FOR YOU: 1

POLITICAL STRUCTURE OF TURKEY

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The General Directorate of Press and Information of the Turkish Republic
Department of Publications, Research and Documentation
Ankara, 1975

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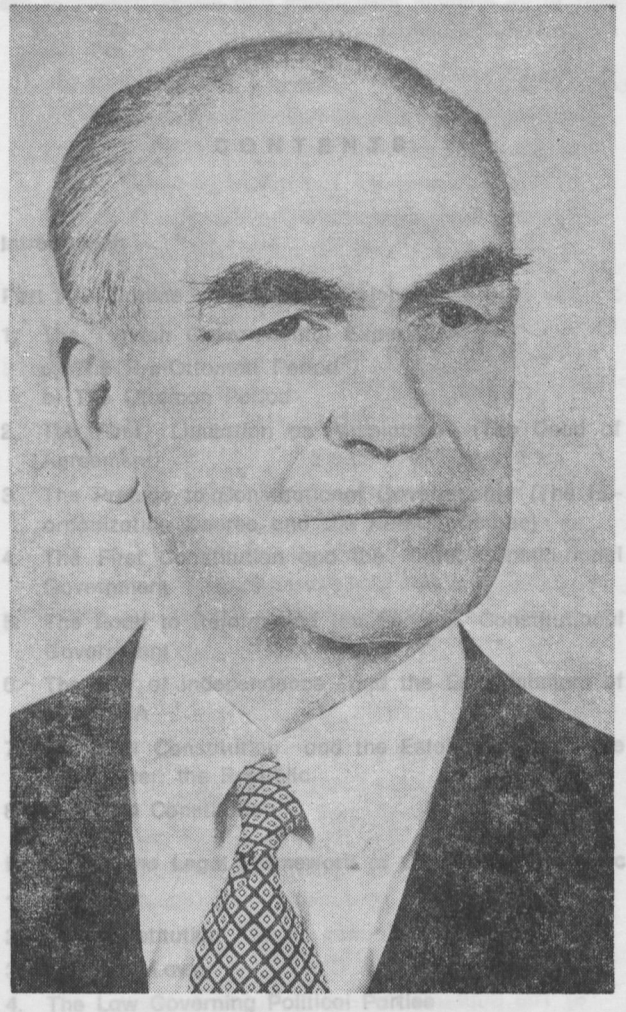
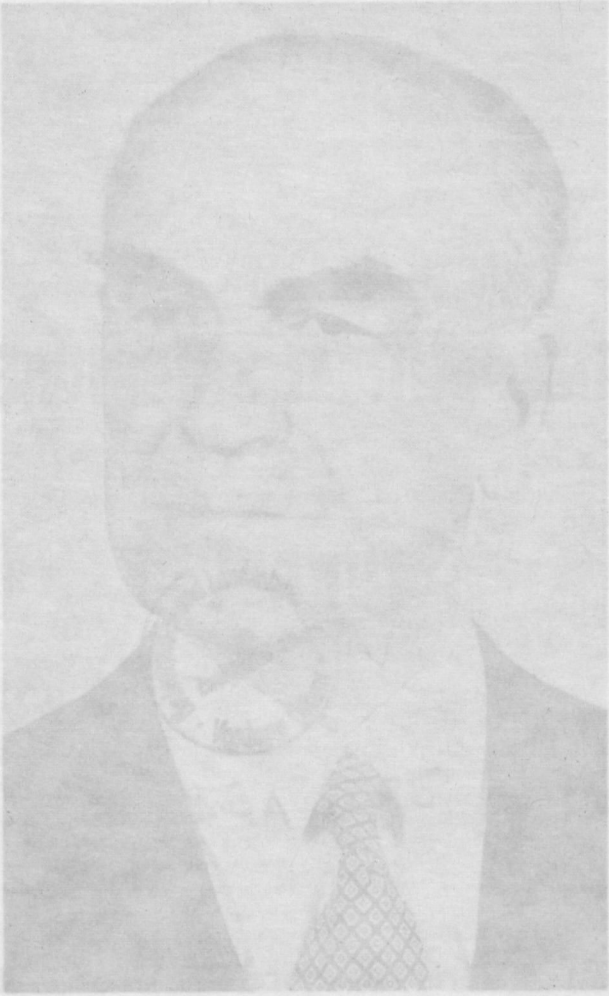


Mr. Fahri S. Korutürk

The President of the Turkish Republic



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FOREWORD

Turkey today is a country making efforts for the establishment of peace throughout the world, both bound to and fully undertaking the responsibilities of the principle «Peace at home, peace in the world», laid down 50 years ago by the founder of the Turkish Republic, Atatürk. The Turkish people's devotion to the principle of peace, is a natural consequence of a civilization many centuries old. At the very basis of this civilization lies a love and respect for mankind, and it is from this stable base that an unshakable belief in democracy and peace has developed. The present Turkish Republic has been founded on the basis of a broad culture and a rich civilization and on a fundamental belief in democracy and peace.

Clearly, making a country known to foreigners depends on the communication of knowledge of its social, cultural and historical structure and its spheres of interest. For this reason, the series «For You» has been prepared, presenting in a summarized form various aspects of the structure of modern Turkey. When all the books in this series are published, they will give a complete picture of the Turkish Republic today.

Doğan KASAROĞLU
Acting General Director
of Press and Information

INTRODUCTION

Turkey is a republic; a national, democratic, secular state based on human rights and the rule of law, whose people and territory form an indivisible whole. The constitutional provision that the form of state is a republic is unalterable, nor can any proposition be made for its alteration. The official language is Turkish and Ankara is the capital.

Sovereignty is unconditionally vested in the Turkish nation and is exercised by the constitutionally empowered institutions. The exercise of sovereignty cannot be delegated to any person, group or class, nor can any institution exercise State authority not derived from the Constitution.

Every individual is entitled to his fundamental rights and freedoms, which cannot be usurped, transferred or relinquished. The State is responsible for the removal of all political, social and economic obstacles restricting the the individual's basic rights, freedom and security in such a way as to be incompatible with the principles of social justice and a state based on the rule of law. Furthermore, the State prepares the requisite conditions for the individual's material and spiritual development, and is responsible for ensuring that the individual leads a physically and mentally healthy life and receives medical attention.

All individuals are equal before the law, irrespective of language, race, political opinion, philosophical conviction or religious belief. The immunity and freedom

enjoyed by the individual cannot be restricted, except where explicitly prescribed by the law and in conformity with the judgements of a court of law. Criminal responsibility is personal and no individual can be made to appear before any authority other than the court he is subject to by law. Moreover, the individual cannot be subjected to ill-treatment or torture, and no punishment incompatible with human dignity can be inflicted.

The privacy of the individual and his home is inviolate. Every individual possesses freedom of domicile, communication and travel, as well as freedom of conscience and religious conviction. He is free to express his thoughts and opinions singly or collectively, verbally, in writing, through pictures or via any other media. Every individual is entitled to learn, expound and propagate knowledge of the sciences and arts, and to conduct all manner of research into these fields. All individuals are entitled to assemble or demonstrate without prior authorization, providing they are unarmed and have no aggressive intent. Associations can also be formed without previous sanction.

The Press is free and cannot be censored. Printing houses and their premises, including their presses and other equipment, cannot be confiscated or rendered inoperative, even though there may be a charge of them being instrumental in a criminal act.

Every individual is entitled to the rights of ownership and inheritance, and he can conduct business and make contracts in the field of his choice. It is both the right and duty of every individual to work. Drudgery is prohibited and rest is considered to be the natural right of every worker. Employers and employees are entitled to establish federations and trades unions without prior authorization, and can freely join or withdraw from such organizations.

Every Turk is entitled to enter public service, with no discrimination other than qualifications demanded.

All individuals bound to the Turkish State by ties of citizenship are considered to be Turks, and all citizens have the right to elect and be elected in accordance with the legal provisions. Elections are based on freedom, equality and secrecy, with direct suffrage and open counting and classification of the votes. Citizens can establish political parties, and enter or resign from them in accordance with the established procedures .

This little booklet is designed as a handbook for those wishing to learn about the political structure of the Turkish Republic, the fundamental constitutional aspects of which are summarized above.

PART I

OUTLINE OF POLITICAL DEVELOPMENT

1. THE TURKISH GOVERNMENTAL EXPERIENCE

a) The pre-Ottoman Period

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.

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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(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 Göktürk 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), 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).

b) The Ottoman Period

Of all the Turkish states, the Ottoman Empire was the one that established the closest, most enduring and far-reaching relations with the West. Under the influence of Islam, the Ottoman administration was for a long time an absolutist sultanate.

