

**POLITICAL
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OF
TURKEY**

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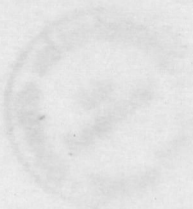
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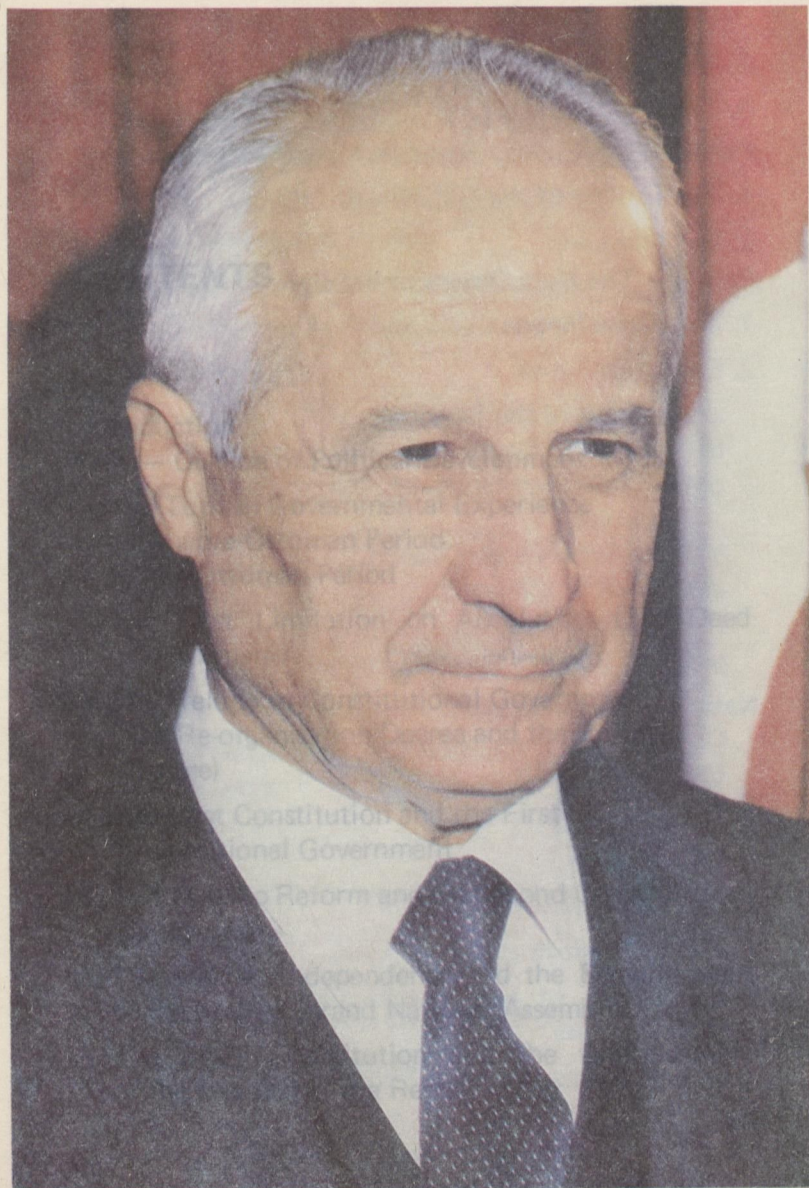




Mustafa Kemal ATATÜRK, founder of the Turkish Republic







President Kenan EVREN



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INTRODUCTION

The Turkish State is a Republic. The Republic of Turkey is a democratic, secular, and social State governed by the rule of law; bearing in mind the concepts of public peace, national solidarity and justice; respecting human rights and loyal to the nationalism of Atatürk. The Turkish State, with its territory and nation, is an indivisible entity. The provision establishing the form of the State as a Republic cannot be amended, nor can its amendment be proposed. Official language of the Turkish State is Turkish and its capital is Ankara.

Sovereignty is vested in the nation without reservation or condition and the nation exercises its sovereignty through the authorised organs as prescribed by the principles laid down in the Constitution. The right to exercise sovereignty cannot be delegated to any individual, group or class. No person or agency may exercise any State authority which does not emanate from the Constitution.

Everyone possesses inherent fundamental rights and freedoms which are inviolable and inalienable.

The fundamental aims and duties of the State are: to safeguard the independence and integrity of the Turkish Nation, the indivisibility of the country, the Republic and democracy; to ensure the welfare, peace and happiness of the individual and society; to strive for the removal of political, social and economic obstacles which restrict the fundamental rights and freedoms of the individual in a manner incompatible with the principles of justice and of the social State governed by the rule of law; and to provide the conditions required for the development of the individual's material and spiritual existence.

All individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations. Fundamental rights and freedoms can only be limited by law, in conformity with the letter and spirit of the Constitution. Judicial power is exercised by independent courts on behalf of the Turkish Nation. No one can be subjected to torture or ill-treatment; no one can be subjected to penalty or treatment incompatible with human dignity.

Everyone has the right to demand respect for his private and family life, and the domicile of an individual cannot be violated. Individuals' freedom of communication, freedom of residence and movement as well as

freedom of religion and conscience are also under the guarantee of the Constitution.

Everyone has the right to express and disseminate his thoughts and opinion by speech, in writing or in pictures, or through other media, individually or collectively. Everyone has the right to study and teach freely, explain, and disseminate science and arts and to carry out research in these fields. Everyone has the right to hold unarmed and peaceful meetings and demonstration marches without prior permission. Associations can be formed without prior permission.

The press is free, and cannot be censored. A printing press or its annexes duly established as a publishing house under law cannot be seized, confiscated, or barred from operation on the grounds of being an instrument of crime, except in cases where it is convicted of offences against the indivisible integrity of the State with its territory and nation, against the fundamental principles of the Republic or against national security.

Everyone has the right to own and inherit property. Everyone has the freedom to work and conclude contracts in the field of his choice. Everyone has the right and duty to work. No one can be required to perform work unsuited to his age, sex and capacity. Workers and employers have the right to form labour unions and employers associations and higher organisations, without prior permission, in order to safeguard and develop their economic and social rights

and the interests of their members in their labour relations. Everyone is free to become a member of or withdraw from membership in a union. Every citizen has the right to enter the public service. No criteria other than the qualifications for the office concerned are taken into consideration for recruitment into the public service.

Everyone bound to the Turkish State through the bond of citizenship is a Turk. In conformity with the conditions set forth in the law, citizens have the right to vote and to be elected. Elections are held under the direction and supervision of the judiciary, according to the principles of free, equal, secret, direct, universal suffrage, and public counting of the votes. Citizens have the right to form political parties, and to join and withdraw from them in accordance with the established procedure.

This booklet is designed as a handbook for those wishing to learn about the political structure of the Turkish Republic and the Turkish Constitution.

1. THE TURKISH GOVERNMENTAL EXPERIENCE

PART I

a) The pre-Ottoman **OUTLINE OF POLITICAL DEVELOPMENT**

In almost every era of history, the Turks have founded many states, not only in Eastern Europe and Asia Minor, but also in many other parts of the world, beginning with those established on the steppes of Central Asia. The present Turkish State is the seventeenth among them. (1)

Though certain of these bodies politic were based on nomadic societies, others had the character of a united modern state. Moreover, following the Turkish conversion to Islam, Moslem principles began to have great influence in affairs of state.

b) The Ottoman Period

Since many of these states existed long before the emergence of conditions leading to the establishment and development of modern democracy in Western Europe, a modern constitutional state could not be established in Turkey until recent times.

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PART I

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OUTLINE OF POLITICAL DEVELOPMENT

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a) The pre-Ottoman Period

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b) The Ottoman Period

Since many of these states existed long before the emergence of conditions leading to the establishment and development of modern democracy in Western Europe, a modern constitutional state could not be established in Turkey until recent times.

The creation of the Ottoman Empire and its eventual development into the world's largest power is mainly based on the Turks' acceptance of the concept of freedom. The widespread tolerance shown to Christianity and to other religions was an important factor in the growth and development of the Ottoman Empire. The Ottoman administration gave indiscriminately to all peoples living within its frontiers the possibility to lead free, normal lives. However, the difficulty of supplying livelihoods for the numerous people living on a wide expanse of territory, and the difficulty of running the country under the conditions prevalent in that particular period in history, prevented the Ottoman State from developing its political system.

- (1) The Great Hun Empire (204 B.C. – 216 A.D.), The Western Hun Empire (48 – 216 A.D.), The Hun Empire in Europe (375 – 454 A.D.), The White Hun Empire (420 – 552 A.D.), The Gokturk Empire (552 – 743 A.D.), The Avars (562 – 796 A.D.), The Khazar Empire (602 – 1016 A.D.), The Uighur Empire (740 – 1335 A.D.), The Karakhanids (932 – 1212 A.D.), The Ghaznavids (962 – 1183 A.D.), The Great Seljuk Empire (1040 – 1157 A.D.), The Khwarezm-Shahs (1077 – 1231), The Golden Horde (1224 – 1502), The Empire of Tamerlane (1369 – 1501), The Great Mogul Empire of India (1526 – 1858), The Ottoman Empire (1299 – 1922).

The sultans, who had steadily remained behind the Western World's late eighteenth century conceptual progress resulting from rapid industrial and commercial development, subsequently began to seek means to reform the state. At first, these attempts were confined to military reform. Since it was held that backwardness was the consequence of military deficiency. Sultan Selim III, who was enthroned in 1789 tried to grasp the meaning of the French Revolution and alongside military reforms he endeavoured to modernize the organization of agriculture, industry and finance. While Selim III tried to curtail the authority of the Ulama (the Moslem doctors of theology) and the Sheik al-Islam (the head of the Moslem hierarchy) who refused to interpret the reasons for backwardness with scientific methods, conservative opposition forces collaborated with the Janissaries (the Elite Imperial Guard) in dethroning and assassinating the sultan in 1807.

