

BACKGROUND PAPER

Politics of the Parliamentary Oversight of the Security Sector in Turkey

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Abbreviations & Acronyms

AK Party	<i>Adalet ve Kalkınma Partisi</i> (Justice and Development Party)
CHP	<i>Cumhuriyet Halk Partisi</i> (Republican People's Party)
DSP	<i>Demokratik Sol Parti</i> (Centre-left Democratic Left Party)
DTP	<i>Demokratik Toplum Partisi</i> (Democratic Society Party)
MGK	<i>Milli Güvenlik Kurulu</i> (National Security Council)
MGSB	National Security Policy Document
MHP	<i>Milliyetçi Hareket Partisi</i> (Nationalist Action Party)
MSB	<i>Milli Savunma Bakanlığı</i> (National Defence Ministry)
PKK	<i>Parti Karkerani Kurdistan</i> (Kurdistan Workers' Party)
TBMM	<i>Türkiye Büyük Millet Meclisi</i> (Turkish Grand National Assembly)
TMK	<i>Terörle Mücadele Kanunu</i> (Anti-Terror Law)
TSK	<i>Türk Silahlı Kuvvetleri</i> (Turkish Armed Forces)

PREFACE

Democratic and Parliamentary control and oversight of the defence sector is an internationally accepted principle. This control is especially considered crucial in countries which have had military rule and are in the process of transition towards democratic consolidation.

Given Turkey's peculiar civil military relations and the country's continuous transition to democratic consolidation, it is important to see how Turkish democratic institutions, such as the Parliament and Parliamentary Committees, engage in a democratic oversight of the defence sector. Does the Turkish Grand National Assembly have the powers, systems and processes in place to oversee the Defence sector? How effectively are these powers, systems and processes used?

The paper **Politics of the Parliamentary Oversight of the Security Sector in Turkey** has been especially commissioned by PILDAT to answer the above questions. Authored by **Dr. Volkan Aytar**, the case of Turkey is outlined for the benefit of the Pakistan's Parliamentary Committees on Defence to review whether the Turkish system of Parliamentary Oversight of the Defence offers any lessons for Pakistan, which is itself grappling with the challenge of exercising an effective civilian and democratic control and oversight of the defence sector.

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PROFILE OF THE AUTHOR

Dr. Volkan Aytar

Dr. Volkan Aytar received his B.A. degree in Political Science and Public Administration from Bilkent University, Ankara, Turkey. As Fulbright scholar, he received a M.A. degree in Sociology and a Certificate in Global Studies from the State University of New York (SUNY) at Binghamton. He taught at Sabanci and Bahcesehir Universities in Istanbul. Between 2004 and 2009, he was an administrator and researcher at the Turkish Economic and Social Studies Foundation (TESEV) with a particular emphasis on Security Sector Reform, including Civil-Military Relations, Police Reform and Empowerment of the Civil Society and the Media. He directed DCAF-TESEV Book Series in Security Sector Studies. He is an Editorial Board member of Istanbul Journal of Urban Culture and project advisor of the *European Media and Cultural Studies (EMCS)* M.A. Program established jointly with Bahcesehir University, Potsdam University and Potsdam Technology University in Berlin. At University of Amsterdam, he is working on his doctoral dissertation on Istanbul's entertainment and leisurely consumption sector. Among his publications are: (co-editor) *Civil Society and Security Sector Oversight: Limits and Potentials*, 2009; (co-editor) *Media and Security Sector Oversight: Limits and Potentials*, 2009; (editor) *Democratic Oversight of the Security Sector: Turkey & the World* (2005), and (author) *Metropol* (2005).

Introduction

This paper is prepared to provide background information on the politics of the parliamentary oversight of the security sector in Turkey. The report first shortly describes the main parameters of the prevalence of security in Turkish political history which partly explains the asymmetries involved in civil-military relations, as well as the weakness of democratic oversight mechanism over the security sector. Secondly, it evaluates the general role of the Turkish Grand National Assembly (*Türkiye Büyük Millet Meclisi, TBMM*) in security sector oversight. Thirdly, in the largest section, the report provides a general assessment of the Special Parliamentary Commissions of the TBMM with a particular emphasis on three commissions: National Defence, Plan and Budget and Interior Affairs. Fourth and finally, some summary conclusions and recommendations are drawn.

The Historical Prevalence of Security: A Short Historical Account

“Security” has long been one of the main concerns of the state elite and the establishment both during the late Ottoman Empire and the young Republic of Turkey which was established on the very ruins of this former. Once a glorious, non-colonial world power, the Ottoman Empire slowly and painfully disintegrated within an increasingly hostile international environment.

