

REFORMING PARLIAMENTARY PROCEDURE IN TURKEY

Ömer Faruk Gençkaya, Bilkent University-Turkey

I Introduction

Despite the fact that legislatures perform varying functions in different political systems, their power is doubted. It is argued that "even in liberal democracies, many complain about their impotence, their decline, their ineffectiveness..."¹ On the other hand, in most nations, executives have more power to legislate than the legislatures. Earlier the executive power was a branch of the parliament. However as mass participation became widespread, legislatures have been faced with a common crisis. In other words, "the pressures of democracy and industrialization" led to the thesis of decline of legislatures² and the executive became more dominant in political systems.³ Later, governmental specialization and leadership centralization led to a further decline of the legislatures.⁴

It is claimed that they have been losing their essential function as the core of the decision-making process. This is partially due to the emergence of the pluralist forces and enhancement of executive power.⁵ It is argued that the principal function of most of the world's legislatures is not to allocate public resources. In other words, they do not make decisions. Other functions, such as legitimation, recruitment, and socialization seem to be more important.⁶

However, the theme of legislative decline can be regarded almost "methodologically inaccurate and theoretically impoverished."⁷ Since, in some political systems, the legislature's influence in the formulation and deliberation of policies is growing⁸ or, in others, the legislature has been re-established. Moreover, the legislatures still make a key contribution to the survival of political systems. Especially legislatures in newly emerged or re-established democracies, even they are considered as politically irrelevant,⁹ may perform the useful and significant function of displacement.¹⁰ In the absence of other democratic institutions, legislatures in developing countries perform various functions, such as linkage, communication, and legitimacy, like legislatures in the developed countries.¹¹ Furthermore, viability of legislatures may hold a democracy more stable and durable "by focusing public attention on politics, by importing to the citizenry a sense of meaningful participation in and influence on public policy, and by promoting general attitudes of support for the system."¹²

In fact, legislatures remain an integral part of many political systems. Then the question emerges: how does legislature change over time? Is there a common pattern to legislative change or does each legislature develop its own peculiar and idiosyncratic developmental course?¹³

Although parliamentary experience had a long history, more than a century in the Ottoman-Turkish polity,¹⁴ the present Grand National Assembly of Turkey (GNA) can be considered as "one of the relatively new national legislative bodies of the world."¹⁵ Since the end of the Ottoman period, Turkish politics has passed through various parliamentary experiences. The GNA attempted to make some efforts towards institutionalization. However, during the multi-party era, especially the Democrat Party elites discouraged this process. Later, three military interventions, which took place in 1960, 1971 and 1980 in turn, further disrupted the institutionalization of the GNA. In short, the process of legislative institutionalization in Turkey indicates "a cyclical pattern of convocation, transition, suspension and reorganization."¹⁶

Following the last military intervention, which took place in September 12, 1980, Turkey experienced four general elections to the GNA somewhat enhancing the institutionalization of the legislative system. However, the post-1983 GNA can be defined as having at best a nascent institutionalization and a submissive nature, simply because of a lack of seniority and professionalization, an overwhelming control by party leaders and party executive committees, lack of legislative control of the executive, and an absence of formal rules determining the legislature's relations with the executive.¹⁷ Meanwhile, the Turkish parliament was perceived by the Turkish people as one of the nation's least trustworthy institutions in Turkish society.¹⁸ Despite the above-mentioned negative developments concerning the place and importance and public perception of the GNA, it continues to be the core of Turkish politics at least in legitimizing the decisions taken somewhere else.

The need for institutionalization of parliament in Turkey is obvious. Both the formulations of the 1982 Constitution regulating the GNA's internal organization and operations and the amendments to the Rules of Procedure (RP), which were approved in 1996, had been introduced for the reason of "increasing its efficiency and effectiveness in law-making and supervision activities." This study provides a critique of parliamentary reforms provided by the Constitution and the recent amendments to the RP. First, I will elaborate on the nature and scope of parliamentary reform brought

by the Constitution, the reform proposals and the recent amendments to the RP. Then, I will compare and contrast the pre- and post-amendment periods in terms of law-making and supervision activities of the GNA, with special reference to the structural constraints and political dilemmas that are likely to affect both the scope and consequences of the reforms.