2. THE FIRST LIMITATION ON ABSOLUTISM (The Deed of Agreement)

By the early 19th century the situation had altered somewhat, new ideas and political developments had begun to make themselves felt. During these years the West accepted such fundamental principles as:

"Sovereignty rests with the people", "National sovereignty shall only be exercised through the people's representatives", "Human rights should limit the

representatives implementation of power" Thus the West had begun to adopt the principle of "the separation of powers"

Sultan Mahmut II, who was enthroned in 1807 following the uprising quelled by Alemdar Mustafa Pasha, had a progressive outlook. He believed in restoring the badly shaken authority of the State against the emergence of independent "derebeys" (valley lords), who were creating problems in various parts of Anatolia. Sultan Mahmut II decided with Alemdar Mustafa Pasha to cooperate with the "ayan" (Council of Notables) to deal with this situation. This decision took the form of a document known as the "Sened-i ittifak" (Deed of Agreement). With this document the Sultan's absolute authority began to be impinged upon by extraneous forces. In the document, the Sultan called on the "ayan" for support in running the administration. It was clearly understood that the Sultanate could no longer continue to be based on divine right in later years, this development placed the Sultan in a position of dependency on the Ottoman intellectuals, thus resulting in a re-orientation toward constitutional monarchy.

3. THE PRELUDE TO CONSTITUTIONAL GOVERNMENT

(The Reorganization Decree and the Reform Decree)

The first official document reflecting the desire

for fundamental changes in the State's political structure was the "Tanzimat-i Hayriye Fermani" (The Auspicious Decree of Reorganization), known as the "Gulhane Hatti" (The Noble Edict of Gulhane). The edict was promulgated on the 3rd of November, 1839 from Gulhane Palace by Mustafa Reşit Pasha, the Foreign Minister.

The decree also embodied certain basic principles of constitutional, administrative, penal and procedural law. In these sections were provisions guaranteeing the personal rights and security of all subjects, without discrimination. Reference was made to the notion that "nothing was more dear than life, property, honour and integrity", and that "whosoever saw such concepts endangered would take the path of evil as a consequence of insecurity, even though he may not be evil by birth". In addition it was stated that "the principle of equality should prevail", that "no one could be executed unless openly tried and sentenced" and that "lawful heirs could not be held responsible for the deeds of a criminal and thereby be deprived of their inheritance". The principle of the "legitimacy of the Administration" was laid down in another section and measures to guarantee this were recommended. This decree was the first reflection in the Ottoman Empire of the liberal movement which had spread over Europe after the French Revolution of 1789.

The "Islahat Fermani" (Reform Decree) of the



18th of February, 1856, laid down undertakings particularly in relation to freedom of conscience and worship. It recognized the right of all subjects to enter public service without religious discrimination, introduced provisions for open court trials and undertook to improve executive enforcement procedures. It is after this date that the military, medical and administrative academies, modelled on Western counterparts, were founded. In a way, the Reform Decree can be seen as the implementary plan of the Tanzimat Decree.

4. THE FIRST CONSTITUTION AND THE FIRST CONSTITUTIONAL GOVERNMENT

During the Tanzimat period, an attempt to provide the State with an abstract constitution was made by politicians and statesmen.

Certain statesmen with authority in the State's administration, led by Mithat Pasha, convinced the Crown Prince Abdulhamit of the need to accept a modern constitution, in return for their support of his accession to the throne, replacing Murat V, who was to be deposed on the grounds of insanity. Hence the promulgation of the first Constitution in 1876 and the establishment of the first constitutional government.

The 1876 Constitution, which was modelled on the 1831 Belgian Constitution, was ratified and put into effect on the 23rd of December, 1876, through

an Imperial Decree addressed to Mithat Pasha. In one part of the Constitution (comprising 119 articles in 12 parts), the sovereign rights of the Sultan were defined. In another part concerning the basic rights of subjects, it was made clear that "all rights and freedoms were to be exercised within the limitations imposed by the law". Parliament was given a limited authority in the promulgation of laws restricting the individuals' rights and freedoms, whereas the Sultan's authority remained paramount. Furthermore, the Constitution included broad guarantees of the "sacred rights of the Sultan and his dynasty."

A Parliament, composed of a Senate and a House of Representatives, was established in accordance with the Constitution. Bills debated and passed by the Senate were later submitted to the House of Representatives for approval, and enforced after ratification by the Sultan. Government members, ranked as Ministers of State, were given greater importance than Parliament. As the Prime Minister and the Sheik al-islam were chosen from among those favoured with imperial confidence, the Sultan still clearly possessed final and absolute authority in both domestic and foreign affairs.

The Constitution granted special privileges to the Prime Minister over and above other ministers. The Sheik al-islam was also invested with powers similar and equal to those of the Prime Minister, since the

spiritual power vested in the Sultan was to be represented by the Sheik al-islam.

Parliamentary control over the Council of ministers and state affairs was much restricted. When Parliament was not in session, the ministers were empowered to promulgate temporary laws on subjects ordinarily under parliamentary jurisdiction. Providing they were ratified by the Sultan, such laws were not unconstitutional.

According to a provision of the Constitution, both houses were to assemble on the 1st of November by Imperial Decree and recess on March the 1st. When taking the oath, Members of Parliament were first expected to swear loyalty to the Sultan.

Although there was a constitutional provision that elections were to be held within a maximum of six months after the Sultan's dissolution of Parliament before the convening of the new Parliament, it proved impossible to enforce this owing to the constitutional provision that Parliament could meet only on November the 1st by Imperial decree. The Sultan also subsequently banished Mithat Pasha, utilizing a constitutional provision, on the right to exile. Then the Sultan produced a pretext and prorogued Parliament on the 13th of February 1877. Parliament was not recalled for 33 years thereafter.

5. THE ROAD TO REFORM AND THE SECOND CONSTITUTIONAL GOVERNMENT

Throughout the period of unconstitutional rule, the intellectuals, under the name "Young Turks", fostered ideological development and desire for freedom, despite all oppression and restraint. They organized themselves into an illegal organization. "The Union and Progress Party". This party was especially influential among the young army officers in European Turkey.

The first reaction to this dictatorial administration was started in the town of Monaster on July 6, 1908, by Resneli Niyazi, who, after a revolutionary attempt, became an underground leader. Sultan Abdulhamit II sent Şemsi Pasha to put down these uprisings, but after being shot and wounded by a young officer, Şemsi Pasha was obliged to establish the Second Constitutional Government on July 23, 1908. He denounced the Grand Vizier Saffet Pasha as the one responsible for overthrowing the constitutional system, and declared the re-establishment of constitutional rule on August 1, 1908, promising that Parliament would be convened every year thereafter.

It was during this period that the unfortunate "March 31 Event" broke out. This was a reactionary movement against the re-instated reforms, and was repressed by the Revolutionary Army, which marched on Istanbul. Although Sultan Abdulhamit II's

connection with the March 31. Event has never been confirmed, he was dethroned and an amendment was made to the Constitution, severely restricting the Sultan's authority. This amendment obliged the Sultan to make an oath, swearing obedience to the religious and constitutional laws.

The Constitution ensured full personal freedom and the ministers were made responsible for general government policy as well as the policy of their own ministry. In the event of parliament being unable to convene the constitution provided that ministerial decisions should be implemented under the order of the Sultan, so long as these decisions did not conflict with the principles laid down in the Constitution. In addition to these changes the Sultan's right to impose exile was revoked, and, with certain restrictions and conditions, the people were given the right to form associations freely.

In fact, these changes were nothing more than a transition from constitutional monarchy to parliamentary monarchy. The 1909 revolutionaries unfortunately could not create a democratic parliamentary system. This conflict within the state shaped political thought into two streams: pan-Islamism and Turkish nationalist movements. Nevertheless, both these movements died away after the First World War, since they became invalid in the new conditions.

The Ottoman Empire entered the First World War on November 12, 1914. During the war the only political party represented in Parliament was the Union and Progress Party. For the 4 years of the war the Ottoman Empire won battles along fronts that extended 12,000 km., against European powers, but was forced to sign the Mondros Treaty on October 29-30, 1918, after Bulgaria surrendered, and hopes of a victory in alliance with Germany faded. The victorious nations immediately occupied all the strategic Turkish bases, as laid down in the 7th item of the treaty. The Government made no attempt to resist, proving utterly submissive to the occupying powers, and the Sultan turned the situation to his own advantage by dismissing Parliament on December 20, 1918, although it was contrary to the Constitution, and postponing elections to some uncertain future date.

6. THE WAR OF INDEPENDENCE AND THE ESTABLISHMENT OF THE TURKISH GRAND NATIONAL ASSEMBLY (T.G.N.A.)

Regional resistance soon gained momentum against the unjust occupation by the victorious nations, taking advantage of the treaty; and the occupation of Izmir by the Greeks on May 15, 1919, was the last blow that transformed the resistance movement into a true struggle for independence. It was just after this (May 1919) that Mustafa Kemal

Pasha (Ataturk) went to Samsun as Military Inspector of the Anatolian Armed Forces and called for organized armed resistance to the occupying nations. The regional resistance movements found their true leader in Mustafa Kemal Pasha and rallied round him.

After the Congresses of Erzurum and Sivas, the first Parliament convened in Ankara on April 23, 1923. From then on the new Parliament would form the basis of New Turkey's political and judicial development.

The Erzurum Congress took place between July 23 and August 7, 1919. The decisions taken there constituted the basic 6 principles of the later "Declaration of Independence" (Misak-i Milli). According to this declaration the people and territory of Turkey should form an indivisible and complete whole, mandates and foreign dominance were unacceptable, and the National Will of the people was to be the only valid power. This resulted in the establishment of the National Sovereignty Principle" as the basis of the new state. Between September 4-11 a second congress gathered in Sivas, announced by the "Amasya Declaration" which called the representatives of the nation together. At this congress the previously formulated principles were represented as the "Declaration of Independence"

The revolutionary movement was renamed "The Anatolia and Rumelia Law Assembly" (Rumelia is

European Turkey), and empowered to represent the whole Turkish Nation and direct the resistance campaign. The "Council of Representatives" consisting of the Assembly representatives, commenced by forming a national Parliament. All the actions of the Government were put under the Parliament's control. They were even prepared to convene the Parliament in Istanbul, then still under foreign occupation, but this proved impossible. However, after an attack by the occupying forces, who caught some of the parliamentarians and exiled them to Malta, it became necessary to convene the Parliament in Anatolia.