Keeping the territorial congruity and preventing social disorder were the mental building blocks of the *raison d’être* of late Ottoman military and civilian bureaucrats. Security’s centrality as the main concern was also infused into the mindsets of war-sick Turks and other Muslim groups who were dramatically and forcefully displaced from out of newly emancipated Christian and non-Turkish nation-states in the Balkans and the Caucasus towards the impoverished heart of the shrinking empire.¹

Such a ‘security’-seeking defensive attitude was translated into societal and communitarian pressures over individuals and constituting groups as well as administrative-political fiat over social life. This not only led to stigmatization and at times systematic targeting of internal groups but also to the construction of a mental arena of animosity-ridden international relations and full of intruding outside powers. In this sense, security concerns and practitioners kept a close lid on the social dynamism and severely limited the sphere of the *political* (i.e. the civilian).

This point perhaps best explains the weakness of the democratic and civilian oversight and control of the security sector in modern Turkey. Security sector centring on the Turkish Armed Forces (*Türk Silahlı Kuvvetleri, TSK*) was detached from parliamentary and political procedures and was accorded a high level of independence and even primacy. In its self-declared role as the protector of the secular republic, the TSK meddled with politics in various forms, ranging from making apparently binding statements on non-military issues to conducting direct (1960 and 1980), indirect (1971) and “post-modern” (1997) coup d’état.

This classification of military interventions in Turkey, as direct, indirect and “post-modern” could certainly be criticized. However, its analytical explanatory powers should also be acknowledged: While in 1960 and 1980 military juntas took direct control of the state administration, in 1971 and in 1997, the military either forced the governments out and instituted pro-military cabinets, or used other methods to unseat the government. Additionally, in 2007, after the first round of presidential voting in the parliament, the military issued a “warning” dubbed as the “*e-memorandum*” [*e-muhtıra*] (since the memorandum was launched at the internet site of the Office of the Chief of General Staff), which according to numerous

1. Suavi Aydın is one of the scholars who has analyzed the longitudinal impact of the ‘deal’ of trading individual liberties and social rights with those of the security and protection from a historical dimension. See, S. Aydın, (2005). “*Amacımyız Devletin Bekası*”: *Demokratikleşme Sürecinde Devlet ve Yurttaşlar* [Let the State Rule Forever: State and Citizens in the Democratization Process], Istanbul: TESEV Publications. Full text available at URL: http://www.tesev.org.tr/UD_OBJS/PDF/DMP/Amacimiz%20Devletin%20Bekasi%203.%20Baski%20Tam%20metin.pdf. For a more detailed analysis of this “bargain” between the state and society on security and rights in Turkey and its impact on the democratic oversight of the security sector in general and civil-military relations in particular, see, V. Aydar, (2008) ‘Civil Military Relations in Turkey: A Quiet Acceptance, A Quiet Challenge,’ paper presented at the PILDAT International Conference on Civil-Military Relations in Lahore, Pakistan.

analysts led to the landslide victory of the ruling Justice and Development Party (Adalet ve Kalkınma Partisi, AK Party)² in July 2007 legislative polling.³

Security Sector and Parliamentary Oversight: The Perils of '(National) Securitization'

Within this general, security-orientated atmosphere, “national security” was elevated at an extra-political level detached from parliamentary rule and decision-making processes. Indeed, national security policy was defined in very broad yet vague terms, to include not only territorial defence but also whole range of political, economic and even cultural issues.⁴ “National security” is defined as the [...] “preservation and protection against the collective internal and external threats to the constitutional order of the state, its national existence, integrity, all of its political, social, cultural and economic interests and contractual rights in the international arena” at the Law on the National Security Council (*Milli Güvenlik Kurulu, MGK*) and the MGK General Secretariat.⁵ Meryem Erdal argues that the primacy of the national security is not limited to this law but is also infused into the Constitution of the Republic and numerous other laws, including those on educational institutions, telecommunications and even banking.⁶ In this way, many social fields have been effectively ‘securitized’ through quite authoritarian types of legislation.

Indeed, The European Commission argues that the broad way in which national security was defined, together with the Internal Law of the TSK which appoints it a role to “protect and guard the Republic” are giving the TSK a politically uncontrolled and large room for manoeuvre.⁷

This could clearly be seen in the non-transparent and non-parliamentary preparation and execution of the National Security policy and its concrete form, the National Security Policy Document (MGSB), dubbed as the ‘secret constitution’.