II Nature and Scope of Parliamentary Reform In Turkey

Parliamentary reform is a universal phenomenon. It aims at making the legislative process efficient and effective, in accordance with the needs of circumstances, or regulate the relationship between the legislative and executive in both developed and developing countries.¹⁹ The RP regulates the organization and operations of the legislature. Other legal documents, including the Constitution, laws, former RP parliamentary resolutions, regulations, customs and traditions and court decisions are also considered as the secondary sources of internal rules of the GNA.²⁰

The history of the RP in the Ottoman-Turkish polity is as old as parliamentary history. Both the lower house, the Heyet-i Mebusan (the Chamber of Deputies) and the upper house, the Heyet-i Ayan (the Senate) of the first Ottoman Parliament, which were opened in 1877, had their own Rules.²¹ During the second constitutional period (1908-1920), there were several attempts to amend the Rules, but they failed.²² The first Grand National Assembly of Turkey, which was opened on 23 April 1920, approved the amended text of the RP of the Heyet-i Mebusan dated 13 May 1877, on 26 April 1920. During the Republican period, this RP was amended three times and effective until 1927.²³ Later, the Committee on the Rules of Procedure prepared two drafts to change the Rules. The debates over the first one failed to be completed in 1925. The second attempt was initiated in early 1927 and in light of former parliamentary customs and traditions and individual proposals submitted by the deputies, a new RP was approved by the Assembly in 2 May 1927.²⁴ The new RP was amended two times in 1954 and 1957 and used until the first military intervention in 1960.²⁵

During the military government period, the National Unity Committee, the House of Representatives and the Constitutive Assembly, which shared legislative function collectively,²⁶ had their own Rules. According to the 1961 Constitution, which introduced a bicameral system, "the Grand National Assembly of Turkey and each chamber are governed by the provisions of the Rules of Procedure prepared by themselves" (Article 85). In addition, the

provisions of the former RP , which were in effect prior to October 27, 1957 would be enforceable until both the GNA and each chamber enact their own Rules (Provisional Article 3). Although the GNA and its chambers were expected to enact their own RP "within two years at the latest" (Provisional Article 7/2), first the Senate enacted its own RP in 1963, then the RP of the Joint Session of the GNA was enacted in 1965. Finally, the RP of the National Assembly was approved and promulgated in 1973.²⁷

In the old and new Constitutions of Turkey, there have been several provisions regulating parliamentary procedure. However, the number of provisions of this kind were relatively high in the 1961 Constitution.²⁸ The main reason was to prevent "the anti-democratic" implementations of the executive, which could "restrict the activities of opposition."²⁹ Moreover, the authors of the constitution also intended to provide a "direction" for the RP to be drawn by the elected parliaments.³⁰ In this respect, there was a similarity between the 1961 Turkish Constitution and the 1958 French Constitution. While the 1961 Constitution never aimed at strengthening the superiority of the executive vis a vis the legislature, the French Constitution intended to empower the executive by rationalizing the Parliament.³¹ The aim of the latter was the major objective of the 1982 Turkish Constitution.

III Empowering the Executive through Rationalization of Parliament: Innovations in the 1982 Constitution

Following the September 12, 1980 military intervention, the National Security Council (NSC) took over legislative power by abolishing the GNA on the basis of the Law of Constitutional Order dated 27 October 1980.³² In order to fulfil its legislative function, the NSC enacted the Rules of Procedure of the Legislative Functions of the NSC on September 25, 1980 and amended it on February 25, 1981.³³ Later, on October 23, 1981, the Consultative Assembly was opened to share legislative function together with the NSC³⁴ and enacted its RP on November 20, 1981.³⁵