The first session of the TGNA was held on April 23, 1920. The first decision to be taken was the acceptance of the Istanbul Parliamentarians, who wished to join the TGNA. Thus the TGNA took over all the judicial and executive power, a move necessitated by the urgency of the situation. It was also necessary to establish a government immediately. The Executive Council, whose members were elected from the TGNA, were given absolute executive authority and the head of the Government was at the same time chairman of the Executive Council.

The Government comprised 7 ministers at first and later 11, and a new law brought into effect on December 4, 1920, charged the leader of the TGNA with choosing the government members, in order to establish international governmental harmony.

7. THE 1921 CONSTITUTION AND THE ESTABLISHMENT OF THE NEW ORDER: THE REPUBLIC

The conditions now permitted the setting up of Constitutional law. On January 20, 1921, the Constitution was brought into effect and a parliament established that was to be the sole representative of the national will and the only source of political power. The parliament was represented by the TGNA, and held sole right to cancel, amend, and make laws, and declare war. A law dated February 14 invalidated all laws made, or that might be made in the future by the Istanbul Government after the occupation of Istanbul. However, no general administrative changes were made in the Constitutional Law, until June, 1921, when the Supreme Court of Appeal was established, thus closing the last gaps in the organs of the state.

Under the direction of the TGNA and the Government, Turkish forces won the Inonu (I and II) and Sakarya battles, and "The Great Attack", that started on August 26, 1922. No enemies remained in West Anatolia by September 18, 1922. Now the doors were open for the Lausanne Peace Conference. At this point the leader of the Istanbul Government, Sadrazam Tefvik Pasha (Grand Vizier) applied to the TGNA, suggesting that they should cooperate in Lausanne. This brought the conflict between Government and Sultan to the fore once more and the TGNA

decided that the Caliphate and Government were separate institutions, and that the TGNA would select the Sultan's heir (from among the Ottoman descendents) from then on, and he would be responsible to the new Turkish Republic. It was decided that only the TGNA Government would go to Lausanne, for this reason, the Government of Istanbul resigned. The last of the Ottoman Sultans, Vahdettin, asked the British for political asylum. The next day his Caliphate was rescinded. While the Lausanne Peace Conference was in progress, certain dissident elements appeared in the Parliament. As a precautionary measure against this, the revolutionary group in the Parliament decided to settle the matter. On October 29, 1923, the Republic was declared, with a few constitutional changes. Under the new system the President would be elected by the Parliament from among its own members, for a period of 4 years. The President was the head of the state and his re-election would be permissible. The organization of the Government also changed with the new Constitution. The President would appoint the Prime Minister and he would appoint the ministers from among the members of the Parliament. The Government would be approved after the vote of confidence in the Parliament.

The improper behaviour of Abdulmecit who was elected as the Caliph, but reigned for only a short period, confirmed the necessity of eliminating the Caliphate totally. With a law brought into effect on



March 3, 1924, the Caliphate was abrogated and the dynasty came to an end. Unfortunately, some traces of the old religious system remained, and to remove these some changes were made in the Constitution on April 20, 1924.

8. THE 1924 CONSTITUTION

With a few changes the 1924 Constitution laid down the lines for the organization of the whole state until 1960. The main principles of this Constitution were Nationalism, Reform, State Control and Secularism.

The Constitution assumes that only the nation holds the right to sovereignty. On a political basis, the nation is represented by the TGNA, and the sovereignty of the nation comes from its power of legislation, execution and judgement. Of these, the legislative and executive powers are united in the Parliament, whereas judgement is the function of the independent courts. Up to 1946 Turkey had been administered by a one-party parliamentary system. The 1924 Constitution easily gave way to a transition from a one-party system to a multi-party system.

9. THE 1961 CONSTITUTION

The 1961 Constitution prepared by the Constituent Assembly and submitted to referendum, states, "The Nation shall exercise its sovereignty

through the authorised organs as prescribed by the principles laid down in the Constitution." Instead of a democracy based on the unlimited superiority of the Parliament, it brought the principle of a "democratic state" based on the concept of an appraised and limited government.

The 1961 Constitution definitely separated the judicial power from the legislative and the executive, and in order to ensure this, it brought "special guarantees for judges" and personnel matters of judges were left to the Supreme Council of Judges.

On the other hand, in order to ensure administration's adherence to the law, a law was introduced stating that "recourse to judicial review is open against all actions and acts of the Administration," and the Constitutional Court was empowered to examine the Constitutionality of laws.

In addition, the principle was adopted that the fundamental rights and freedoms described in the Constitution could only be restricted by law, in conformity with the letter and spirit of the Constitution, but that the law could not infringe upon the essence of rights and freedoms.

The 1961 Constitution remained in force with "Act No 2324 on the Constitutional Order" dated 27.10.1980 until the adoption of the 1982 Constitution with the specified exceptions reserved.

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3. THE 1981 CONSTITUTION

The 1981 Constitution definitely separated the judicial power from the legislative and the executive, and in order to ensure this, it brought special guarantees for judges and personnel matters of judges were left to the Supreme Council of judges.

On the other hand, in order to ensure administration's adherence to the law, a law was introduced stating that recourse to judicial review is open against all actions and acts of the Administration, and the Constitutional Court was empowered to examine the Constitutionality of laws. In addition, the principle was adopted that the fundamental rights and freedoms described in the Constitution could only be restricted by law in conformity with the letter and spirit of the Constitution, but that the law could not infringe upon the essence of rights and freedoms.

The 1981 Constitution remained in force with Act No. 2324 on the Constitutional Order, dated 27.10.1980, until the adoption of the 1982 Constitution with the specified exceptions reserved.



PART II - THE TURKISH REPUBLIC'S LEGAL FRAMEWORK

The National Security Council, which took over the responsibility for administering the State on September 12, 1980, formed a Consultative Assembly with representatives from all parts of the country and ensured the preparation of a new Constitution.

The Constitution prepared by the Consultative Assembly and given final form by the National Security Council was adopted in a referendum on November 7, 1982 with a 91,4 % affirmative vote and took effect.

The Constitution of the Turkish Republic has a Preamble and a total of one hundred seventy-seven Articles, including sixteen Provisional ones.

The General Principles of the Constitution are as follows:

The Turkish State is a Republic.

The Republic of Turkey is a democratic, secular



PART II - THE TURKISH REPUBLIC'S LEGAL
FRAMEWORK

1. THE OUTLINE OF THE 1982 CONSTITUTION

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The Constitution of the Turkish Republic has a Preamble and a total of one hundred seventy-seven Articles, including sixteen Provisional ones.

The General Principles of the Constitution are as follows:

The Turkish State is a Republic.

The Republic of Turkey is a democratic, secular

and social State governed by the rule of law; bearing in mind the concepts of public peace, national solidarity and justice; respecting human rights; loyal to the nationalism of Atatürk, and based on the fundamental tenets set forth in the Preamble.

The Turkish State, with its territory and nation, is an indivisible entity. Its language is Turkish.

Its flag, the form of which is prescribed by the relevant law, is composed of a white crescent and star on a red background.

Its national anthem is the "Independence March"

Its capital is Ankara.

The provision establishing the form of the State as a Republic, provisions describing the characteristics of the Republic and stating that the Turkish State, with its territory and nation, is an indivisible entity, and those concerning the language, flag, national anthem and capital of the State cannot be amended, nor can their amendment be proposed.

The fundamental aims and duties of the State are; to safeguard the independence and integrity of the Turkish Nation, the indivisibility of the country, the Republic and democracy; to ensure the welfare, peace, and happiness of the individual and society; to strive for the removal of political, social and economic obstacles which restrict the fundamental rights

and freedoms of the individual in a manner incompatible with the principles of justice and of the social State governed by the rule of law; and to provide the conditions required for the development of the individual's material and spiritual existence.

Sovereignty is vested in the nation without reservation or condition.

The Turkish nation exercises its sovereignty through the authorised organs as prescribed by the principles laid down in the Constitution.

The right to exercise sovereignty can not be delegated to any individual, group or class. No person or agency can exercise any State authority which does not emanate from the Constitution.

Legislative power is vested in the Turkish Grand National Assembly on behalf of the Turkish Nation. This power cannot be delegated.

Executive power and function is exercised and carried out by the President of the Republic and the Council of Ministers in conformity with the Constitution and the laws.

Judicial power is exercised by independent courts on behalf of the Turkish Nation.

All individuals are equal without any discrimination before the law, irrespective of language, race,



colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations.

No privilege is granted to any individual, family, group or class.

State organs and administrative authorities act in compliance with the principle of equality before the law in all their proceedings.

The provisions of the Constitution are fundamental legal rules binding upon legislative, executive and judicial organs, and administrative authorities and other agencies and individuals.

Laws can not be in conflict with the Constitution.

2. ELECTION LAWS

In conformity with the conditions set forth in the law, citizens have the right to vote, to be elected, and to engage in political activities independently or in a political party, and to take part in a referendum.

Elections and referendums are held under the direction and supervision of the judiciary, according to the principles of free, equal, secret, direct, universal suffrage, and public counting of the votes.

All Turkish citizens over 21 years of age have the right to vote in elections and to take part in a referendum. The exercise of these laws are regulated by law.

Privates and corporals serving in the Armed Services, students in military schools, and detainees and convicts in prisons cannot vote.

The Supreme Election Council executes all the functions to ensure the fair and orderly conduct of the elections from the beginning to the end of polling, carry out investigations and take final decisions on all irregularities, complaints and objections concerning the elections during and after polling, and verify the election returns of the members of the Turkish Grand National Assembly. No appeal can be made to any authority against the decisions of the Supreme Election Council.

The Supreme Election Council is based in Ankara. There is an Electoral Board in each provincial and district constituency (a second Board may be formed in districts with populations exceeding 200,000) and a Poll Station Board for each poll station in constituencies.

