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SECURITY SECTOR IN TURKEY:
QUESTIONS, PROBLEMS, AND SOLUTIONS

HALE AKAY

TESEV

SECURITY SECTOR IN TURKEY: QUESTIONS, PROBLEMS, AND SOLUTIONS

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Table of Contents

Abbreviations, 4

Summary, 5

1. **Introduction, 6**
2. **The Distribution of Roles Across Institutions in the Politics of National Security, 8**
   The National Security Council, 9
   The National Security Policy Document, 12
3. **Turkish Armed Forces, 14**
   Parliamentary Oversight, 15
   Military Judiciary, 16
   Education and Training, 17
   Supply of Artillery and Equipment, 19
4. **Internal Security, 20**
   Gendarmerie, 20
   Security and Public Order Assistance Squads (EMASYA) Protocol, 22
   The Village Guards System, 23
5. **A General Analysis In Light of Recent Developments, 25**
6. **Conclusion and Recommendations, 29**

Bibliography, 32

About the Author, 36

Abbreviations

RE-AN	Presidency of the Department of Research and Analysis
HMAC	High Military Administrative Court
CMCR	Prime Ministry Crisis Management Center Regulations
SPO	State Planning Organization
DGS	Directorate General of Security
DGSA	Directorate General of Security Affairs
GCG	General Command of Gendarmerie
UPOS	Undersecretariat of Public Order and Security
LFC	Land Forces Command
NMSC	National Military Strategic Concept
MoNE	Ministry of National Education
NSC	National Security Council
SGNSC	Secretariat General of the National Security Council
NSPD	National Security Policy Document
MoD	Ministry of Defense
NDC	National Defense Commission
PSC	Private Specialization Commission
CGC	Coast Guard Command
UDI	Undersecretariat of Defense Industry
TGNA	Turkish Grand National Assembly
PRC	Public Relations Command
TAF	Turkish Armed Forces
TBoE	Turkish Board of Education
SMC	Supreme Military Council

Summary

Security has been and is a problematic and contentious area in the Turkish political system due both to the structural, functional and organizational significance of the security sector within this system and to the autonomous and leading role that the security sector plays. This report discusses the various problems within the Turkish security sector by focusing on the armed forces and includes an analysis of the scholarship created by TESEV's "Security Sector and Democratic Governance" Almanacs.

It may be asserted that Turkey's civil-military relations and the corresponding institutional structures possess three interrelated qualities: 1) An administrative and legislative structure that is constructed through historical continuity; deepened with every military intervention; institutionalized around a broad and ambiguous national security concept; and on several occasions, concealed behind a veil of secrecy. 2) A form of tutelage where the military sphere expands and the political sphere contracts; where the relationship between authority and responsibility is reversed; and where the military acts as the regulator, not the regulated. 3) An autonomous, institutionally isolated, and over-centralized organizational structure within the military.

The analysis in this report primarily highlights these three qualities as well as the security-centered organizational structure in Turkey, and yields the following conclusions:

- Although significant progress towards civilianization has been recorded since the beginning of the reform process in the 2000s, particularly in the National Security Council (NSC), the definition of national security, on which the NSC and the Secretariat General of the NSC frameworks are based, remains unchanged. Prompted by a national security concept within which the bounds of internal and external security threats are still vague, NSC continues to operate as a center of power where official policies addressing a vast policy universe are made.

- Despite civilianization of the Secretariat General of the NSC (SGNSC), news stories on some personnel appointments indicate that the military retains its strong hold over internal security matters. At the same time, traditionally ambiguous concepts, like national security, and conventional practices, such as psychological operations, are passed down to new domestic security institutions by their ancestors.

- The informal mechanisms employed by the Turkish Armed Forces (TAF) to exercise political influence, coupled with the allegations, currently addressed through judicial processes, against the TAF of planning direct military inventions and social engineering schemes, show that the tradition of military guardianship is intact.

- While some new regulations were introduced to the military's organizational structure, the practices of concentrating decision-making power in, and of granting autonomy to, the center of the organizational hierarchy is still dominant.

- The militarization of the field of internal security resumes because secret by-laws and practices that lack legal justification or basis continue to prevail; and the confusion among security sector institutions regarding their corresponding authorities and responsibilities ensues.

The changes that need to be implemented to resolve the above issues are grouped into three categories: 1) Regulations involving the redefinition of national security and the abolishment of the military's role as the regime's guardian; 2) proposals to change the autonomous organizational structure of the military; and 3) civilian capacity building measures that particularly include increasing the parliament's powers to oversee the security sector.

1. Introduction

Security has been and is a problematic and contentious area in the Turkish political system due both to the structural, functional, and organizational significance of the security sector within this system and to the autonomous and leading role that the security sector plays.

There are three ways of observing this problem-generating structure of the security sector in Turkey. First, an overview of all aspects of the system reveals a consistently security-centered structure throughout history. An entire body of legislation, from the Constitution down to the protocols, is designed and generated with a security-centered logic, and thus conveys how broad and all-encompassing the perception and definition of security are in Turkey. Another aspect of the legislation is that all security-related references and definitions are vague. The ambiguity in the definition of security then allows for its content to be arbitrarily changed and its meanings to be veiled– sometimes even through the introduction of secret by-laws. As a result, this process engenders a monopoly of knowledge on security.

Secondly, the problems related to security legislation are directly transferred to security institutions. There is an inverted relationship in decision-making, implementation, and oversight between the political authorities and members of the security bureaucracy. Consequently, what emerges is a system of administration where the state's sphere and the political sphere are clearly demarcated and where the former expands at the expense of the latter. A pervasive notion of security permeates this administrative system, and on top of that, security institutions possess the authority to undertake regulation and monitoring.