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 Moselm doctors of theology) and the Sheik al-islam (the head of the Moslem heirarchy), 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 repre-

sentatives' 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 Fermanı» (The Auspicious Decree of Reorganization), know as the «Gülhane Hattı» (The Noble Edict of Gülhane). The edict was promulgated on the 3rd of November 1839 from Gülhane Palace by Mustafa Reşit Pasha, the Foreign Minister. Mustafa Reşit Pasha had persuaded the young Sultan Abdülmecid to ratify the document, despite the opposition of the Prime Minister, Hüsrev Pasha.

As with most constitutional documents there was a preamble to the Tanzimat Decree, in which it was explained that «backwardness was the consequence of failure to fully observe Koranic tenets and canonical laws.» Despite this, the decree recommended the enactment of new laws «kavanin-i cedide» to remedy the situation. 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 Fermanı» (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 versed in Western culture. Unlike the West, the political and social climate of the Ottoman Empire was unsuitable for such an attempt to be made by the popular masses.

Certain statesmen with authority in the State's administration, led by Mithat Pasha, convinced the Crown Prince Abdülhamit 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 Ist of November by Imperial Decree and recess on March the Ist. 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 Ist 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 Feburary 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 Abdülhamit 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 I, 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 Abdülhamit II's connection with the March 31 Event has never been confirmed, he was dethroned and an amendment 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 gover-

ment 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 could not unfortunately 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 (Atatürk) 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 Rumeli Law Assembly» (Rumeli 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. This first Parliament led to the establishment of a constitutional system, and the formation of Turkey as a republic, based on secular principles replacing the old Islamic and monarchic system.

Turkey's new status as a republic was announced to the people by Mustafa Kemal Pasha, and a Parliament was established in Ankara, possessing extraordinary powers to handle national affairs. Each province was detailed to send 5 representatives as parliamentarians. 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 internal governmental harmony.

This marked the effectual end of the Sultan's rule, since the new system left no place for him. However, a

law passed on September 5, 1920 (the Nisabi Müzakere Kanunu) was ambiguous in respect to the Sultan's future status. It first stated that it was the duty of the TGNA and the Caliphate to aim for the goal of Turkish independence, and second, that the Parliament should continue to perform its duties until the goal was reached, but nowhere made clear whether it was Sultan or Parliament which would concede power after the goal was reached. Mustafa Kemal Pasha made a speech about this declaiming the Caliph (Sultan) as a traitor, who should not be allowed a place within the new system. In fact the Sultan was the enemy's captive at the time, and so incapable of exerting his authority. This left one solution open to the TGNA : to make sure that the TGNA and the Government fulfilled their duty, while the Sultan was still immobilized.

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 future, by the Istanbul Government after the occupation of Istanbul. However, no general administrative changes were made in the Constitutional Law, until June 7, 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 İnönü (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. The Armistice was signed in Mudanya on October 11. 1922. Now the doors were open for the Lausanne Peace Conference. At this point the leader of the Istanbul Government, Sadrazam Tevfik 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 on, 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 Abdülmecit 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. After 1946, the handicaps of controlling the executive power were felt and criticism started.

The changing conditions of the world showed the necessity of judiciary control over executive power but unfortunately, the Constitution was incapable of such a change. The changes that the Constitution itself fostered did not permit an atmosphere of free criticism in the inner structures of the political parties. Thus criticism of the decisions taken by the ruling party increased, in reaction against this.

The elections on May 14, 1950 resulted in the defeat of the Republican People's Party after 27 years in power. The elections were considered a new step in democracy

and regarded as elections of «maturity» by the western democratic societies.

Complaints about personal rights and freedom increased under the rule of the Democrat Party and reached their peak in 1960, The May 27, 1960 Revolution was directed to solving this problem and a new Constitution was prepared by the Constituent Assembly. The people were given extensive democratic rights and social, economic and personal freedom.

The 1961 Constitution, which is still valid, apart from minor amendments, approved the principle that laws should be within the principles laid down by the Constitution. To ensure this, the new Constitution provided for the establishment of the Constitutional Court.

PART II

LEGAL FRAMEWORK OF THE TURKISH REPUBLIC

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PART II

LEGAL FRAMEWORK OF THE TURKISH REPUBLIC

1. GENERAL

The Republic of Turkey is a democratic state based on the rule of law, in which laws are valid both in letter and in spirit.

Where no legal provisions exist, judges rule in accordance with customs and traditions. Where no such customs and traditions exist the judge can act as he would if he were a law-maker, utilizing logical interpretations of legal precedents.

Every individual is expected o abide by the principle of good intent, in exercising his rights and fulfilling his obligations. The law does not protect a right exercised solely with intent to harm others.

Unless the law states otherwise, every individual is obliged to prove a claim made against another. Moreover, nothing is an offense unless it is specifically against the law, and no-one can be punished for an act which was not deemed an offense by the laws in force at the time the act took place.

2. THE CONSTITUTION

The Constitution is the basis of all law and no law can contradict the Constitution. The present Constitution was drafted by the Constituent Assembly formed after the Revolution of the 27th of May 1960, submitted to a referendum and enforced as of the 20th of July 1961.

National sovereignty is exercised by the authorized organs, according to the principles laid down in the

Constitution. According to the Constitution, legislative power is vested in the Turkish Grand National Assembly, and this power is intransferable. The executive power is constitutionally vested in the President of the Republic and the Council of Ministers. Judicial power is exercised by independent courts of law in the name of the Turkish Nation. The provisions of the Constitution are the fundamental legal rules binding for all institutions, offices and individuals.

Amendments to the Constitution can only be proposed through a written motion submitted by at least one third of the Grand National Assembly, and such motions cannot be discussed urgently. The passing of an amendment is dependent on a two-thirds majority in both the National Assembly and in the Senate. No amendments to the State's form as a republic can be proposed.

3. ELECTORAL LAWS

Citizens possess the right to elect and be elected in accordance with the law. Elections are based on direct suffrage, where all votes are equal and the voter casts his ballot freely and secretly, and where the result is openly counted. Every Turk who has completed his twenty-first year is eligible to vote and casts his vote personally. Enlisted men, corporals, sergeants and military academy students cannot vote, nor can those under litigation or those prohibited from public service. A proportional representation system is used, with every province comprising an electoral area.

Elections are conducted by Election Boards; with the Supreme Election Board in Ankara, a Provincial Election Board in every electoral area, a District Election Board in every administrative district, and a Polling-Booth Board for every polling-booth established in the electoral areas.

The Election Boards are composed of senior judges and all the political parties participating in the elections have representatives on the provincial and district election boards.

Election propaganda is free within the limitations imposed by law. Necessary election expenditures are paid from the general budget.

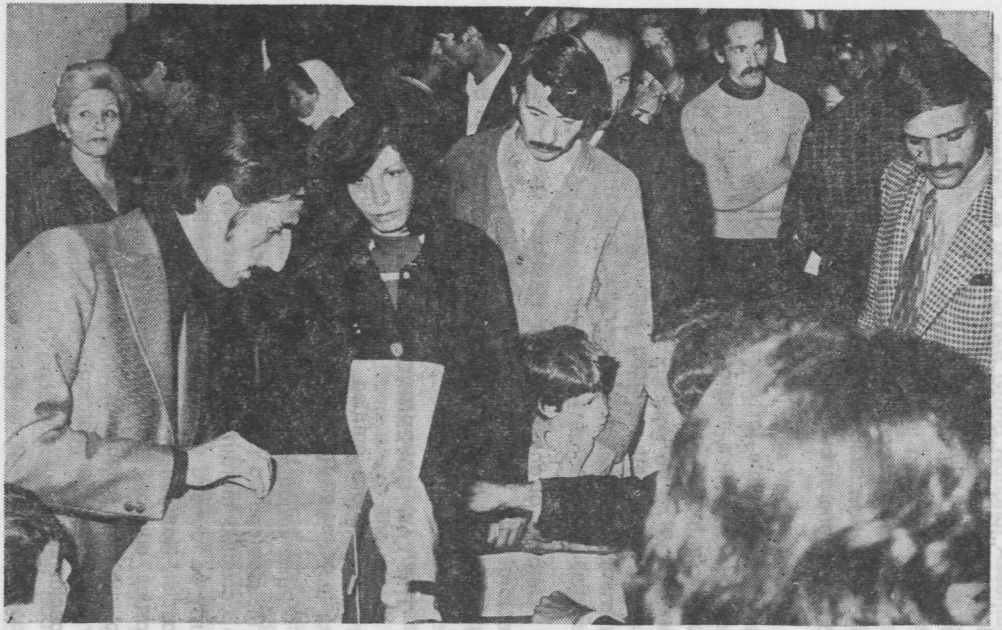
Every citizen who has completed his thirtieth year is considered eligible for election as a Deputy Those who are, under litigation illiterate, employed without authorization by a foreign government, those sentenced to penal servitude or prison sentences exceeding five years, (except those with reduced sentences) and those who have not done their military service, cannot be elected as Deputies.