Reflecting the demands of an unelected military bureaucracy, the MGSB is prepared without the participation of the Turkish Grand National Assembly's (*Türkiye Büyük Millet Meclisi, TBMM*) plenary or special parliamentary commissions. Ahmet Yıldız claims that the MGSB [...] is considered a state document with a degree of secrecy [and] it is not submitted to the members of the TBMM for their perusal” and that “[n]o claim could be made that the parliament has any influence in discussions concerning the concept of security and the determination of related parameters, particularly in terms of the composition of the National Security Policy Document.”⁸ The contribution of the executive is also limited since not all cabinet ministers take part in the National Security Council meetings. In short, the MGSB which apparently forms the basis of the state's national security policy is formulated and implemented without the necessary parliamentary participation

Special Parliamentary Commissions and Oversight

General Panorama and Evaluation

After addressing the lack of general civilian oversight on the security sector, let us now more closely look into the role of the parliamentary commissions in oversight. According to the Rules of Procedure of the TBMM, there currently exist

2. Note that some sources continue to refer to “AK Party” as “AKP”. The Party, however, claims that its official acronym is “AK Parti” in Turkish and AK Party in English and criticizes the use of the acronym “AKP”. “AK Party” has also the connotation of being a “white” (“AK” literally means white in Turkish) or “clean,” “non-corrupt” Party, a claim which many political opponents and some media outlets refute. In this article, in line with the party's official documents, we will use the “AK Party” acronym.
3. TSK was allegedly reacting to the possibility of AK Party's Abdullah Gül (then Minister of Foreign Affairs and former Prime Minister) to become the next President of the Republic. For a full (Turkish-language) text of this “e-memorandum,” see URL: http://www.tsk.tr/10_ARSIV/10_1_Basin_Yayin_Faaliyetleri/10_1_Basin_Aciklamalari/2007/BA_08.html. Following the July 2007 parliamentary election, the victorious AK Party re-nominated Gül as its presidential candidate. On 28 August 2007, Gül was elected the eleventh president of the Republic of Turkey in the third round of voting in the parliament.
4. See the discussion of the way in which national security is defined very broadly at: Z. Arslan, (2006). ‘Government,’ in Ü. Cizre (ed.) *Almanac Turkey 2005: Security Sector and Democratic Oversight*. TESEV: Istanbul, pp. 26-35. Full text accessible at: http://www.tesev.org.tr/UD_OBJS/PDF/DEMP/Almanak-2005-Ingilizce-Tam%20Metin.pdf and M. Erdal (2009). ‘Anayasalarda Milli Güvenlik,’ [National Security in Constitutions] and ‘Mevzuatta Milli Güvenlik,’ [National Security in Legislations] in A. Bayramoğlu & A. İnşel (eds.) *Almanac Türkiye 2006-2008: Güvenlik Sektörü ve Demokratik Gözetim* [Almanac Turkey 2006-2008: Security Sector and Democratic Oversight]. TESEV: Istanbul. Full text available at: http://www.tesev.org.tr/UD_OBJS/PDF/DEMP/almanak2008_02_07_09.WEB%20icin.pdf.
5. Article 2 of Law No. 2945 dated 9 November 1983. Published at Resmi Gazete [Official Gazette] 11 November 1983, No. 18218.
6. M. Erdal (2009). ‘Anayasalarda Milli Güvenlik,’ [National Security in Constitutions] and ‘Mevzuatta Milli Güvenlik,’ [National Security in Legislations] in A. Bayramoğlu & A. İnşel (eds.) *Almanac Türkiye 2006-2008: Güvenlik Sektörü ve Demokratik Gözetim* [Almanac Turkey 2006-2008: Security Sector and Democratic Oversight]. TESEV: Istanbul. Full text available at: http://www.tesev.org.tr/UD_OBJS/PDF/DEMP/almanak2008_02_07_09.WEB%20icin.pdf.
7. European Commission's main argument is as follows: “No change has been made to the Turkish Armed Forces Internal Service Law and the Law on the National Security Council. These define the role and duties of the Turkish military and grant the military wide room for maneuver by providing a broad definition of national security” Turkey 2008 Progress Report SEC(2008) 2699 Brussels, 5.11.2008, p. 10. Accessible at URL: http://ec.europa.eu/enlargement/pdf/press_corner/key-documents/reports_nov_2008/turkey_progress_report_en.pdf. This point was also mentioned in the previous versions of the annual progress report.
8. A. Yıldız (2006). ‘Turkish Grand National Assembly,’ in Ü. Cizre (ed.) *Almanac Turkey 2005: Security Sector and Democratic Oversight*. TESEV: Istanbul, p. 18. Full text accessible at: http://www.tesev.org.tr/UD_OBJS/PDF/DEMP/Almanak-2005-Ingilizce-Tam%20Metin.pdf.