Like the former 1961 Constitution (Article 85/1), the 1982 Constitution empowers the GNA to make or change the Rules of Procedure to carry out its activities (Article 95/1). The present Constitution also includes provisions regulating parliamentary procedure as extensive as the 1961 Constitution. The present Constitution also stated that "until the GNA adopts the RP those provisions of the RP of the National Assembly which were

in force before 12 September 1980 and are not contrary the the Constitution are applied" (Provisional Article 6). Different than the provision of the 1961 Constitution, the 1982 Constitution did not prescribe a deadline for the democratically elected GNA to enact the new RP. Therefore, it took almost 13 years or four legislative periods, almost longer than the pre-1980 experience, to reformulate the new RP in the post-1983 parliament. Although there was overwhelming will and several attempts to regulate the internal operation of the GNA according to the requirements of the Constitution and the needs, which arose throughout the periods, the restructuring of political and parliamentary life mainly obscured these efforts. Among others, one can count the fact that the scope and extent of the Constitutional provisions regulating parliamentary procedure also made a negative impact upon the members who were not really interested in organizing the rules governing the legislative process.

The most important challenge brought by the 1982 Constitution is the empowerment of the executive by rationalizing the legislative process. First of all, the executive, which was defined as "function" in the 1961 Constitution, is considered as "power and function" in the 1982 Constitution (Article 8). Secondly, the scope of legislation by the executive was also expanded by the present Constitution. While "the Council of Ministers, meeting under the chairmanship of the President of the Republic, is granted power to issue decrees having force of law on matters made imperative by a state of emergency (Article 121) and by a state of martial law (Article 122), the President of the Republic is entitled to regulate "the establishment, the principles of organization and functioning, and the appointment of personnel of the General Secretariat of the Presidency of Republic" by Presidential decrees (Article 107). Moreover, the scope of appointive powers of the President and administrative authority of the Council of Ministers is expanded (Article 104, 14, 144, 154, 155, 156, 17, 159). Finally, non-accountability of the President of the Republic for his/her decisions and orders, especially signed by him/her on his/her own initiative (Article 105) further strengthens the status of the two-tiered executive in present Turkish politics.³⁶

The parliamentary deadlock over presidential elections in 1980 had become the *raison d'être* for the September 12, 1980 military intervention.³⁷ Therefore, the GNA was reorganized by the 1982 Constitution for the reason of speeding up the parliamentary process, thus making it more efficient. To eliminate the retarding effect of the upper house, the Senate, in the legislative process, the

Constitution brought the unicameral system as the most important innovation. Contrarily, it was the main argument of recent periods that the upper house could improve the quality of legislation and the re-establishment of the Senate became a component part of some Constitutional reform proposals.³⁸ Secondly, the legislative period was expanded to five years in order to allow the executive accomplish its main tasks and promises. However, in practice the GNA failed to complete the full course of the five year period and held early elections in the last four legislative period. Participation in all the activities of the Assembly, such as assigning committee membership and tabling the motion of supervision, is given to the authority of the party groups which must be consisted of at least twenty members. Thus, adherence to one of the party groups for a deputy is encouraged and party discipline is strengthened indirectly. In order to facilitate convening of and taking decisions by the GNA, the quorum for convening and decisions was also reduced by the Constitution. Besides, the minimum number of deputies to table a motion of interpellation and parliamentary investigation, which were heavily referred by the opposition parties during the pre-1980 periods, has been increased by the present Constitution. In other words, the Constitution intended to prevent the negative impact of delaying tactics by the opposition. Although these provisions were aimed at the efficient working of the GNA, in fact, the executive was essentially being empowered.³⁹

Following the general elections, which took place on November 6, 1983, the GNA attempted to meet the need for a new RP, which should comply with the provisions of the 1982 Constitution and unicameral system. There were two methods to be followed: either to prepare a totally new RP or amend the existing RP according to the requirements. First, an inter-party committee prepared a proposal for the new RP. Mr. Ihsan Tombus, Corum Deputy and a member of the Constitution Committee, also submitted his own proposal. These two proposals were combined and the Constitution Committee started to examine them on February 20, 1985. The Committee took the proposal of the inter-party committee as the essential text and completed its debates on May 23, 1985. The Committee's report on the proposal was submitted to the Speakership. The report was put into the agenda on June 1985, but withdrawn by the Committee on October 18, 1985. Later, the Committee resubmitted its report to the Speakership with no change on November 20, 1986. It was put on the agenda of the plenary again on January 13, 1987 but became obsolete due to the early general elections, which took place on November 29, 1987. This

proposal was based on the former RP essentially and some amendments were made to it in accordance with the provisions of the 1982 Constitution. The proposal brought two innovations. First, the provisions of Law Nr. 378 regulating the Organization of External Relations of the GNA were incorporated into the new RP (Articles 158-66). Also, a new Council of Legislative Consultation was formed to provide support services to both government, parties and individual deputies in preparing drafts and proposals (Article 94).

