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1. Why it happened
Of all the features inherited by the Republican Turkey from its Ottoman predecessor, the lack of politically influential socio-economic groups in the periphery and the corresponding center (elite) dominated policy framework have played the most crucial role by occupying the policy-making territories in the country, whenever the state and the society have been regarded at stake. Having exposed itself in the hands of the founding fathers of the Republic, this continuum in the cultural and institutional domains that yielded precedence to those state elites, i.e. strictly secular and western-oriented military/civilian bureaucrats and a circle of intellectuals, endured even after the transition to multiparty democracy. Nevertheless, the opening of the country to multiparty politics inevitably paved the way for the appearance of a second set of elites, i.e. the political elites, in the sense that whereas the former group continued to feel responsible for the guardianship of the long-term interests of the community and accountable to the people as a collectivity; the latter have been regarded as basically responsible for representing particular interests within the society and accountable to their particular constituencies.1

Although such balance has prevailed, at least for some time, in some of today’s well-established democracies (such as France and the Germany), the accommodation between the state elites and the political elites, contrary to those examples, has not yet taken place in Turkey.2 Over its 60 years of democracy, the country has witnessed several clashes between those two groups in the form of coup d’etats, military memorandums and political crises, triggered by a deep sense of mutual distrust.

As mass politics and democracy rooted in the country, political forces claimed and successfully entrenched their hegemony on the legislative and (the politically responsible component of the executive branches of the government. The Presidential Palace in Ankara, on the other hand, remained as the loci of the state elites – despite its traditionally ceremonial power chart within the context of parliamentary system designs of all Turkish Constitutions. Besides, the Constitution of 1982 further strengthened the role of the Presidency within the dual structure by redesigning it not only as an impartial figurehead, but also as a guardian responsible for monitoring the fundamental principles of the state, among which secularism was given a particular mention.3

Having considered all aspects, I argue that the tension surrounding the election of the 11th President of the Republic should be seen through these lenses. Indeed, with the nomination of then Minister of Foreign Affairs Abdullah Gül, the country was confronted with the real possibility of encountering the first head of state with a background in political Islam. This was, beyond being a strong challenge to the last bastion of the state elites, basically unacceptable to the large sections of Turkish Society who are sincerely sensitive about the secular feature of the state and social life in general.

2. How it happened
The acute crisis over the forthcoming 2007 presidential election for the 11th President of the country started four months in advance when the Former Chief Prosecutor of the Supreme Court of Appeals Sabih Kanadoğlu raised the problematic is-

The 2007 Presidential Elections in Turkey: From Political Crisis to System Instability
A. Ersoy Kontaci

2) Heper/Cinar, PSQ 1996, 486.
3) Dodd, Kenan Evren as President: From Conflict to Compromise, in Heper/Evin (Eds.), Politics in the Third Turkish Republic (1994) 179.
The Turkish Grand National Assembly shall convene with at least one-third of the total number of members (…) unless otherwise stipulated in the Constitution. Accordingly, since there was no specific provision which „stipulated otherwise“ under Article 102, the required majority to hold the parliamentary session in Presidential elections should have been one-third of the total number of the deputies (184).

Nevertheless, Former Prosecutor Kanadoglu did not seem to share the opinion described in the foregoing paragraph. Indeed, in a newspaper article he held the view that unless 367 deputies (instead of 184) are present in the assembly during the first round vote (regardless of the color of their votes), the elections could not proceed to the second round—which means that it would also be impossible to reach the third and the fourth rounds, where an absolute majority (267) would suffice for being elected. Thus, according to his view, it would also be impossible to complete the election within the 20 days set forth in the Constitution and the immediate early elections would be called accordingly.

This approach, of course, was seen as an attempt at building another barrier against the possibility that Prime Minister Recep Tayyip Erdoğan, also head of the Islamic oriented Justice and Development Party (JDP), could run for the election. Such an attempt acquires its real meaning if one takes into account the fact that the number of the JDP deputies in the Parliament at the time was 354—which was big enough to hold a single party government and indeed big enough to elect the President in the third and the fourth rounds but not adequate to overcome the alleged 367 deputies requirement to pass the first and the second rounds.