17 Special Parliamentary Commissions (*İhtisas Komisyonları*):⁹

Table 1: Special Parliamentary Commissions of the TBMM

1	Constitution
2	Justice
3	National Defence
4	Interior Affairs
5	Foreign Affairs
6	National Education, Culture, Youth and Sports
7	Public Works, Transportation and Tourism
8	Environment
9	Health, Family, Employment and Social Affairs
10	Agriculture, Forestry and Village works
11	Industry, Trade, Energy, Natural Resources and Knowledge Technologies
12	Petitions
13	Plan and Budget
14	Public Economic Enterprises
15	Human Rights Inquiry
16	European Union Harmonization ¹⁰
17	Gender Equality

The number of members each parliamentary political party could send to the Special Commissions is decided by the Chairperson of the TBMM based on the ratio of political parties' MPs in the plenary. However, only the parliamentary political parties who have a "Political Party Group," ("*Siyasî Parti Grupları*,") having at least 20 MPs in the plenary¹¹ following the legislative balloting could be represented at the Special Commissions.

Political parties with such a group representation then select their own 'candidates' to take part in individual Special Commissions. Parties could still forfeit their right to send members to the Commissions. The final composition of the Special Commissions (and thus, 'candidate' members becoming actual members) should still formally be approved at the plenary but based on the experience in the past this vote is apparently a highly 'technical' one, with few discussions and disagreements taking place.

Out of the 17 Special Commissions, 15 have been in existence for a longer time and were given their current shapes and formats with the passing of the TBMM's Rules of Procedure in 1973, while the last two (European Union

Harmonization and Gender Equality) were established more recently in 2000s, in line with the Republic of Turkey's European Union membership bid. Among the 17, only the National Defence, Plan and Budget, and Interior Affairs Commissions may be said to have some –albeit limited– direct powers over the security sector institutions, although as we will discuss later, there exist important problems with the actual use of these powers.

Apart from above-mentioned three commissions, additionally and more indirectly, Human Rights Inquiry and European Union Harmonization Commissions may have been expected to perform some supervisory powers over the security sector institutions, especially in terms of demanding professionalism and fighting against impunity as well as harmonizing the security sector-related legislation and practices with those of the best practices of the Member States of the European Union, but again, actual overseeing practices are severely limited or are simply not used.

Finally, in terms of providing the legal contours for the practices of the security sector institutions such as; discussing the laws on the Police, Gendarmerie, Village Guards and others, the Justice Commission may be said to have some powers. Similarly, those powers are limited and are not very well practiced.

However, a more general problem pertaining to all Special Commissions' ability to oversee the security sector is that according to the parliamentary law, the Special Commissions, as a legal entity, cannot directly submit law proposals or other types of proposals. Considering that Special Commission work may help parliamentarians develop specialized capacities and build-up civilian knowledge, this legal limitation actually hinders their supervisory functions.

When Special Commissions or their members cannot individually or jointly develop law proposals on their 'specialized' fields and considering the overbearing influence of the political party leaders (most chiefly because of the current shape of the Law on Political Parties which gives large powers to the leader of the party), most MPs are compelled to strictly follow their respective 'party lines' regardless of whether or not they actually agree. For

9 TBMM İç Tüzük (Rules of Procedure) Decision No. 584 dated 5.3.1973 Published at Resmi Gazete [Official Gazette] on 13 April 1973 No: 14506. Full text accessible at URL: <http://www.tbmm.gov.tr/ictuzuk/ictuzuk.htm>

10 Established with Law No. 4847 dated 15.4.2003.

11 TBMM İç Tüzük (Rules of Procedure) Decision No. 584 dated 5.3.1973 Published at Resmi Gazete [Official Gazette] on 13 April 1973 No: 14506. Full text accessible at URL: <http://www.tbmm.gov.tr/ictuzuk/ictuzuk.htm>

example, this was observed clearly when the amendment to the Anti-Terror Law was discussed at the Special Commissions. We will discuss this under the sub-section on the Interior Affairs Commission.

An added deficiency of the Special Commissions is their lack of contacts and cooperation with the civil society in general and Non-Governmental Organizations (NGOs) in particular. This is particularly important considering the longitudinal lack of civilian expertise, capacity and knowledge in terms of the democratic oversight of the security sector. While the Special Commissions occasionally seek consultation from bodies outside of the parliaments, this practice seems to be limited to formally approaching 'accredited institutions' i.e. select universities, bar associations and some professional organizations.

There seems to be at least three problems with this approach: (a) the selection criteria of those 'accredited institutions' is not clear and guidelines for selecting them are either absent or unknown. Seeking consultation from even such select organizations depend the willingness of the Chairs of the Special Parliamentary Commissions—who may stay away from seeking alternative opinions (of those accredited or non-accredited organizations) especially when more 'sensitive' issues are dealt with; (b) most NGOs, especially those who work on human rights are left out of

the consultation process. Especially those pro-democratisation NGOs are almost never invited to the Commission meetings; (c) no clear guidelines seem to exist as to how those 'consultations' are to be taken into consideration or incorporated into the actual law making process.¹²

After evaluating the structure and problems associated with the Special Commissions, let us now more closely examine the National Defence, Plan and Budget and Interior Affairs Commissions by analyzing how these three commissions are currently constituted, and what their powers and problems associated with their oversight functions are.