A final element to be addressed here is the military's autonomy and centralized organizational structure, two foundational qualities of Turkey's security framework. The military enjoys autonomy and a privileged status within the state mechanism. Thus, the military bureaucracy is able to assume a decisive role in domestic and foreign politics and in influencing core policy areas. Another consequence of the military's autonomy and privileged status is that it renders the TAF immune to civilian governance and oversight and enables the TAF to develop a perfectly isolated organizational structure. Moreover, the military's organizational structure is extremely centralized and this particular form of organization, where power and authority are not devolved but concentrated in one office, engenders a powerful actor, which restricts mechanisms of intervention internally and at the same time enjoys unrestricted access to a broad policy arena externally.[1]

TESEV launched a series of "Security Sector and Democratic Oversight" Almanacs, first in May 2006 and subsequently in June 2009, to analyze the authentic organizational structure of the security sector in Turkey and to promote civilian oversight of the security sector. This report is a follow-up study that attempts to deliver a general overview of the issues raised in the first two Almanacs and to focus specifically on the military within the security sector framework. As a consequence, this report excludes a discussion on various other security institutions and instead tries to address the three abovementioned issues about the organization of Turkey's military apparatus, to provide examples in its analysis, and to determine specific measures necessary to enact comprehensive reforms. Yet, when thinking about reforming Turkey's security sector institutions and practices, it is important to bear in mind the following words of caution by Ümit Cizre:

> ...security sector reform depends on the promotion of democratic accountability mechanisms among elected civilian bodies. Focusing merely on the physical modernization component without addressing the democratic governance aspect of non-technical ideas and perceptions is irresponsible. It amounts to rehabilitating security institutions by isolating them from new trends and developments in the concept of security and democracy as well as in terms of

1 **Ali Bayramoğlu and Ahmet İnsel, " Introduction", in Ali Bayramoğlu and Ahmet İnsel (ed.) *Almanak Türkiye 2006-2008: Güvenlik Sektörü ve Demokratik Gözetim (Almanac Turkey 2006-2008: Security Sector Reform and Democratic Oversight)*, p.2.**

> public discourse, power configurations and transformations in the material world. The important point is to reform both fronts simultaneously in order to build a security structure that is professional and results-driven while establishing democratic oversight venues as part of a broader intellectual project. The idea is not to strengthen the security spectrum at all costs but to fortify it in a way that takes into account modern democratic priorities, simply because in the present-day environment, this has become the meaning of security.[2]

Thus, this report begins with a discussion of the distribution of roles amongst key actors in the politics of national security in Turkey. Next, it presents an analysis of the organizational structure of TAF, its presence in domestic security, and its powers. The report then provides a general overview of the three key issues identified above and concludes with policy proposals.

2 **Ümit Cizre, " Introduction or Mission of the Almanac, Creating Public Interest, Sensitivity and Engagement as Part of Security Sector Reform", in Ümit Cizre (ed.),** ***Almanac Turkey 2005: Security Sector and Democratic Oversight*****, p.13.**

2. The Distribution of Roles across Institutions in the Politics of National Security

A product of the 12 September 1980 military coup, the 1982 Constitution – nourished with the power generated by the coup; empowered by the legacy of political and administrative structures in Turkey; and emboldened by favorable international conditions – towered over a system of legislation marked by a distinct national security culture. This distinct national security culture formed the basis of the institutional structures of the state and was further embedded in the administrative system by engendering new and various forms of expression, and finally constructing an absolute hegemony within the administrative system. As mapped out in the 1982 Constitution, this particular administrative system, when coupled with the prevailing concept and politics of national security, renders the Turkish state a "security state." Moreover, the same administrative system, when analyzed in conjunction with the hierarchical relationships it built with the political and military space, is characterized by "military tutelage."

Meryem Erdal found that the preamble to and 65 separate clauses in the 1982 Constitution include regulations, exceptions, and highlights related to national security.[3] This finding demonstrates the imprint of national security on Turkey's administrative and political system at the highest possible level of legislation. Each military intervention in Turkey galvanized a process of redefining, proliferating, and deepening the national security culture. Consequently, Turkish legislation has a wealth of laws and regulations, deemed top-secret and inaccessible without any legal justification, and clauses granting immunity from prosecution. Also, the legislation uses an ambiguous and equivocal terminology and operates on a flexible structure that is immune to oversight.

In Turkey, where a two-layered executive exists, the executive's main actors' roles in the area of security policy are largely limited and its authority curtailed. At the top of the executive branch is the president, who technically has the authority to appoint members of all executive and judicial institutions, including the TAF. Endowed with political responsibility, the Turkish government, which is composed of the prime minister and the cabinet, is the highest decision-making and executive body. The Constitution grants the president the following powers and responsibilities: "Acting as the Commander in Chief of the Turkish Armed Forces on behalf of the Turkish Grand National Assembly (TGNA); authorizing the use of the Turkish Armed Forces; appointing the Chief of Staff; calling on the National Security Council to convene; chairing the National Security Council meetings; announcing a state of emergency following the decision of a Cabinet meeting chaired by the President…" However, the State Auditing Commission, authorized by the president to monitor the compatibility to laws and regulations of administrative institutions, does not have the authority to oversee the TAF or the judiciary. As a result, the TAF and its affiliated institutions, associations, and foundations are outside of the monitoring zone of the office of the presidency.

