

IS INTRA-PARTY DEMOCRACY POSSIBLE IN TURKEY? AN ANALYSIS OF POLITICAL PARTIES ACT AND PARTY BY-LAWS

Mehmet Akinci, PhD

Assistant Professor, at the Aksaray University,
Faculty of Economics and Administrative Sciences, Aksaray, Turkey

Ozgur Onder, PhD

Assistant Professor, at the Dumlupinar University,
Faculty of Economics and Administrative Sciences, Kütahya, Turkey

Bilge Kagan Sakaci, PhD

Assistant Professor, at the Osmangazi University,
Faculty of Economics and Administrative Sciences, Eskişehir, Turkey

Abstract

The aim of this study is to evaluate the political parties in Turkey in terms of their coherence to intra-party democracy. This evaluation is carried out on the Constitution, Political Parties Law and Party Bylaws. In this perspective, the bylaws of Justice and Development Party (AKP) in power for almost ten years in center-right and Republican People's Party (CHP) in the center-left as the main opposition party for the last two terms are compared according to the related articles of the Political Parties Law. The study is composed of nine intercorrelated subheadings. As a result of the study, it is concluded that the political parties law does not include imperatives to encourage intra-party democracy. Therefore, the law itself is a major obstacle before democracy. Political parties law does not involve any precautions to encourage intra-party democracy in such issues as delegate election, determination of MP candidates or chairman election, etc. Political party bylaws, on the other hand, do not provide any imperatives to actualise intra-party democracy. It is, therefore, concluded that the most crucial reason for the political parties in Turkey not to have intra-party democracy is the related legal arrangements.

Keywords: Turkey, Intra-party Democracy, Justice and Development Party, Republican People's Party, Party By-law, Political Parties Law

Introduction

There are numerous definitions of democracy, but all these different views can settle on its content: "Government of the people, by the people, for the people." This well-known definition by Abraham Lincoln is based on the fact that he attributed governance to the people (Heywood, 1992: 272). Direct democracy, a legacy of ancient Greek city-states, has been replaced with representative democracy and thus, political parties have found their places in democratic systems as the intermediaries to conduct the representation mechanism.

The position of political parties in representative democracy makes them indispensable for the continuation and functioning of democracy. There are certain reasons that make political parties indispensable in a democracy. Democratic regimes are the only ones in which power changes hands legitimately. In other words, democracy is a regime in which those who will compose the government are chosen by the public for a certain period through free elections (Sarıbay, 2001: 16). Participation of the public in the administration and the need for an organization to determine the public preferences are the most significant reasons that make parties indispensable in a democracy. Another important role of parties is that, except for elections, they form a crucial bridge between the ruler and the ruled. Another reason to mention is that, in the course of a healthy democracy, they form a link in informing the public about the issues that interest them and in relaying the public opinion about the choice of various public administration policies to the government (Sarıbay, 2001: 16; Kabasakal, 2012: 2).

While the above-mentioned reasons make political parties indispensable elements of democracy, they, on the other hand, necessitate their internal structure to be democratic as well. In the context of Turkey, various studies (Esmer, 2002; Heper and Landau, 1991; Özbudun, 2000) determined that political parties have oligarchic tendencies. The Jacobean modernization history of Turkey and the fact that the public hasn't been able to internalize a democratic culture adequately yet can help us understand why the political parties in Turkey have oligarchic tendencies. However, this, in fact, is an effort to understand how culture affects political institutions. Already accepting the effect of culture on political institutions, this study aims to analyze how the legal statute that interests parties as political institutions turns them into anti-democratic structures.

In this perspective, this study focuses on legal status that affects the internal organization of political parties in Turkey that exhibit oligarchic tendencies by analyzing the Turkish Republic Constitution, Political Parties Law (SPK) and two political party bylaws: one is Justice and Development Party (AKP) in power for almost ten years in center-right and the other is Republican People's Party (CHP) in the center-left as the main opposition party for the last two terms. It is projected that choosing parties being not only the ruling and the main opposition but at the same time left and right wing will help us determine why the political parties in Turkey are devoid of intra-party democracy.