The National Defence Commission

In the current parliamentary structure which emerged following legislative balloting in July 2007, the National Defence Commission has 25 members, 16 from the ruling AK Party, 5 from the main opposition Party, centre-left Republican People's Party (Cumhuriyet Halk Partisi, CHP); 3 from the right-wing Nationalist Action Party (Milliyetçi Hareket Partisi, MHP) and one member from the pro-Kurdish Democratic Society Party (Demokratik Toplum Partisi, DTP).

According to the Rules of Procedure of the TBMM, the National Defence Commission's mandate is defined as to

Table 2: Composition of the National Defence Commission

The names, positions, Party affiliations and provincial representations of the members of the National Defence Commission are as follows:¹³

No.	Name	Position	Party Affiliation	Provincial Rep.
1	Hasan Kemal Yardımcı	Chair	AKP	Istanbul
2	Memet Yılmaz Helvacıoğlu	Deputy Chair	AKP	Siirt
3	Nurettin Akman	Spokesperson	AKP	Çankırı
4	İsmail Göksel	Clerk	AKP	Niğde
5	Sevket Gürsoy	Member	AKP	Adıyaman
6	Mehmet Hanifi Alir	Member	AKP	Ağrı
7	Mehmet Erdem	Member	AKP	Aydın
8	Mehmet Alp	Member	AKP	Burdur
9	M. İhsan Arslan	Member	AKP	Diyarbakır
10	Yahya Doğan	Member	AKP	Gümüşhane
11	Fuat Bol	Member	AKP	Istanbul
12	Reha Çamuroğlu	Member	AKP	Istanbul
13	Erdal Kalın	Member	AKP	İzmir

12. The experience of Şanar Yurdatapın seems illustrative in this regard. As the founder of the "Parliamentary Joint Working Groups Initiative" aiming to bring parliamentarians and NGOs together at several thematic and regional working groups he argues that due to longitudinal impact of non-participatory mindsets and heavy working loads of the Special Parliamentary Commissions, they have faced important difficulties. For more detailed information, see URL: <http://www.tbmmocg.net/>.

13. For more detailed information on the National Defence Commission, see URL: http://www.tbmm.gov.tr/develop/owa/komisyonlar_sd.komisyon_bilgi?p_kom_kod=34

No.	Name	Position	Party Affiliation	Provincial Rep.
14	Ahmet Büyükakkaşlar	Member	AKP	Konya
15	Fuat Ölmeztoprak	Member	AKP	Malatya
16	Sabahattin Cevheri	Member	AKP	Şanlıurfa
17	Zekeriya Akıncı	Member	CHP	Ankara
18	Osman Kaptan	Member	CHP	Antalya
19	Ensar Ögüt	Member	CHP	Ardahan
20	Derviş Günday	Member	CHP	Çorum
21	Erol Tınastepe	Member	CHP	Erzincan
22	Bengi Yıldız	Member	DTP	Batman
23	Yıldırım Tugrul Türkes	Member	MHP	Ankara
24	Kamil Erdal Sipahi	Member	MHP	İzmir
25	Sabahattin Çakmakoglu	Member	MHP	Kayseri

“examine the draft laws and law proposals concerning national security, defence, civilian defence and military service.”¹⁴ However, Ahmet Yıldız claims that; “[t]he draft laws and law proposals that are submitted to the TBMM chairman on the aforementioned subjects are transferred to this [commission] and conveyed to the General Assembly following debate. Therefore, the [commission] does not have the authority to examine and control the budgets of the Ministry of National Defence and the Turkish Armed Forces. The [commission] does not play a direct role in the formation of defence policy.”¹⁵

Similarly, parliamentary expert Nezir Akyeşilmen argues that the Commission's ability to oversee the security sector is limited. He claims that, the practice - contrary to legal requirements - of not keeping the minutes of the National Defence Commission meetings is especially detrimental to the Commission's effectiveness and prolonged continuity considering the necessity of leaving written records for legal reasons and for researchers. Akyeşilmen argues that, to make matters even worse, members of the Commission across party lines did not challenge this deficiency.¹⁶ Additionally, the National Defence Commission's record in dealing with 'sensitive' issues seems disheartening in terms of the democratic and civilian oversight of the security sector. Most often than not, the Commission members do

not seem to raise questions about the non-participatory way national security policy is being formulated and implemented, as well as their powerless situation in terms of oversight of the National Defence Ministry (*Millî Savunma Bakanlığı, MSB*) or the Office of the Chief of Staff (*Genelkurmay Başkanlığı*).

