Turkey: Update on Crisis of Identity and Power

September 2, 2008

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Summary

Secularism has been one of the “fundamental and unchanging principles” guiding the Turkish Republic since its founding in 1923. It also has been the principle that has produced considerable domestic political tension. Over the years, political parties have emerged that appeared to challenge that principle and to strive to restore religion to a central place in the state. Each time, the party has eventually been banned from the political stage. The Justice and Development Party (AKP), formed in 2001, has Islamist roots and claims to be conservative and democratic. The AKP won the 2002 and 2007 national elections by wide margins, yet its victories have not ended the secular-religious tensions in the country.

The AKP narrowly survived a lawsuit seeking its closure on July 30, 2008, when the Constitutional Court held that the party was a “focal point of anti-secular activities,” but opted for a financial penalty instead of a ban. Some analysts contend that the party is on “probation,” but it is not yet clear how the court case will affect AKP’s conduct. In the near term, it is proposing to pursue additional reforms required to achieve European Union (EU) membership. If AKP renews and strengthens its mandate in the March 2009 municipal elections or in early national elections, it might then opt for a more aggressive agenda.

At the same time, police have unearthed what they claim is a conspiracy, called Ergenekon, of ultranationalists and secularists to create chaos in the country and provoke the military to overthrow the government. Those arrested include two retired four-star generals. The case will be presented in Court beginning in October 2008. Some suggest that the arrests are evidence of Turkey’s progress as a democracy because the “deep state” or elite who have manipulated and controlled the political system for 50 years are finally being confronted. Others charge that the AKP is using the affair to intimidate its opponents and that the authorities’ handling of those charged fails to meet international standards. The powerful Turkish military has been unusually quiet throughout the closure case and the Ergenekon revelations and appears to be cooperating with the Ergenekon investigation.

The United States is concerned for stability in Turkey because it is a strategic partner and NATO ally. The Bush Administration has closely monitored recent developments in Turkey, which it continues to view as a secular democracy that could serve as an inspiration for other Muslim majority countries. The recent domestic turmoil may either strengthen Turkey’s democracy or cast a shadow on it.

This report will be updated if developments warrant. It is a sequel to CRS Report RL34039, Turkey’s 2007 Elections: Crisis of Identity and Power, by Carol Migdalovitz, which may be consulted for background.
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Turkey: Update on Crisis of Identity and Power

Overview

Secularism has been one of the “fundamental and unchanging principles” guiding the Turkish Republic since its founding in 1923. It also has been the principle that has led to considerable domestic political tension. Over the years, political parties have emerged that appeared to challenge that principle and to seek to restore the centrality of religion to the state. Each time, the party has eventually been banned from the political stage. The Justice and Development Party (AKP) formed in 2001, has Islamist roots, but claims a conservative democratic place in the political spectrum. The AKP won the 2002 national election by a wide margin and the 2007 election by a wider one, but its victories have not ended the secular-religious tensions in the country.

Today, the Turkish domestic political scene is in turmoil, with two coincidental, perhaps related, dramas unfolding simultaneously. The public prosecutor initiated a lawsuit to have the ruling Justice and Development Party (AKP) banned for being a “focal point of anti-secular activities.” Prior to this action and after it, in stages, the authorities arrested prominent secularists/ultranationalists (ulusalcilar) on suspicion of plotting and instigating actions to create chaos in the country and provoke the military to overthrow the government. Both dramas highlight a severely polarized political climate and a continuing crisis over power and identity in Turkey. The AKP and the secularists each have champions and opponents who disseminate conflicting narratives and interpretations of events. In some instances, the schism is blurred, as some secularists argue for AKP’s survival in the name of democracy, and some AKP members and followers question their leaders’ actions. Nonetheless, the national rift is real and as yet unhealed.

The United States is concerned for stability in Turkey because it is a strategic partner, NATO ally, and candidate for membership in the European Union (EU). The Bush Administration may be concerned about the survival of Turkey’s democracy because Turkey is one of the few predominantly Muslim democratic countries in the world and Administration officials refer to it as an inspiration for other Muslims even as they appear to have lessened emphasis on democratization elsewhere. During the recent governmental crisis in Ankara, the Administration adopted what appeared to some to be a stance of studied neutrality, with U.S. officials calling on Turks to find a solution based on democracy and rule of law.