The cabinet is responsible before the TGNA for "preserving national security and preparing the Armed Forces to defend the homeland." The prime minister is tasked with "facilitat[ing] cooperation between ministers and observe the implementation of the government's broad political agenda." The roles and responsibilities of the cabinet and the prime minister pertaining to "national security policies" are set out in the legislation concerning those institutions that the prime minister and the cabinet ministers are mandated to serve according to the "national security policies" and the "broad political agenda."[4] Organizing national security policies outside of the remit of the broader political agenda means creating a comprehensive and autonomous national security realm. Law no. 3056[5] states that the prime minister is mandated to "protect and uphold the supreme rights and interests of the Republic of Turkey, to introduce the necessary measures to ensure public peace and confidence, and to protect public morality

3 **Meryem Erdal, "National Security in Legislation", in Ali Bayramoğlu and Ahmet İnsel (eds), *Almanak Türkiye 2006-2008: Güvenlik Sektörü ve Demokratik Gözetim (Almanac Turkey 2006-2008: Security Sector and Democratic Oversight)*, pp. 43-63.**

4 **These pieces of legislation include the laws and regulations governing institutions within the office of the prime minister. With the exception of the State Planning Organization, the following institutions, i.e. the Undersecretariat of Treasury, Foreign Affairs, Naval Affairs, Customs, and the National Intelligence Agency, are mandated "to fulfill their national security obligations." Moreover, the Directorate Generals of Press and Information, of Foundations, of Youth and Sports, of Forestry, of Village Services, and the National Lottery Council and the State Meteorological Service have in their constitutions the obligation for their directors to follow administrative by-laws, decisions of executive boards, and "national security policies."**

5 **Law no. 3056, dated 10 October 1984 and published in the Official Gazette, no.18550, on 19 October 1984.**

and order, … *to implement the broader political agenda* and to facilitate cooperation and coordination between ministers for various purposes." On the other hand, one of the responsibilities of the office of the prime minister and its affiliated institutions is "*to coordinate* between domestic security, foreign security, and counter-terrorism institutions" [emphasis added]. Apparently, the government is given only a secondary role in critical issues of domestic and foreign security.[6]

Law no. 3046,[7] which governs all cabinet ministers, the office of the deputy prime minister, and state ministers except for the Ministry of National Defense (MoD), includes a special reference to "*politics of national security*" and thus formulates the constitutions of several ministries. Law no. 3046 states, "[M]inisters are obliged to carry out their ministerial services according to relevant legislation, *the broad political agenda of the government, national security policies*, development plans, and annual programs"[8] [emphasis added].

The MoD is tasked with "execut[ing] political, legal, social, financial and budgetary services of national security policies" and "according to the defense policies of the Armed Forces, determined by the council of ministers and in line with the principles, priorities, and core programs set out by the Chief of Staff, to recruit personnel, to purchase arms, artillery and logistical supplies, and to carry out the services of the defense industry." In this division of powers, the authority to determine national defense policies is given to the Chief of Staff, and the MoD acts as a mediator and facilitator between the Chief of Staff and the government to channel sources of funding into the area of defense services. The MoD performs this role through its directorate general and other affiliated bodies, by way of the Command of the Land Forces, the Naval Command, and the Air Force, and in close *collaboration and partnership* with the Office of the Chief of Staff. The Minister of Defense does not have any administrative or supervisory authority over the Chief of Staff.

The division of powers outlined above indicates that the Chief of Staff is stationed in the organizational hierarchy not below but on the same level with the MoD and enjoys an autonomous and leading status. As Bayramoğlu observed:

> This situation can be described as a textbook case of 'distorted authority-accountability relationship.' This organizational hierarchy makes the minister of national defense dependent on the military headquarters and thereby renders the latter unaccountable to and independent from the government. The ministry, on the other hand, acts as a 'buffer' between the TGNA and the Armed Forces, effectively blocking the supervision and administration by the former of the latter, and conversely enabling the Armed Forces to utilize its broader-than-defined authority to intervene more forcefully into the political arena. The buffer mechanism provided by the MoD not only grants the Armed Forces a wide and protected position within the body of the state and the political decision-making realm but also further empowers the Armed Forces by permitting the military authority to enjoy a boundless space in which to operate, by broadening this space and by granting the Armed Forces immunity from civilian supervision.[9]

The Ministry of Interior, responsible for addressing issues of domestic security and domestic threats, is mandated to "perform his/her duty as a minister according to relevant legislation, the broad political agenda of the government, national security policies, development plans, and annual programs."[10] The Ministry of Interior fulfills its obligations and offers its services through the Directorate General of Security (DGS), the General Command of Gendarmerie (GCG), and the Coast Guard Command (CGC). The GCG and the CGC report to the TAF in military matters and to the Ministry of Interior in civilian matters; this arrangement, as will be elaborated later, leads to the militarization of civilian issues within these two institutions.

NATIONAL SECURITY COUNCIL

At the beginning of the Cold War, in 1949, Turkey took its first decisive step towards forming various councils responsible for issues of national security and defense so as to "mitigate problems of coordination in combat situations and to fully facilitate the (war-time) defense strategy, which utilizes all existing resources, including those amassed during peace-time."[11] More striking, however, was the founding of the National Security Council (NSC) following the

6 **Ibid., Meryem Erdal, pp.23-24.**

7 **Law 3046, dated 27 September 1984 and published in the Official Gazette, no. 18450, dated 9 October 1984.**

8 **The constitutions of several ministries, such as the Ministry of Culture and Tourism, Ministry of Transportation, and Ministry of Education, include additional references to national security politics.**

9 **Ali Bayramoğlu, "Military and Tutelage", in Ali Bayramoğlu and Ahmet İnsel, (eds.) *Bir Zümre, Bir Parti: Türkiye'de Ordu* (*A Community, A Party: The Military in Turkey*), p. 69.**