While reviewing the related legislation, such issues as choosing the leader and his/her power, how the party executives are determined, how candidates for party deputy and local executives in intra-party democracies are determined, and how party policies are formed were analyzed in terms of legal by-law aspects. In the study, the fact that there is no intra-party democracy in Turkey was primarily based on the Political Parties Law (SPK) and therefore on party bylaws.

Emphasis of Democracy in Constitution, Political Parties Law and Party Bylaws

The 68th article of the Turkish Republic Constitution says "Political parties are the indispensable elements of democratic political life." The same clause is repeated again in the 4th article of SPK and the 92nd article states that such issues as party administration and election of the party organs cannot be undue to democratic principles. This clause is also restated in many different places in the bylaws of Justice and Development Party (AKP). For example, it is said in the 13th sub-clause of 4th article of the by-law "Justice and Development Party minds the pluralist, participative and competitive nature of representative democracy." Again, supporting such an attitude, the 5th article, stating that assignments and elections within the party will be conducted seeking intra-party democracy and therefore merit and competence will be the first and foremost criteria, considers intra-party democracy within the basic principles to be sought. The 14th article, saying "Each and every rank of assignment and representation post in the party is open to every member of the party to be a candidate and to serve for within the by-law rules", seems to denote a democratic mechanism. The bylaws of the Republican People's Party (CHP) describes democracy is based upon. It is stated that social democracy "is based on such values as human rights, supremacy of law, freedom, equality, solidarity, a peaceful and fair world, supremacy of labor, sustainable and balanced progress, welfare, conservation of nature and environment, pluralistic and participatory democracy" (article 3). One of the objectives of the party is creating a structure upon "pluralistic and participatory democracy". It is also mentioned that the members and

executive staff are constantly trained in order to achieve a democratic culture. As is seen, the principles of CHP refer to a democratically perception like those of AKP; however, when the bylaws are examined thoroughly, it is seen that this case remains unfulfilled and is not applied wholly.

This fact can clearly be seen in the regulation for “intra-party democracy arbitral committee” in the 99, 100, 101 and 102th articles of AKP by-law. The name of the above-mentioned committee might sound as if it could play a role in sorting out probable injustices in intra-party competitions that could actualise intra-party democracy; however, the task of the related committee is described in the 101th article as follows: “The committee provides the compromise environment and agreement way for any disagreement between city party organs and sub-level organs or organ members, between subsidiary organs or organ members or between them and party organs or organ members due to party tasks.” As seen in the definition, this committee wasn’t considered to build up or help function a democratic structure, but rather, to be a committee to sort out intra-party conflicts.

Big Congress and Intra-party Democracy

How the chairman is elected, how central executive and administrative committees are determined and how candidates are determined for general and local elections show whether intra-party democracy can prevail. These can be analyzed through bylaws. While analyzing these subjects, first SPK and then the by-laws of two political parties will be analyzed. It will be better to start with how the decision makers of the “big congress” are chosen because this big congress, according to SKP, is considered to be the highest organ of a political party (article 14). Again according to SPK, during this big congress, many vital decisions like the party chairman, central organ members, the party policy, financial matters and even the termination of the party are made.

The law stipulates that the big congress is composed of two different members: ordinary and elected members. Ordinary members are determined as “party chairman, central decision-making and administrative committee and central disciplinary board members and ministers and members of parliament that are party members”. The 14th article includes the party founders into ordinary members. The founders are “among the ordinary members of the big congress, including the first big congress, as long as their numbers do not exceed 15% of the delegates”. The law leaves what to do to party in-laws. The formation of elected members is the core of achieving intra-party democracy. According to SPK, the elected members of the big congress are composed of “the delegates chosen in city congresses as shown in the party

by-law the number of whom cannot be higher than the whole number of Turkish Grand National Assembly (TBMM) members”. The max number of elected members can be 1100.