During the 18th Period (1987-1991), a special Committee to prepare the new RP was formed with the participation of the Motherland Party, the Social Democrat Populist Party, and the True Path Party representatives in 1990. It was said that the Committee would submit its proposal before the end of the year.⁴⁰ However, this proposal did not obtain an official status in the GNA due to the early general elections, which took place in Fall 1991. Therefore, this period became the most fruitless one in terms of formulating the new RP.

Following the early election of 20 October 1991, a new special Committee to prepare the new RP was formed with the initiative of the Speakership of the GNA and the party groups and it started to work on November 28, 1991.⁴¹ The Committee completed its proposal and submitted it to the Speakership in January 1992. Then, Mr. Husamettin Cindoruk, the Speaker of the GNA, revised the proposal and submitted it to the GNA officially in his name.⁴² Meanwhile, other deputies also prepared new proposals changing the old RP partially or wholly. Including the Speaker's proposal, eight proposals were referred to the Constitution Committee in November 1992. After the first examinations, the Committee prepared its report by taking the proposal submitted by Mr. Ihsan Saraclar and his colleagues as the essential proposal. In general, these proposals attempted to make the legislative process more efficient and effective, with special reference to supervision activities of the GNA and in accordance with the provisions of the 1982 Constitution. It was also emphasized, in the Committee's report, that after eliminating the anti-democratic aspects of the 1982 Constitution by introducing a comprehensive constitutional amendment, the new RP would be reformulated.

The major innovations of the proposal, which had 190 Articles, can be summarized as follows: First of all, contrary to the Constitution (Article 75, before the 1995 amendment), it defined the GNA as composed of 450 members. Except for the 1950-60 period, the number of deputies in the GNA was fixed at 450 between 1961-1980 and at 400 after 1983. The size of a parliament is a very

important factor in the legislative process, including the formation of government and executive-legislative relations.⁴³ It was also argued that it was necessary to increase the number of deputies for committees to work efficiently.⁴⁴ Secondly, the proposal introduced that election to the Speakership of the GNA would be concluded in the fourth-ballot. Thirdly, according to the Constitution Committee's amendment to the proposal, the Speaker was entitled to compose a special inter-party committees to speed up, organize and support the legislative process. Fourthly, in order to prevent obstruction in the plenary debates, the signatures of at least five deputies were required for the submission of a motion of amendment on the bills after the plenary debates started. Fifthly, a Council of Legislation and Scrutiny to provide guidance for the preparation of drafts and proposals was organized. Sixthly, the proposal provided new measures to make oral and written questions effective. To answer oral questions, at least one hour of two working days of the GNA was reserved as "special question time." If a written question was not responded to by the Minister concerned within fifteen days, the Speakership would warn him/her and the question would drop if the Minister did not respond to it following the warning of the Speakership. Other changes, which were initiated in the proposal, aimed at harmonizing the RP with the Constitutional provisions. However, the Committee omitted a very significant financial fine against absenteeism of deputies, which were initiated by both Saraclar and Cindoruk and other minor proposals. In fact, the old RP dated 1973 had a similar provision (Article 129) but it had no practical value, as well. Therefore, the Committee might have considered that it would be unnecessary to include a provision which had no effect. The Committee's report was put on the agenda of the plenary on January 8, 1993. One year later, the Committee withdrew it on May 3, 1994. Thus, the most comprehensive attempt to change the old RP failed in the 19th Period as a consequence of governmental instability and restructuring of Turkish politics, which led Turkey to hold early election in December 24, 1995. However, most of the above mentioned proposals provided a groundwork for the next amendment proposal.