10 **Article 5 of Law no. 3152 on the Organization and Responsibilities of the Ministry of Interior, dated 14 February 1985.**

11 **Ibid., Ali Bayramoğlu, p. 77.**

27 May 1960 coup. The 1960 coup produced Turkey's conception of national security,[12] which has since legitimized each intervention by members of the military hierarchy in domestic politics. Between 1962 and 1971, the NSC, in stark contrast to similar councils in other states where macro-level state policies were designed, concentrated on domestic politics and functioned according to the demands and actions of the military.[13]

Those responsible for the 12 March 1971 coup signed the memorandum announcing their intervention as "National Security Council" and thereby declared that the realm of national security was subject to military tutelage and that the NSC possessed more powers than an advisory council. Furthermore, the transitional regime of 1971-1973 introduced constitutional changes, which increased the powers of the National Security Council over the executive.[14] As a result, the NSC became an organ that steered military politics and action and drafted core legislative changes and political decisions on a macro scale.[15]

The 12 September 1980 coup is a period of Turkish Republican history when the institutionalization of the "national security state" reached its peak.[16] The post-coup Constitution of 1982 introduced several changes to the NSC. According to Article 118 of the 1982 Constitution, the General Commander of the Gendarmerie was admitted into the National Security Council and this new measure tipped the balance of members of the NSC in favor of the security bureaucracy. Moreover, the 1982 Constitution dictated that the decisions of the NSC were to be prioritized by the Cabinet. Whereas in the 1961 Constitution, the NSC was tasked to "advise" the Cabinet, in the 1982 Constitution, the NSC was authorized to "manifest" its decisions to the Cabinet. Furthermore, the prime minister and chief of staff shared the authority to determine the NSC agenda equally. Finally, the Constitution endowed the NSC with an additional and ambiguously termed responsibility "to protect the public order and safety."

Another crucial pillar of the institutionalization of the national security state was the establishment of the National Security Council and the Secretariat General (SGNSC) Law no. 2945. This law redefined national security in the following terms: "To guard and protect against international and external threats to the constitutional system of the state, its national existence and unity, its political, social, cultural and economic interests in the international arena, and all treaties and statutes." Thus, the new national security concept enveloped the entire set of responsibilities granted to the executive. The politics of national security was defined as "the body of politics that encompasses principles, which are related to internal, external and defensive actions, generated according to the decisions mandated by the NSC – to instate national security and realize broader national goals – and established accordingly by the Cabinet." Article 4 of Law no. 2945 authorized the military "to govern a vast area according to policies on which the security priorities of the military are imposed and to not only determine single-handedly the security agenda but also to define security threats and to introduce measures to mitigate those threats internally and externally." Consequently, national security policies are a collection of official state policies applicable to the entire political sphere and constitute the framework of action for all political administrations.[17]

According to Article 13 of Law no. 2945,[18] the SGNSC is registered as a civil institution attached to the office of the Prime Minister; however, the Secretariat General is appointed from among those members of the armed forces who have obtained ranks of vice admiral or higher. Law no. 2945 further states that the international operations of the NSC, its relationship with external institutions and organs, and the roles and responsibilities of various

12 **Article 3(a) of the constitution of the Secretariat General of the National Security Council defines national security as "the ability to resist with determination attacks and interventions from within and outside of the borders and natural disasters and fires. The full employment of the power, will, and resources of the nation to protect and sustain state authority and to obtain victory in war". Seydi Çelik, *The State and the Soldier from the Ottoman Era to Present Day: Locating the Military Bureaucracy within the System* (*Osmanlı'dan Günümüze Devlet ve Asker: Askeri Bürokrasinin Sistem İçindeki Yeri*), p.288.**

13 **Ibid., Ali Bayramoğlu, p.79 [During this period, the NSC exercised political control outside of its jurisdiction, dealing with matters such as providing amnesty to former Democrat Party politicians who had been barred from political activity, supervising the Justice Party government, and voicing the demands of the military for constitutional change. Furthermore, the NSC expanded the rhetoric on national security and defense to include terms such as 'precautionary measures against the clergy, religious minorities, and the Patriarchate' and 'Armenian propaganda against Turkey.' Finally, the NSC discussed during the same period various events such as Eastern Anatolia meetings and anti-American rallies and reflected on them from a decidedly anti-leftist position. (Ibid. Ali Bayramoğlu, p.79; Ibid. Seydi Çelik, pp.297-325)].**

14 **Article 111(1) of the 1961 constitution changed the NSC's role from its previous one of assisting the Cabinet to a more authoritative position in which it advises the Cabinet. Also, the regulation on the composition of the NSC (National Security Council Law no. 129, dated 1 December 1962) was copied into the constitution. In Article 111, the first section referring to those who are given a seat in the NSC was changed from "representatives of the security forces" to "generals of the command forces" and thereby expanded the numerical and institutional representation of the military in the NSC.**

15 **Ibid., Ali Bayramoğlu, p. 80.**

16 **Zeynep Şarlak, "National Security Council", in Ali Bayramoğlu and Ahmet İnsel, (eds.) *Almanak Türkiye 2006-2008: Güvenlik Sektörü ve Demokratik Gözetim (Almanac Turkey 2006-2008: Security Sector and Democratic Oversight)*, p. 109.**

17 **Ibid., Ali Bayramoğlu, p. 89.**

18 **For more information on the roles of the SGNSC before the introduction of Article 13, see Zeynep Şarlak, ibid. p. 102.**

departments and divisions of the NSC would be outlined in "TOP SECRET"[19] legislation.[20] This TOP SECRET legislation established the following bodies with the SGNSC: Office of National Security Politics, Office of Intelligence Collection and Analysis, Office of Public Relations (OPR), and Office of Total Defense Civil Services.

