

Turkey: Constitutional Court stops presidential election

By Justus Leicht
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Following a thinly veiled threat of a coup by the military, the Turkish Constitutional Court issued a ruling on Tuesday halting the country's presidential election. The head of the government, Recep Tayyip Erdogan, immediately responded by proposing new parliamentary elections.

The Constitutional Court declared that the first round of the presidential election held last Friday was illegal, because less than the necessary two thirds of all parliamentary deputies were in attendance for the vote. This judgement is politically motivated. There is no basis for such a decision in the Turkish constitution. According to the media, even the judge responsible for writing the decision advised against issuing it on the grounds that it lacked any legal foundation.

The only candidate for the office of president is Abdullah Gül, the current Foreign Minister, co-founder of the ruling moderate Islamic AKP (Party for Justice and Development) and a close friend of Erdogan. In the first round of voting, Gül narrowly failed to win the necessary two-thirds majority of the parliament, (i.e., 367 deputies), since the AKP has only 353 seats. Nevertheless, Gül's victory in the third ballot, which requires just a simple majority, was regarded as certain.

The only opposition party, the Kemalist CHP (Republican People's Party), had deliberately boycotted the first round of the presidential election and then called upon the Constitutional Court to declare it null and void. The CHP has close links to the military, which had delivered an unusually sharp warning to the AKP on Friday evening.

The statement by the general staff declared: "The Turkish armed forces observe the situation with concern. Attacks on the basic values of the Republic, in particular secularism, have escalated and developed into an open challenge to the state. In part this is happening with the knowledge and the permission of the government authorities. The Turkish armed forces are against these discussions. They regard themselves as the guardians of the secular order and will openly make their position clear if necessary. Nobody should be in any doubt about this."

The statement continues by saying that the armed forces are absolutely determined to fulfil their legally embodied obligation of protecting the constant basic values of Turkey. Whoever opposes the slogan of Kemal Atatürk, " 'How happy is the one who says, I am a Turk,' are enemies of the Republic of Turkey," it added.

The Turkish general staff have often proved in the past that they have no compunction about using brutal force in order to defend their power. The Turkish military has carried out no fewer than three coups in recent history—in 1960, 1971 and 1980. In 1997, it forced the resignation of the Islamic head of government Necmettin Erbakan in a cold putsch. The coup d'état of 1980 was especially brutal, with 650,000 arrested. Many were subjected to cruel torture, often with deadly consequences. Tens of thousands were forced into exile and robbed of their nationality. The current threats by the military, therefore, must be taken extremely seriously.

The military high command and the CHP have sought to stoke up fears

of an "Islamisation" of Turkish society if a member of the AKP (which already controls the government) takes over the post of president.

The elected Turkish president, whose tenure lasts seven years, has considerable power. Not only can he block laws and the appointment of officials—powers repeatedly employed against the AKP by the previous president, Ahmet Necdet Sezer, an independent Kemalist—he is responsible for the appointment of the judges of the Constitutional Court, the highest-ranking state lawyers and military judges. The president is also commander in chief of the armed forces, presides over the national security council, can impose a state of emergency and appoints the members of the Higher Education Board, as well as university rectors.

In fact, the main priority for the Kemalist establishment is the defence of the posts and privileges they enjoy within the discredited state and military bureaucracy, which is allied to the country's major banks and big business.

On Sunday, April 29, hundreds of thousands took to the streets of Istanbul waving Turkish flags and bearing portraits of Atatürk to demonstrate against Gül's candidacy and call for the resignation of the government. A similar demonstration was held two weeks earlier in the capital, Ankara. Anti-US slogans were also raised, as well as those opposing Turkey's proposed entry into the European Union. The threats by the military had obviously shocked many of the demonstrators. "We want neither Sharia [Islamic law] nor another coup, but a democratic Turkey," was one of the slogans. As was the case two weeks previously, the protest was largely made up of the better educated and middle class, but sections of working class and small farmers, who have greatly suffered from the free market policies of the AKP government, were also in attendance.