According to the Law for the Election of Members of the Turkish Grand National Assembly:

Every Turkish citizen over the age of thirty is eligible to be a deputy. Persons who have not completed their primary education, who have been deprived of legal capacity, who have failed to perform compulsory military service, who are banned from public service, who have been sentenced to a prison term

totalling one year or more excluding involuntary offences, or to a heavy imprisonment; those who have been convicted for dishonourable offences such as embezzlement, corruption, bribery, theft, fraud, forgery, breach of trust, fraudulent bankruptcy; and persons convicted of smuggling, conspiracy in official bidding tender, or purchases, of offences related to the disclosure of State secrets, of involvement in ideological and anarchist activities, and incitement and encouragement of such activities can not be elected deputies, even if they have been pardoned.

Judges and prosecutors, members of the higher judicial organs, members of the teaching staff at institutions of higher education, members of the Higher Education Council, employees of public institutions and agencies who have the status of civil servants, other public employees not regarded as labourers on account of the duties they perform, and members of the Armed Forces, cannot stand for election or be eligible to be a deputy unless they resign from office.

Elections for the Turkish Grand National Assembly are held every five years.

The Turkish Grand National Assembly is composed of four hundred deputies.

Constituencies and the number of deputies to be elected from each constituency are determined by

the Supreme Election Council within six months of the announcement of the results of the population census and advertised in the Official Gazette and on the radio and television.

The Law on the Elections for Local Administrative Bodies, Local Headmen and Council of Village Elders, regulates the fundamental principles and procedures relating to the election of local administrative organs.

For provincial and municipal assembly seats, proportional representation with a minimum of 10 % pre-requisite, for mayors, the majority systems are applicable.

Elections for the local administrative bodies are held every five years.

Every Turkish citizen over 25 years of age who is eligible and has resided in the electoral zone from which he is a candidate, for a period of a least 6 months, is eligible to be a mayor, or a member of the provincial general assembly or municipal assembly.

Every citizen who is eligible, may, in accordance with the conditions prescribed by the Constitution and laws, be a candidate for the provincial general assembly, for mayoralty, or for the municipal assembly, either from the list of political party or independently. Political parties determine their candidates for provincial general assemblies, for mayoralties and for municipal assemblies through primaries.

1. LEGISLATIVE POWER

PART III

**THE MAIN ORGANS OF THE
TURKISH REPUBLIC**

This power cannot be delegated.

The Turkish Grand National Assembly is composed of four hundred deputies elected by universal suffrage by the nation.

The functions and powers of the Turkish Grand National Assembly comprise the enactment, amendment, and repeal of laws; the supervision of the Council of Ministers and the Ministers, authorisation of the Council of Ministers to issue governmental decrees having force of law on certain matters; debating and approval of the budget draft and the draft law of the final accounts; making decisions regarding printing of currency and declaration of war; ratifying international agreements; deciding on the proclamation of amnesties and pardons excluding those who have been convicted for activities set out in

PART III

THE MAIN ORGANS OF THE TURKISH REPUBLIC

1. LEGISLATIVE POWER

Legislative power is vested in the Turkish Grand National Assembly on behalf of the Turkish Nation. This power cannot be delegated.

The Turkish Grand National Assembly is composed of four hundred deputies elected by universal suffrage by the nation.

The functions and powers of the Turkish Grand National Assembly comprise the enactment, amendment, and repeal of laws; the supervision of the Council of Ministers and the Ministers; authorisation of the Council of Ministers to issue governmental decrees having force of law on certain matters; debating and approval of the budget draft and the draft law of the final accounts; making decisions regarding printing of currency and declaration of war; ratifying international agreements, deciding on the proclamation of amnesties and pardons excluding those who have been convicted for activities set out in



Article 14 of the Constitution; confirming death sentences passed by the courts; and exercising the powers and executing the functions envisaged in the other articles of the Constitution. (Article 14 of the Constitution — None of the rights and freedoms embodied in the Constitution can be exercised with the aim of violating the indivisible integrity of the State with its territory and nation, of endangering the existence of the Turkish State and Republic, of destroying fundamental rights and freedoms, of placing the government of the State under the control of an individual or a group of people, or establishing the hegemony of one social class over others, or



creating discrimination on the basis of language, race, religion or sect, or of establishing by any other means a system of government based on these concepts and ideas. The sanctions to be applied against those who violate these prohibitions, and those who incite and provoke others to the same end are determined by law. No provision of this Constitution can be interpreted in a manner that would grant the right of destroying the rights and freedoms embodied in the Constitution.

Members of the Turkish Grand National Assembly are not liable for their votes and statements



concerning parliamentary functions, for the views they express before the Assembly, or unless the Assembly decides otherwise on the proposal of the Bureau for that sitting, for repeating or revealing these outside the Assembly.

A deputy who is alleged to have committed an offence before or after election, cannot be arrested, interrogated, detained or tried unless the Assembly decides otherwise. This provision does not apply in cases where a member is caught in the act of committing a crime punishable by a heavy penalty and in cases subject to Article 14 of the Constitution if an investigation has been initiated before the election. However, in such situations the competent authority should notify the Turkish Grand National Assembly immediately and directly.

The Council of Ministers and Deputies are empowered to introduce laws.

The ratification of treaties concluded with foreign states and international organisations on behalf of the Republic of Turkey, are subject to adoption by the Turkish Grand National Assembly by a law approving the ratification.

The Turkish Grand National Assembly convenes on its own accord on the first day of September each year.

The Bureau of the Assembly of the Grand

National Assembly of Turkey is composed of the President, the Deputy Presidents, Secretary Members, and Administrative Members elected from among the Assembly members.

The President and Deputy - Presidents of the Turkish Grand National Assembly cannot participate in the activities of the political party or party group of which they are a member nor in debates, within or outside the Assembly, except in cases required by their functions; the President and the Deputy President who is presiding over the session cannot vote.

The Turkish Grand National Assembly carries out its activities in accordance with the provisions of the Rules of Procedures drawn up by itself.

Unless otherwise stipulated in the Constitution, the Turkish Grand National Assembly convenes with at least one-third of the total number of members and takes decisions by an absolute majority of those present; however, the quorum for decisions can, under no circumstances, be less than a quarter plus one of the total number of members.

Debates held in the Plenary of the Turkish Grand National Assembly are public and are published verbatim in the Journal of Records.

The Turkish Grand National Assembly exercises its supervisory power by means of questions, Par-



liamentary inquiries, general debates, interpellation and Parliamentary investigations.

2. EXECUTIVE POWER

Executive power and functions are vested in the President and in the Council of Ministers under the supervision of the Parliament in conformity with the Constitution and the laws.

a) President

The President of the Republic is the Head of the State. In this capacity he represents the Republic of Turkey and the unity of the Turkish nation; he



ensures the implementation of the Constitution, and the regular and harmonious functioning of the organs of State.

The President of the Republic is elected for a term of office of seven years by the Turkish Grand National Assembly from among its own members who are over forty years of age and who have completed their higher education or from among Turkish citizens who fulfill these requirements and are eligible to be deputies.

The nomination of a candidate for the Presidency of the Republic from outside the Turkish Grand National Assembly requires a written proposal by at least one fifth of the total number of members of the Assembly.

The President of the Republic delivers, if he deems it necessary, the opening address of the Turkish Grand National Assembly on the first day of the legislative year, summons the Turkish Grand National Assembly to meet, when necessary, promulgates laws, returns laws to the Turkish Grand National Assembly to be reconsidered, submits to referendum, if he deems it necessary, legislation regarding the amendment of the Constitution, appeals to the Constitutional Court for the annulment in part or entirely of certain provisions of laws, decrees having force of law, and the Rule of Procedure of the Turkish Grand National Assembly on the grounds



that they are unconstitutional in form or in content, calls new elections for the Turkish Grand National Assembly.

These are the duties and powers of the President of the Republic relating to legislation.

The duties and powers of the President of the Republic relating to the executive functions include; appointing the Prime Minister and accepting his resignation, appointing and dismissing Ministers on the proposal of the Prime Minister, presiding over the Council of Ministers or calling the Council of Ministers to meet under his chairmanship whenever he deems it necessary, accrediting representatives of the Turkish State to foreign States and receiving the representatives of foreign States to the Republic of Turkey, ratifying and promulgating international treaties, representing the office of the Commander-in-Chief of the Turkish Armed Forces on behalf of the Turkish Grand National Assembly, deciding to use the Turkish Armed Forces, appointing the Chief of the General Staff, calling the National Security Council to meet, proclaiming martial law or state of emergency, and issuing decrees having force of law, in accordance with the decision of the Council of Ministers under his chairmanship, remitting, on grounds of chronic illness, disability, or old age, all or part of the sentences imposed on certain individuals, appointing the members and the chairman of

the State Supervisory Council, instructing the State Supervisory Council to carry out enquiries, investigations, and inspections, appointing the members of the Higher Education Council, appointing rectors of universities.

The duties and powers of the President of the Republic relating to the judiciary are; appointing the members of the Constitutional Court, one-fourth of the members of the Council of State, the Chief Public Prosecutor and the Deputy-Chief Public Prosecutor of the High Court of Appeals, the members of the Military High Court of Appeals, the members of the Supreme Military Administrative Court and the members of the Council of Judges and Public Prosecutors.

The President of the Republic also exercises powers of election and appointment, and performs the other duties conferred on him by the Constitution and laws.

All presidential decrees except those which the President of the Republic is empowered to enact by himself without the signatures of the Prime Minister and the minister concerned, in accordance with the provisions of the Constitution and other laws, are signed by the Prime Minister, and the Ministers concerned. The Prime Minister and the Ministers concerned are accountable for these decrees.



No appeal can be made to any legal authority, including the Constitutional Court, against the decisions and orders signed by the President of the Republic on his own initiative.

The President of the Republic may be impeached for high treason on the proposal of at least one-third of the total number of members of the Turkish Grand National Assembly, and by the decision of at least three-quarters of the total number of members.