Detailed arrangements for elections, basic rules and electoral rolls, are contained in the special laws concerning elections to the House of Representatives, the Senate of the Republic and of local administrators.

4. THE LAW GOVERNING POLITICAL PARTIES

Citizens are entitled to found political parties and to join or resign from them, according to legal procedures.

Party organization cannot be contrary to democratic principles and no party can be formed with aims contrary to accepted morality and public decency, nor can any party be founded under the names Communist, Anarchist, Fascist, National Socialist or any similar names. Political parties cannot conduct any training or educational activities for military or civil defence purposes. Detailed arrangements for political parties are laid down in a special law.



Polling day.

PART III

POLITICAL INSTITUTIONS AND ORGANIZATIONS OF THE TURKISH REPUBLIC

1. THE LEGISLATIVE

a) The Turkish Grand National Assembly (TGNA)

The Turkish Grand National Assembly is the legislative organ of the Turkish Republic. It comprises the National Assembly and the Senate of the Republic. These two chambers meet in joint session in instances indicated by the Constitution.

The Turkish Grand National Assembly is empowered to enact, amend and repeal laws, to mint currency, proclaim pardons and amnesties, ratify treaties with foreign states and international organizations, declare war and authorise the sending of the Turkish Armed Forces abroad. The TGNA also has the right to confirm or revoke death sentences passed by independent courts. The bills for the State budget and the final accounts are separately debated in both houses, and are finalized with their adoption.

b) The National Assembly (N A)

The National Assembly, comprising 450 elected members, is one of the two chambers of the Turkish Grand National Assembly. Every Turkish male or female who has completed his or her thirtieth year, and has no cause impeding his election, may be elected as a Deputy. Elections to the National Assembly are generally held every four years, though the Assembly can decide to call for new elections before the termination of the four-year period.

The National Assembly functions in accordance with the parliamentary statutes. Under these statutes, the Chairmanship Council of the National Assembly consists of a Chairman, four deputy-chairmen, three administrative members and seven other council members. Political parties forming a group in the National Assembly are represented in the Chairmanship Council in the same proportion as in parliamentary committees.

The committees are selected at the beginning of each legislative year for a period of two years. The National Assembly Committees cover the following fields: the Constitution; justice; national defence; home affairs; foreign affairs; national education; industry, technology and commerce; public works; reconstruction; communications and tourism; agriculture, forestry and rural affairs; and National Assembly accounts. The number of members in each committee is proposed by the Advisory Council and determined at the plenary session.

The Advisory Council meets under the chairmanship of the Chairman of the National Assembly and comprises the chairmen of political party groups, or their deputies, or other members designated by them in writing. These political party groups can be formed by parties with at least ten members in the National Assembly.

Plenary sessions are held each Tuesday, Wednesday and Thursday between 15.00 to 19.00, excepting official holidays. These proceedings may be modified in plenary session on the recommendation of the Advisory Council.

c) The Senate of the Republic

The Senate of the Republic is composed of 150 members elected through universal suffrage and 15 members appointed by the President of the Republic. The Chairman and members of the National Unity Com-

mittee, whose names are listed in Law 157 of December the 13th 1960, and the former Presidents of the Republic are life members of the Senate. Life members who join a political party, subsequent to their entering the Senate, lose their status as life members on the date of the first senatorial election held thereafter.

Every Turk who has completed his fortieth year, received a higher education and who has no cause impeding his election to the National Assembly, may be elected to the Senate of the Republic.

The President of the Republic selects 15 members from among those who have distinguished themselves in various fields and who have completed their fortieth year. At least ten of these members are appointed from those who are not members of any political party .

The Senator's term of office is six years and members completing their term of office may be re-elected. One third of the Senators elected by universal suffrage and appointed by the President stand for re-election every two years. When the term of office of a Senator appointed by the Pesident expires, or when a senatorial vacancy occurs for any other reason, the President of the Republic appoints a new member within one month. The person appointed to fill a vacancy is appointed for the remainder of the term of office of the member he replaces.

The Chairman of the Senate of the Republic, like the Chairman of the National Assembly, is elected for two years by a two-thirds majority of the plenary session of the Senate through a secret ballot. If this specified majority is not obtained in the first two ballots, an absolute majority suffices thereafter. Political party groups repesented in the legislative chambers may not nominate candidates for the chairmanships of these

chambers. The Chairman and deputy-chairmen of the Senate cannot participate inside or outside the Turkish Grand National Assembly in the political parties or political party groups of which they are members, nor can they take part in Assembly or Senate debates, except in cases necessitated by their office. Moreover, the Chairman may not vote.

The functioning of the Senate is governed by the provisions of its own statutes. The provisions of these statutes are conceived so as to ensure the participation of each political party group in all parliamentary activities in proportion to its size. A political party group in the Senate must consist of at least ten members. Independent members of the Senate can also form a group with a minimum of ten members.

According to the Senate statutes, three different kinds of committee operate; those dealing with all kinds of public matters, those concerning the Senate of the Republic, and those dealing with certain specific public matters. The plenary session is entitled to establish new committees or to dissolve existing ones.

d) Joint Session of the TGNA

The National Assembly and the Senate of the Republic meet under the chairmanship of the Chairmanship Council of the National Assembly to debate and resolve matters indicated by the Constitution; that is the declaration of war, the sending of the Turkish Armed Forces abroad, the authorizing of foreign armed forces to be stationed in Turkey, and the declaration of martial law.

The Turkish Grand National Assembly elects a new President of the Rejublic fifteen days prior to the end of the term of office of the outgoing President. The Grand National Assembly is immediately required to convene if it is not already in session. The newly elected President of

the Republic takes the oath before the joint session of the Turkish Grand National Assembly.

Requests for parliamentary investigation and reference to the Supreme Council of State, concerning the Prime Minister and other ministers, are debated and voted on at the joint session of the Turkish Grand National Assembly.

e) Legislation

The Council of Ministers and the members of the Turkish Grand National Assembly are empowered to propose legislation. The members can support the proposed legislation at the relevant committees of both legislative chambers.

Bills are debated first in the National Assembly, though before they are submitted to the plenary session they are discussed in the relevant committees which issue reports concerning them. Bills passed with or without amendments or rejected outright by the National Assembly are refered to the Senate. If a bill passed by the National Assembly is ratified by the Senate, without amendment, such a bill becomes law. Provisions concerning the solution of differences between the National Assembly and the Senate regarding bills are detailed in Article 92 of the Constitution.

Debate on the budget and the Development Plans is subject to specific procedures. Contrary to the general rule, the budget is first debated and passed in the Senate. Members of the Turkish Grand National Assembly cannot initiate motions entailing increases in expenditure or decreases in specific incomes at the budget debates of the plenary sessions. The budget bill is debated and adopted by a mixed commission, composed of thirty-five Deputies and fifteen Senators, and is sumbitted to the plenary session with a report.

In addition to the aformentioned, the Turkish Grand National Assembly can establish other mixed commissions,

such as the ones for State Economic Enterprises, for Petitions, for Preliminary Parliamentary Investigation and to study conflicts of opinion between the National Assembly and the Senate, in accordance with Article 92 of the Constitution.

Members of the Grand National Assembly are entitled to parliamentary immunity, and they may not be held legally responsible for their statements or votes. Beside their legislative functions members exercise their power of control by means of written or verbal enquiries motions of censure, parliamentary investigations and enquiries. A motion of censure is made in the name of a political party group or with the signatures of at least ten Deputies.

Demands for a parliamentary investigation concerning the Prime Minister or other ministers are debated and voted upon at the joint session of the TGNA. Political party groups cannot debate or adopt resolutions concerning parliamentary investigations.

Each legislative assembly assembles with a simple majority of its members and adopts resolutions with a simple majority of those members attending the session, providing this does not conflict with the Constitution.

Parliamentary debates are conducted openly and published in full in the Parliamentary Gazette. The open parliamentary debates can be freely publicized by all means of communication.

2. THE EXECUTIVE

a) General

The executive power is vested in the President of the Republic and the Council of Ministers, within the framework of the Constitution and the law. The provisions of the Constitution are the fundamental legal rules

binding for the executive bodies and the administrative departments.

Executive functions are conducted through administrative procedures, based on the principle of central administration and local administration when deemed necessary. In terms of its organization and functions the administration is a whole. Public bodies are created only by law or on the authority expressly granted by law.