At the beginning of the 20th Period, which began in January 1996, the new GNA showed greater enthusiasm for parliamentary reform. It was an urgent need to complete the amendments to the RP, which would bring speed, effectiveness and productivity to the parliamentary process.⁴⁴ With the initiative of the Speakership of the GNA, an amendment proposal with 20 Articles was introduced for the examination of the party groups.⁴⁵ A

special Committee, which was composed of the representatives of the five parties with parliamentary group in the GNA, finalized the proposal and submitted it to the Constitution Committee. While the Committee was examining this proposal, ten more proposals to amend the old RP were submitted to the Speakership. All proposals were combined and reformulated by the Committee as a new document with 29 Articles in late April 1996.

The plenary debates on the report of the Committee began on May 8, 1996 at the 49th Session of the GNA. The debates continued on May 16, 1996 at the 53rd Session and the new RP, with some minor changes approved by the plenary, was enacted by the plenary of the GNA.⁴⁶ Thus, a long story, which lasted almost 13 years, was concluded in a totally five hours in two sessions of the GNA. The amended RP was promulgated on May 24, 1996 in the Official Gazette Nr. 22645.⁴⁷

In these amendments to the RP, the internal organization and operation of the GNA were harmonized with the provisions of the 1982 Constitution and the unicameral system. Aside from these changes, there are two important innovations of the amended RP in respect to the law making process. First of all, the formation of special procedures governing debates on the amendments to the fundamental laws and the RP was regulated. Article 91, which is titled "Fundamental Laws," aims at shortening the duration of plenary debates and keeping the coherence of the laws when an amendment is needed in those laws. Thus, with the proposal of the government, the essential committee or party group(s), and the anonymous advice of the Consultative Council, the plenary of the GNA decides on special procedure governing the debates and voting on the amendment bill. Secondly, it is prohibited to raise a motion of amendment, which is not relevant to the essence of the bill under discussion and being the subject of another bill, and can not be tabled (Article 87/3). One can list the major changes in the RP as follows:

1. Although one fifth of the total number of deputies can submit a motion of convening during recess and adjournment, it is required to have 184 deputies to open the session (Article 7/5).
2. The Speaker of the GNA is entitled to supervise the performance of the standing committees and warn the Chairmen of the committees when the committee is overloaded and inform the plenary on this (Article 15/6).
3. Either the Speaker or the party group(s) bring the motions to the attention of the plenary when the Consultative Council fails to take anonymous decision on the motion (Article 19).
4. When the secondary committee fails to provide its view on the bill referred to it in time (ten days), the

essential committee prepares its report without waiting for the comments of the former (Article 23/5).

5. Within a period of ten days following the new government receiving a vote of confidence, upon the request of the governing party, the elections of the chairman, deputy-chairman, spokesman and secretary members of the committees may be renewed (Article 24/last).

6. One third of the standing committee members may call for convening the committee with a certain agenda (Article 26/last).

7. When the motion of decrees having force of law is not examined by the committee in 45 days, the Speaker brings the motion to the attention of the Consultative Council in order to put it into the agenda of the plenary (Article 37/3).

8. During the debates on the bills, at least twenty members can ask for a roll-call (Article 57). The motion of closed session can be raised by at least twenty deputies (Article 70). The motion of amendment on the bill, which is raised after the debates on the bill start, must have the signatures of at least five deputies (Article 87). Except for legal requirements prescribed in the RP (Article 142), the motion of open ballot can be raised by at least twenty members (Article 143).

9. The government and/or the essential committee can request a second examination of the bill in the plenary before voting on the whole bill is held (Article 89).

10. During the second round of the debates on constitutional amendments, no motion of amendment can be raised on an article on which a motion of amendment was not given in the first round of the debates (Article 93/2).

11. A period of not less than one hour in at least two working days of the GNA in every week is reserved for oral questions (Article 98/2). The representative of the government responds to oral questions even in the absence of the motion holder (Article 98/4) and several questions at once with prior notice to the Speaker (Article 98/5). If a motion of oral question is not responded to in three consecutive sessions, it is converted into a written question.

12. The Prime-Minister or minister concerned must respond to the motion of written question within fifteen days following the date of its referral to the ministry (Article 99/2). If he/she fails to respond within this period, the Speaker warns him/her and then he/she has to respond to it in the following ten days, otherwise there is no answer of the minister published in the Minutes of the GNA (Article 99/4).