This small newspaper article caused a mid-scale landside which, during the following days, would turn into a real catastrophe in the country. While the Government spokesman and the Minister of Justice Cemil Çiçek argued that it was a „post-modern and ideological approach“, the procedural issue continued to divide legal experts as well as politicians. Nevertheless, the government continued to argue that even if less than 367 deputies showed up for the first round, none of the candidates would be deemed to have received the necessary support and so the elections would proceed to the second and the next rounds. Most importantly, Prime Minister Erdoğan confirmed that the election would take place according to the statutory provisions of the Constitution and asserted that those who hoped something out of this discussion would continue to turn like an „idler pulley“.

As the crucial date of April 16th (the beginning of the time reserved for announcement of the candidates) approached, the tensions and the opposition to the candidacy of Mr. Erdoğan were also growing in the country. Nevertheless, the biggest skirmish happened when during a press conference on April 12th, Chief of the General Staff, General Yaşar Büyüktan, declared that they „hope the next president will be somebody whose deeds not just words are bound by the basic values of the republic including secularism.“ On the following day, the President of the Republic, Ahmet Necdet Sezer, announced that the threat facing secularism was greater than even before. One day after Sezer’s announcement, Ankara, the capital city, witnessed one of the biggest demonstrations in living memory. More then a million citizens gathered in Tandogan Square to protest against the Government and the Prime Minister Erdoğan’s attempt to take up office in Çankaya, the Presidential Palace in Ankara. On April 14th, the Speaker of the Parliament, Bülent Arınç, made statement that the Parliament was to „elect a civil, religious and democratic President“, exacerbated the tensions even more.

Despite all these fears, and partly due to these reactions, not Erdoğan, the Prime Minister, but his close ally and an important figure in the JDP movement, Abdullah Gül, was announced as a presidential candidate. Nevertheless, Gül’s nomination did not come even close to matching the secular circles’ expectations. Actually, the first round of elections was boycotted by all the opposition parties and Gül received 357 votes during a session attended by 361 deputies (instead of 367). Although this was the highest of all presidential elections since the 1982 Constitution came into force, the Republican People’s Party (RPP), being the main opposition in Parliament, appealed to the Constitutional Court on the same day and asked for the voting process to be cancelled. But the biggest reaction came that same night on the official web site of the Turkish General Staff. There, the Army declared that the „nation has been watching the behavior of separatists who cannot digest the unitary structure of the Turkish Republic and centers of evil who are trying to systematically erode the country’s secular structure“ and that „the Turkish armed forces, as in the past, will never deviate from its determined stance and its duty of protecting and guarding the democratic, secular (…) Turkish Republic.“ Despite the back-fire by the Government on the following day reminding the army of its constitutional status—an affiliated of the prime ministry—and the principles of democratic governance, this „intervention“, according to the majority of observers, continued to loom large in events which were to follow in the country.

This turmoil reached its peak on May 1 when the Constitutional Court approved the RPP’s petition to invalidate the first round of the presidential election, referring to the requirement to reach a quorum of 367 deputies from the very outset in all proceedings. The High Court thus ruled that the first round of the presidential election was an „unconstitutional de facto amendment to the Rules of Procedure of the Parliament“ and therefore null and void. This decision basically commoted that the Parliament needed 367 deputies not only to arrive at a decision regarding the election of the president, but also to hold, before all else, a parliamentary session to do so.

The reaction of the Government was extremely harsh. Prime Minister Erdoğan, for instance, condemned the court ruling as „a bullet aimed at democracy“. On the following day, the

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4) Kanadoglu, JDP Cannot Elect the President on Its Own (Turkish), Cumhuriyet, 26 December 2006, 8.
7) Turkish General Staff, Press Release (Turkish), http://www.tsk.mil.tr/10_ARSIV/10_1_Basin_Yayin_Faaliyetleri/10_1_Basin_Aciiklamalari/2007/BA_08.html (27 April 2007)
8) Official Gazette No. 26565 (27 June 2007).
Parliament approved an early general election to resolve the impasse. Nevertheless, the question, left open by the ruling, was how to fulfill the 367 requirement in the first two rounds even after the election – since it was extremely hard to secure such a majority in Parliament by reason of the proportional election system of the country. JDP's answer to this deadlock emerged as a complete constitutional revision of the presidential election system, which included a *popularly elected president* (instead of a president elected by parliament) who would serve up to two five-year terms (instead of one seven-year term) alongside a parliament to last four years (instead of five years).