The Turkish central administrative organization is divided into provinces according to factors of geography, economics and public service. These provincial administrations are further divided into town administrations, which are in turn subdivided into rural administrations. Provincial administration is based on the principle of self-government. Self-governing regional organizations comprising several provinces can be established for the discharge of specific public services.

Local administrative organs are public juridical bodies, created to meet the common local needs of residents of provincial, municipal and rural areas, whose policy making organs are elected by the people. Elections to local administrative bodies are held at the times prescribed by law and are subject to the principles laid down in the Constitution. Only the courts have the right of jurisdiction over the acquisition or loss of an administrative body's status.

According to the Constitution, universities are autonomous institutions. Television and broadcasting stations, in the form of impartial public corporate bodies, can only be established by the State. Also impartiality is the basis of news agencies established by the State.

Professional organizations having the character of public institutions are established by law, and they elect their own administrative organs from among their own members.

b) The President of the Republic

The President of the Republic is the Head of State. In this capacity he represents the Turkish Republic and the integrity of the Turkish nation. The President of the Republic is elected by secret ballot and a two-thirds majority of the plenary session to a term of seven years, from among those membes of the Turkish Grand National Assembly who have completed their fortieth year and received a higher education. In the event that this majority is not obtained in the two ballots, an absolute majority is considered sufficient. The President is not eligible for re-election. If the President-elect is a member of a political party, he is compelled to disassociate himself from his party, and his status as a regular member of the Grand National Assembly is thereby terminated. Upon his assumption of office the President takes his oath before the TGNA.

The President presides over the Council of Ministers when he deems it necessary, accredits representatives of Turkey abroad, receives representatives of foreign states and ratifies and promulgates international treaties and laws.

The President may, within a period of 15 days, reject laws passed by the TGNA which he considers to be inexpedient, and send them back to the TGNA, stating the reasons for rejection. He cannot, however, reject the budget laws and constitutional amendments. The President may call the TGNA to convene when in recess, directly or on the request of the Council of Ministers.

The President is empowered to commute sentences or issue pardons on the grounds of chronic illness, infirmity or old age.

T A B L E I

PRESIDENTS OF THE TURKISH REPUBLIC

Mustafa Kemal ATATÜRK	29 October 1923	— 10 November 1938
İsmet İNÖNÜ	11 November 1938	— 22 May 1950
Celal BAYAR	22 May 1950	— 27 May 1960
Cemal GÜRSEL	27 May 1960	— 28 March 1966
Cevdet SUNAY	29 March 1966	— 28 March 1973
Fahri S. KORUTÜRK	6 April 1973	— .....

The office of Commander-in-Chief is integrated in the abstract existence of the Turkish Grand National Assembly and is represented by the President of the Republic, who also presides over the National Security Council.

The President is not held accountable for his actions connected with his office. All decrees are signed by the Prime Minister and the relevant Ministers, who are held responsible for them.

The President may only be impeached for high treason with a motion of at least one third of the plenary session of the Grand National Assembly. Conviction of high treason requires a minimum two thirds majority of the joint plenary session of both legislative bodies.

Should the President be temporarily absent from his office, on account of illness or travel abroad, the Chairman of the Senate acts as his deputy until the President returns. In the event of the demise or resignation of the President, or of a vacancy for any other reason, the Chairman of the Senate acts as his deputy until the new President of the Republic is elected.

c) The Council of Ministers

The Council of Ministers comprises the Prime Minister and the ministers. The Prime Minister is designated by the President from among the members of the Turkish Grand National Assembly. The ministers are nominated by the Prime Minister and appointed by the President from among the members of the TGNA, or from among those qualified for election as Deputies. The full list of members of the Council of Ministers is submitted to each legislative body. If these chambers are not in session they are convened.

As head of the Council of Ministers, the Prime Minister ensures cooperation among the ministers, and

supervises the implementation of the Government's general policy. The members of the Council of Ministers are collectively responsible for the implementation of this policy. Each minister is also responsible for his own deparment and for the actions of his subordinates.

The Prime Minister, or any other minister designated by him, reads the Government programme before each legislative chamber not later than one week after the formation of the Council of Ministers, whereupon the programme is submitted to the National Assembly for a vote of confidence. Debate on the vote of confidence begins after two full days following the reading of the programme, and a vote is taken after one full day following the termination of the debates.

Should the Prime Minister deem it necessary, he may ask for a vote of confidence from the National Assembly after discussing a matter in the Council of Ministers. A request for a vote of confidence may be granted by a majority vote of confidence from the National Assembly after discussing a matter in the Council of Ministers. A request for a vote of confidence may be granted by a majority vote of the members attending the session, but it can be rejected only by an absolute majority of the plenary session.

The Council of Ministers is responsible to the Turkish Grand National Assembly for guaranteeing national security and for preparing the Armed Forces for war. After his nomination by the Council of Ministers, the Chief of General Staff is appointed by the President.

The Council of Ministers is entitled to submit bills of law to the Turkish Grand National Assembly. The general and annexed budget bills and the report on the national budget estimates are submitted to the TGNA by the Council of Ministers at least three months before the beginning of the new fiscal year.

The Council of Ministers can draw up regulations governing the mode of law enforcement, providing that these do not conflict with existing laws and that they have been examined by the State Council.

Ministries are established in accordance with the principles laid down by law. A minister becomes an acting minister for a ministry in which there is a vacancy, or for a minister who is on leave or absent for some valid reason. A minister may not temporarily replace more than one minister. A minister who is brought to trial before the Supreme Council of State by a resolution of the Grand National Assembly, is deprived of his ministerial status. When a ministerial post is vacated for any reason whatsoever, a new appointment must be made within fifteen days.

If the Council of Ministers is twice defeated in the National Assembly in eighteen months and then fails to gain a vote of confidence for a third time, then the Prime Minister can ask the President to call fresh elections to the National Assembly.

When a provisional Council of Ministers is necessary, the Prime Minister can form such a provisional council to preserve his own position. Whenever the President is absent, the Prime Minister presides over meetings of the National Security Council.

d) The Provisional Council of Ministers

If the Council of Ministers has twice been defeated by a vote of no confidence within eighteen months, and if a third vote of no confidence is obtained, the Prime Minister can request that the President call new elections to the National Assembly. Whereupon, the President, after consultation with the chairmen of the legislative chambers, can decide to call new elections.

TABLE II
GOVERNMENTS OF THE TURKISH REPUBLIC AND THEIR PRIME MINISTERS

Prime Minister	Governments formed	Date of formation	Date of resignation
İsmet İnönü	1st. İnönü Govt.	30.10.1923	6. 3.1924
	2nd » »	6. 3.1924	22.11.1924
A. Fethi Okyar	Okyar Govt.	22.11.1924	3. 3.1925
İsmet İnönü	3rd » »	4. 3.1925	1.11.1927
	4th » »	2.11.1927	25. 9.1930
	5th » »	27. 9.1930	4. 5.1931
	6th » »	4. 5.1931	1. 3.1935
	7th » »	1. 3.1935	1.11.1937
Celâl Bayar	1st Bayar Govt.	1.11.1937	11.11.1938
	2nd. » »	11.11.1938	25. 1.1939
Refik Saydam	1st. Saydam Govt.	25. 1.1939	3. 4.1939
	2nd. » »	3. 4.1939	8. 7.1942
Şükrü Saraçoğlu	1st. Saraçoğlu Govt.	9. 7.1942	8. 3.1943
	2nd. » »	15. 3.1943	5. 8.1946
Recep Peker	Peker Govt.	7. 8.1946	9. 9.1947
Hasan Saka	1st. Saka Govt.	10. 9.1947	8. 6.1948
	2nd. » »	10. 6.1948	14. 1.1949

Şemseddin Günaltay	Günaltay Govt.	16. 1.1949	22. 5.1950	
Adnan Menderes	1st. Menderes Govt.	22. 5.1950	8. 3.1951	
	2nd. » »	9. 3.1951	14. 5.1954	
	3th. » »	17. 5.1954	30.11.1955	
	4th. » »	9.12.1955	1.11.1957	
	5th. » »	25.11.1957	27. 5.1960	
Cemal Gürsel	1st. Gürsel Govt.	30. 5.1960	4. 1.1961	1
	2nd. » »	5. 1.1961	28.10.1961	2
İsmet İnönü	8th. İnönü Govt.	20.11.1961	1. 6.1962	x
	9th. » »	25. 6.1962	2.12.1963	xx
	10th. » »	25.12.1963	13. 2.1965	xxx
Suat Hayri Ürgüplü	Ürgüplü Govt.	20. 2.1965	22.10.1965	xxxx
Süleyman Demirel	1st. Demirel Govt.	27.10.1965	22.10.1969	
	2nd. » »	3.11.1969	14. 2.1970	
	3th. » »	6. 3.1970	12. 3.1971	