Additionally, as Akyeşilmen notes, it is interesting to note that two important pieces of legislation that continue to remain on the floor of the National Defence Commission for a long period of time have to do with such “sensitive” issues, including an amendment to the Internal Service Law of the Turkish Armed Forces to provide a clearer mandate for the TSK, and another amendment to provide legal acknowledgment of the right to conscientious objection.¹⁷

The Plan and Budget Commission

In the current parliamentary structure which emerged following legislative balloting in July 2007, the Plan and Budget Commission has 39 members, 25 from the ruling AK Party, 7 from CHP; 5 from MHP, 2 from DTP and one member from the centre-left Democratic Left Party (Demokratik Sol Parti, DSP).¹⁸ Note that due to its heavy work load, the Plan and Budget Commission has more members than others. Additionally, the Rules of Procedure of the TBMM stipulates that the members of the Plan and

14. (Rules of Procedure) of 5 MTBMM İç Tüzük arch 1973; Justification No. 763. See <http://www.tbmm.gov.tr/ictuzuk.htm>.

15. A. Yıldız (2006). 'Turkish Grand National Assembly,' in Ü. Cizre (ed.) *Almanac Turkey 2005: Security Sector and Democratic Oversight*. TESEV: Istanbul, p. 19. Full text accessible at: http://www.tesev.org.tr/UD_OBJS/PDF/DEMP/Almanak-2005-Ingilizce-Tam%20Metin.pdf.

16. N. Akyeşilmen (2009). 'Yasama: Türkiye Büyük Millet Meclisi,' [The Legislative: Turkish Grand National Assembly] in A. Bayramoğlu & A. Ynsel (eds.) *Almanac Türkiye 2006-2008: Güvenlik Sektörü ve Demokratik Gözetim* [Almanac Turkey 2006-2008: Security Sector and Democratic Oversight], pp. 13-22. TESEV Publications: Istanbul. Full text available at: http://www.tesev.org.tr/UD_OBJS/PDF/DEMP/almanak2008_02_07_09.WEB%20icin.pdf.

17. N. Akyeşilmen, in *ibid*, p. 17.

18. Note that DSP does not have a “Political Party Group” and thus is not normally eligible to send members to the Special Commissions. However, due to a pre-election alliance, DSP MPs were elected under the CHP ticket at legislative balloting. After the formation of the Special Commissions, individual MPs resigned from CHP and went back to DSP.

Table 3: Composition of the Plan and Budget Commission

The names, positions, Party affiliations and provincial representations of the members of the Plan and Budget Commission are as follows.¹⁹

No.	Name	Position	Party Affiliation	Provincial Rep.
1	Sait Aba	Chair	AKP	Afyonkarahisar
2	Mehmet Altan Karapařaođlu	Deputy Chair	AKP	Bursa
3	Hasan Fehmi Kinay	Spokesperson	AKP	Kütahya
4	Süreyya Sadi Bilgi	Clerk	AKP	Isparta
5	Necdet Ünüvar	Member	AKP	Adana
6	Halil Aydođan	Member	AKP	Afyonkarahisar
7	Sadık Badak	Member	AKP	Antalya
8	Ali Osman Sali	Member	AKP	Balıkesir
9	İsmail Özgün	Member	AKP	Balıkesir
10	Cahit Bağcı	Member	AKP	Çorum
11	Mehmet Yüksel	Member	AKP	Denizli
12	Necdet Budak	Member	AKP	Edirne
13	Alaattin Büyükkaya	Member	AKP	İstanbul
14	Tuđrul Yemiřci	Member	AKP	İzmir
15	İbrahim Hasgür	Member	AKP	İzmir
16	Mustafa Özbayrak	Member	AKP	Kırıkkale
17	Muzaffer Bařtopu	Member	AKP	Kocaeli
18	Mustafa Kabakcı	Member	AKP	Konya
19	Ali Er	Member	AKP	Mersin
20	Kadir Tıngırođlu	Member	AKP	Sinop
21	Mehmet Mustafa Akalın	Member	AKP	Sivas
22	Osman Demir	Member	AKP	Tokat
23	Kerem Altun	Member	AKP	Van
24	Abdulkadir Akgöl	Member	AKP	Yozgat
25	Mustafa Özyürek	Member	CHP	İstanbul
26	Esfender Korkmaz	Member	CHP	İstanbul
27	Bölent Baratalı	Member	CHP	İzmir
28	Ferit Mevlüt Aslanođlu	Member	CHP	Malatya
29	Gürol Ergin	Member	CHP	Muđla
30	Faik Öztürk	Member	CHP	Tekirdađ
31	Mehmet Akif Hamzaebi	Member	CHP	Trabzon
32	Harun Öztürk	Member	DSP	İzmir
33	Gölten Kışanak	Member	DTP	Diyarbakır
34	Hasip Kaplan	Member	DTP	Şırnak
35	Mehmet Günel	Member	MHP	Antalya
36	Emin Haluk Ayhan	Member	MHP	Denizli
37	Mustafa Kalaycı	Member	MHP	Konya
38	Erkan Akay	Member	MHP	Manisa
39	Münir Kutluata	Member	MHP	Sakarya