1 Turkish law refers to “ban,” which also is commonly termed “closure.” In the West, some would use the word “dissolution.”
Political Situation

The Lawsuit to Ban the AKP and its Aftermath

The political crisis first appeared in spring 2007, when the Justice and Development Party (AKP)-controlled parliament sought to elect then Foreign Minister Abdullah Gul as President of the Turkish Republic.2 Gul has roots in Turkey’s Islamist movement and his wife wears a head scarf, which secularists consider a symbol of both Islamism and backwardness. Hence, to secularists, the country’s identity was tied to the selection of a president. Moreover, they argued that, because the AKP already controlled the prime ministry and parliament (the Turkish Grand National Assembly), the balance of political power in the government would tilt in favor of Islamists if the party also assumed the presidency. A Turkish president is mainly a symbolic head of state, but he has significant powers of appointment as well as a bully pulpit. The crisis was temporarily resolved via early national elections on July 22, 2007, which the AKP won with a decisive 46.6% (usually rounded up as 47%) of the vote. On August 28, the new legislature elected Gul president.

Secularist opponents continued to scrutinize the AKP government’s performance for Islamist tendencies and a reprise of the crisis may have been expected. In December 2007, President Gul named an AKP-allied professor to head the Higher Education Board (YOK), disturbing some secularists.3 They were even more provoked when, on January 14, 2008, Prime Minister Recep Tayyip Erdogan declared that the ban on wearing the head scarf in all public institutions was “a serious problem in terms of freedom.”4 The ban has been in effect for several decades. On February 9, following Erdogan’s lead, a 411-vote majority in the 550-seat parliament passed two constitutional amendments to lift the ban on wearing head scarves on university campuses; President Gul ratified them on February 22.

The Prime Minister may have miscalculated in focusing on liberalization with the head scarf to the apparent exclusion of other human rights that are restricted.5 He thereby derailed an AKP-initiated, albeit somewhat stalled, process to draft a new constitution to replace the current one, which had been largely drafted under military guidance in the aftermath of a 1980 military coup. The AKP’s stated goal had been to make the document more democratic and civilian. Erdogan may have been able to reform the constitution if he had tried harder to build a national consensus for the change, instead of shifting his attention so single-mindedly to the head scarf issue.

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3 YOK oversees state universities and has been traditionally viewed as a bastion of secularism.


A more sweeping revision of the constitution might have included the head scarf issue amid changes that are required for Turkey to meet the criteria for European Union (EU) membership, and perhaps might not have generated as much blowback. Ultimately, lifting the head scarf ban alone simply provided ammunition for the AKP’s enemies.

On February 27, the opposition Republican People’s Party (CHP) and Democratic Left Party (DSP) filed suit in the Constitutional Court to overturn the new amendments. Then, on March 14, the Chief Public Prosecutor of the Court of Appeals requested the Constitutional Court to ban the AKP and 71 of its leading members, including Erdogan, Gul, more than 40 Members of Parliament, and 11 mayors, from politics for becoming a “focal point of anti-secular activities.” Among other charges, the request cited parliament’s lifting of the head scarf ban in universities. The AKP holds a 340-seat majority in the 550-seat parliament and, therefore, the prosecutor deemed it responsible for the action. He did not seek to indict the opposition Nationalist Action Party (MHP) or smaller parties which had joined the AKP to provide the super-majority required to amend the constitution in order to lift the ban. The AKP defense claimed that lifting the ban was aimed at expanding freedoms in the country and rejected all of the prosecutor’s allegations.

Analysts considered the outlook for the AKP’s survival bleak as 8 out of the 11 judges on the Constitutional Court had been appointed by former President Ahmet Necdet Sezer, a staunch secularist. Seven had accepted the prosecutor’s case, permitting it to go forward, and the Court ruled in a 9-2 vote on June 5 that parliament’s action lifting the ban on head scarves in universities was unconstitutional. A 7-member Court majority was required to close the party, and the June 5 decision was widely viewed as a harbinger of the decision on the fate of the AKP. Moreover, a ban on a party would not have been unprecedented. Some 24 parties have been banned since the founding of the republic, and 4 parties accused of “anti-secular activities” or “Islamism” have been banned since 1980.

