

## Turkey's new presidential system: what implications for EU-Turkey relations?<sup>1</sup>

15. November 2018 by [Laura Batalla](#), [Charlotte Joppien](#)

The political situation in Turkey has deeply affected the country's relations with the EU, particularly after the failed coup attempt in mid-2016. The post-coup measures taken by the government sparked EU-wide criticism that resulted in the European Parliament adopting a [non-binding resolution](#) calling for a 'temporary freeze' of Turkey's EU membership talks.

Less than a year later, the European Parliament adopted a new [resolution](#) in which it called for the 'formal suspension' of accession negotiations with Turkey if the constitutional reform, adopted by a narrow margin in a referendum in April 2017, is implemented 'unchanged'. Following the presidential and parliamentary elections in June 2018, the transformation of the political system from a parliamentary to a presidential one ultimately became effective. This essentially means that the president, as the head of state is the main responsible for domestic and international politics, and, as the position of prime minister is removed, oversees all state organs. The president was also granted a wide range of legislative powers by the new constitution, e.g. the right to veto legislative acts partly or wholly, and which only an absolute majority of 301 to 600 parliamentary seats may override. The president further holds the power to issue decrees. Three main types may be distinguished. Firstly, decrees replaying former executive decrees having the force of law, issued by the cabinet and signed by the president. Secondly, decrees having the force of law regarding an exclusive area of topic, such as the creation or abolishing of ministerial offices as well as the appointment and dismissal of public servants. Thirdly, the president may also issue so called emergency decrees, not confined by a specific area, put forth in extraordinary situations. With these, the president may interfere or restrict basic rights and freedoms. Apart from the authority to issue decrees, the president holds other prerogatives, e.g. regarding the budget, the selection and dismissal of ministers, the appointment of ministers to the constitutional court, and the power to dissolve parliament among others. On the other hand, the power of the Turkish parliament as a source of law has been weakened, resulting in a fundamentally new allocation of power and a hierarchical system with the president on the top.

While the presidential form of governance is not seen as a problem per se, the European Union remains concerned about the actual implementation of the system. According to the Venice Commission, the way in which the system has been designed does not sufficiently meet the necessary checks and balances ensuring a balance of power between the different branches of government. The new system is characterised by a unification of political powers at the expense of the independence of the different branches resulting in a hyper-presidential system with a very strong president having de jure and de facto powers. [In the words of the Venice Commission](#), by removing the necessary checks and balances the constitutional amendments risk

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<sup>1</sup> The article is based on the debate during the expert workshop (link with Programme) on **Turkey's New Presidential System: Limits and Challenges for Turkish European Cooperation of 16 October 2018**

to degenerate into an authoritarian presidential system. The question remains as to whether the system will prove sustainable in the end.

Calls for an effective suspension or even termination of EU membership talks with Turkey have been increasing in recent months since the new presidential system entered into force. While concerns about rule of law and fundamental rights are well founded, suspending talks will not help address most of these issues. On the contrary, it will only remove the little political conditionality the EU has left. Suspending membership talks as a reaction to the political situation in Turkey in recent years is short-sighted and its consequences would be irreversible. Suspending accession talks would put EU-Turkey relations in a limbo situation as securing unanimity to restart the talks -if an overall improvement of the democratic situation in the country is observed- is a highly unlikely scenario. Ironically, the membership perspective would remain open for Turkey even if the process were de facto suspended. If there is a genuine concern about Turkey's democratic credentials suspending talks is not the way to address the situation.

At the same time, Turkey's leadership should show real commitment to the accession process. Following the lifting of the state of emergency after two years in place, the government needs to move from symbolic gestures to real actions. While doing so, Ankara needs to consult the Venice Commission during the implementation of the constitutional changes and follow its recommendations with a view to address its shortcomings. Only real reforms will allow for an improvement of the relations with Brussels and to advance in areas of common interest like the Customs Union and visa liberalisation.