13. To provide a sufficient time to accomplish the task, the duration of the Committee on Parliamentary Inquiry is extended to three months and an extra one month extension is also given at the end of a three month period (Article 105). If the Committee fails to complete its work at the end of this period, a general debate to be tabled in the plenary session. The plenary may decide to form another committee on the issue under investigation.

14. The motion of parliamentary investigation is also incorporated into Articles 107-113 of the new RP and its procedures and consequences are prescribed, in detail, in accordance with Constitutional prescription (Article 100). Other ways and means of collecting information and supervision, namely through general debates and interpellation, are also incorporated into the RP (Articles 101-103 and 106) and harmonize with the Constitution.

15. A deputy, who fails to attend five sessions of the GNA within one month without an excuse or official permission, is referred by the Speakership to the Joint Committee of Constitution and Justice. Loss of deputyship can be decided by an absolute majority of the plenary session. In addition, three monthly allowances of a deputy, who fails to attend 45 sessions of the GNA within a legislative year, are subject to fine (Article 138). In addition, the right of the citizens to petition (Articles 115-20) the election of the President of the Republic (Articles 121-2) and the impeachment of the President of the Republic by the GNA (Article 114) are also incorporated into the RP in accordance with Constitutional provisions.

IV A General Evaluation: Impact of Institutional and Political Variables on the Effectiveness of the Parliamentary Process

The main argument for the parliamentary reform, which started in the late 1970s and was institutionalized during the 1982 Constitutional period, was to rationalize parliamentary procedure in terms of efficiency and effectiveness. In this respect, law-making and supervision functions of the GNA had become the major areas to be reformulated. In fact, there were several reasons, such as the bicameral system and procedures governing the committee and floor stages, which blocked efficient law-making. On the other hand, the opposition parties referred to the ways and means of supervision as excessive. Therefore, some certain measures were incorporated into the 1982 Constitution in order to make

the GNA productive and prevent the influence of partisan opposition in the committee and floor stages.

In terms of law-making, governmental drafts had more chance of being enacted than individual proposals. Except for the two transition periods from military rule, namely 1961-65 and 1983-87, the number of individual proposals were greater than governmental drafts throughout the last nine legislative periods. It is understandable that during the transition periods, the respective governments had to enact some substantive laws. Therefore, the number of governmental drafts increased relatively. In fact, since the submission of an individual proposal may provide public relations for a deputy, the number of individual proposals became relatively higher than the government proposals.⁴⁸ A government with a sufficient majority in the parliament can pass government party draft a bill, which was drafted singularly and backed by the government party(ies). In other words, in both the pre- and post-1980 periods, party organization rather than the parliamentarians had become very critical in the law-making process and the theory of the superiority of parliament over the executive was falsified in practice.

When we compare the pre- and post-1980 periods (Table 1), there is little difference between the two periods in terms of the average percentage of the enactment of bills. In general, the average of the enactment of total bills, which were arrived between 1961-1999, including government drafts and individual proposals, is about 45 percent. The average of the enactment of government drafts was 68.92 percent for the 1961-1980 period and 65.85 percent for the 1983-1999 period. In other words, rationalization of parliamentary procedure seems not to have been reflected in the law-making process. Actually, it is obvious that the pre-1980 period became more productive in terms of law-making.

Of course, rationalization of parliament means not only an increase the number of bills enacted by the parliament, but also a more qualified content of a bill over societal issues and the scope and extent of consensus among the government and opposition parties. In general, aside from parliamentary procedure, there seems to be two more broader factors affecting the efficiency and effectiveness of the law-making process in Turkey: party group (leadership and party discipline) and government structure (majority government-coalition government). It is obvious that the impact of party group and party discipline has become very influential over the individual deputies.⁴⁹ In the absence of internal party democracy,⁵⁰ a deputy either has to obey the domination of the leadership in various forms -as a friend in close circles or as disappointed in his corner- or resign from

the party when he/she disturbs the party center. Simply, an executive with great majority dominates the parliament actuality. Therefore, without reforming party organizations in Turkish politics and emancipating the deputies to think freely in the law-making process, partisan tactics and strategies will always dominate the process.