19. For more detailed information on the Plan and Budget Commission, see URL: http://www.tbmm.gov.tr/develop/owa/komisyonlar_sd.komisyon_bilgi?p_kom_kod=17

Budget Commission (together with the members of the Petition Commission) cannot sit at other Special Commissions.²⁰

At a closer look, there seems to be at least two important problems associated with the oversight function of the Plan and Budget Commission. Firstly, in the budget preparation process, there is no formalised participation by the Commission. Ahmet Yıldız argues that “the Ministry of National Defence does not seek the opinion of the committee when preparing the draft budget.”²¹

Secondly, while “[...] committee members can participate in debates pertaining to the budget of the Ministry of National Defence, in the Plan and Budget Committee and present their opinions or suggestions,”²² discussions and disagreements are kept at a minimum due to the ‘sensitive’ nature of the topic: “The Ministry of National Defence budget has been treated almost ceremonially ever since the inauguration of the one party period. Criticizing the budget is seen as akin to criticizing the TSK, which is viewed as an institution beyond reproach. This has created a sort of symbolic ceremony wherein, following the approval of the

Ministry of National Defence budget in the General Assembly without any debate, all the political parties, either individually or in unison, present expressions of thanksgiving expressing the ‘gratitude of the TBMM to the Turkish Armed Forces.’ This ceremony is known as ‘done with the budget, hail to the army.’²³

Given the above two difficulties, and also considering the lack of civilian experts in the field of National Security who could advise the Commission (thus contributing to the longitudinal asymmetry of power and knowledge), it is hard to claim that the Plan and Budget Commission adequately functions as a parliamentary oversight institution over the security sector.

The Interior Affairs Commission

In the current parliamentary structure which emerged following legislative balloting in July 2007, the Plan and Budget Commission has 25 members, 16 from the ruling AK Party, 5 from the CHP; 3 from the MHP and one member from the DTP.

The names, positions, Party affiliations and provincial

Table 4: Composition of the Interior Affairs Commission

The names, positions, Party affiliations and provincial representations of the members of the Interior Affairs Commission are as follows.²⁴

No.	Name	Position	Party Affiliation	Provincial Rep.
1	Tevfik Ziyaeddin Akbulut	Chair	AKP	Tekirdağ
2	Feyzullah Kıyık	Deputy Chair	AKP	İstanbul
3	Selami Uzun	Spokesperson	AKP	Sivas
4	Ayşe Türkmenoğlu	Clerk	AKP	Konya
5	Ali Küçükaydın	Member	AKP	Adana
6	Atilla Koç	Member	AKP	Aydın
7	Mehmet Cemal Öztaylan	Member	AKP	Balıkesir
8	Emin Nedim Öztürk	Member	AKP	Eskişehir
9	Mehmet Erdoğan	Member	AKP	Gaziantep
10	Ali Temür	Member	AKP	Giresun
11	Abdülhadi Kahya	Member	AKP	Hatay
12	Recep Koral	Member	AKP	İstanbul
13	Abdullah Çalışkan	Member	AKP	Kırşehir

20. TBMM İç Tüzük (Rules of Procedure) of 5 March 1973; Article No. 21. See URL: <http://www.tbmm.gov.tr/ictuzuk.htm>

21. A. Yıldız (2006). ‘Turkish Grand National Assembly,’ in Ü. Cizre (ed.) Almanac Turkey 2005: Security Sector and Democratic Oversight. TESEV: Istanbul, p. 19. Full text accessible at: http://www.tesev.org.tr/UD_OBJS/PDF/DEMP/Almanak-2005-Ingilizce-Tam%20Metin.pdf

22. A. Yıldız, in ibid, p. 19.

23. A. Yıldız, in ibid, p. 22.

24. For more detailed information on the Interior Affairs Commission, see URL: http://www.tbmm.gov.tr/develop/owa/komisyonlar_sd.komisyon_bilgi?p_kom_kod=13

No.	Name	Position	Party Affiliation	Provincial Rep.
14	Recep Koral	Member	AKP	İstanbul
15	Abdullah Çalışkan	Member	AKP	Kırşehir
16	Süleyman Çelebi	Member	AKP	Mardin
17	Recep Yıldırım	Member	AKP	Sakarya
18	Zeyid Aslan	Member	AKP	Tokat
19	Hulusi Güvel	Member	CHP	Adana
20	Muhammet Rıza Yalçınkaya	Member	CHP	Bartın
21	Abdulaziz Yazar	Member	CHP	Hatay
22	Ali Oksal	Member	CHP	Mersin
23	Suat Binici	Member	CHP	Samsun
24	M. Nuri Yaman	Member	DTP	Muş
25	Bekir Aksoy	Member	MHP	Ankara
26	Hasan Özdemir	Member	MHP	Gaziantep
27	Mustafa Enöz	Member	MHP	Manisa

representations of the members of the Interior Affairs Commission are as follows.