The Turkish prime minister and head of the AKP, Erdogan, indicated he was unimpressed with the protests, hinting that the AKP could mobilise 10 times as many people in the streets if it sought to do so. His government spokesman, Justice Minister Cemil Cicek, denounced the statements by the general staff in unusually sharp tones and declared that, according to the constitution, the army is subordinate to the prime minister. In a democratic constitutional state, it is "inconceivable" that the general staff declare itself against the government. He also accused the army of trying to influence the judiciary. Abdullah Gül also affirmed that as president he would preserve the secular order and would under no circumstance withdraw his candidacy.

The Constitutional Court has evidently given way to pressure from the military in making its thoroughly dubious decision. The Court is anything but neutral. Seven of the 11 judges of the court were appointed by the outgoing president Sezer, who has joined the campaign against the AKP government. Prior to becoming president, Sezer was also a constitutional judge and owes his legal career to the military putsch of 1980.

The parliamentary opposition, the main Turkish business federation TÜSIAD and most newspapers have declared their preference for new elections. The decision by the Constitutional Court creates a precedent,

which allows a parliamentary minority to declare elections and majority votes invalid and force the dissolution of parliament. Erdogan has now responded by dissolving the parliament and calling new elections. The AKP is reckoned to have good chances of retaining a majority. Sezer will remain in office as president until the new round of parliamentary elections is completed and the new parliament determines his successor.

The conflict over the future Turkish president has now lasted for weeks. It was long assumed that Erdogan himself would stand for the highest public office, and the military had repeatedly expressed its opposition to his candidacy. At a press conference held two weeks ago, the head of the general staff, Yasar Büyükanit, declared that he hoped the future president would be someone who respects the basic principles of the Republic instead of just paying lip service to them.

Then, shortly before the deadline, Erdogan announced the candidacy of Gül, a move that was seen by the Western media as a concession to the Kemalist establishment. It was only a concession, however, to the extent that Erdogan did not stand himself.

In the preceding weeks, there had been much speculation over a compromise candidate. Possible candidates were the Secretary of Family Affairs, Nimet Cubukcu, and Defence Secretary Vecdi Gönül. Cubukcu is the only woman in Erdogan's cabinet and does not wear a headscarf. Gönül is more of a right-wing nationalist than an Islamist. As former governor in Ankara and Izmir and the former president of the highest audit office and state undersecretary in the Interior Ministry, he enjoys relatively good relations with the established bureaucracy. His wife also does not wear a headscarf.

Kemalists regard any woman with a headscarf in the presidential palace as an intolerable provocation, while the hardliner wing of the AKP led by parliamentary president Bülent Arinc is not prepared to accept a woman who does not wear a headscarf. Gül's wife wears a headscarf and even lodged legal action against Turkey with the European Court of Human Rights to protest the ban on headscarves in public buildings. She only withdrew the court order when her husband entered the government.

Like Erdogan, Gül represents a layer of the Turkish bourgeoisie, which mainly comes from the province of Anatolia and in the name of Islam is seeking to break the political dominance of the Kemalist bureaucracy in Ankara and Istanbul and the latter's alliance with the country's banks and big business. On this issue, they are in agreement with international finance circles, which are seeking to open up Turkey's economy.

Gül's father, a craftsman in the central Anatolian city of Kayseri, was active in the Islamic movement and stood as a candidate for the MSP led by Necmettin Erbakan. This was also the first political home of Abdullah Gül.

The son studied economics and completed his doctorate in Britain. He was already active in the Islamist movement as a student in the 1970s and was briefly arrested following the putsch of 1980. In the 1980s, he worked for the Islamic Development Bank in Saudi Arabia. In 1991, he returned to Turkey and was elected to parliament as a deputy for Erbakan's Welfare Party. In 1993, he became the party's vice chairman.