The AKP by-law, after a complex narration, states that determination of those who will be elected and form the majority of the delegates is done as follows: election of the big congress delegates is conducted through list system in which the delegates to represent the city are determined in city congresses through a list determined by city administration and approved by city delegates. This is not consistent with intra-party democracy and gets worse thinking that the town delegates who elect the big congress delegates are also determined through list system. This becomes clear when the 46/7 article of AKP by-law is analyzed. This article clearly states “organ and delegate elections are done through list system”. It stipulates the list to be put into the ballot box in an envelope. This is such a model that is susceptible to manipulation of the party center and by no means supports a competitive democracy at local level. It is literally a fake election in which AKP delegates elect party executives.

In the bylaws of CHP, ordinary members are arranged according to SPK rules. The elected members are stated to be “the congress delegates elected during city congresses as twice the number of that city’s TBMM member number”. After stating that both ordinary and elected members are congress members, in addition to these, “Congress Honor Members” are mentioned (article 53). Congress Honor Members can address in congresses but cannot vote (article 48).

According to “Republican People’s Party Congresses (Election of The Delegates of City and Town Congresses, Neighborhood Unit and City Congresses) Regulation”, which states that delegate election in CHP is conducted upon by-law, the rule both in the city congress in the election of delegates to represent the city in the big congress and in the town congresses in the election of the delegates to attend the upper organ congress is the only and common list (sheet list) (article 27). A block list system of election can only be decided “with a written proposal of one tenth of congress members and absolute majority of the members attending the congress (those who have attended voting in the congress hall) before proceeding with the agenda” during city and town congresses (By-law Article 48/J). Therefore, the primary act is the only and common list (sheet list) and the block list is secondary. The ballot is prepared as common a list in the sheet list system and voting is done by putting a tick in the names of the candidates on the voting paper. Those with the highest votes are the original members and the following ones become substitute members. On the other hand, the organs are put on the ballots separately. According to block list system, on the other hand, the candidate names on ballot papers are in the number of original and substitute members and they are printed as

block list. The former is more democratic than the latter; however, it is also possible to apply to be original and substitute member candidate. In block list, the names can be crossed over and changed. The votes every candidate has from the list s/he stands for and from other lists in which his/her name is added by a member or a delegate during voting are summed and so the list order is determined (By-law Article 48/J). Accordingly, the above-mentioned practices increase the democratic aspect of this method. Compared with the AKP, manipulation of the center is less and the system encourages competition at the local level more.

Election of the Chairman and Intra-party Democracy

Election of the delegates composing the top decision and supervision organ through a non-competitive method that does not encourage participation gives an undemocratic structure to all organs and committees. However, the analysis isn't complete yet: the chairman elections should be analyzed too. 15th article of SPK doesn't provide any arrangements for candidanship despite some regulations for election, authority, tasks, term of office and etc. of the chairman. The law stipulates that if the chairmanship falls vacant, the Central Decision-Making and Administrative Committee (MKYK) hands over the authority to represent the party to a member among themselves until the big congress and calls the big congress in forty five days latest. SPK determines the term of office of the chairman as three years at most, but doesn't determine where, how and in what procedure the chairman will be elected. The law rules that the chairman is elected "... by the congress through secret vote and with absolute majority of member whole number" and "... if no result is obtained in the first two voting, the one who gets the highest votes" becomes the chairman. How deputy chairmen, general secretary, etc. are elected, their duties and authority are all left to party bylaws.

The 69th article of the AKP by-law regulates election. The article states that in order to be the chairman in the AKP, "written proposal of at least 20% of the member whole number" is required. This ratio seems rather high to run for the chairmanship, but CHP bylaws requires it to be "at least 30%" (Article 55/a). In this respect, comparing the two parties, AKP is in a more antidemocratic stance than the CHP. On the other hand, if we also remember that in AKP the congress delegates are determined in a list system, the ratio 20% seems adequate to declare chairmen "unchangeable". As a matter of fact, in practice, the same leaders are in action as the actors on the political stage.