Different than the National Defence Commission who works on issues concerning the Turkish Armed Forces, the Interior Affairs Commission deals primarily with those security sector institutions whose mandate concerns internal security, i.e., the civilian National Police department, and the Gendarmerie. One could claim that a closer scrutiny is espoused by the Interior Affairs Commission over the internal security agencies. This situation is certainly related with the less 'sanctified' nature of internal security institutions when compared with the 'highly sensitive' issues related with the Turkish Armed Forces. However, problems still exist with the oversight function of the Interior Affairs Commission as well. One case in point, i.e., the amendment to the Anti-Terror Law (Terörle Mücadele Kanunu – TMK) of April 12, 1991 may be illustrative in this regard.

In the context of renewed attacks by the PKK, the Ministry of Justice had assembled a working group in July 2005 that included experts from the universities, the Council of State (Danıştay), Supreme Court of Appeals (Yargıtay), representatives of the Office of the General Chief of Staff, representatives of the Turkish National Police Department, Gendarmerie General Command, and others. The government then sent the draft law to the Turkish Grand National Assembly in April 2006.²⁵ The Presidency of the

TGNA determined that the draft law should be discussed at the Special Commissions. Among those, Justice Commission was determined as the primary legislative commission, while the Interior Affairs Commission, Constitutional commission, and the European Union harmonization commission were to serve as 'secondary (advisory) commissions.'

Numerous NGOs, bar associations and others claimed that human rights and liberties are to be significantly curtailed by the proposed amendment and that the changes, including extended powers for security agencies, run against the spirit of Turkey's European Union harmonization process.²⁶ However, on such a critical topic, the discussions at the Interior Affairs Commissions took only a single session. While numerous AK Party MPs sitting at the Interior Affairs Commission shared some of the criticisms of the NGOs, when the (then) Minister of Interior Cemil Çiçek personally took part in the second part of the session and claimed that the passing of the amendment was very critical for "national security" all AK Party MPs were compelled to vote positively on the amendment. The Commission decided not to work further on the proposed amendments, not to prepare a more detailed report and instead directly send the package to the Justice Commission, which in turn, finalised and sent the draft to the General Assembly of the TGNA to be legislated. The General Assembly discussed the draft on June 29, 2006 and ratified the Law on Amending the TMK (Law no. 5532).

25. Türkiye Cumhuriyeti Başbakanlık Kanunlar ve Kararlar Genel Müdürlüğü (Republic of Turkey, Prime Ministry, General Directorate of Laws and Decisions), Sayı (No): B.02.0.KKG.0.10/101-1182/1923, April 18, 2006.

26. For details, see, Volkan Aytar, (2006). "A Bleaker Future Now? Report on the Amendment of the Anti-Terror Law." Full text accessible at URL: <http://www.tesev.org.tr/eng/events/AntiTerrorLawReport.pdf>

Summary Conclusions and Recommendations

- Historical and socio-political reasons hamper the development of democratic and civilian oversight of the security sector in Turkey. Those reasons mainly have to do with the excessive importance accorded to “National Security” defined vaguely and without necessary civilian participation. A more “human-security” centred definition should be developed with the participation of civil society.
- There exist particular difficulties involved with the parliamentary oversight of the security sector in Turkey. The asymmetrical shape of the Civil-Military Relations in Turkey hampers the development of civilian expertise and capacity-building efforts on the part of the MPs. Parliament and the government should be strengthened further.
- The parliamentary rules of procedure do not give adequate powers to the Special Commissions of the Turkish Grand National Assembly to oversee the security sector institutions in general and the Turkish Armed Forces in particular. Special Commissions, as legal entities, should be given extended rights and powers, such as the ability to formulate and propose laws and other legal changes.
- No formalised, effective and healthy connections exist between the MPs sitting at the Special Commissions and the NGOs. This situation hampers the development of civilian expertise, knowledge-sharing and collaborative efforts and is particularly detrimental considering the lack of civilian expertise on defence and security-related issues. Thematic and regional working groups bringing together MPs and NGOs should be established and strengthened.
- The Law on Political Parties and other internal laws and regulations administering the work in the Turkish Grand National Assembly should be democratised so to decrease the excessive powers of the political party leaders over the MPs and increase civilian consciousness and expertise by the parliamentarians.



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