

Constitutional Court rules against ban on Turkey's ruling party

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On July 30, Turkey's Constitutional Court rejected the chief prosecutor's demand to permanently shut down the ruling Islamist AKP (Justice and Development Party) and ban Prime Minister Recep Tayyip Erdogan, President Abdullah Gul and 70 other leading AKP members from political office for a period of five years.

However, the court did rule that the AKP had shown signs of being "a focal point for anti-secular activity" and recommended the party be deprived of fifty percent of the financial aid it receives from the state treasury.

The case to close down the AKP was first lodged on March 14, when Turkey's chief prosecutor, Abdurrahman Yalçinkaya, accused the AKP of "anti-secular activities" and "trying to turn the country into an Islamic state."

The verdict of the Constitutional Court was announced at a press conference by Hasim Kilic, the chairman of the court. Kilic said six members of the court had voted in favor of closing down the party, while the remaining four members of the court concluded that the extent of the AKP's involvement in "anti-secular activities" did not merit a ban on its activities. At least seven votes are needed to impose a ban on a political party. Kilic's own vote against a ban of the AKP was crucial in the court's verdict.

Kilic said, "It is not a decision to close down the party, but it is a serious warning," adding that the AKP should think about the outcome very carefully and draw its own conclusions.

While some media outlets have greeted the verdict as a victory for the AKP, and European governments have heaved a collective sigh of relief, other commentators are much more circumspect about the significance of the judgment.

The German *Süddeutsche Zeitung* concluded that the court judgment would act as a "sword of Damocles" hanging over the AKP, and wrote: "Unfortunately, one must fear that the judges will interpret their verdict in a manner whereby the AKP should refrain from interfering with the traditional autocratic framework of the republic. Or, to put it another way, the party should accommodate itself to the old system—as did many other parties which were also eager to implement reforms."

The AKP currently receives 45.6 million YTL (\$US39 million) in Treasury assistance. Although the loss of half of this sum—22.8 million YTL—represents a serious decline in income for the party, the AKP, as the political representative of the Islamist faction of the Turkish bourgeoisie, can relatively easily compensate for the loss.

The court case represented an attempt by the Turkish military and Turkey's Kemalist political establishment to topple a democratically elected government through judicial means, as is underscored by recently emerged evidence.

It is now known that on the evening of March 4 of this year, Osman Paksut, the second-highest judge on the Constitutional Court, had a secret meeting with the commander of Turkish ground forces, General Ilker Basbug. The meeting took place shortly after two Kemalist parties petitioned the Constitutional Court to overturn a constitutional change passed by the AKP allowing women to wear the Islamic headscarf at universities. A month later, the court accepted the closure case against the AKP brought by the chief prosecutor.

The Turkish daily *Taraf* has published two documents entitled "Information Support Plan" and "Information Support Plan Activity Table," which detail the plans of the general staff to mobilize public opinion against the AKP and carry out a series of measures to destabilize and overthrow the government. This plan went into effect in September 2007, soon after the July 22 national elections which were won by the AKP with 47 percent of the vote. The reelection of the AKP in the autumn of 2007 represented a major blow to the military and its civilian henchmen.

The "Activity Table" provides the background to the Paksut-Basbug meeting as well as recent harsh statements issued by the top echelons of the Turkish judiciary aimed at escalating tension between the Turkish judiciary and the government. As soon as the court case against the AKP was filed by the chief prosecutor, the general expectation was that the ruling party would be banned. Even leading AKP members anonymously admitted that the future of the party looked bleak.

The first indication of a possible compromise in the case came from Mark Parris, the former US ambassador to Ankara, at a meeting dealing with Turkey's political crisis held at the Center for Strategic and International Studies in Washington on July 16. Parris was quoted as saying that the "odds to find a way out are stronger than a month ago."

It is well known that Parris has access to high-level channels in Turkey and his comments show that the fate of the court case started to change at least as early as three weeks ago. Parris reminded his audience that US Secretary of State Condoleezza Rice had declared that the US administration had an excellent relationship with the Erdogan government, while other senior officials of the Bush administration made it clear that Washington was opposed to a ban on the AKP. Leading European Union representatives had also made clear their opposition to a ban on the AKP, which would constitute a further hurdle to Turkey's eventual admission into the EU.

Following Parris's remarks, some Turkish columnists started to voice similar predictions. Rating agencies and financial institutions such as JPMorgan Chase followed suit. In a statement issued before the court judgment, JPMorgan stressed that it was 80 percent certain

the AKP would not be disbanded, and advised its investors to buy shares in the Turkish stock market. As a result of such information, the main Turkish share index closed up 5.59 percent on Wednesday on the expectations that the constitutional court would not close down the AKP. The market rose further after the court delivered its verdict.