Another point to pay attention while reviewing the bylaws in terms of chairmanship election is the number of extraordinary sessions of big congresses. In the 14th article of SPK,

in order for the big congress to have an extraordinary session, authority lies in the chairman, MKYK or big congress members, the ratio of which is determined by law. If the first two requires an extraordinary session, they can assemble the congress. With regards to democracy, the main point is the authority of big congress members. SPK bases an extraordinary session on “the written proposal of at least one fifth of congress members”.

70th article of the AKP by-law and 49th article of the CHP by-law regulate extraordinary session matter. The fact that SPK is protected likewise is clear in the bylaws of AKP and CHP. According to the related article; “An extraordinary session can be called upon written request of at least one fifth of the big congress delegates.” This can be considered as a qualifying term for chairmanship contest.

On the other hand, another point should be emphasized in chairmanship and AKP by-law. When AKP was first established, it was stipulated that one who had three terms of office consecutively cannot run for chairmanship again, but this challenge was sorted out during the fourth ordinary congress in September 2012 through a little amendment, with which a chairman for three consecutive terms can run for chairmanship for the fourth time after recessing for one term. This clearly shows that a practice that could enable intra-party democracy was sacrificed for the sake of central authority.

Formation of Party Senior Administration and Intra-party Democracy

Another way to look into whether intra-party democracy is functional is to look into how party senior administration; that is, Central Decision-Making and Administrative Committee (MKYK) for the AKP and Party Assembly for CHP, is formed. SPK determined in the 16th article how main party organs can be formed. The law leaves the names, configurations and numbers of organs to party bylaws. The members of central decision-making and administrative committee, who have a wide scope of authority (decision-making and applying) except for critical decisions in the big congress, are elected by the big congress. In the article 16/5, election procedure and principles of other central organs are left to the party bylaws; that is, a democratic formation isn't encouraged SPK. This, literally, causes the parties to transform the election rules in such that party leader staff assigns candidates and the big congress delegates approve them.

According to AKP by-law, one of the issues crippling intra-party democracy is the formation of Central Decision-Making and Administrative Committee (MKYK), the highest decision and executive organ. The MKYK members are chosen in the big congress through the list system according to the article 46/7. In other words, after AKP determines the 50 original and 25 substitute members to compose MKYK, the related list is voted by the

delegates. It would be too naive to think that there can be names of opposition to top administration in the list or that there is no manipulation of the chairman in the formation of the list.

Similarly, one of the elements crippling intra-party democracy in CHP by-law is the formation of Party Assembly: the Party Assembly is composed of the chairman and 60 members elected by the congress through secret vote (article 37). During the congress, the rule for organ election is the only and common list (sheet list). However, before proceeding to the agenda, block list election system could be decided with the proposal of one tenth of congress members and approval of absolute majority of the attendant members of the congress. On the other hand, eight of the original members of the Party Assembly are elected by the congress among the 12 people the chairman will propose within the members of the science, administration and culture platform. The voting ballots of these candidates are prepared separately from the others (article 55/a). According to the 41st article of the bylaw, “Science, Administration and Culture Platform” is established by the proposal of the chairman. It is stated that these groups, dependent on “The Code of Research and Development; Science, Administration and Culture Platform”, are formed temporarily upon the decision of “related deputy chairman”.³⁴ Therefore, it would be naive to think that members of such a set up formed upon the decision of deputy chairmen can contradict the chairman.

With regard to use of sheet list in the formation of Party Assembly, when compared with AKP, CHP seems a bit more democratic. However, central manipulation is at issue here. Entering the Party Assembly through the quota of the chairman by means of a formation existing upon the decision of deputy chairmen, the members of “Science, Administration and Culture Platform” make the organization structure more central and more antidemocratic.