The nature of the government can be considered as another important structural variable in this regard. However, it is not independent from some other variables intervening the process, such as the seniority and qualifications of the deputies, national and local relations and circumstances. For instance, when we compare two distinct periods of 1965-1969 and 1983-87, in which the respective governments were backed by overwhelming majority in the GNA, we observe slightly different performance in terms of law-making. Although the Justice Party of the 1965-1969 period had a sufficient majority in the parliament, due to the procedures of the unicameral system, the presence of the qualified opposition and social, economic and political turbulence towards the end of the period prevented the government from enacting governmental drafts effectively. Contrary to this, the Motherland Party of the 1983-1987 period succeeded enacting almost all governmental drafts not due to its majority in the GNA as a record simply, but also due to the facilitating conditions of the transition stage from military rule, of the presence of inexperienced deputies, of the restructuring of the party system and the heavy transfers of deputies from one party to another. It is a fact that the Motherland Party enacted some of the bills with a surprise-attack in the plenary, when the opposition was not ready for debates.

What has been the impact of coalition governments in law-making process? There were variations again in different periods of the GNA. For instance, during the last two parliaments of the pre-1980 period, namely 1973-1977 and 1977-1980, Turkey was governed by coalition governments, but the average percentage of enactment of both the governmental drafts and total bills was not lower, rather even higher than the average of the whole periods as far as government drafts are concerned (72.4 and 67.6 percent respectively). However, the average of the enactment of government drafts radically dropped during the last two parliaments served between 1991-1995 and 1995-1999. During the 19th Period, Turkey was governed by a grand coalition of the True Path Party (TPP) and Social Democrat Populist Party (SDPP) - later Republican People's Party-. If we take the 20th Period as constant, due to political and governmental instability, the 19th Period indicated the lowest figures of the whole

periods in terms of law-making. In other words, the coalition government ran Turkey but disharmony within government parties led the GNA to fail to enact even major bills, including the RP. In fact, when the TPP-SDPP coalition declaration was announced, it was an overpromising on a historical compromise and consensus between the two parties on the right and left of the spectrum, but it failed in practice. In short, harmony and coherence of the coalition governments are very determinative of the law-making performance of parliament as it was seen in Turkey. The 20th Period of the GNA was a short lived parliament due to the early election decision, which was taken on August 2, 1998, almost one year before the election date. Again, restructuring in the party system, heavy transfers of deputies between the parties and the impact of extra-parliamentary forces, such as the National Security Council, made the GNA ineffective and both the parties and deputies considered their future rather than the passage of bills for the greater society. Although the two, so to speak, "reform" bills, namely the *Eight Year Education System* and *Tax Reform*, were enacted by the GNA during this period, it also recorded the lowest averages in terms of law-making. As we mentioned earlier, this can be explained essentially by the formation and failure of several coalitions in the three year period.

Finally, the indifference and absenteeism of deputies also negatively influence the law-making process in Turkey. The bills are generally drafted by the government with the technical support of the bureaucracy and the deputies are not informed about the ongoing drafting process until the draft is submitted to the Speakership. The deputies have no effective power to change the content of a bill without permission of the party group. Even the committee stage in the law-making is dominated by the party group. In addition, non-parliamentary activities of the deputies, such as constituency services, including job finding and appointment, block the deputies from effectively taking part in the law-making activities. Except for some special cases, absenteeism of deputies is mainly caused by these constituency services.⁵¹ In order to prevent absenteeism, there are administrative and financial provisions in the present RP (Article 151-3), but it does not work in practice simply because they easily obtain permission from the party or a health certificate from any hospital as indication of excuse. The Motherland Party also initiated a list of measures for its deputies concerning absenteeism, but it was not effective.⁵² To overcome these issues, one can propose some measures to increase the participation of the deputies. First of all, party groups

and especially the government party may form specialized legislative workshops in their organisations, in which individual deputies can be given a leadership position. The draft bills may be produced out of these workshop. In other words, the law-making process may be open, participatory and not specific to technocratic domination. Secondly, the scope of constituency services needs to be minimized. In this respect, responsiveness capacity of public services is a key variable. Because most of the requests from the deputies are relevant to one of the public services, which is not met sufficiently in the constituency. Therefore, an administrative reform with heavy emphasis on de-centralization is necessary to provide more efficient and effective public services in the place. Privatization of public banks and enterprises is also very important in decreasing the non-parliamentary work-load of the deputies as brokers. Thus, the deputies would be released from heavy pressures of the constituency on the allocation of scarce public resources.