PRESIDENT OF THE TURKISH REPUBLIC

M. Kemal ATATURK	29 October	1923–10 November	1938
Ismet INONU	11 November	1938–22 May	1950
Celal BAYAR	22 May	1950–27 May	1960
Cemal GURSEL	27 May	1960–28 May	1966
Cevdet SUNAY	29 March	1966–28 March	1973
Fahri KORUTURK	6 April	1973– 6 April	1980
Kenan EVREN	12 September	1980–	

b) Presidential Council

After the Turkish Grand National Assembly convened and assumed its functions, the National Security Council became the Presidential Council for a period of six years, and the members of the National Security Council acquired the title of members of the Presidential Council.

Members of the Presidential Council enjoy rights and immunity conferred by the Constitution on members of the Turkish Grand National Assembly.

The legal existence of the Presidential Council terminates on the expiry of a period of six years.

The functions of the Presidential Council are as follows:

To examine laws adopted by the Turkish Grand National Assembly and submitted to the President of the Republic concerning: the fundamental rights and freedoms and duties, the principle of secularism, the preservation of the reforms of Ataturk, national security and public order, set forth in the Constitution, International treaties, the sending of armed forces to foreign countries and the stationing of foreign forces in Turkey, emergency rule, martial law and the state of war, and other laws deemed necessary by the President of the Republic, within the first ten days of the period of fifteen days granted to the President of the Republic for his consideration;

On the request of the President of the Republic and within the period specified by him:

To consider and give an opinion on matters relating to: the holding of new general elections, the exercise of emergency powers and the measures to be

taken during a state of emergency, the management and supervision of the Turkish Radio and Television Corporation, the training of youth and the conduct of religious affairs;

According to the request of the President of the Republic, to consider and investigate matters relating to internal and external security and such other matters as are deemed necessary, and to submit its findings to the President of the Republic.

c) General Secretariat of the President of the Republic

The General Secretariat of the President of the Republic is established to carry out all related services for the President in exercising his authorities empowered by the Constitution and laws in carrying out his functions, comprises an Office of the Chief Aide-de-Camp, an Office of the Presidential Counsellor, an Office of the State Supervisory Council, an Office of the Security Intelligence Counsellor and an Office of the Chief of the Cabinet to the President.

The Secretary General is responsible to the President. He is the Head of the Organisation of the General Secretariat. He may delegate some of his authorities to the deputies of the Secretary General.

In addition, all related services for the Presidential Council in carrying out its functions, are provided by the General Secretariat of the President of the Republic.

d) State Supervisory Council

The State Supervisory Council which is established and attached to the office of the Presidency of the Republic with the purpose of performing and furthering the regular and efficient functioning of the administration and its observance of law, is empowered to conduct, upon the request of the President of the Republic, all enquiries, investigations and inspections of all public bodies and organisations, all enterprises in which those public bodies and organisations share more than half of the capital, public professional organisations, employers' associations and labour unions at all levels, and public benefit associations and foundations.

The Armed Forces and all judicial organs are outside the jurisdiction of the State Supervisory Council.

Members of the State Supervisory Council are appointed by the President of the Republic from among experienced persons who, after completing their higher education, have served unofficial duty successfully for a period of at least twenty years and have distinguished themselves.

The Chairman of the State Supervisory Council is appointed by the President of the Republic from among the members of the Council.

e) Council of Ministers

The Council of Ministers consists of the Prime Minister and the Ministers.

The Prime Minister is appointed by the President of the Republic from among the members of the Turkish Grand National Assembly.

The Ministers are nominated by the Prime Minister and appointed by the President of the Republic from among the members of the Turkish Grand National Assembly, or from among those eligible for election as deputies.

The Council of Ministers performs its functions under the chairmanship of the Prime Minister, or of the President of the Republic, if deemed necessary by the latter, and is responsible to the Turkish Grand National Assembly for national security and for the preparation of the Armed Forces for the defence of the country. Another important function of the Council of Ministers is submitting the general and supplementary budget drafts and the report on the national budget estimates to the Turkish Grand National Assembly at least seventy-five days prior to the Financial New Year. In addition, the Council of Ministers proposes the Chief of the General Staff to be appointed by the President of the Republic, prepares the laws it deems necessary, and issues regulations and decrees governing the mode of implementation of laws.

The person appointed as Prime Minister by the President of the Republic, selects the members of the Council of Ministers and submits the list to the President of the Republic. The Government Programme of the Council of Ministers is read by the Prime Minister or by one of the Ministers before the Turkish Grand National Assembly within a week of the formation of the Council of Ministers, following which a vote of confidence is taken. The debate on the vote of confidence begins two full days after the reading of the programme and the vote is taken one full day after the end of debate.

The Prime Minister, as Chairman of the Council of Ministers, ensures co-operation among the ministers, and supervises the implementation of the government's general policy. The members of the Council of Ministers are jointly responsible for the implementation of this policy. The Prime Minister also ensures that the ministers exercise their functions in accordance with the Constitution and the laws and takes corrective measures to this end.

In the absence of the President of the Republic, the Prime Minister also renders the Chairmanship of the National Security Council.

The formation, abolition, functions, powers and organisation of the Ministries are regulated by law. A minister may act for another if a ministry is vacant or if the minister is on leave or absent for a



valid reason. However, a minister may not act for more than one other minister.

A minister who is brought before the Supreme Court by decision of the Turkish Grand National Assembly, loses his ministerial status. If the Prime Minister is brought before the Supreme Court, the Government is considered to have resigned.

If a ministry falls vacant for any reason, an appointment is made to it within fifteen days.

f) Provisional Council of Ministers

The Ministers of Justice, Internal Affairs and Communications resign prior to general elections to the Turkish Grand National Assembly. Three days before the beginning of the elections or, in the event of a decision to hold new elections before the end of the election term, within five days of this decision, the Prime Minister appoints independent persons from within or outside of the Turkish Grand National Assembly to these Ministeries.

In cases where the Council of Ministers fails to receive a vote of confidence or is compelled to resign by a vote of no-confidence, and if a new Council of Ministers cannot be formed within forty-five days or the new Council of Ministers fails to receive a vote of confidence, the President of the Republic, in consultation with the President of the

Turkish Grand National Assembly, may call new elections. In the event of a decision to hold new elections, the Council of Ministers resigns and the President of the Republic appoints a Prime Minister to form a Provisional Council of Ministers.

The Provisional Council of Ministers is composed of members of the political party groups in proportion to their parliamentary membership, with the exception of the Ministers of Justice, Internal Affairs and Communications, who are independent persons appointed from within or outside the Turkish Grand National Assembly.

The number of members to be taken from political party groups is determined by the President of the Turkish Grand National Assembly, and is communicated to the Prime Minister. Party members who do not accept the ministerial posts offered them, or who resign subsequently, are replaced by independent persons from within or outside of the Turkish Grand National Assembly.

The Provisional Council of Ministers is formed within five days of the publication in the Official Gazette of the decision to hold new elections and is not subject to a vote of confidence. The Provisional Council of Ministers remains in office for the duration of the elections, and until the new Assembly convenes.

g) Other Institutions and Organisations

NATIONAL DEFENCE

1. OFFICES OF COMMANDER-IN-CHIEF AND CHIEF OF THE GENERAL STAFF

The office of Commander-in-Chief is inseparable from the spiritual existence of the Turkish Grand National Assembly and is represented by the President of the Republic.

The Chief of the General Staff is the commander of the Armed Forces, and, in time of war exercises the duties of Commander-in-Chief on behalf of the President of the Republic.

The Chief of the General Staff is appointed by the President of the Republic on the proposal of the Council of Ministers; his duties and powers are regulated by law. The Chief of the General Staff is responsible to the Prime Minister in the exercise of his duties and powers.

2. NATIONAL SECURITY COUNCIL

The National Security Council is composed of the Prime Minister the Chief of the General Staff, the Ministers of National Defence, Internal Affairs, and Foreign Affairs, the Commanders of the Army, Navy and the Air Force and the General Commander of

the Gendarmerie, under the chairmanship of the President of the Republic.

The National Security Council submits to the Council of Ministers its views on taking decisions and ensuring necessary co-ordination with regard to the formulation, establishment, and implementation of the National Security policy of the State. The Council of Ministers gives priority consideration to the decisions of the National Security Council concerning the measures that it deems necessary for the preservation of the existence and independence of the State, the integrity and indivisibility of the country, and the peace and security of society.

The agenda of the National Security Council is drawn up by the President of the Republic taking into account the proposals of the Prime Minister and the Chief of the General Staff.

In the absence of the President of the Republic, the National Security Council meets under the chairmanship of the Prime Minister.

ADMINISTRATION

1. CENTRAL ADMINISTRATION

In terms of central administrative structure, Turkey is divided into provinces on the basis of geographical situation and economic conditions,



and public service requirements; provinces are further divided into lower steps of administrative districts. The administration of the provinces is based on the devolution of wide powers.

Central administrative organisations comprising several provinces may be established to ensure efficiency and co-ordination of public services. The functions and powers of this organisation are regulated by law.

2. LOCAL ADMINISTRATIONS

Local administrative bodies are public corporate entities established to meet common local needs of the inhabitants of provinces, municipal districts and villages, whose decision-making organs are elected by the electorate described in law, and whose principles of structure are also determined by law.

The formation, duties and powers of the local administrators are regulated by law in accordance with the principle of local administration.

The elections for local administrative bodies are held every five years.

The procedures dealing with objections to the acquisition by elected organs of local government of their status as an organ, and their loss of such status, are resolved by the judiciary. The central administ-

ration has the power of administrative trusteeship over the local governments in the framework of principles and procedures set forth by law with the objective of ensuring the functioning of local services in conformity with the principle of the integral unity of the administration, securing uniform public service, safeguarding the public interest and meeting local needs, in an appropriate manner.

3. INSTITUTIONS OF HIGHER EDUCATION AND THEIR HIGHER BODIES

a) Institutions of Higher Education

For the purpose of training manpower under a system of contemporary education and training principles and meeting the needs of the nation and the country, universities comprising several units are established by the State and by law as public corporations having autonomy in teaching, assigned to educate, train at different levels after secondary education, and conduct research, to act as consultants, to issue publications to serve the country and humanity.