Election of the Candidates and Intra-party Democracy

One area to see whether intra-party democracy functions is the process of candidate determination and election. SPK dictates just one method in the determining party candidates. The law states that candidate determination can be done through such methods as primary election, organization/center pole, etc., among which primary election is the most suitable for intra-party democracy. However, it is seen that most political parties abstain from it. Although primary election does not necessarily guarantee that the right candidate is always elected, it still remains to be the most appropriate one by far for democratic philosophy (Günel, 2005: 50). However, the fact that the political arena is a place for the struggle for

³⁴ “The Code of Research and Development; Science, Administration and Culture Platform” article 4

power and interest might change the course in practice. Instead of seeking for support at the base in accordance with democracy, those thinking of being a candidate do it at the top, which cripples intra-party democracy. Therefore, “those who want to be delegates generally come from those with certain aims in order to be a candidate for MP, etc. Accordingly, someone who wants to be an MP has to be accepted and supported by the chairman and the party elites” (<http://www.etikturkiye.com/etik/siyasetetik/3NigarDEGIRMENCI.pdf>).

According to the 37th article of SPK; “political parties can determine the candidates during MP general and by-elections among the applicants whose applications are regarded as valid upon one or more of the procedures and principles in their bylaws.” Also, political parties can apply the provisions of 298 numbered law, which do not contradict with SPK, while determining their candidates during primary elections and upon electoral registers. SPK also lets parties present central candidates on the condition of certain quotas. The 37th article continues: “Political parties can present central candidates during the primary election on the condition that the number does not exceed 5% of the TBMM member whole number and that the party informs the Supreme Election Committee (YSK) about the city, election environment and candidate order at least 15 days before the date of the primary election. In places where there is no primary election, political parties could determine their candidates by central poll or through one or more of the other means”. In the article 37/5, stating that “the candidate determining process other than central poll will be under the administration and supervision of election committees”, democratic functioning is accompanied by a legal inspection. However, candidate determining processes that will facilitate intra-party democracy to function are neither made obligatory nor encouraged in SPK.

The crucial point in actualising intra-party democracy is democratizing candidate determining method. A party’s rule, in which executives are appointed by the top and the candidates with the right to represent are dictated rather than elected by free voting of all the party members, cannot be expected to be democratic and sensitive to the public’s requests. Whatever is internalized will be externalized (Günel, 2005: 50). Sağlam (2002: 23) proposes in the 37th article about primary election “to determine the party candidates in a primary election with the participation of all the party members”. A projected exception could be determining at most 10% of the MP candidates through central poll. Moreover, with a change in the MP Election Law, “election environment should be reduced and accordingly preferential voting should be used”. The basic incentive in these precautions is strengthening intra-party democracy. Concentrating on party bylaws and their application shows the following.

AKP by-law shows how MPs will be determined in general elections in the articles 123 and 124. According to article 124, the order of MP candidates should be done as follows **“a) Primary Election b) Organization Poll c) Centre Poll** one, some or all of these methods shall be applied at the same election according to the election environment scale at the same time altogether or just one of them being applied wholly at national scale”. What is meant by primary election is that list order of all the members registered for the party in an election environment is determined as primary election electors. Organization poll, on the other hand, means doing the list order in a relevant election environment according to the preference of those in the senior committees in the administrative organs of a party. The final method, centre poll, is doing the candidate list order directly upon central decision by administration committee.

The 124th article of the by-law seems partially more democratic as it gives primary election and organization poll priority while determining the candidate. It says these two methods could be applied at least at 50% of the election environment. This is, in fact, a democratic make-up for the bylaw, because “could” has no restraints on the party administration. Also, in practice, AKP leaves determining the MP candidates to MKYK. The newspapers show in terms of the last general elections that thousands of candidate applications for 550 chairs were processed by the AKP chairman and a loyal commission of 5-6 members (Yetkin, 09.04.2011; Sabah Newspaper News 04.04.2011). Additionally, another antidemocratic case is the fact that the AKP by-law’s 126th article states that the chairman has the right to present 5% of the assembly member whole number; namely 25 candidates, as center candidates from any election region he wants at any order he likes. It should also be noted that this case arises from the Political Parties Law.