On the day of the court's verdict, Bilal Cetin, a prominent journalist based in Ankara, wrote in his column about information from a "very reliable" source who had called Cetin and declared: "This is not hearsay but definite information. However, I am not sure whether you can print it or not."

According to Cetin, the source continued: "Eleven members of the Constitutional Court will engage in long discussions on whether or not the AKP has turned into a focal point for anti-secular activities. At the end, the tendency in favor of a ban will dominate numerically and the decision will be put to a vote. The result of the vote will be six to five in favor of a ban. But, of course, a total of seven votes is necessary for a ban, and, as a result, the AKP will not be closed down. However, the party will be made to suffer a serious loss of image and prestige. Its record will be damaged in the eyes of society and public opinion. Henceforth, the ruling party will be forced to act more cautiously to regain the trust of the sectors that are sensitive to secularism and to repair its image..."

The deal struck at the Constitutional Court on Wednesday had little to do with legal niceties. It was, rather, overtly political. In addition to foreign opposition to a ban on the AKP, two other factors played a major role in the decision.

The Kemalist establishment and military were well aware that there was little popular support for a ban on the AKP. Even most of the non-Islamist media outlets couldn't openly support a ban. In addition, Turkey's Kemalist opposition parties are badly discredited and still attempting to recover from the drubbing they received in the 2007 elections. They are not in a position to take advantage of a ban of the AKP.

The second major factor which tilted the balance against a ban was the series of concessions made by the AKP leadership in recent months to the Kemalist opposition.

Immediately after his election in September 2007, Erdogan offered an olive branch to the Kemalist opposition by pledging the pursuit of national unity and declaring his wish to represent all Turks. Then, in the spring of this year, Erdogan reacted to pressure from the Turkish military and gave the go-ahead for army units to conduct anti-Kurdish operations deep within neighboring northern Iraq. In the course of the last few months, the Turkish Air Force has continued to carry out regular sorties against Kurdistan Workers Party (PKK) camps in the mountains of northern Iraq.

In the immediate run-up to the Constitutional Court ruling, Erdogan once again played the PKK card in an attempt to appease his Kemalist rivals. Following the terror bombing in the neighborhood of Gungören last Sunday, Erdogan immediately placed responsibility for the horrific attack on the PKK, even though the PKK denied any involvement.

Erdogan, on behalf of the so-called Anatolian wing of the Turkish bourgeoisie, has repeatedly made clear that he shares the same priorities as the Kemalist establishment when it comes to the suppression of the working class.

As clouds have gathered over the Turkish economy and inflation has continued to rise, layers of the Turkish working class have attempted on a number of occasions to take action to defend their jobs and living standards. The response of the AKP has been to demonstrate the same

degree of ruthlessness in the suppression of strikes and demonstrations as its Kemalist predecessors in government.

In February, striking shipyard workers were brutally attacked by the police. The police then used tear gas and clubs to disperse protesters at this year's traditional May Day demonstration. The May Day national holiday was abolished by the military junta in 1980, which regarded it as an occasion for "left-wing activism." The AKP government has refused to lift the ban on May Day demonstrations.

Finally, in the middle of July, Turkish riot police violently attacked 2,000 municipal workers who were seeking to stage a peaceful protest in Istanbul.

The Kemalist elite and Turkish military share the hostility of the AKP to the organized working class and have approvingly noted the repressive measures carried out by the latter.

These factors were instrumental in tipping the balance on the Constitutional Court. Rather than move to immediately ban the AKP, the court issued a clear warning that the ruling party should refrain from any further measures which encroach on the privileges or power of the country's long-standing Kemalist establishment.

While it is possible that the court's ruling will lead to an initial cooling of tensions between the Kemalist and Islamist wings of the bourgeois, there are many indications that any truce will remain short-lived. Any military attack on Iran by Israel or the US would seriously destabilize the country, and hostilities between the government in Ankara and Kurdish rebels in Northern Iraq and Turkey itself remain extremely intense. At the same time, the Turkish economy is entering a very difficult period with a looming budget crisis and rising inflation.

Based on the court decision, the British *Economist* magazine advised the AKP to make more concessions to the Kemalist old guard and step up its liberalization of the Turkish economy: "Mr Erdogan's government should also turn more of its attention to the economy. The AKP's record on the economy is strong, but that has been due in part to a benign world economic situation. Times are more difficult now, and Turkey, with a gaping current account deficit and rising inflation, is again looking vulnerable. More liberalization would help keep the economy on an even keel."

Against this background, the rivalry between the feuding factions of the Turkish bourgeoisie could explode into new conflict at any time. President Abdullah Gul is due to appoint three new members of the Constitutional Court in two years time, as well as 21 university rectors. Even the appointment of acknowledged Islamists as new rectors would be sufficient to re-ignite political tensions and precipitate a fresh crisis.



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