Owing to this organizational structure, the NSC and its Secretariat General became key actors in the Turkish state until 2000s. According to Şarlak:

> Officially, these two institutions were organized, under the guardianship of the military authority, as consultative and bureaucratic entities; however, the relevant top-secret legislation granted them more expansive powers and an organizational hierarchy isolated from judicial review. Although both institutions already enjoyed privileged and direct access into the executive branch of the state, the legislation governing the roles and responsibilities of the NSC and the SGNSC further reinforced their authority by legally binding countless state departments and organizations to act within the confines of National Security Policy Documents released by the NSC and to heed 'the exigencies of national security policies.' At the same time, the same legislation authorized the NSC to supervise/police the area of democratic rights according to national security priorities. This process of political engineering, whereby national security policies gradually permeated into the state, expanded to include the legislative branch and thus members of the SGNSC began to occupy seats in parliamentary and budgetary commissions.[21]

The NSC acquired, according to Ali Bayramoğlu, the role of a buffer, which facilitated the civilianization of military action. The military memorandum ordering the dissolution of the Welfare Party (Refah Partisi – RP) and True Path Party (Doğru Yol Partisi – DYP) coalition government, released on 28 February 1997,[22] was the most striking example of the extent to which the NSC could broaden the autonomy and power of the military bureaucracy and the TAF. Following the military memorandum, the Office of the Prime Minister promulgated the Crisis Management Center Regulations (CMCR) document, which announced that in times of crisis, a state of emergency will be enforced by prime ministerial decree. The CMCR did not include a clear definition of a "crisis" and thus handed the military the authority to determine whether any given phenomenon may be considered a crisis and to supervise and manage the response to any given crisis. [23]

In the beginning of the 2000s and according to the EU accession reforms, two important changes were made to curb the vast authority and autonomy of the NSC and its Secretariat General.

The first of these couple of changes came in 2001 when the number of civilian members of the NSC was increased with a constitutional amendment. The same amendment altered the principle that "the Cabinet heeds NSC decisions" and instead mandated the Cabinet to "take into consideration" NSC decisions and to treat those decisions as "advice." Though this amendment carries incredible symbolic value, in practice it did not significantly challenge the dominance of military authority. The opinions reflected by those members of the NSC who belong to the security bureaucracy continue to outweigh the opinions of the civilian members. The NSC continues to release memoranda that push the policies of the state ahead of the government and thereby confirm its traditionally statist character. Several reviews of NSC memoranda and press releases show that the NSC continues to steer Turkey's course in numerous areas, ranging from economic policies to international relations.[24]

Secondly, Law no. 2945 was amended in 2003 to introduce the following changes to the legislation: The authority to "coordinate and monitor" the practices based on NSC decisions was transferred to the Vice Prime Minister; NSC meetings were scheduled to take place bi-monthly instead of monthly; and civilians were permitted to be elected to the post of Secretary General. Moreover, as the Cabinet enforced the new legislation on 29 December 2003, the top-secret SGNSC legislation was abrogated. The responsibility and authority of the Secretary General of the NSC were both significantly cut back. Most importantly, the Secretary General was stripped of his traditional role of executor, authorized to "employ all available psychological means/measures to guide the Turkish nation towards the path of Atatürkist thought, principles and reforms, nationalist ethos and values, and nationalist goals and to build national unity and solidarity."[25] The amendments to Law no. 2495 abolished the Office of National Security

19 **For the full text of the legislation, see Seydi Çelik, ibid., pp.269-270.**

20 **Law no 2945, articles 12, 18 and 21.**

21 **Ibid. Zeynep Şarlak, p.102.**

22 **This episode in recent Turkish history is called the February 28 process known also as the post-modern coup. [translator's note].**

23 **Ibid., Ali Bayramoğlu, pp. 103-104.**

24 **Ibid. Ali Bayramoğlu, p. 107.**

25 **Ibid. Zeynep Şarlak, p.103. [The Secretariat General in a statement in 2003 defined psychological warfare thus: "Psychological warfare is in fact carried out to enlighten society about destructive and separatist activity. At the same time, it includes counter propaganda targeted at destructive and separatist propaganda," "NSC Announcement on the Secret Provisions", *Radikal*, 8 September 2003].**

Politics, the Office of Intelligence Collection and Analysis, and the OPR. At the same time, however, some of the roles of the NSC, which had made it the "the locus of the state in spirit and in action,"[26] were transferred to the Presidency of the Department of Research and Analysis (RE-AN).

After the legislative transformation of 2003, in August 2004, Yiğit Alpdoğan, former Turkish ambassador to Greece, was appointed Secretary General of the NSC, and Kenan İpek and Gürsel Demirok were both appointed to the post of head counsel.[27] Civilians were appointed to leadership positions at the Presidency of National Mobilization, RE-AN, Department of Human Resources, and Department of Communications,[28] and the contracts of 20 out 53 retired military officials who were employed in the SGNSC were not renewed.[29] Yet, in stark contrast to these positive developments, the Internal Security Group, which is chaired by a colonel, appointed by the Chief of Staff, and tasked to monitor and report on terrorism, religious extremism, separatism, and radicalism, was transferred from the organizational structure of the RE-AN and tied to the National Mobilization and War Planning Department, directed by a brigadier general.[30]