The bylaws of CHP shows that article 58 stipulates the methods for determining MP candidates to be primary election, candidate poll (organization poll) and center poll, the first two of which are regarded prior.

Party Assembly decides which election method will be used in which election environment; therefore, any antidemocratic formation in the Party Assembly will be reflected to elections and article 58 aggravates the situation by saying Party Assembly “can put adequate number of center candidates into the list in an election environment for primary election or candidate poll.” On the other hand, the total number of the candidates determined by center poll method is said to “not exceed 15% of the MP candidates of the party”, which presents a relatively democratic formation. However, this turns into an antidemocratic process where the last elections were a failure because the same article 58 says “the total MP

candidate number in election environments which got less than 10% votes in the last elections is not included into MP candidate number calculated according to this ratio". In the general elections of 2007 the number of cities in which CHP got less than 10% votes was 25³⁵, whereas in 2011 general elections it was 17³⁶. As is seen, the ratio is high; thus, while CHP advocates democracy, it also gives credence to antidemocratic tendencies. "Democracy is welcomed at the door and ejected from the window."

In this perspective, while center poll was done in CHP in 52 cities during the 2011 General Elections, primary election was conducted in 19, quota and primary election were used in 8 cities, candidate poll was done in 1 city and extended candidate poll was conducted in 1 city. As seen here, although in the by-law primary election and candidate poll are cited as prior methods, center poll is dominant in the majority of the cities (<http://www.chp.org.tr/?p=16194>). Therefore, Party Assembly and the Centre are a great influence on local organs.

Local Government Elections and Intra-party Democracy

In local elections, candidate determining and electing methods are similar to general elections in both being antidemocratic. This time, the methods of determining mayor candidates are at issue. 127th and 128th articles of the AKP by-law show the proceedings of candidanship in local elections. These articles refer to the article related to the methods of determining MP candidates. It is seen here that the senior administrators of the party and therefore the chairman have a great power in determining the candidates in local elections.

On the other hand, according to CHP bylaw article 6, the Party Assembly has the authority to present a central candidate in local elections and can transfer this authority to city administration committees and town administration committees for city elections and town elections respectively. The authorized committees consult the organization unit in the election environment.

In the 2014 local elections, in order to prevent any criticism, CHP decided to subject its municipalities to "performance inspection" upon objective criteria. During this inspection, three main subjects were to be inspected: investments, budget realization and capacity for increasing core income. As a result of this evaluation, the successful ones will stay and the changes will be done upon public poll (<http://emedya.cumhuriyet.com.tr/?hn=332230>).

According to the main principles in the 2014 elections, there won't be MP candidates for Ankara, İstanbul and İzmir CHP town mayoralty. In this perspective, for the 2014

³⁵ 2007 General Election Results, http://belgenet.net/ayrinti.php?yil_id=15&il_id=1058

³⁶ 2011 Election Results, Internet Web News, <http://secim.haberler.com/2011/>

elections, “Regulation for Candidate Determination for Local Elections” will be drawn and studies for it are planned on the basis of a 22 month (May 2012-March 2014) calendar. The regulation hasn’t been drawn yet. A series of other studies are also proposed. For example, there won’t be an old-boy network during the candidate determination process. MPs and members of the Party Assembly will be sent to the cities out of their election region to get the public opinion reports (<http://emedya.cumhuriyet.com.tr/?hn=332230>).

Especially the use of objective performance criteria in candidate determination and talks about doing away with favoritism are positive steps towards intra-party democracy. However, to what extent these will be put into practice is to be seen. On the other hand, it is meaningful that these are happening when the ex-chairman left after total 16 years of service in 3 terms due to a scandal³⁷.