Institutions of higher education, under the supervision and control of the State, can be established by foundations in accordance with the procedures and principles set forth in the law provided that they do not pursue lucrative aims.

Universities, members of teaching staffs and their assistants may freely engage in all kinds of scientific research and publication. However, this does not include the liberty to engage in activities directed against the existence and independence of the State, and against the integrity and indivisibility of the nation and the country.

University rectors are appointed by the President of the Republic, and faculty deans by the Higher Education Council, in accordance with the procedures and provisions of the law.

The administrative and supervisory organs of the universities and the teaching staff may not for any reason whatsoever be removed from their office by authorities other than those of the competent organs of the university or by the Higher Education Council.

b) Superior Bodies of Higher Education

The Higher Education Council, which organises the institutions of higher education, orients their activities, ensures the establishment and development of these institutions in conformity with the objectives and principles set forth in law and which plans the training of the teaching staff, is a permanent organ enjoying autonomy and the status of a public corporate body within the framework of the duties and powers conferred on it by law.

The Higher Education Council is composed of members appointed by the President of the Republic from among the candidates who are nominated by the Council of Ministers, the Chief of the General Staff and the Universities, and in accordance with the number, qualifications and procedure prescribed by law, priority being given to those who have served successfully as Faculty members or Rectors, and of member directly appointed by the President of the Republic himself.

4. RADIO AND TELEVISION ADMINISTRATION AND NEWS AGENCIES WITH STATE CONNECTION

Radio and television stations can be established only by the State and are administered by an impartial public corporate body.

The law provides that broadcasts are made in a manner to safeguard the existence and independence of the Turkish State, the indivisible integrity of the country and the nation, the peace of society, public morals, and the fundamental characteristics of the Republic; and it observes the principle of impartiality in the administration and supervision of the Corporation, in the formation of its administrative organs, and in all radio and television broadcasts.

The principles governing the selection, treatment and presentation of news and programmes, the

fulfilment of the task to aid the national culture and education, and the principles of ensuring the accuracy of the news; and the election, functions, and responsibilities of the organs are regulated by law.

The provisions of paragraph 2 above also applies to those news agencies having the character of state enterprises and to those receiving financial aid from the State or other public corporate bodies.

5. THE ATATURK HIGH INSTITUTION OF CULTURE, LANGUAGE AND HISTORY

The "Ataturk High Institution of Culture, Language and History" has been established as a public corporate body, under the supervision, and with the support of the President of the Republic. It is attached to the Office of the Prime Minister, and composed of the Ataturk Centre of Research, the Turkish Language Society, the Turkish Historical Society and Ataturk Cultural Centre, in order to conduct scientific research, to produce publications and to disseminate information on the thought, principles and reforms of Ataturk, Turkish culture, Turkish history and the Turkish language.

The Supreme Board of the Ataturk High Institution of Culture, Language and History convenes under the chairmanship of the Prime Minister or the State Minister and Deputy Prime Minister appointed by him and with the participation of the

Chief of the General Staff and the Vice-Chief of the General Staff, the Minister of State responsible for information services, the Ministers of Education, Culture and Tourism, Youth and Sports, the Secretary General of the National Security Council, the Chairman of the Higher Education Council, the Chairman of the High Institution, and four members named by the President of the Republic.

6. PUBLIC PROFESSIONAL ORGANISATIONS

Public professional organisations and their higher organisations are public corporate bodies established by law, with the objectives to meet the common needs of the members of a given profession, to facilitate their professional activities, to ensure the development of the profession in keeping with the common interests, to safeguard professional discipline and ethics. Their organs are elected by secret ballot by their members in accordance with the procedure set forth in the law, and under judicial supervision.

Public professional organisations may not engage in activities outside the aims for which they were established, nor may they engage in political activities or take joint action with political parties, labour unions or associations.

Public professional organisations are subject to administrative and financial supervision of the State as prescribed by law.

7. DEPARTMENT OF RELIGIOUS AFFAIRS

The Department of Religious Affairs, which is within the general administration, exercises its duties prescribed in its particular law, in accordance with the principles of secularism, removed from all political views and ideas, and aiming at national solidarity and integrity.

The mission of this Department is to administer the activities of the Islamic religion, to enlighten the people about religion and supervise places of worship.

3. JUDICIAL POWER

a) General

Judicial power is exercised by independent courts on behalf of the Turkish Nation.

Judges are independent in the discharge of their duties; they give judgement in accordance with the Constitution, law; and their personal conviction conforming with the Law. No organ, authority, office or individuals may give orders or instructions to courts or judges relating to the exercise of judicial power concerning a case under trial. Legislative and executive organs and the administration comply with court decisions; these organs and the administration neither may alter them in any respect, nor delay their execution.

Independence of the Judicial duty is mainly secured through guarantees for judges and public prosecutors. Judges and public prosecutors may not be dismissed, or retired before the age prescribed by the Constitution; nor may they be deprived of their salaries, allowances or other rights relating to their status, even as a result of the abolition of court or post.

b) Higher Courts

(i) The Constitutional Court

The Constitutional Court examines the Constitutionality in respect to both form and substance of laws, decrees having force of law, and the rules of Procedure of the Grand National Assembly of Turkey. Constitutional amendments are examined and verified only with regard to their form. However, no action may be brought before the Constitutional Court alleging the unconstitutionality as to the form or substance of decrees having force of law, issued during a state of emergency, martial law or in time of war.

The President of the Republic, members of the Council of Ministers, Presidents and members of the Constitutional Court, of the High Court of Appeals, of the Council of State, of the Military High Court Appeals, of the Military High Administrative Court of Appeals, their Chief Public Prosecutors, Deputy

Public Prosecutors of the Republic, and the Presidents and members of the Supreme Council of Judges and Public Prosecutors, and of the Audit Court are tried for offences relating to their functions by the Constitutional Court in its capacity as the Supreme Court. The Chief Public Prosecutor of the Republic or the Deputy Chief Public Prosecutor of the Republic acts as public prosecutor in the Supreme Court.

The auditing of political parties is carried out by the Constitutional Court. The dissolution of political parties is decided by the Constitutional Court after the filing of a suit by the Office of the Chief Public Prosecutor of the Republic.

The office of President of the Jurisdictional Conflict Court is held by a member delegated by the Constitutional Court from among its own members.

If the Turkish Grand National Assembly decides to waive the parliamentary immunity of a member or disqualify him from membership, the member concerned or any member of the Turkish Grand National Assembly may appeal to the Constitutional Court for the decision to be annulled on the grounds that it is contrary to the Constitution or to the Rules of Procedure of the Assembly, and the Constitutional Court decides on the appeal.

The decisions of the Constitutional Court are final.

The Constitutional Court is composed of eleven regular and four substitute members. The President of the Republic appoints two regular and two substitute members from the High Court, of Appeals, two regular and one substitute member from the Council of State, and one member each from the the Military High Court of Appeals and and the High Military Administrative Court and the Audit Court, three candidates being nominated for each vacant office by the Plenary Assemblies of each court from among their respective presidents and members, by an absolute majority of the total number of members; the President of the Republic also appoints one member from a list of three candidates nominated by the Higher Education Council from among members of the teaching staff of Institutions of higher education who are not members of the Council, and three members and one substitute member from among senior administrative officers and lawyers.

The Constitutional Court elects a President and Deputy President from among its regular members for a term of four years, by secret ballot and by an absolute majority of the total number of members. They may be re-elected at the end of their term of office.

(ii) The High Court of Appeals

The High Court of Appeals is the last instance for reviewing decisions and judgements given by courts of



justice and which are not referred by law to another judicial authority. It is also the first and last instance for dealing with specific cases prescribed by law.

Members of the High Court Appeals are appointed by the Supreme Council of Judges and Public Prosecutors from among the first category judges and public prosecutors of the Republic of the courts of justice, or those considered to be members of this profession, by secret ballot and by an absolute majority of the total number of members.

The First President, first deputy presidents and heads of division are elected by the Plenary Assembly of the High Court of Appeals from among its own members, for a term of four years, by secret ballot and by an absolute majority of the total number of members; they may be re-elected at the end of their term of office.

The Chief Public Prosecutor of the Republic and the Deputy Chief Public Prosecutor of the Republic of the High Court of Appeals are appointed by the President of the Republic for a term of four years from among five candidates nominated for each office by the Plenary Assembly of the High Court of Appeals from among its own members by secret ballot. They may be re-elected at the end of their term of office.

(iii) Council of State

The Council of State is the last instance for reviewing decisions and judgements given by administrative courts and which are not referred by law to other administrative courts. It is also the first and last instance for dealing with specific cases prescribed by law.

The Council of State tries administrative cases, gives its opinions on draft legislation submitted by the Prime Minister and the Council of Ministers, examines draft regulations and the conditions and contracts under which concessions are granted, settles administrative disputes and discharges other duties as prescribed by law.

Three-fourths of the members of the Council of State are appointed by the Supreme Council of Judges and Public Prosecutors from among the first category administrative judges and public prosecutors, or those considered to be of this profession, and the remaining one-fourth of the members by the President of the Republic from among officials meeting the requirements designated by law.

The President, Chief Public Prosecutor, deputy presidents, and heads of division of the Council of State are elected by the Plenary Assembly of the Council of State from among its own members for a term of four years by secret ballot and by an



absolute majority of the total number of members. They may be re-elected at the end of their term of office.

(iv) Military High Court of Appeals

The Military High Court of Appeals is the last instance for reviewing decisions and judgements given by military courts. It is also the first and last instance for dealing with specific cases designated by law concerning military personnel.

Members of the Military High Court of Appeals are appointed by the President of the Republic from among three candidates nominated for each vacant office by the Plenary Assembly of the Military High Court of Appeals from among military judges of the first category, by secret ballot and by an absolute majority of the total number of members.

The President, Chief Public Prosecutor, Second Presidents and heads of division of the Military High Court of Appeals are appointed according to rank and seniority from among the members of the Military High Court of Appeals.