The amendment package was approved by Parliament on May 10, 2007. However, the President returned the law to Parliament for revision. Parliament, on the other hand, insisted on the package and Law no. 5678 amending the Constitution was published in the Official Gazette on 16 June, 2007. The most important change introduced by the amendment package was the shift in the election of the President. Indeed, Article 4 of the Law no. 5678 amended Article 101 of the Constitution and provided that the President of the Republic would be elected by the people from amongst the candidates.

Nevertheless, although the law was approved by the Parliament, the number of the affirmative votes was not high enough to avoid a *compulsory referendum* according to the Constitution. Meanwhile, Law no 5682 shortened the time reserved for such a referendum and enabled the *two ballots solution* (holding the general elections and the Presidential election on June 22 simultaneously) to be returned to the Parliament by President Sezer. As a result, the time for early general elections came before the compulsory referendum was held and the JDP, with the cooperation of the Nationalist Action Party (NAP), secured a majority in the Parliament big enough to overcome the 367 threshold. With his renewed nomination, Abdullah Gül was eventually elected as President, this time on August 28, 2007, by a 339 vote majority in the third round of the election.

3. **What (actually) happened**

The biggest shift in the election method of the President in Turkey was brought about not as a result of a well-considered and elaborated nation-wide discussion, but as a *side effect* of a discord over the high hills of the government. What is more, the new system not only changed the minor technicalities of such a process, but inevitably transformed the whole governmental system of the country into another hybrid one. Indeed, the original 1982 design was already a *sui genenis* parliamentary system with a stronger than normal Presidency. Now, without introducing any revision in the constitutional power chart, Turkey took one step further away from pure parliamentarism – albeit the final destination of such a journey still remains unclear.

In other words, looking from a theoretical point of view, I argue that this shift in the presidential election necessitates a fresh approach to the question of the governmental system in Turkey. To address this, I would like to draw the reader’s attention to Matthew Soberg Shugart’s influential article which appeared in 1993, during the height of the debate on governmental systems immediately after the fall of the Berlin Wall. In his eminent work, Shugart offers a new classification including five sub-groups, one of which is what he calls the *parliamentary-with president* system. According to Shugart, countries in this group (such as Ireland, Bulgaria and Slovakia) are distinguished with a popularly elected head of state who still remains simply figurehead, alongside a parliament and a council of ministers, which function according to the principles of the parliamentary system.

Nevertheless, it should also be noted that such a system includes an *inherent inconsistency*, which is the creation of a politically strong, but constitutionally weak president. Such inconsistency would most probably result in over *politicisation* of the president, starting with the election process, which would result in either *merging into or continuous collisions with the government* – depending of the degree of overlapping political views of the two components of the executive. The corresponding loss of the main function of the president, i.e. the impartial arbiter of political and institutional deadlocks, would also create a vacuum within the system which is unlikely to be filled by any other actor. The probable *legitimacy crisis* or the conflicting arguments to be the „real representative of the people” might also complete this horrible picture in a system which gives an equal democratic footing to the two branches of the executive.

Although one may safely argue that it is premature to arrive at a conclusion regarding the system stability and performance analysis of the new Turkish design – since we will have to wait a couple of more years before the first popularly elected President of the country takes the Office – my weather forecast for Turkey is a bit *cloudy*. Indeed, in addition to the above mentioned deficiencies of the parliamentary with presidential systems, the strong executive legacy in Turkey, now beginning to crystallize at the Presidential Palace in Çankaya, seems to confront us with new dynamics to bring the machinery of government to further standstills.

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