Head Office Administration and Province Organizations

Another point to mention in intra-party democracy in terms of bylaws is the influence of head office on province organizations. A powerful and democratic organizational structure is imperative for intra-party democracy to function. However, although province organizations have major roles in the organization model, they present a weak, insignificant and problem appearance with no serious impact on the head office (Vural, 160). SPK reflects the power of head office on province organizations, which especially shows itself in dismissal of city and town organizations.

19th and 20th articles of SPK are about the election and dismissal of city and town organizations, but in neither article there are clear provisions on how and when dismissal is done; instead, a reference was put for the party bylaws. The 19th article about the town organization states that the city chairman, elected by the city congress, and the executive board could be dismissed by MKYK; therefore, the mechanism that elects does not have the power to dismiss what it has elected. It is clear here that the central decision making organ of the party is put over its city organization, which can be considered as the extension of centralism in Turkish political culture into political parties.

According to article 19, the decision of dismissal requires a two thirds majority of the authorized committees’ member whole number and secret voting. The law requires the city congress to elect the new city executive board within 45 days, during which time the congress can assemble with ex-delegates if the new ones haven’t been elected yet. Until the

³⁷ Deniz Baykal served his last term in chairmanship between 30th Sept 2000 and 10th May 2010.

completion of this process, a temporary executive board composed according to the party by-law through the initiative of head office is in charge.

The article 20 about the town organization states that the town chairman and the town executive board, both elected by town congress, could be dismissed by the city executive board or by MKYK. What is different from article 19 is that besides MKYK, the city executive board is also put over town organization. The decision to discharge involves the same provisions as the ones in the dismissal decision for city organization. What is different is the duration allotted for the new establishment: 30 days. As mentioned above, the temporary executive board appointed by the head office will remain in charge until the end of this period. While this temporary formation has the right to attend the congress, those among those who are not delegates do not have the right to vote.

The discharge authority of MKYK can turn into a tool to be used in doing away with intra-party opposition; therefore, this authority given by SPK can be detrimental to intra-party democracy and pluralism. SPK does not require any kind of legal inspection for such discharging, which might strengthen intra-party oligarchic tendencies. It should be noted here that certain constitutional lawyers proposed legal inspection (Sağlam: 2002: 27). As expressed above, the fact that the law does not provide concrete provisions on discharging, does not propose any kind of restriction and refer to party bylaws shows that SPK designs the party base weak while the head office (center) strong.

The articles 57, 58 and 59 in AKP by-law are about the dismissal of the organs and they are in line with SPK. The CHP bylaw regulates the dismissal of city, town and province chairmen and executive board members. Accordingly; “those who delay or do not serve their duties, responsibilities and financial tasks set forth in laws, bylaws and regulations, who harm the party through their attitudes and behaviors inconsistent with the party’s political rules and ethics” can be dismissed. As seen here, the reasons for dismissal are obscure; however, while dismissing, the reason is also cited. This authority might come from the Central Executive Committee as well as from the related senior executive committee (article 43/b). Therefore, as mentioned before, while the party base gets weaker, the center becomes stronger. One concrete reason for dismissal that stands out is the expression “when the vote percentage of the party in general election in the election environment in the responsibility of city, town or province executive unit falls compared with the previous election, then the related executive unit could be dismissed by Central Executive Committee.” Considering that in general elections, not the candidate but the party is voted, it is very hard to determine to what extent

the local organizations are responsible for the MP election results. On the other hand, a senior executive unit can warn an inferior unit by citing the reason in writing (article 43/a).

Determining the Party Program and Intra-party Democracy

The article 14 in SPK authorizes the big congress for any change in the party bylaws and the program and any decision for party policies. SPK requires the proposal of the chairman and at least one twentieth of the members of MKYK and big congress. The same article states “in order to decide on proposals on public actions regarding the society and the state within the frame of laws, party bylaws and party programs, these proposals have to be put forward by one third of the members attending the big congress.” These proposals will be discussed at a commission appointed by the big congress and will later be decided upon the commission report. When the issues regard the public, SPK raises the ratio from one twentieth to one third.