(v) High Military Administrative Court of Appeals

The High Military Administrative Court of Appeals is the first and last instance for the judicial supervision of disputes arising from administrative acts and actions involving military personnel or

relating to military service, even if such acts and actions have been carried out by civilian authorities. However, in disputes arising from the obligation to perform military service, there is no condition that the person concerned be a member of the military body.

Members of the High Military Administrative Court of Appeals who are military judges are appointed by the President of the Republic from a list of three candidates nominated for each vacant office by the President and members of the Court, who are also military judges, by secret ballot and by an absolute majority of the total number of such members, from among military judges of the first category; members who are not military judges are appointed by the President of the Republic from a list of three candidates nominated for each vacant office by the Chief of the General Staff from among officers holding the rank and qualifications prescribed by law.

The President, Chief Public Prosecutor and heads of division of the Court are appointed from among military judges according to rank and seniority.

(vi) Jurisdictional Conflict Court

The Jurisdictional Conflict Court is empowered to deliver final judgements in disputes between courts of justice, and administrative and military courts concerning their jurisdiction and decisions.



The Legal Department of the Jurisdictional Conflict Court is composed of six regular and six substitute members elected from among the heads of division and members of the High Court of Appeals, the Council of State, and the High Military Administrative Court of Appeals; and the Penal Department is composed of six regular and six substitute members elected from among the heads of division and members of the High Court of Appeals and the Military High Court of Appeals.

c) Supreme Council of Judges and Public Prosecutors

The Supreme Council of Judges and Public Prosecutors is established and exercises its functions in accordance with the principles of the independence of the courts and the security of tenure of judge, under the chairmanship of the Minister of Justice. The Undersecretary to the Minister of Justice is an ex-officio member of the Council.

Three regular and three substitute members of the Council are appointed by the President of the Republic for a term of four years from a list of three candidates nominated for each vacant office by the Plenary Assembly of the High Court of Appeals from among its own members and two regular and two substitute members are similarly appointed from a list of three candidates nominated for each vacant office by the Plenary Assembly of the Council of State. They may be re-elected at the end of the



Council of State. They may be re-elected at the end of their term of office. The Council elects a deputy president from among its elected regular members.

The Supreme Council of Judges and Public Prosecutors deals with the admission of judges and public prosecutors of courts of justice and of administrative courts into the profession, appointments, transfers to other posts, the delegation of temporary powers, promotion, and promotion to the first category, the allocation of posts, decisions concerning those whose continuation in the profession is found to be unsuitable, the imposition of disciplinary penalties and removal from office. It takes final decisions on proposals by the Ministry of Justice concerning the abolition of a court or an office of judge or public prosecutor, or changes in the jurisdiction of a court. It also exercises the other functions given to it by the Constitution and laws.

There may be no appeal to any judicial instance against the decisions of the Council.

d) Audit Court

The Audit Court is charged with auditing, on behalf of the Turkish Grand National Assembly, all the accounts relating to the revenue, expenditure and property of government departments financed by the general and subsidiary budgets, with taking final decisions on the acts and accounts of the respon-



sible officials, and with exercising the functions required of it by law in matters of inquiry, auditing and judgement. Parties concerned may file a single request for reconsideration of a final decision of the Audit Court within fifteen days of the date of written notification of the decision. No applications for judicial review of such decisions may be filed in administrative courts.

The First President and the members of the Audit Court are appointed by the Turkish Grand National Assembly from among candidates possessing the qualities described in the Audit Court Law. The First President holds the highest office in the Audit Court and is in charge of the general functioning of the Court.

The Audit Court also performs the duty of submitting to the Turkish Grand National Assembly its notice of conformity regarding final draft accounts.

e) Courts

The Turkish judicial system involves three types of courts:

Courts of Justice, Military Courts and Administrative Courts.

Courts of Justice deal with legal, commercial and criminal cases and the execution of court decisions. Administrative Courts resolve administrative conf-

licts, and Military Courts deal with military lawsuits. Final judgements in disputes between these courts concerning their jurisdiction and decisions are delivered by the Jurisdictional Conflict Court.

f) Other Factors Relevant to Judgement

Lawyers and public notaries make up the two factors inseparable from jurisprudence.

The Law relating to Practising Lawyers prescribes that a bar association be established in every region where there are more than 15 lawyers, and describes the duties of a bar.

Public notaries certify contracts and bonds, and also perform other duties specified in the Law related to Public Notaries. They are appointed by the Ministry of Justice.

Each court of first instance dealing with trade disputes employs a Trade Registration Office, administered by a Registrar that is appointed by the Ministry of Justice. It keeps records of real or corporate persons defined as traders in the Trade Code.

6. POLITICAL PARTIES

a) General

Political parties are indispensable elements of the democratic political system. Citizens have the right to form political parties, and to join and withdraw from

them in accordance with the established procedure. To become a member of a party one must be over 21 years of age.

Political parties are founded without prior permission and pursue their activities in accordance with the provisions set forth in the Constitution and law.

The statutes and programmes of political parties cannot be in conflict with the indivisible integrity of the State with its territory and nation, human rights, national sovereignty, and the principles of the democratic and secular Republic. Political parties whose aim is to support and to set up the domination of a class or group, or any kind of dictatorship cannot be formed.

Political parties cannot organise and function abroad, cannot form discriminative auxiliary bodies such as women's or youth branches, nor can they establish foundations.

Judges and prosecutors, members of higher judicial organs, members of the teaching staff at institutions of higher education, members of the Higher Education Council, civil servants in public organisations and corporations, and other public servants who are not considered to be labourers by virtue of the services they perform, students, and members of the Armed Forces, cannot become members of political parties.

Political parties cannot engage in activities outside the lines of their statutes and programmes. They cannot have political ties and engage in political cooperation with associations, unions, foundations, cooperatives and public professional organisations and their higher bodies in order to implement and strengthen their party policies, nor can they receive material assistance from these bodies.

The internal functioning and the decisions of political parties cannot be contrary to the principles of democracy. The auditing of political parties is carried out by the Constitutional Court.

The Office of the Chief Public Prosecutor examines, with priority, the conformity of the statutes and programmes of new parties and of the status of their founders in view of the Constitution and the law; and also follows their activities.

The dissolution of political parties is decided by the Constitutional Court after the filing of a suit by the Office of the Chief Public Prosecutor of the Republic.

The founding members and administrators at every level of a political party which has been permanently dissolved cannot become founding members, administrators, or comptrollers of a new political party; nor can any new political party be founded, the majority of whose members are former members of a political party previously dissolved.



Political parties cannot receive assistance in kind or cash from foreign States, international organisations, associations and groups in foreign countries, nor can they take orders from these bodies, or participate in their decisions and activities which are prejudicial to the independence and territorial integrity of Turkey. Political parties contravening the provisions of this paragraph are also dissolved permanently.

The establishment, functions, auditing and dissolution of political parties are regulated by the Political Party Law within the framework of the above-mentioned principles.

The Political Party Law defines political parties as follows:

Political parties, being in harmony with the Constitution and the existing legislation, are establishments having judiciary entities and are organised throughout the country with the objective of bringing the country to a contemporary level of civilisation in a democratic state and social order by creating a national will by publicising their activities and their work in the direction indicated and specified in their charters and programmes by means of general and local elections.

The structure of political parties is composed of their central organs, provincial and district organi-



sations and, if they have a sufficient number of MPs, their party groups in the Turkish Grand National Assembly. The highest authority of political parties is their general conventions. The Party General Convention is composed of elected and ex-officio members and convenes bi-annually at a date and place determined by the central organ.

Political parties may be founded by at least thirty Turkish citizens eligible to be deputies.

GENERAL ELECTION

The General Election for the Turkish Grand National Assembly was held on November 6th, 1983, according to the principles of free, equal, secret, direct, universal suffrage, and public counting of votes, under the direction and supervision of the judiciary without incident.

According to consolidated registers compiled by provincial electoral boards and submitted to the Supreme Election Board, and printed in the extra edition of the Official Gazette on November 14th, 1983, after being approved by the Supreme Election Board, the official returns of the election are as follows:

TURKEY (Overall)

Registered voters	19,740,500
Actual votes cast	18,214,104
Total valid votes	17,328,735
Total invalid votes	855,369
Rate of participation (%)	92.07

DISTRIBUTION OF VALID VOTES

Parties-Independents	Vote Received	(%) Percentage
The Motherland Party	7,823,827	45.15
The Populist Party	5,277,698	30.46
The Nationalists		
Democracy Party	4,032,046	23.27
Independents	195,164	01.12

DISTRIBUTION OF SEATS IN THE TGNA

Parties	Number of Deputies
The Motherland Party	211
The Populist Party	117
The Nationalist	
Democracy Party	71

There are currently 211 deputies from the Motherland Party, 116 deputies from the Populist Party, 66 deputies from the Nationalist Democracy Party and 6 Independent deputies in the Turkish Grand National Assembly.

LOCAL COUNCIL ELECTIONS

Voters' inclinations in the Local Elections held on March 25th, 1984, are best illustrated by the

returns of the elections for the provincial general councils:

ELECTIONS FOR THE PROVINCIAL GENERAL COUNCILS

Registered voters	20,187,978
Actual votes cast	18,379,917
Rate of participation (%)	91.05
Total valid votes	17,691,253
Number of Party Candidates	2,306
Number of independent candidates who participated in the election	277

DISTRIBUTION AND PERCENTAGE
OF VALID VOTES ACCORDING TO
PARTY AND INDEPENDENT CANDIDATES

Parties-Independents	Valid vote received	Percentage (%)	Number of Mayors	Percentage (%)
Motherland Party	7,338,200	41.48	1,420	61.58
True Path Party	2,344,131	12.25	188	8.15
Populist Party	1,548,654	8.75	58	2.52
Nationalist Democracy Party	1,255,070	7.09	99	4.29
Prosperity Party	778,622	4.40	14	0.61
Social Democracy Party	4,139,139	23.40	506	21.94
Independents	287,437	1.63	21	0.91
TOTAL	17,691,253	100.00	2,306	100.00

(i) The Motherland Party



The Motherland Party was founded in Ankara on 20 May, 1980. The Party Chairman is Turgut Ozal.