(1) National Unity Committee Government
(2) National Unity Committee Government
(x) RPP-JP Coalition Government
(xx) RPP-NTP-RPNP Coalition Government
(xxx) RPP-Independents Government
(xxxx) JP-NTP-RPNO Coalition Government

Nihat Erim	1st. Erim Govt.	26. 3.1971	3.12.1971 y
	2nd. »	11.12.1971	17. 4.1972 yy
Ferit Melen	Melen Govt.	22. 5.1972	10. 4.1973 yyy
Naim Talû	Talû Govt.	15. 4.1973	6. 1.1974
Bülent Ecevit	Ecevit Govt.	7. 1.1974	18. 9.1974 xxxxx
Sadi Irmak	Irmak Govt.	17.11.1974	31. 3.1975 yyyy
Süleyman Demirel	4th Demirel Govt.	31. 3.1975	 xxxxxx

(y) JP-RPP-Technocrats (above party) Government
(yy) JP-Technocrats (above party) Government
(yyy) JP-RRP-Technocrats (above party) Government
(yyyy) Technocrats (above party) Government
(xxxxx) RPP-NSP Coalition Government
(xxxxxx) JP-NSP-RRP-NAP Coalition Government

In situations necessiating the formation of a provisional Council of Ministers, ministers resign from their posts and the Prime Minister forms a Provisional Council of Ministers. The Provisional Council of Ministers consists of members of the party groups in proportion to their representation in the National Assembly, provided that the ministers of justice, the interior and communications are chosen from among the independents Deputies in the Turkish Grand National Assembly. The Provisional Council of Ministers is not subject to a vote of confidence and remains in office for the duration of the elections until the new National Assebmly convenes. In the event of general elections, new ministers of justice, the interior and communications are apppointed by the Prime Minister from among the independent members of the TGNA, within five days after the date of such a decision, and not less than three days before the date on which elections are to be held.

e) Other Institutions and Establishments

(i) The National Security Council

The National Security Council is composed of the Prime Minister, the Chief of General Staff, the ministers indicated by law and the Forces Commanders.

The President of the Republic presides over the National Security Council, and in his absence, his place is taken by the Prime Minister.

The National Security Council recommends to the Council of Ministers the necessary basic approach to decisions taken in connection with national security and coordination.

(ii) The Chief of General Staff

The office of the Chief of General Staff functions in coordination with the Ministry of Defence and is incorporated in the general budget. It was established in accordance with Article 110 of the Constitution.

The Chief of General Staff is the commander of the Armed Forces. He is appointed by the President after his nomination by the Council of Ministers and his duties and authority are regulated by law. The Chief of General Staff is responsible to the Prime Minister in the exercise of his duties and authority.

(iii) The Supreme Planning Council and the State Planning Organization

The Supreme Planning Council is composed of the Prime Minister or one of the Deputy Prime Ministers, three ministers to be delegated by the Council of Ministers, the Undersecretary of State of the State Planning Organization and the heads of the Economic Planning and Coordination Department. Its main function is to prepare and submit to the Council of Ministers a report on the long-term development plan and the yearly programmes.

The State Planning Organization was established by Law 91 in accordance with Articles 41 and 129 of the Constitution. It is attached to the Office of the Prime Minister and is incorporated in the general budget. This organization is charged with the preparation of necessary plans for national development toward definite targets, within the framework of long-term plans and annual programmes.

3. THE JUDICIARY

a) General

The judicial power is outlined in Part III of the Constitution in accordance with general principles. This jurisdiction is exercised by the independent courts of law. Judges are given special guarantees and are independent in the discharge of their duties, passing judgement in accordance with the Constitution, laws,

justice and their personal convicitions. No insitution, office, agency or individual may give orders or instructions to courts and judges in connection with the discharge of their duties, or make recommendations or suggestions. The organization of the courts, their duties, jurisdictional operation and trial procedure are regulated by law.

No questions may be asked, debates held, or statements made in the legislative chambers in connection with the exercise of judicial power in a case on trial. Legislative and executive organs, including the Administration, are under obligation to comply with court rulings and not to delay their execution.

The public prosecutors are attached to the Ministry of Justice as far as their administrative functions are concerned. With the exception of public prosecutors' election to the Supreme Court of Appeal, the power to decide on all questions concerning the careers of public prosecutors, on disciplinary actions to be taken against them, or their expulsion from the profession, is vested in the Supreme Council of Prosecutors, The Supreme Council of Prosecutors is presided over by the Minister of Justice and is composed of the Prosecutor of the Republic, three regular and two alternate members chosen by the General Assembly of Penal Departments of the Supreme Court of Appeal, the Undersecretary of State and the Director General of the Personnel Deparment of the Ministry of Justice.

State Security Courts deal with cases concerning offences against the State's territorial and national integrity, free democratic order and the Republic as laid down in the Constitution, in addition to offences directly related to State security. A State Security Court comprises a chairman, four regular and two alternate members, a prosecutor and a sufficient number of assistant prosecutors .

Special judicial courts are established by law to meet special needs. Among them are press courts, foreign exchange courts, cadastral courts, land courts, labour courts and traffic courts.

Judicial courts are generally divided into criminal courts, civil courts of first instance and civil courts of peace according to the nature of the cases they hear.

In each civil court of first instance there is an examining magistrate charged with conducting the initial enquiry concerning the accused and a prosecutor with an adequate number of assistant prosecutors to initiate a case of public prosecution if need be. There is a sufficient number of court-bailiff's offices and bankruptcy offices within the field of jurisdiction of every court of first instance. In every office there is a court-baliff and secretaries appointed by the Ministry of Justice. The court-baliff's office and the bankruptcy office may be unified in one office.

Court proceedings are open to all. All court verdicts are put down in writing and are accompanied by a justification of the verdict.

The Constitution declares the high courts to be the Supreme Court of Appeal, the State Council, the Supreme Military Court of Administration, the Supreme Court of Military Appeals and the Court of Jurisdictional Disputes.

The Supreme Council of Judges and the Supreme Council of Prosecutors are established to pass final judgement on all matters pertaining to the careers of judges and prosecutors, judicial courts, the abolition of a court or the post of a judge or prosecutor, the alteration of a court's area of jurisdiction and the supervision of judges and enquiries into their conduct.

The Constitutional Court reviews claims of laws being unconstitutional and passes final judgement on them, and acts as a High Court of Justice when necessary.

The Supreme Council of Public Accounts is in charge of auditing on behalf oh the Turkish Grand National Assembly all accounts of revenue and expenditure of Government departments, financed from general and annexed budgets, and is in charge of inspecting, auditing and ruling upon matters concerning the accounts and procedures of those responsible.

b) The High Courts

(i) The Supreme Court of Appeal

The Supreme Court of Appeal was established as the highest authority for the review of verdicts. It examines verdicts of lower courts and is, in cases specified by law, a court of first and last instance. The reviews are carried out and concluded by nine departments of civil law, one of commerce, one of the court-bailiff and bankruptcy trustee, and seven of criminal law.

The General Council of Law, the General Council of Penal Law and the General Council for the Reconciliation of Opinions convene for the purpose of carrying out their functions as prescribed by law.

(ii) The State Council

The State Council is an authority of Jurisdiction As a high administrative court it examines cases opened by those whose interests are affected with reference to administrative procedures, from the point of view of authority, cause, intention and principle. It also examines and rules upon verdicts of courts of administrative jurisdiction as a court of appeal.

As an advisory council it comments on draft laws sent by the Council of Ministers, examines proposed regulations and conditions of concessionary agreements.

The twelve departments within the State Council function within the framework of a division of labour made

according to the nature of the work. These departments are the General Council, the Council of Administrative Departments, the Council of Departments of Prosecution and the Council for the Reconciliation of Opinions.

(iii) The Supreme Court of Military Appeals

The Supreme Court of Military Appeals was established as the highest authority of military prosecution. It acts as a court of first and last instance for military personnel in cases prescribed by law.

The Supreme Court of Military Appeals is composed of four departments. The Departmental Councils and the General Council perform their duties as prescribed by law.

(iv) The High Military Court of Administration

This court is charged with solving administrative disputes arising from the actions and duties of military personnel in connection with their military service. It has three departments.

(v) The Court of Jurisdictional Disputes

The Court of Jurisdictional Disputes is empowered to finally settle disputes among civil, administrative and military courts arising from disagreements on duty and authority.

