national boundaries.

#### Other Civil Organizations and Unions

In addition to the aforementioned platforms, which were established to discuss the new constitution required in Turkey, some other civil organizations have brought the subject onto their agenda. For instance, Turkish Economic and Social Studies Foundation (TESEV) prepared a detailed report on the new constitution. In addition, the Turkish Association of Industrialists and Businessmen and the Union of Turkish Bar Associations have prepared reports on the new constitution. The Confederation of Turkish Trade Unions has been working on its own proposal for a new constitution. A ‘constitutional workshop’ meeting was held by the Turkish Council of Solidarity, in which 70

NGOs came together highlighting the unified spirit of the country – as aspect that has to be enshrined in a new constitution.

In addition to all these initiatives, Parliamentary Head Cemil Çiçek met with academicians on September 19, 2011. The meeting did not address the content of the constitution, but rather the ideal method for its creation.

## 5. How to Create a New Constitution?

The content of the constitution depends on which method is used in its creation. The most crucial point stressed is the need for a “civil” constitution. As nearly all parties have states, Turkey needs a civil and democratic constitution, both in content and in the process of creating it. Since even the structure of the parliament is limited by the constitution that was devised under military rule, in the form of 10 percent threshold requirement for party representation in the parliament, it is debatable how much input minority parties will be able to have in the constitutional process. If democracy is to be a defining characteristic of the process, all opinions should be expressed and heard.