If the Court banned the AKP and its leaders, then observers feared Turkey might have entered a period of political instability or, at least, uncertainty. Yet, each time an allegedly Islamist party had been banned in the past, it reconstituted itself and returned stronger. However, some analysts suggested that the AKP may have peaked with 47% of the vote in 2007 and would not return with a larger share. Others suggested that Prime Minister Erdogan may have alienated some centrists he had attracted in the 2007 election by not fulfilling his 2007 victory speech promise to govern for all Turks, bringing an “Islamist” agenda to the fore with the head scarf issue, apparently dropping plans to revise the constitution, neglecting the EU membership process, and failing to meet international standards in the Ergenekon police investigation (see below). Nonetheless, the successor “AKP” might have

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6 Another closure case is proceeding against the predominantly Kurdish Democratic Society Party (DTP), which is accused of supporting terrorism, i.e., the Kurdistan Workers Party (PKK), and acting against the integrity of the state.

7 An AKP MP died after the Constitutional Court decided the case, reducing the party’s majority to 339 seats.

8 CRS conversation with Turkish Professor Soli Ozel, May 15, 2008.
succeeded in portraying itself as victim of a “judicial coup,” garnering a considerable sympathy vote, and winning a majority in parliament.

Furthermore, the AKP continues to benefit from the ineffectiveness and lack of vision of the two main opposition parties, CHP and MHP. Neither has a party organization nor a level of grass roots support that can compete with the AKP. Under Deniz Baykal’s leadership, the CHP, the party of Mustafa Kemal Ataturk, founder of the Turkish Republic, has opposed government proposals without offering alternatives and may have lost its social democratic moorings.9 According to some experts, the party appears bereft of ideas of service and recent elections have shown that its constituents are a diminishing group of academics and elite nationalists who reside mainly in cities along the Aegean coast. For his part, MHP leader Devlet Bahceli supported lifting the head scarf ban and opposed banning the AKP, but maintained that AKP’s leaders, such as Prime Minister Erdogan, should be held responsible for illicit actions and subject to being banned from holding political office. Thus, Baykal transparently saw a route to greater personal political success via banning the most popular and charismatic politician in the country.

On July 30, six judges on the Constitutional Court voted to ban the party, one short of the required super-majority, providing the AKP with a narrow escape. Four others agreed that the party had become a focal point for anti-secular activities, but not serious ones. Thus, ten judges found the party guilty. Yet, because the required seven judges did not agree to the ban, the Court ruled that a penalty requiring the party to forfeit one-half of its financial assistance from the state would suffice. This penalty is not a hardship for the AKP, whose private donors can readily compensate for the loss. No AKP officials were banned. Constitutional Court President Hasim Kilic voted to exonerate the AKP and called for constitutional amendments to eliminate party closure cases. He nonetheless described the ruling as a “serious warning” to the AKP and expressed hope that it would act accordingly. Some analysts concluded that the Court had placed the AKP on probation. The Court has not yet issued the reasoning for its decision, which reportedly is based on the constitution.

Some observers suggest that the Court may have been influenced by the lack of a possible alternative government, given the absence of a serious political opposition. Therefore, a ban on the AKP would have produced an indefinite period of political instability that might have devastated the country’s economy. It also could have seriously harmed Turkey’s European Union prospects and perhaps its relations with other allies and friends. Instead, the Court opted to give the AKP a severe warning.

In the months after the prosecutor proposed the indictment, AKP leaders assiduously acted as if business were usual, even though Ankara seemed frozen in time while awaiting the Court’s verdict. They refused to call supporters out into the streets for protests, believing that a counter-reaction by security forces or opponents would exacerbate tensions in the country and prove counterproductive. Shortly

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9 This is the opinion of some still in the CHP as well as others who have since left. See, e.g., “Turkey: Summary of Interview with CHP Leadership Candidate Haluk Koc,” Milliyet, April 21, 2008, Open Source Center Document GMP20080421742001.
before the Court ruling, Prime Minister Erdogan reportedly admitted that “we made mistakes.” However, he did not repeat that admission after the ruling, when he still denied that his party was ever a focal point of anti-secular activities. After the judgement, AKP officials reaffirmed their commitment to an agenda of reforms and EU membership. President Gul called for “self-criticism and empathy,” saying, “In looking at our own errors, we at the same time have to place ourselves in the position of those opposed to us and try to understand the thinking and feelings of those against us.”