NATIONAL SECURITY POLICY DOCUMENT

In Article 2(b) of Law no. 2945, national security policy is defined as "the policies that encompass the principles of domestic, foreign and defensive action, identified by the Cabinet based on the recommendations of the National Security Council, to protect national security and to realize national goals," and these policies are enforced through the National Security Policy Documents (NSPD), which are updated regularly, classified as TOP SECRET, and lack legal basis. It is estimated that these documents are prepared in the following manner:

> The Chief of Staff authors the first draft; the documents are finalized at the SGNSC, and then handed to the Prime Minister, who is almost obliged to sign them; subsequently, these documents determine the modus operandi of the Cabinet. Once each National Policy Document is approved, the SGNSC creates a National Strategy Document outlining the points of action which correspond to the Policy Document and subsequently authors the National Military Strategic Concept, based on assessments of threats to security, and all documents are finally presented to the Prime Minister for final approval during the Supreme Military Council (SMC) meeting.[31]

The latest NSPD was released in 2006 during the AKP administration's second term in office and after months of controversial discussions. While some parts of the original draft were leaked to the press and duly changed, the final document resembled its ancestor from 1997 in the extraordinary variety of policies it attempted to enact. The phrases "the necessity to employ the armed forces against internal threats, and the authority to take over political power if necessary to exterminate threats" remained unchanged in the 2006 NSPD.[32] While right-wing extremist movements were excluded from the list of threats and included in the list of "activities to be monitored," separatist terrorism, religious extremism, and left-wing extremism were maintained on the list of internal threats. The 2006 NSPD included a clause on the protection of Turkey's rights and interests in Cyprus and identified the problem of sharing water resources in the Middle East down as a security matter. The term "asymmetrical threat" is used for the first time in the 2006 document, and in harmony with NATO's list of international security challenges, the NSPD listed international terrorism, drugs and human trafficking, and weapons of mass destruction as threats to security. Unemployment, inequalities in income distribution, and differences in levels of development across regions in Turkey are the economic issues that made their way into the NSPD as potential causes of strife and conflict.[33]

Meanwhile, a copy of the Internal Security Strategy Document, which was drafted according to the 1997 NSPD, was found in the private vault of a man convicted of membership in a criminal organization, dubbed the Sauna gang;

26 **Ibid. Ali Bayramoğlu, p. 95.**

27 **At the end of Alpdoğan's term in 2006, there was a heated debate on who his successor would be. Because President Ahmet Necdet Sezer vetoed all candidates brought before him by the government, the seat of the Secretary General remained empty for 9 months. After Abdullah Gül was elected President, Tahsin Burcuoğlu, another retired ambassador to Greece, became the Secretary General of the NSC in September 2007. As the English translation of this report was being prepared, Serdar Kılıç (another Ambassador) is appointed to this position in February 2010, without any heated debate, probably as a result of the overly crowded political agenda in Turkey.**

28 **Özgür Ekşi, "Two Women Gain Seats in the NSC", *Hürriyet*, 8 September 2005.**

29 **See, Gencer Özkan, "National Security Council", Ümit Cizre (ed) *Almanak Türkiye 2005: Güvenlik Sektörü ve Demokratik Gözetim (Almanac Turkey 2005: Security Sector and Democratic Governance)*, p. 43.**

30 **Utku Çakırözer, "Transition from Civilian to Military Authority in NSC", *Milliyet*, 10 September 2005. This implies that terrorism, religious extremism, separatism, and radicalism, which are in general domestic threats within Turkey, are kept in the jurisdiction of the military.**

31 **Ibid. Ali Bayramoğlu, p. 91.**

32 **Deniz Zeyrek, "The Military To Take Action, If Necessary", *Radikal*, 26 October 2005.**

33 **Ibid. Gencer Özcan, p.39.**

this finding led investigators and spectators to believe that the document laid the groundwork for an imminent military coup.[34] The same document was posted on several websites[35] and a review of its contents reveals that new chapters were added to the conventional security issues addressed in the NSPD. These new chapters include illegal migration and refugees, prisons, communal violence and crime, and the activation of local governments. The most interesting part of the Internal Security Strategy document is the chapter entitled "Other Activities." In this chapter, those issues that are associated with the broader national security concept but excluded from the NSPD are discussed: Armenian, Greek, and Assyrian minorities, advances into the Black Sea region from Greece and other countries, missionary activities, the Alevis, and national and international NGOs.

34 **Ibid. Zeynep Şarlak, p.106.**

35 **http:/www.savaskarsitlari.org/arsiv.asp?ArsivTipID=6&ArsivAnaID=29284**

3. Turkish Armed Forces

Law no. 1324 states that the Chief of Staff is mandated to determine the set of principles, priorities and core programs pertaining to the personnel, intelligence, operations, organization, education, training, and logistics arrangements needed during the Turkish Armed Forces (TAF) preparations for combat. If deemed necessary, the Chief of Staff either personally attends or sends representatives to meetings where international agreements and treaties are being negotiated and is always consulted when drafting those sections of international agreements and treaties that refer to the military. The Turkish Armed Forces Personnel Regulation no. 926 further elaborates on the Chief of Staff's responsibilities. According to this law, the Office of the Chief of Staff is the highest body within the TAF organization authorized to establish the ranks of officers, reorganize the allocation of personnel to various command forces within the military, and undertake annual recruitment on 30 August each year. In addition to the variety of roles assigned to the Office of the Chief of Staff, Seydi Çelik[36] found that in 66 laws, 40 regulations, and 8 public acts, special roles and privileges are given to the Chief of Staff. These findings clearly indicate the central position and the extensive authority of the Chief of Staff within the TAF and in the political administration.