The platform of the Motherland Party states that the Party regards the national sovereignty and the supremacy of the nation above everything, believes that the exercise of the national will is only possible within a free, democratic regime; considers the fundamental rights and freedoms of the individual inalienable; adopts nationalism and loyalty to national and spiritual values as its principles; believes in social justice and equality of opportunity, and deems the free enterprise system fundamental for economic development.

The Motherland Party advocates a free market economy in which competition prevails, and deems foreign debts and foreign investments useful within

the framework of the principle of balancing mutual interests.

According to the platform of the Party, the main role of the State in achieving continual and reliable economic development, is to ensure stability. In economic development, the main function of the State is that of a regulator that organises conditions in general, without getting involved in details. The State, in principle, should not engage in industry and trade. Its main duty in the economic development process should consist of establishing the infrastructure.

It is stressed that the fundamental foreign policy principle of the Party is the preservation of world peace, and that the stability of the State lies at the foundation of its philosophy of foreign policy. The platform also states that Turkey should play a more active role in her relations with the Western World, of which she is a member, from the standpoint of political, military and economic cooperation, and that it should be natural for her to develop her relations with the Middle East and other Islamic countries because of her geographical location and historical ties.

(ii) Populist Party



The Populist Party was founded in Ankara on 19 May, 1983. The Party Chairman is Necdet Calp.

The Party platform states that the Populist Party is a social democratic party whose efforts are aimed at improving social justice, social security, raising the living standards of the workers and also giving them value, and which adheres to the principle of a parliamentary democracy.

The Populist Party advocates a mixed economy which places special emphasis on etatism, and believes that the State is obliged to plan and promote social and cultural development, the balanced, harmonious and rapid development of industry and agriculture, the efficient use of national resources by enumerating and evaluating them, and to form the necessary organisation for this purpose. In addition, it is of the

opinion that the partnerships founded by the savings of workers contribute in reaching the targets of the development plan more effectively.

The Populist Party states that it will ensure Turkey's prominence and effectiveness; protect her national interests in the world and especially in our region by means of a dynamic foreign policy; exert extra efforts for detente in international relations, the strengthening of peace and for the maintenance of the independence, sovereignty and territorial integrity of all nations. In addition, the Party believes that it is necessary for Turkey to broaden the scope of her international relations without discriminating on the basis of the countries' internal social order, so long as her interests and relations in international alliances and communities are not endangered. It is especially in favour of developing close relations with the countries in the region and with developing countries.



(iii) Nationalist Democracy Party



The Nationalist Democracy Party (NDP) was founded in Ankara on 16 May, 1983. The Party Chairman is Turgut Sunalp.

The basic principles of the party platform of the Nationalist Democracy Party are as follows: "To restore in accordance with Atatürk's principles and reforms and the September 12th Operation some of our State institutions which were operating inefficiently prior to the September 12 Operation; to strengthen national unity and solidarity, to prevent anarchy and terror from attaining a position threatening and demolishing the social order, the security of life and property of the individual, and to ensure the dominance of the State authority; to hold in esteem the national, historical and spiritual values and to achieve the level of a welfare society."

According to its platform, the Nationalist Democracy Party advocates a mixed economy. In the mixed

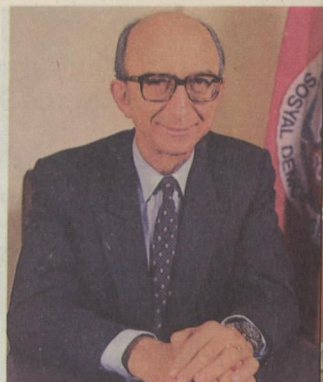


economy, the main emphasis is on the activities of the private enterprises while the State implements infrastructure investments and guides and encourages private enterprise.

The NDP declares that the basic principle of their foreign policy is "Peace at Home, Peace in the World", that it will remain bound to agreements, and that it will exert efforts in developing cultural, economic and political relations between Turkey, who is a member of the free world and the Western alliance, and the Arab and Moslem countries.

c) Other Political Parties

(i) Social Democracy Party



The Social Democracy Party (SDP) was founded in Ankara on June 6, 1983. The Party Chairman is Erdal İnönü.

The Party platform states that the Social Democracy Party aims at achieving an order which gives the highest value to mankind, which derives its power from the people, which respects human rights and freedoms, which adopts a democratic rule without suffering from crises, which achieves production increases together with social justice, which gives priority to social solidarity, and which, while strengthening the national integrity and independence, tries to contribute to world peace and humanity. In addition, it is noted that these goals will be reached in a mixed economic system and that the State will be a national, democratic, social and secular one, governed by law. The SDP also aims at attaining a

certain complementarity between the productive functions of the State and private enterprise.

The SDP believes that such institutions of the civil society as political parties, labour unions, professional organisations, associations and cooperatives have indispensable positive functions.

The Party advocates a dynamic foreign policy, adhering to Atatürk's principle of "Peace at Home, Peace in the World", and based on the principles of friendship, mutual respect and non-interference in internal affairs, and states that it attaches equal importance to the political and economic aspects of foreign relations.



(ii) True Path Party



The True Path Party (TPP) was founded in Ankara on June 23, 1983. The Party Chairman is Yıldırım Avcı.

The main ideas of the True Path Party are briefly stated in its party platform as follows: "To recognise and ensure the recognition of the national will as the supreme will, as the ultimate decision making authority; to protect and defend the Turkish Republic, the democratic regime and the parliamentary system; to ensure the security of the citizen and the State within a free and democratic order; to protect and hold high the rights and national, spiritual and historical values of the nation; to ensure development with a perspective in favour of freedom and civilisation; to spread prosperity to the lowest levels thus ending poverty and unemployment; and to have the Turkish State as a strong, esteemed and great State whose friendship is sought."

According to the party platform, the True Path Party believes that the State should play an influential role in the economy, being productive when necessary, regulative, supportive and deterrent in general. It is of the conviction that development should be of a planned nature.

The True Path Party states that its foreign policy is based on the ensurance of equality of rights and treatment and balance of interests in bilateral relations, and the development of economic and social relations especially with our close neighbours.

(iii) Prosperity Party



The Prosperity Party was founded in Ankara on July 19, 1983. The Party

Chairman is Ahmet Tekdal.

The party platform states that the principal aim of the Party is to raise the nation above the contemporary level of civilisation, and that, in order to achieve this, the Party will make efforts for the economic, cultural and spiritual development of our country by also taking into account our national characteristics.

It is stated in the party platform that efforts will be deployed to establish democracy in the true sense of the word, and to create a national will, and that the practice of referendum will be made more comprehensive, while it is also pointed out that the Party believes in the fundamental rights and freedoms,



including the freedoms of thought, conscience and opinion, and that the right and freedom of the press and publication is the most natural right of the citizens.

The platform, which notes that the Party aims at eliminating the imbalance between regions and social strata, and distributing the welfare more equitably, stresses that an economic policy which is in accordance with characteristics and structure and does not depend on foreign formulas, will be adopted, that industrial development will be planned, and that various measures will be implemented in order to increase agricultural productivity.

In addition, the Prosperity Party asserts that it aims at establishing good relations with all countries and especially with our neighbours, and that it aims at pursuing an independent foreign policy.

(iv) Conservative Party



MUHAFAZAKAR PARTI



The Conservative Party was founded in Ankara on July 7, 1983. The Party Chairman is Ismail Hakkı Yılanlıoğlu.

In its platform, the Conservative Party states that it advocates national unity and solidarity in a free and democratic regime; regards the nation as the sole legal source of sovereignty, and is of the belief that the supremacy of law, free elections, respect for human rights and liberties for the difference of opinions, and good relations between political parties are the most natural requirements for a democratic regime.

The Conservative Party asserts that it is conservative in its opinions about the language, the religion, the national conception of history, the love for our motherland and our nation, the protection of our customs and traditions, the State and the army, and

that it is progressive with regard to its opinions on science, technology and art and that this constitutes its basic idea.

The Conservative Party is of the conviction that it is appropriate to take necessary measures to encourage investments by private enterprise, and that the income distribution should be adjusted and the foreign dependence of our industrial and agricultural production should be decreased.

The Party platform states that endeavouring to establish cooperation with all nations in accordance with the principles of world peace, justice, equality, freedom, nationality and national sovereignty and for the maintenance of peace constitutes the Party's political platform, noting that it aims at the establishment of cooperation with all states having a free democratic regime. Another one of the Party's foreign policy objectives is to protect the Turkish cultural treasures which remain outside Turkey's borders determined in 1920, and to defend all our kinsmen in their cultural and other problems.

The Party was not able to participate in the local elections held on March 25, 1984, since it could not complete the legal formalities in time.

(v) The Flag Party



The Flag Party was founded in Ankara on July 29, 1983. The Party Chairman is Yaşar Yurtöven.

The fundamental principles of the Party are summarised in its platform as follows: "To raise generations to have foresight, possess national and moral values, uphold the principles of secularism and the social state, respect fundamental rights and freedoms, abide by the reforms and principles of Ataturk, loyal to the spirit and philosophy of the September 12 Operation, the Constitution and the Political Party Law; to ensure Turkey's economic development within the system of a mixed economy, to increase the national income and to reduce the differences in the distribution of wealth, to make the most efficient use of existing resources and establishments, to strive for attaining the goal of free, developed, esteemed, grand and strong Turkey, and to take all kinds of measures to this end."

The party platform also states that the State interference in the economy, depending on the circumstances, will be towards regulating and stabilising the sectors, and in a manner increasing production and productivity in order to reduce the economic differences to a minimal level especially by the development of the middle class.

As regards foreign policy, the platform explains that emphasis will be placed on mutual respect and being a factor of balance in international relations, and that the principal aim of the Party will be to form a common stand regarding foreign policy by placing special importance on our relations with the Middle East countries.

The Flag Party did not participate in the local elections held on March 25, 1983, for failing to meet the legal requirements in time.

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