Although it is widely argued that the ways and means of supervision were excessively used and abused by the opposition parties since the 1961 Constitution period, it is another obvious fact that most of the governments escaped from being accountable to the GNA. In parliamentary system, supervision of the executive is a very important mechanism.⁵³ This is very vital, especially between two electoral periods, when the government may abuse political authority. The effectiveness of supervision activities is dependent on the nature of political system. In other words, in the absence of effective and full supervision of the government, it is almost impossible to speak about a full democracy in any system.⁵⁴

In the Ottoman-Turkish parliamentary tradition, the ways and means of supervision are as old as parliamentary history back to the First Constitutional Period. However, the number of motions of supervision, including oral and written questions, general debate, parliamentary inquiry, parliamentary investigation and interpellation, increase especially in the recent periods, especially when these new mechanism were introduced after the 1961 Constitution. The major problems of supervision activities are the excessive and unnecessary use of question mechanism by the deputies of opposition parties and the non-meticulous attitude of the governments in responding the questions. Thus, the question mechanism had eroded, so that, the Speakership rejected the 298 motions of question during the 19th Period, simply because of the fact that they did not meet the quality of being a question.⁵⁵ After the recent amendments to the RP, the

response rates to oral questions during the 20th Period increased radically (75 percent) compared to the previous periods, except for 1983-1987. The respond rate for written questions was very high (84 percent) understandably, throughout the periods, with the exception of the 1965-1969 period when the JP was in government. This is because the government members avoided to meet the question holder in the plenary and preferred to respond to the questions in written form. In short, it can be said that the rationalization of parliamentary procedure brought the most effective results in terms of both the contents of the questions raised by the deputies and the response rates of the government recent periods.

There has been no consistency in the performance of the motions of general debate and parliamentary inquiry since 1961 (Table 1). The governments always avoided having a motion of general debate or opening a parliamentary inquiry, except for the 1983-1987 period, when the Motherland Party had a majority in the GNA, controlling committee activities. Interestingly, during the 1991-1995 period, the TPP-SDPP (RPP) coalition government ran Turkey, the motions of parliamentary inquiry were completed with a rate of 93 percent. Although the aim of parliamentary inquiry is to collect information through the capabilities of the GNA, the opposition parties regularly attempted to use this mechanism to supervise government. Irregularity in the number of obsolete motions of general debate and parliamentary inquiry needs to be investigated carefully for special periods. Finally, the most effective ways of supervision, parliamentary investigation and interpellation, in terms of their consequences, which may lead to the dismissal of the minister or Prime Minister together with the government, were exercised very efficiently almost with 100 percent performance since 1961.⁵⁶ In the recent amendments to the RP, procedures concerning the usage of these mechanisms are clearly reformulated.

In conclusion, effectiveness and efficiency of parliamentary procedure is a long-lasting process. It is difficult to evaluate in depth the impact of the recent amendments to the RP in the parliamentary process in Turkey. First of all, the deputies need time to internalize the basic notion of the amendments. Secondly, the more often the rules and norms are practiced, the more extensive and deeper they will be institutionalized. Despite short-lived experience with the new rules, some lessons are already drawn from the practice of the new reforms. Both past experiences and the needs of the parliamentary system may be indicative and determinative of the upcoming reforms, which were already formulated by

the Speakership of the GNA.⁵⁷ The major task of the next GNA will probably be tackling this reform. In doing that, the new parliament will have to answer two external questions, which contribute very much to the effectiveness of the parliamentary process in Turkey: how to eliminate the overdomination of leadership and party discipline on individual deputies and how to accommodate government-opposition relations in the parliamentary process? In short, "political elites should agree upon the norms that guide legislative conduct and the interaction between the legislative and executive."⁵⁸

V Endnotes

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