There are command forces tied to the Chief of Staff and there are also three internal security departments operating under command of Operations Control: 1) Internal Security Operations Command; 2) Psychological Operations Command; and 3) Special Forces Command. Internal Security Operations Command is the coordination center for all the Internal Security Brigades[37] and their respective units. It was impossible to collect any information on the Psychological Operations Command from publicly available sources. News stories released in mainstream media outlets in 2008 suggest that the name of this particular command force was allegedly changed to Department (Directorate) of Intelligence Support.[38] On the other hand, Special Forces Command[39] was founded in 1992 after its ancestor, the Special War Office, was disbanded; it is tasked with designing and carrying out internal security operations.

The previous section discussed the ramifications of the administrative hierarchy, whereby the Office of the Chief of Staff is tied to the Prime Minister, and of the Ministry of Defense's lack of control and supervision over the Chief of Staff. An evaluation of the extent of the various roles and the authorities of the Chief of Staff and of the hierarchical and centralized relationship between its command forces yields significant findings on security structures in Turkey. Namely, in the Turkish context, the Office of the Chief of Staff is constructed as "a *'locus of power'* that draws, with a magnetic force, the miscellany of military-administrative bodies -- such as the military courts and the command forces – together around an extremely vertical hierarchy [...] instead of acting as a coordinating body, whose ownership of commanding powers is only symbolic."[40] The organizational structure of the Chief of Staff is

36 **Ibid. Seydi Çelik, pp.181-183.**

37 **There are 12 Internal Security Brigades operating within the Land Forces Command (LFC). Their existence, roles and regional distribution are striking. It is debatable whether their status is justifiable through the legislation on TAF's internal security powers. Besides, the Internal Security Brigades are stationed not only in the zones assigned to internal security operations but also outside of those designated zones. Moreover, it is – at the time of writing this report – impossible to acquire any information on Internal Security Brigades through the LFC website.**

38 **"Here's the Ergenekon Plot of the Turkish Armed Forces"** ***Taraf*****, 12 June 2009. Also, a 73-page military intelligence document entitled "Civil Society Organizations", allegedly drafted by the Department of Intelligence Support for the Office of the Chief of Staff in 2006 was leaked to the press and published in a daily newspaper in April 2008. See "Don't You Have Anything Else to Do or Do You Have Lots of Free Time?",** ***Radikal*****, 8 April 2008.**

39 **One of the steps taken after the Higher Military Council's annual meeting in 2006 was to grant the Special Forces Command the status of "corps commander."**

40 **Ibid. Ali Bayramoğlu, p.66.**

developed to emphasize internal security and thus confirms that the TAF's facilities and operational capacity far exceed those of conventional security and defense organizations.

The most important section of the Internal Service Law, which outlines the services that the TAF is authorized to perform, is on "Public Services" from Articles 35 through 44. Article 35 states that "the role of the Armed Forces is to guard and protect the Turkish homeland and the Republic of Turkey, as proclaimed by its Constitution." Article 35 of the Internal Service Law refers to the constitutionally recognized role of the TAF - when no such reference actually exists in the Constitution - and thus legitimizes, in the absence of just cause, the direct and indirect intervention of the Turkish Armed Forces in politics and provides the legal basis for the TAF's role as the regime's guardian. Moreover, none of the international agreements that Turkey signed, nor any of the international organizations that Turkey joined, oblige the military to act as the guardian of the national regime. In Turkey, theoretically, international agreements and the Constitution take precedence over other legal texts; however, in practice, an internal service law is treated as superior to international agreements and the Constitution. Evidently, Article 35 is a source of malpractice in civil-military relations in Turkey and its very existence reverses the appropriate hierarchy between pieces of legislation. Since there has not been any demonstrated effort to remove Article 35 from the Internal Service Law, it may be assumed that past and present political administrations have concurred with the content and application of this article.

The Constitution states that the Chief of Staff is appointed by the President based on the recommendation of the cabinet. However, neither the Constitution nor any other piece of legislation contains a clause specifying the reasons for and the procedures of impeachment and retirement of the Chief of Staff.[41] The appointment, promotion, retirement, and removal from office of all military personnel are carried out by the Higher Military Council (HMC).[42] All HMC decisions are immune to legal supervision, except for the procedures outlined in Article 125 on legal supervision over the acts of administrative personnel. HMC meetings are closed to the public and releasing or publishing its proceedings is forbidden. However, the HMC may authorize the publication of some of the meetings' content, if it so chooses.

A survey of the TAF laws and regulations and the TAF's internal organization exposes that the system operates with full autonomy and in isolation. The following section discusses some of the many factors that deem the TAF privileged, immune to oversight, and unique when compared to similar security sector organizations in NATO and EU member states.

PARLIAMENTARY OVERSIGHT

The key component and determinant of democratic oversight of the security sector is the parliament's oversight powers and capacity to utilize them. For parliamentary oversight mechanisms to function completely, the following preconditions need to be met: The parliament legislates on security-related issues; it frames and develops security policies and strategies; and it plays the most effective part in formulating the defense budget and defense spending.