First indications, however, suggest that the AKP will not abandon its desire to respond to and change society according to its underlying religious principles. On August 6, President Gul rejected 9 out of 21 nominees for university rector posts, reportedly because they had opposed the government on the head scarf issue. Instead, Gul chose others close to the AKP. He acted in accordance with presidential authority, yet according to some observers, his decision proved, that he was unable to put himself – as he had himself proposed– in the position of the opposition and understand how it would react.

Many observers, including some AKP supporters, now want the government to embark on an ambitious program to draft a new democratic constitution, make changes necessary to prevent future actions to ban parties, revise election laws to lower the 10 per cent of the vote threshold to enable broader representation in parliament, and change the political parties’ law to democratize and revive those institutions. It may be premature to expect the AKP to undertake an aggressive agenda before renewing its mandate in the March 2009 municipal elections or in early national elections; the next national elections are otherwise scheduled to occur in July 2012. Nonetheless, the government has said that it has developed a new four-year program of legislation, including constitutional amendments, to further the country’s bid for EU membership.

**Ergenekon**

On June 12, 2007, police raided an apartment in Istanbul and seized a cache of hand grenades, explosives, and fuses. The investigatory trail led to the arrests in January 2008 of prominent ultranationalists (*ulusalcilar*) and secularists, including a retired major general and other retired military officers, the head of a fringe political party, a university rector, the head of a non-governmental organization, businessmen, and journalists. On July 1, two retired four-star generals, additional retired military officers, the head of the Ankara Chamber of Commerce, and other journalists were taken into custody. The arrests of generals of such high rank are

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12 *Today’s Zaman* website, August 4, 2008, BBC Monitoring European. When analysts discuss “democratizing” Turkish political parties, they mean loosen the total control that party leaders exercise and sometimes recommend instituting party primaries or other measures.
The prosecutor defined terrorism according to Turkey’s Counterterrorism Law 3713, as “actions undertaken with the aim of weakening, destroying, or seizing state authority, destroying the security of the state both at home and abroad, and destroying public order.”

It has been suggested that the Ergenekon are remnants of Turkey’s gladio, forces NATO established during the Cold War to set up resistance in case of a communist invasion. Those forces were dismantled in many NATO countries, but not in Turkey, where they were military Special Warfare Units whose mission was to catalyze sabotage, assassinations, and the like. The Units recruited people from different walks of life, such as journalists, businessmen, mafioso, and judges. Gladio are multiple groups, not a single organization. Gareth Jenkins of the Jamestown Foundation at International Institute of Strategic Studies’ event in Washington, D.C., July 15, 2008. Jenkins’ ideas echo those some Turks expressed in interviews with CRS during a visit to Turkey in March 2008.


Bulent Aliriza and Seda Ciftci, “Another Long Hot Summer in Ankara,” Turkey Project (continued...)

The indictment proposed on July 14, 2008, requests that 86 individuals be charged with being members of an armed terrorist organization, attempting to overthrow the government by force, inciting people to armed insurgency, instigating the killing of a judge during a 2006 attack on the Council of State (the highest administrative court), and bombing of the Cumhuriyet newspaper in 2007, among other crimes. The perpetrator of the 2006 attack on the court previously had been thought to be religiously motivated. The final indictment is about 2,500 pages and includes almost all sensational political crimes committed in Turkey over the past few years. An additional indictment is expected to be requested against Gens. Eruygur and Tolon, perhaps for attempting coups during the AKP’s first term. The High Criminal Court has accepted the indictment, and the case will be heard beginning October 20, 2008. Arrests of individuals related to Ergenekon continue.