The court is presided over by a member delegated by the Constitutional Court and is composed of six other members, including three members from the Supreme Court of Appeal, three members from the State Council of the Supreme Court of Military Appeals, according to the nature of the dispute.

c) The Supreme Council of Judges

The Supreme Council of Judges was instituted to ensure that judges execute their duties independently and free from all manner of influence The court rules on all matters concerning the careers of judges.

A proposal made by the Minister of Justice for the abolition of a court or the post of a judge, or for the alteration of a court's area of jurisdiction, is dependent on the approval of the Supreme Council of Judges.

The council is also entitled to apply to the Constitutional Court on the grounds of certain laws and statutes of legislative bodies being unconstitutional, in areas concerning their own functions and existence.

The Supreme Council of Judges functions in the form of three departments.

d) The Constitutional Court

The Constitutional Court reviews whether laws and statutes of the Turkish Grand National Assembly are constitutional, and examines the conformity of constitutional amendments, with the provisions of the Constitution.

The Constitutional Court can act as a high court of justice in bringing to trial the President of the Republic, members of the Council of Ministers, the chairmen and members of the Supreme Court of Appeal, the Supreme Court of Military Appeals, the Supreme Council of Judges, the State Council and the Supreme Council of Public Accounts, the Chief Prosecutor of the Republic, the Chief Attorney, the Chief Prosecutor of the Military Court of Appeal as well as its own members, for offences related to their offices.

The court is composed of fifteen regular and fifteen alternate members. A regular or alternate member of the Constitutional Court must have completed his fortieth year and have served as a chairman, member, Chief Prosecutor or Chief Attorney in the Supreme Court of Appeal, the State Council, the Supreme Court of Military Appeals or the Supreme Council of Public Accounts, or

have served on the academic staff of a faculty of law. economics or political science in a university for at least five years, or have practised law as a barrister for fifteen years.

The Constitutional Court conducts in open hearing cases concerned with the closure of a political party and cases regarding those prosecuted in its capacity as a high court of justice. Rulings on other cases are made after examination of the files.

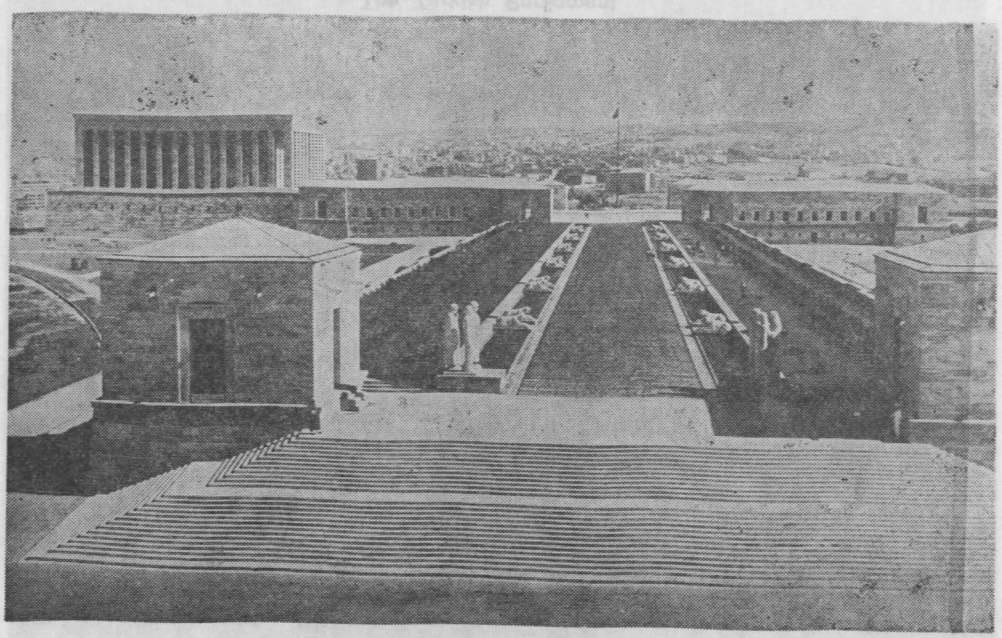
The President of the Republic, political party groups in the legislative assemblies, political parties represented in the Turkish Grand National Assembly, political parties which have obtained at least ten per cent of the vote in the preceding elections, or one sixth of all the members of one legislative body, and, in cases concerning their existence and functions, the Supreme Council of Judges, the Supreme Court of Appeal, the State Council, the Supreme Court of Military Appeals and the universities, may initiate annulment suits in the Constitutional Court based on a charge of the unconstitutionality of a law, the statutes of the Turkish Grand National Assembly or specific articles and provisions thereof.

e) The Supreme Council of Public Accounts

The Supreme Council of Public Accounts inspects in me of the Turkish Grand National Assembly and has the power to prosecute. It is charged with the duty of auditing all accounts of revenue and expenditure and property of Government departments financed from the general and annexed budgets, and is empowered to make final rulings concerning the accounts and operations of those responsible, and in general of examining, auditing and ruling on matters prescribed by law.

The Presidential Palace

The capital, Ankara



The Mausoleum of Atatürk.

The Turkish Parliament.

A view of the Ministries.

The Ministers at a Cabinet meeting.

4. POLITICAL PARTIES

a) General

Political parties are formed without prior authorization and operate freely. Whether in power or in opposition, they are considered to be an element of democratic political life that cannot be renounced. Citizens have the right to form a political party, to join such a party or to resign from it, according to the set procedures.

The regulations, programmes and activities of political parties should conform to the principles of a democratic secular Republic based on human rights and freedom, and with the fundamental provision of the indivisibility of the State with its territory and people. The Constitutional Court has jurisdiction over cases concerning the abolition of political parties. The same court also performs the financial auditing of the parties.

Political parties which have received at least five per cent of the total votes in the elections for the National Assembly, receive Government aid. The amount of the aid and the manner in which it is distributed among the parties, in proportion to their representation in the National Assembly, is regulated by law.

Political parties are organizations with declared programmes, which directly aim at controlling and influencing the order of society, the State and public activities according to their specific views, through their membership of the TGNA, in conformity with special laws, and by means of elections for local administrations.

The organization of political parties comprises their central organs, their committees in the provinces and administrative districts, their representatives and deputies in the towns and villages, as laid down in the party regulations, and their groups, if any, in the TGNA, the Provincial Assemblies and Municipal Councils.

At least fifteen persons qualified for election as Deputies should unite in order to form a political party. The status of the party as a juridical person is established when the founders submit a statement on the formation of the party to the Ministry of the Interior. The statement should be duly signed by the founders and should contain their names, surnames, professions or occupations and domiciles, the name of the party, the address of its headquarters and two copies of its regulations and programme. A register is kept for political parties by the Constitutional Court.

b) Historical Development

The origins of political party activities in Turkey date back to many years before the Republic. Within the period of the preceding seventy or eighty years, about eighty political parties have been founded in Turkey, though most of them were closed down or abolished for various reasons before having a chance to make themselves felt.

The political organization which was established in the National Assembly during the War of Liberation, under the names of the First and Second Groups, resulted in the transformation of the First Group into the «People's Party». Also in the same period, the «Green Army», though not quite a political party in the modern sense, was organized, and meanwhile, two Turkish Communist Parties, one official and one underground, appeared.

In later years the first multi-party experiment was made with the formation of the Progressive Republican Party in 1924, to save the opposition from working in

secret and to eliminate the tendency of single party rule turning into dictatorship. This experiment, which lasted for four months, was followed by the foundation of the Free Republican Party six years later. Both experiments showed that the endeavours to establish a multi-party system were fruitless.

During the years immediately following the Second World War, the situation was ripe for the transition to a multi-party system. In this new atmosphere a number of parties were founded in Turkey after 1946, their total number reaching thirteen in one year. The Democrat Party was the most influential among them. This party came to power following the 1950 elections and remained in power until the revolution of the 27th of May 1960.

Following the revolution of the 27th of May 1960, several new parties were founded to fill the gap created by the Democrat Party. Thirteen parties were founded in 1961 alone.

Among the newly formed parties the Justice Party proved the most influential. The New Turkey Party was also influential for a time. The Turkish Workers' Party appeared as a doctrinaire party representing leftist opinion in the National Assembly, but was abolished by the Constitutional Court on the 21st of July 1971.