In the article 16 of SPK, a wide authority range is allotted for Central Decision organ. Except for the two restrictions by law, this organ works like the party brain. In law, central decision will not only decide upon “all the decisions, except for the legal termination of the party and the change in party bylaws and the program, when the big congress cannot assemble” but also lay down party internal regulations.

Considering the congress discussions in Turkey, it is seen that party programs are almost never discussed. Those directing the party program are, as in AKP and CHP, the elites or academics elected by the executives through the manipulation of the chairman. This also shows how important a chairman is.

Gender and Youth Quota

According to the by-law of CHP, there is at least 33%³⁸ gender quota in determining the MP candidates through centre poll, in Party Assembly election, in the election of city, town, province executive organs, in the election of the candidates for provincial council and city council members and in the election of congress delegates. If not adequate candidates come from both genders, the election proceeds with the participants (article 61). On the other hand, there is a youth quota in every area where gender quota is applied in CHP. However, one has to be a member of youth branches from the date of candidateship. Also, the quota for gender is at least 33%, while it is at least 10% for youth; however, if not adequate candidates come into the scope of gender and youth quotas, the election proceeds with the participants. A candidate carrying the characteristics of both quotas is decreased from both quotas.

³⁸ After an amendmend in the by-law in 2012, the number of female quota was raised from 25% to 33% (<http://chpkadin.chp.org.tr/2012/03/03/chp-kadin-kotasini-yukseltti/>)

Another critical issue is that within the scope of gender and youth quotas, those who could only get the votes of less than one fifth of the congress member whole number are not regarded as original or substitute member (article 61). This point is significant in that it emphasizes the representation. CHP Women's Branch Chairwoman Deniz Pinar Atilgan states that the 33% quota is pertained more than 80%. However, the Society of Women Candidate Support states that despite the quota, in the many CHP city and town congresses, women come up against difficulties, their names are crossed over and they can't participate in the administration. On the other hand, there are almost no women in southern cities (<http://www.ka-der.org.tr/tr/basin.php?act=sayfa&id00=116&id01=65&menu=>).

It should be noted that the quota is required not for a result but for candidateship. In 2011 general elections, one of the cities where the candidates were determined through central poll was Ankara. It was composed of two election environments: in both environments the number of women candidates was below the gender quota. Even in the capital, they couldn't pertain the quota. But on the other hand, although they were below the quota, the women candidates were placed on good orders in the lists (<http://www.ysk.gov.tr/ysk/index.html>)

Conclusion

Various researchers have stated that the political parties in Turkey have oligarchic tendencies. This research tried to answer whether the applicable law in the Constitution, Political Parties Act and Party Bylaws is designed so as to facilitate or complicate intra-party democracy. As seen clearly above, one of the major obstacles for intra-party democracy is SPK. The main law regulating political parties in Turkey could only determine the importance of parties in a democratic regime, but could not provide an appropriate ground for intra-party democracy to flourish. In other words, SPK does not possess such imperatives to encourage intra-party democracy in Turkey: rather than providing imperatives for intra-party democracy in the election of delegates, determination of MP candidates or chairman election, it leaves the job to party bylaws.

Analysis of the party bylaws clearly shows that they don't possess any imperatives to encourage intra-party democracy. Even in the issues that could encourage intra-party democracy, they don't have any regulations that could restrict the party centre's hands. On the other hand, political parties, who cannot give up the democratic principle as a good image, have made a democracy make-up onto their bylaws, for which AKP's intra-party democracy arbitration committee is a good example. When you hear this name, you think that it will activate intra-party democracy, but in fact, it only facilitates intra-party bureaucracy.

The case is the same in CHP although it seems slightly different: CHP, after 16 years, went for democratic amendments in its bylaws after a change in chairmanship, but the democratic principles seeming to be welcomed at the door were ejected from the window through little legal tricks.

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