The alleged members of the criminal organization are said to have referred to themselves as Ergenekon. Ergenekon means “steep mountain pass” and refers to the Turkish national myth: it was the route via which Turkish ancestors, following a gray wolf, escaped from Central Asia to freedom in Turkey to exact revenge on their enemies. All of the accused are known to have openly opposed the AKP, their “enemy.” According to the prosecutor, Ergenekon is not connected to the armed forces or the National Intelligence Organization (MIT).

Turkey has a highly centralized government in which the Interior Minister, a member of the AKP government, controls and funds the police. Some analysts believe that the AKP is using the Ergenekon prosecutions in its fight for life, seeking to intimidate its opponents. They state that media outlets supportive of the AKP have disseminated reams of leaked “evidence” related to Ergenekon, some of it derived from extensive police wiretapping and some of it wildly inaccurate. The
observers suggest that these same media outlets are engaged in a disinformation campaign to boost the AKP’s fortunes and to help it ensnare its more well-known opponents, and not coup-plotters. CHP Chairman Deniz Baykal argues that the Ergenekon charges are “fictitious” and asserts that “There is a suspicion in society that it is turning out to be a political revenge process rather than a legal process.” For his part, Gen. Tolon claims that he and Gen. Erugur are not in “the slightest way involved” in Ergenekon and are scapegoats. If true, charges that Ergenekon is a product created for revenge and intimidation would undermine AKP’s claim to be the standard-bearer of democracy.

On the other hand, Prime Minister Erdogan has suggested that the closure case against the AKP was a response to the government’s earlier pursuit of Ergenekon, not vice versa. Even some at odds with the AKP see the case as a test of Turkey’s democracy and rule of law, primarily its ability and willingness to confront the extra-governmental power of what has long been referred to as the “deep state.” The “deep state” refers to like-minded members of the military, bureaucracy, and related elite who believe it their duty to safeguard the legacy of Ataturk and his vision for Turkey and who, according to this theory, have controlled the country and manipulated the political system for 50 years. Today, the “deep state” is seen as a nationalist, secularist, and statist network that opposes modernizing reforms and compromises required for Turkey to join the European Union, among other concerns. Members of the network are said to feel most threatened by the AKP’s rise. However, the prolonged detention without charge and harsh treatment of those indicted in the Ergenekon affair, which contradict international standards, may undermine hope that the case would reinforce Turkey’s democracy, rule of law, and pathway to the EU.

**Role of the Military**

The Turkish military, which views itself as the guarantor of the Turkish Republic and protector of its secular identity, has intervened in the political process five times since 1960, including two coups. Yet, aside from calling for caution and respect for the law during the crisis over the possible closure of the AKP and the Ergenekon affair, the military commanders were quiet. They may not have recovered from a bungled attempt to prevent President Gul’s election by means of a warning notice posted on the General Staff’s website on April 27, 2007, described by some

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16 (...continued)

Commentary, Center for Strategic and International Studies, July 9, 2008.


19 Letter from Gen. Tolon, “There was a Need for a Scapegoat for Ergenekon and We Were Picked,” Vatan, July 24, 2008, Open Source Center Document GMP20080724742006.

as an “e-coup.”21 Instead, that action appeared to have the opposite effect; it helped to bring about the early national elections, contributed to the AKP victory, and produced Gul’s election.

Thus, it is possible that the military may have been content to let its secularist allies in the judicial bureaucracy take the principal lead in the effort to eliminate the AKP. After the party survived its judicial test, the military commanders verbally reasserted their oversight role and dedication to secularism at the change of command ceremony on August 30 in the presence of President Gul and Prime Minister Erdogan. Incoming Land Forces Commander General Isik Kosaner, who is slated to become Chief of Staff in 2010, forthrightly stated, “Protection of fundamental characteristics of the republic cannot be considered intervention in domestic politics.” His approach was in keeping with that traditionally taken by deputy chiefs of staff and force commanders. New Chief of the General Staff General Ilker Basbug also perhaps communicated the same message, but with more subtlety. He confirmed, “The Turkish Armed Forces is always involved as a party when it comes to safeguarding and protecting the underlying philosophy of the Republic of Turkey...” and noted, “The principle of secularism is one of the pillars of the underlying philosophy the Republic....” Basbug quoted from Article 24 of the Constitution, which stipulates that religion should not be exploited for political benefit.22 He also asserted or recommended that it was essential for social peace that those concerned about the growing influence of religious ideas on the country’s cultural identity be taken seriously.