TABLE III
MAIN POLITICAL PARTIES FORMED IN TURKEY

(xx) **Justice Party, Ankara 13.2.1961 —**
Republican Public Party, Adana 1930 - 21.1.1930
Purification-Protection Party, Ankara 1946 - 12.3.1947
Political Association of Independents, Istanbul 1950 - 1951
Great Anatolia Party, 1969 - 1972

(xx) **Republican Reliance Party, Ankara 12.5.1967 —**
Republican Peasants National Party, Ankara
Republican Vocational Reform Party, Ankara 1961 - 1962
Republican Nation Party, Ankara
Republican Party, Ankara 1961 - 1966
Republican Party, Ankara 1972 - 1973

(xx) **Republican People's Party, Ankara 9.9.1923 —**
Labour Party, Ankara 1950
Farmers and Peasants' Party, Mudanya 1946 - 2.6.1946.
Democratic Unity Party, Sivas 1967 - 1968

(xx) **Democratic Party, Ankara 18.22.1970 —**
Democratic Workers' Party, İstanbul 1950) - 1951
Democratic Party, Ankara 1970 - 1971
Democrat Party, İzmir 1961
Democrat Party, Ankara 1946 - 1960
Reform Party, İzmir 1961 - 1962
946 Combatants of the National Struggle Party, Eskişehir 1962 - 1964
Ergenekon Peasants and Workers' Party Istanbul 1964
Reliance Party, Ankara 1961
Freedom Party, Ankara 20.12.1955 - 24.11.1958
Free Socialist Party, Istanbul 1961 - 1964
Idealists' Party, Istanbul 1947 - 1957

Islamic Democrat Party, Istanbul 1951 - 1952
Protection of Islam Party, Istanbul 1951 - 1952
Protection of Islam Party, Istanbul 1946 - 12.9.1946
Kemalist Youth Party, Istanbul 1961 - 1966
Liberal Democrat Party, Istanbul 1946
Liberal Peasants' Party, Istanbul 1950
Service to the Nation Party, Istanbul 1961
(x) Nation Party, Ankara 20.7.1948 - 1953
National Development Part, Istanbul
1945 - 22.5.1958
National Order Party, Ankara 20.1.1970 - 20.5.1971

(xx) National Salvation Party, Ankara 11.10.1972 —

(xx) Nationalist Action Party, Ankara 9.2.1969 —

Conservative Party, Ankara 1961 - 1966
Equality Party, Istanbul 1961 - 1963
Moderate Liberal Party, Ankara 1961
Union of Independents, Istanbul 1950
Independent Turkish Socialist Party, Istanbul 1948
True Democrats Party, Afyonkarahisar 1948 - 1949
Radical Freedom Party, Lüleburgaz 1953 - 1956
Radical Party, Istanbul 1962 - 1963
Salvation Party, İzmir 1962 - 1964
Free Republican Party, Istanbul 12.8.1930 - 18.12.1930
Free Democrat Party, Izmir 1948 - 7.6.1949
Social Justice Party, Istanbul 1946
Social Democrat Party, Ankara 1964 - 1965
Socialist Party, Ankara 1961 - 1962
Progressive Republican Party, Ankara 17.11.1924 - 5.6.1925
Land, Property and Free Enterprise Party, Istanbul 1949

Turkish Republican Labourers and Farmers' Party Edirne 1930

(xx) **Turkish Unity Party, Ankara 17.10.1966 — .....**

Turkish Public Participators Party (Green Army)

Turkish Advanced Ideals Party, Istanbul 1969 - 1971

Turkish Workers-Farmers's Party, Ankara 1961 - 1966

Turkish Workers Party, Ankara 13.2.1961 - 27.1.1971

Turkish Workers and Farmers' Party, Istanbul 1946 - 1952

Turkish Workers and Farmer's Socialist Part, Istanbul 1919 - 1923

Turkish Communist Party (Green Army)

Turkish Peasants' Party, Istanbul 1952 - 1958

Turkish Socialist and Labouring Peasants' Party, Istanbul 1946 - 16.12.1946

Turkish Socialist Workers' Party, Istanbul 1946

(x) Turkish Socialist Workers' Party, Istanbul 1974)-.....

Turkish Socialist Party, Istanbul 1946 - 1952

(x) Turkish National Women's Party, Istanbul 1972.-.....

Turkish Progress Party, Istanbul 1948 - 1953

Turkish Conservative Party, Istanbul 1947 - 1952

Turkish Social Democrat Party, Istanbul 1946 - 1956

Minor Party, Erzurum 1957 - 1958

Fatherland Party, Istanbul 1954 - 1956

All for the Fatherland Party, Istanbul 1946 - 1952

New Democrat Party, Ankara 1961 - 1965

New Turkey Party, Ankara 1961 - 1963

Duty to the Land Party, Hatay 1946

Newly Formed Parties

(x) Democrat Party, Ankara 22.1.1975 — .....

(x) Fatherland Party, Istanbul 22.1.1975 — .....

(x) Turkish Labourers' Party, Istanbul 12.2.1975

(x) Turkish Workers' Party, Ankara 1975 — .....

(x) Socialist Party, Ankara 1975

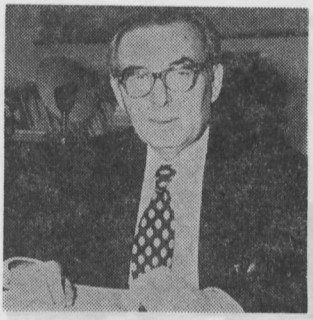
NOTE :

(xx) = Political parties with representatives in the TGNA

(x) = Parties presently active

POLITICAL PARTY LEADERS

Mr. Süleyman Demirel
Leader of the Justice Party

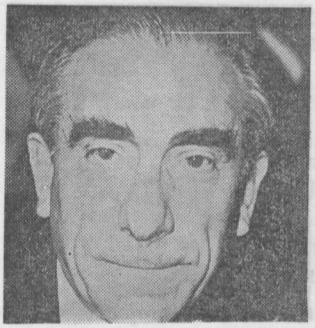


Mr. Turhan Feyzioğlu
Leader of the Republican
Reliance Party

Mr. Bülent Ecevit,
Leader of the Republican
People's Party.

Mr. Ferruh Bozbeyli
Leader of the Democratic Party

Mr. Necmeddin Erbakan,
Leader of the National Salvation Party



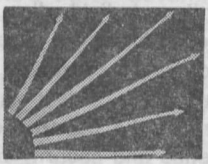
Mr. Alpaslan Türkeş
Leader of the Nationalist Action Party

Mr. Mustafa Timisi,
Leader of the Turkish Unity Party

EMBLEMS OF THE POLITICAL PARTIES

Justice Party

Republican Reliance Party



Republican People's Party

Democratic Party

National Salvation Party

Nationalist Action Party

Turkish Unity Party

c) Political Parties Represented in Parliament

(i) The Justice Party (JP)

The Justice Party was founded on the 13th of February 1961 in Ankara. Its aim and purpose is defined as the «uplifting of the Turkish Republic, founded as a state based on the rule of law, national sovereignty and human rights, in the consciousness of the moral values and nationalism inherited from her rich history.» Also «to attain the level of contemporary civilization via the shortest possible route, to develop the country in an atmosphere of freedom, and to enable the nation to become a State of social prosperity.» The Justice Party supports «nationalism, individualism, rural development, private enterprise, reformism, development and unity.» The party aims at «the realization of a State of social prosperity by making the widest use of all material and spiritual resources of the country, and at the establishment of social justice and security by eliminating poverty, unemployment, helplessness and ignorance.»

The party organ with the greatest authority is the Great Congress, which convenes every other year. The leader of the party chosen by the Congress represents the party. After the Great Congress, the highest party organ with the power to decide on matters is the Central Council of Representatives. Included in this council are the Leader of the Party, members of the Executive Board, ex-leaders of the party, fifteen party Senators and Deputies, and provincial party chairmen chosen by their own congresses.

The General Administrative Council is the highest executive organ of the party. It is composed of the Party Leader, the Chairman of the Senate Group, one of the Vice-Chairmen of the Party Group in the National Assembly and twenty-four members chosen by the Party Congress.

The General Chairmanship Council is composed of the Leader of the Party, the Deputy Leaders, the Secretary General, the General Accountant, the Chairman of the Senate Group, and one of the Vice-Chairmen of the Party Group in the National Assembly.

The party has its own organizations in the provinces and administrative districts. Women's and youth branches are the auxiliary organizations of the party.

The Justice Party occupied the second place in the National Assembly with 151 seats in the first elections following its foundation, and it became a partner in the first Republican People's Party Government. After the second RPP coalition Government relinquished power, the JP became the major partner in the new coalition Government (JP-NTP-RPNP), and was subsequently able to form a single party government following the 1965 and 1969 elections. The third JP Government, which was formed on March the 6th 1970, was obliged to resign on March the 12th 1971.

The JP, which received 3,197,000 votes (29.8% of the total valid votes) and 149 Assembly seats in the 1973 elections, obtained 40.7% of the valid votes at the end of the 1975 interim elections for the Senate and the Assembly. At present the party has 159 seats in the Assembly and 78 in the Senate. Its emblem is a white horse and the Leader of the Party is Mr. Süleyman Demirel, the present Prime Minister and M.P. for Isparta.