Following Erbakan's rise to the post of prime minister in 1996, Gül took over as his government spokesman with a cabinet position. In 1997, the government was ousted by the military in a "cold putsch," and the Welfare Party was banned. Gül also played a leading role in the successor organisation, the Virtue Party, and was portrayed as a so-called "renewer," advocating a more pragmatic, pro-Western and less sharply defined Islamic line. Following the prohibition of the Virtue Party, Gül then went on to develop the AKP together with Erdogan and complete his break with Erbakan.

After the election victory of the AKP in November 2002, Gül temporarily assumed the post of prime minister after Erdogan had been prevented from taking part in the election because of a previous conviction. Following a by-election in March 2003, Erdogan then took

over as prime minister. Under pressure from the IMF, the AKP government continued the previous administration's policy of neo-liberal reforms, although the AKP had won the election on the basis of its promises of more social justice.

Along with his economic policies, Gül also implemented some limited political reforms aimed at defusing the country's long-standing Kurdish conflict, reining in the influence of the military, and securing Turkish membership of the European Union. Shortly after taking office, Gül pushed through parliament two legislative packages complying with some EU-recommended reforms.

The decision by the Turkish parliament on March 1, 2003, to refuse the US use of Turkish bases for its war against Iraq is believed to be a result of Gül's influence. Together with Erdogan, the army leadership and President Sezer, Gül favoured a pro-US solution to the issue, which would have involved sending 10,000 Turkish troops into Kurdish-dominated northern Iraq. But against a background of public opposition and fears of split in his party, Gül refused to dictate a decision to his parliamentary group.

The ordinary membership of the AKP was virtually unanimous in its opposition to the Iraq war. Many AKP deputies therefore voted against the line of their own government. The extreme right wing in the Turkish establishment, and particularly in the army—as well as the Bush administration—has never forgiven the AKP for its stance at that time. The former deputy US Defence Secretary and current head of the World Bank, Paul Wolfowitz, openly accused the Turkish military of failing to intervene in the political process to impose its own position against the elected government.

Gül has also incurred the wrath of Turkish nationalists in his role as Foreign Minister. He called for a compromise in the Cyprus conflict in order to further Turkey's plans to join the European Union. The Turkish army has a large concentration of troops in northern Cyprus, which is of considerable strategic and ideological importance.

European Union circles have reacted with alarm to the threats of a coup by the Turkish military. The EU council presidency—currently held by Germany—expressed its expectation, "that the elections and the Constitutional Court would not be subject to outside influence." According to a spokesman in Berlin, the development of Turkey is being followed "with a great deal of attention." All those with political responsibility must do their part to ensure that the presidential election is carried out "according to democratic and constitutional rules," he added.

EU expansion commissioner Olli Rehn explained: "It is important that the military leaves the task of democracy to the democratically elected government." The secretary-general of the European parliament, Terry Davis, called upon the Turkish army to remain in its barracks.

In Washington, the response was more restrained and comments were restricted to lower-ranking personnel: "We hope and expect that the Turks will work out these political issues in their own way, in a way that's consistent with their secular democracy and constitutional provisions," U.S. Assistant Secretary of State Dan Fried told Reuters.

Relations between Washington and the AKP government in Ankara are regarded as good, while the US has its own tensions with the Turkish military, particularly over the Kurdish question. The Turkish military is exerting pressure for cross-border operations against camps of the Kurdish Worker's Party (PKK) in northern Iraq—a move that is rejected by the US out of respect for its Kurdish allies in Iraq. Foreign Minister Gül prefers diplomatic pressure on the Baghdad government and the Iraqi Kurds.

Despite its nationalist rhetoric, Washington still looks to the Turkish military as a reliable prop for US interests on a long-term basis. It has supported the earlier military coups in Turkey and regards the Turkish army as a reliable ally due to its dependence on NATO.

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