The General Staff apparently is cooperating with the police in the Ergenekon investigation, allowing searches of military residences and the seizure of documents.23

**U.S. Policy**

The overall U.S. policy toward Turkey is largely determined by the United States’ need and appreciation for Turkey as a strategic partner and NATO ally. In addition, the Bush Administration values Turkey as a predominantly Muslim secular democracy that might provide political inspiration for other Muslim countries. Therefore, it has a vested interest in the continuation of Turkey’s democracy and political stability and does not want military coup there. The Administration adopted

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22 Speech delivery by Turkish Chief of the General Staff Gen. Ilker Basbug in an inaugural ceremony held on August 28, 2008, text on website of the Office of the Chief of the General Staff, Open Source Center Document, GMP20080828734009. Basbug’s complete quote from Article 24 was “nobody should exploit or abuse any religion or religious feelings or things that are regarded as sacred with a view to basing the basic social, economic, political, and legal systems or any part of them on religious rules or deriving political or personal benefit or clout....”

23 General Tolon said that the search of his home had been made in the presence of both the Ankara Public Prosecutor and the General Staff Military Prosecutor. Letter from Gen. Tolon, op. cit.
a stance of studied neutrality toward the Turkish domestic political crisis resulting from the closure case against the AKP. On April 15, Secretary of State Condoleezza Rice said, “We believe and hope that this will be decided within Turkey’s democratic context and by its secular democratic principles.”24 Her spokesman stated, “We are strong supporters of democracy in Turkey and we have faith in Turkish democracy. But ultimately, these questions about politics and religion and different social values are going to have to be ones that are resolved within the context of Turkish law, politics, and their Constitution.” However, the constitution that Administration officials referred to, although much amended, was drafted under the supervision of a military junta and accepted in a 1982 referendum without opposition permitted. Nonetheless, the Administration continues to emphasize democracy in Turkey while it no longer sounds that theme for other Muslim majority countries due to the increasing popularity of fundamentalist parties.

Rice also made remarks about enjoying an excellent relationship with the AKP government. But, few in Turkey considered this a change in approach.25 The Administration did not satisfy any group in Turkey. The AKP’s advocates sought a stronger statement opposed to the possible banning of a party that had won a decisive election so recently. They believed that the EU’s threat to suspend membership talks if the AKP were banned was more in line with democratic principles. Others contend that the EU had to take a stronger stand because Turkey is a candidate for membership. The secularists believe that the Bush Administration supports the AKP as a model for Muslim democracies and want it to continue in office. They are suspicious of any positive comment U.S. officials might make about the party.

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24 At American Turkish Council meeting in Washington, D.C., April 15, 2008.

25 Interpretation by former U.S. Ambassador to Turkey Mark Parris at the Center for Strategic and International Studies, July 15, 2008.
Table 1. Basic Facts

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<thead>
<tr>
<th>Category</th>
<th>Details</th>
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<td>Population</td>
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<tr>
<td>Ethnic Groups</td>
<td>80% Turkish</td>
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<tr>
<td></td>
<td>20% Kurdish (est.)</td>
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<tr>
<td>Religion</td>
<td>99.8% Muslim</td>
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<tr>
<td></td>
<td>(80-85% Sunni, 15-20% Alevi)</td>
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<td></td>
<td>2% other (mainly Christians and Jews)</td>
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<td>Gross Domestic Product (GDP) real growth rate</td>
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<td>GDP per capita</td>
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<td>Unemployment</td>
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<td>Underemployment</td>
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<td>Inflation</td>
<td>8.8% (2007 est.)</td>
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<td>Export Partners</td>
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<tr>
<td>Imports</td>
<td>machinery, chemicals, semi-finished goods, fuels, transport equipment</td>
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<td>Import Partners</td>
<td>Russia, Germany, China, Italy, U.S.</td>
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