(ii) The Republican Reliance party. (RRP)

The party was founded in Ankara on the 12th of May 1967. Its aim and purpose is defined as «endeavouring to uplift the country and nation in every field, through activities within the framework of the Constitution and

the law, by convincing the Turkish people to accept the views and principles laid down in the party programme.» «Liberalism, nationalism, reformism and the provision of peace and prosperity» are the fundamental principles of the RRP. The RRP believes that the way to rapid development lies in a mixed economic system, where the public and private sectors work in harmony.

The party organ with the highest authority is the Great Congress, which convenes every other year. The Leader of the Party is chosen by the Congress and he represents the party.

The Party Council, the General Administrative Council and the United Central Administrative Boards are respectively the organs next in power to the Great Congress. Other organizations of the party are the provincial and district boards, the party groups in the TGNA and the auxiliary organs.

The RRP which obtained 564,000 votes (5.3% of the valid votes) and 13 Assembly seats at the end of 1973 General Election, did not enter the 1975 interim elections. At present the party has 10 seats in the Assembly and 4 in the Senate. Its emblem is a ram, and its Leader is Mr. Turhan Feyzioğlu, Deputy Prime Minister and M.P. for Kayseri.

(iii) The Republican People's Party (RPP)

The Republican People's Party was founded in Ankara under the name of the «People's Party» on the 9th of September 1923. In 1924 the name of the party was changed to the «Republican People's Party».

Its aim and purpose is defined as follows :

«... to serve within the principles of free parliamentary democracy in such a way as to strengthen this

regime for the security of the country, the happiness and prosperity of the nation, the expansion of social justice and the free development of the human personality.»

The RPP is a democratic party of the left, respectful of human rights, and bound to the principle of a national, democratic and social state based on the rule of law. In addition the RPP aims to «adopt a policy whereby the people will be given what is due to them by right, to bring greater happiness to people, to save the people and the State from estrangement by integration, to ensure greater administrative justice and direct health services for the greater benefit of the people, and thus to create a deeper popular faith in democracy.»

The development model and the economic system proposed by the RPP also includes the creation of a «People's Sector» to be composed of village cooperatives, organizations for social security and mutual assistance, unions, partnerships of workers abroad and other similar people's partnerships.

The organ with the highest authority in the conduct of party activities is the Great Congress, which convenes every other year. The Leader of the Party is chosen by the Congress and represents the party. Next to the Congress, the Party Assembly is the organ which wields the greatest power. The Party Assembly is composed of sixty-four members chosen by the Congress, together with the heads of the women's and youth organizations. The Leader of the Party acts as Chairman of the Party Assembly.

The RPP remained in power for twenty-seven years following its formation. The multi-party democratic system was adopted in 1945, and the RPP relinquished power to the Democrat Party after having lost the 1950 elections. The Democrat Party remained in power until the 27th of

May 1960. As the party having the greatest number of seats in the National Assembly after the 1961 elections. the RPP formed three coalition governments, first with the JP, then with the NTP and the RPNP.

The RPP, which received 3,570,000 votes (33.3% of the total valid votes) and 185 Assembly seats in the 1973 elections, is at present the party with the greatest number of seats in the National Assembly. The government formed by the RPP in January 1974, in coalition with the NSP resigned on September the 18th 1974. At the end of the 1975 interim elections for the Senate and the Assembly, the RPP obtained 43.7% of the valid votes and possesses 190 seats in the Assembly and 60 in the Senate. The emblem of the RPP is six arrows and its Leader is Mr. Bülent Ecevit, M.P. for Zonguldak.

(iv) The Democratic Party (DP)

The Democratic Party was formed in Ankara on the 18th of December 1970. Its aims and purposes are outlined as follows :

«... to protect national unity and integrity, to develop national sovereignty within the framework of a democratic order based on law, to provide the individual, the family and society with a life of complete freedom and prosperity, to achieve social justice, nationalism, rural development, reformism (conforming with the national structure), and the attainment of the contemporary level of civilization by Turkey, with the guidance of Turkish culture.» «A state at the service of the nation, increased investment, work and stability in an atmosphere of freedom» are the principle slogans of this party, which considers the individual to be the basic element of society. The DP accepts a mixed economic policy, which conforms with the democratic order, regards individual initiative as fundamental and places the greatest stress on private enterprise.

The party organ with the greatest authority is the Great Congress, which convenes once every two years. The Leader of the Party, chosen at the Congress, represents the party. The Party Council wields the greatest power in party affairs after the Great Congress.

The DP received 1,275,000 votes (11.9% of the total valid votes and 45 Assembly seats in the 1973 elections, making it the fourth largest party in the National Assembly. At the 1975 interim elections for the Senate and the Assembly, the D.P. obtained 3.1% of the valid votes and has 23 seats in the Assembly. The emblem of the party is an open palm of the right hand with fingers together and the thumb apart. The Leader of the Party is Mr. Ferruh Bozbeyli, M.P. for Istanbul.

(v) The National Salvation Party (NSP)

The party was founded on October the 11th 1972 in Ankara. Its aim and purpose is to «uplift the nation in both material and spiritual spheres and to ensure its happiness.» The party aims to «ensure that the nation constitutes an indivisible whole, united to achieve national goals, that human rights and freedoms are guaranteed, and that the unity of state and nation is achieved in the fullest and most perfect understanding within the democratic order.»

The fundamental principles of the NSP, which proposes the establishment of «moral order above all», «national initiative in industry», «freedom and prosperity for all», may be summed up as the «National View.»

The organ with the highest authority is the Great Congress, which convenes every other year. The Leader of the Party is elected by the Congress and he represents the party. The organ with the greatest authority after the Great Congress is the General Administrative Committee, composed of twenty regular and twenty alternate members.

The NSP received 1,265,000 votes (11.8% of the total valid votes) and 48 Assembly seats in the 1973 elections, placing the party in third position in the National Assembly. The NSP joined the coalition Government as a partner of the RPP following the elections, and is a partner in the present Government together with the JP, RRP and NAP. At the end of the 1975 interim elections for the Senate and the Assembly, the NSP obtained 8.4% of the valid votes, possesses 49 seats in the Assembly and 5 in the Senate. Its emblem is a large key. Its Leader is Mr Necmettin Erbakan, the Deputy Prime Minister and MP for Konya.

(vi) The Nationalist Action Party (NAP)

As a result of developments and changes that have taken place in the course of time within the structure of the Nation Party, which was established in Ankara in 1948, the party adopted the name of «Nationalist Action Party» at the Adana Congress on the 9th of February 1969. In the meantime, some of the party members continued to run the Nation Party.

The aim and purpose of the party is «to raise the Turkish nation to the level of contemporary civilization in full consciousness of science, morality and order, self-sacrifice and self-denial, dynamic nationalism and idealism.» These aims are brought together under the title of the «nine lights» and they reflect the social and economic views of the party.

The party organ with the highest authority is the Great Congress, which convenes once every two years. The leader who represents the party is elected by the Great Congress.

The Nationalist Action Party received 362,000 votes (3.4% of the total valid votes) and 3 Assembly seats in the 1973 elections. The party became a partner in the present coalition Government with the JP, NSP and RRP. At the 1975 interim elections for the Senate and the Assembly, the NAP obtained 3.3% of the valid votes and has 3 seats in the Assembly. The emblem of the party is three crescents, and the Leader of the Party is Mr. Alpaslan Türkeş, Deputy Prime Minister and M.P. for Adana.

(vii) The Turkish Unity Party (TUP)

This party was established in Ankara on the 17th of October 1966. Its aim and purpose is described as «following a policy of a democratic leftist inclination in political, social and economic fields.»

The party organ with the greatest power is its Great Congress. The leader is the head and representative of the party.

The TUP received 120,000 votes (1.1% of the total valid votes) and one Assembly seat in the 1973 elections. At the 1975 interim elections for the Senate and the Assembly the TUP obtained 0.5% of the valid votes. The party is represented with I member in the Assembly The emblem of the party is a lion with a raised right paw in a circle of twelve stars. The Leader of the Party is Mr. Mustafa Timisi, M.P. for Sivas.

d) Other Groups and Independent in the Legislarive Assemblies

Some of the members of the ex-National Unity Committee, who are members of the Senate according to the Constitution, have united under the name of the «National Unity Group» in the Senate.

The members of the Senate appointed by the President of the Republic also form another group, known as the «Contingent Group».

The independent members of both the Senate and the National Assembly occasionally unite and form «Independent Members Associations» of their own.

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