In the Turkish case, there are two problems afflicting parliamentary oversight mechanisms. First, similar to parliaments in many other countries, the Turkish parliament has a commission responsible for the military aspects of security: the National Defense Commission (NDC). However, according to the internal regulations of the Turkish Grand National Assembly (TGNA), the NDC is authorized only to review drafts of legislation submitted by the Presidency of the TGNA. Consequently, the NDC does not have the authority to deal with defense budgets, defense procurement, and security policies, including the NSPD. In addition to the irregularity of the NDC's role, it is the only parliamentary commission whose meeting proceedings and activities are not officially recorded.[43] The restrictions and exceptions placed on the NDC hamper the flow of information between the parliament and the security sector and dampen the prospects of effective parliamentary oversight. Secondly, in theory Turkey's defense budget is evaluated by the Parliamentary Planning and Budget Commission, debated and ratified by the General Assembly. This is not the case in practice. Although the General Assembly hosts eventful discussions on many elements of the draft annual budget prior to its ratification, the sections on defense procurement and spending are seldom scruti-

41 **In the absence of relevant legislation, it is assumed that the procedure of appointment of the Chief of Staff applies to the impeachment or retired of the Chief of Staff as well.**

42 **Some of the other core tasks of the HMC are to develop the Chief of Staff's military-strategic concept; to advise a review of this concept; and to provide official opinion on the TAF's core program and goals and on draft by-laws and regulations regarding the TAF.**

43 **Nezir Akyeşilmen, "Legislative: Turkish Grand National Assembly," in Ali Bayramoğlu and Ahmet İnsel, (eds.) *Almanak Türkiye 2006-2008: Güvenlik Sektörü ve Demokratik Gözetim (Almanac Turkey 2006-2008: Security Sector and Democratic Oversight)*, p. 17.**

nized. Instead, parliamentarians from the party in power and the opposition deliver speeches praising the Turkish Armed Forces, give their unequivocal blessing to the draft defense budget and even underline the need for increased spending in security and defense. Since extra-budgetary spending in the security sector cannot be audited by the parliament, the General Assembly sessions when the draft budget is discussed is the only opportunity that the parliament has to exercise its control over defense spending. However, the parliament refrains from exercising any control over defense spending. The same restrictions apply to parliamentary questions, general assembly sessions, and parliamentary investigations, motions and inquiries. The reports released by the Human Rights Commission of the Parliament are the most recent and only sign of improvement in the parliamentary oversight of the security sector. Yet only a *censored* copy of the Human Rights Commission's report on the Şemdinli incident[44] was made publicly available, confirming that all of the work done by the parliament is subjected to secrecy/security measures, which emanate from an overly broad security concept.

Article 160 of the Constitution mandates the Court of Auditors to audit all the accounts relating to the revenues, expenses, and assets of the public sector and social security institutions, financed by the general and subsidiary budgets; to reach final decisions on the acts and accounts of responsible officials; and to carry out the functions required of it by law in matters of inquiry, auditing, and judgment. The TAF, a public service institution, is technically not exempt from the auditing activity of the Court of Auditors; however, a 1971 amendment to the Court of Auditors Law of 1967 abolished the auditing of TAF property and regulated financial oversight of the TAF "by law and in accordance with principles of secrecy required by national defense." In 1985, another amendment to the same law lifted the authority of the Court of Auditors to audit the defense procurement budgets and agreements.[45] At the same time, a regulation, which is resistant to change, is blocking the Court of Auditors' audit of the Defense Industry Support Fund. In 2003, article 12 of the Court of Auditors Law was changed to permit the court to financially oversee military assets; however, a military regulation promulgated in 1969 trumps the Court of Auditors Law, thereby prohibiting the Court from exercising its right to audit. In any case, the amendment to article 12 authorizes the Court to follow "TOP SECRET" regulations in its audit of military assets, therefore even if the amended article were enforced, the audit reports would not have been transparent.[46]

MILITARY JUDICIARY

The military judiciary has existed since its inception in the 1961 Constitution. Article 145 of the current Constitution states that military judiciary functions via civilian courts, military courts, and courts of honor. The most striking feature of article 145 is that it authorizes military courts to try civilians. Whereas the 1961 Constitution authorized military courts to try civilians only in case of "military crimes defined in special laws," an amendment introduced in 1973 broadened the authority of military courts to try civilians. The 1982 Constitution authorizes military courts to try "persons who are not soldiers" under two circumstances: When civilians commit military crimes defined by special laws, and when civilians commit crimes against soldiers on duty or in military zones. In addition, ever since the 1961 Constitution came into effect, military courts have been authorized to adjudicate in extraordinary circumstances, i.e. during martial law regimes and wartime.

The 1961 Constitution mandated that the "majority" of the members on the bench during military trials had to be civilian judges; on the other hand, the 1982 Constitution removed this precondition and thus enabled military courts to autonomously constitute their panel of officials. In the current system, the Military Court of General Staff, authorized to try generals and admirals for their crimes, holds its trials with a panel of three military judges and two generals or admirals. Moreover, courts of honor, which try cases of persons guilty of disciplinary offenses, host three officers on their panels – one who presides over the panel and two others who sit as members. In the trials of petty officers, non-commissioned officers (NCOs), and privates, the panel of officials has one petty officer as a member.[47]

44 **On 5 November 2005, a bookstore in Şemdinli, Hakkari – a town in Turkey's Southeast – was bombed. Investigation into the bombing uncovered the alleged involvement of two non-commissioned officers of the gendarmerie and a former Kurdistan Worker's Party (PKK) militant, who later became an informant for the gendarmerie. The TGNA Human Rights Commission members, Mehmet Elkatmış, Faruk Ünsal, Nezir Nasıroğlu, Ahmet Ersin and Ahmet Yılmazkaya, authored a report on the Şemdinli incident and this report confirmed the alleged link between the members of the security sector and the perpetrators. [Translator's note]**

45 **Ibid. Nezir Akyeşilmen, p.15.**

46 **Eser Karakaş, "Parliament's and Court of Appeals (Auditors)' Oversight of Military Spending and Military Property" in Ali Bayramoğlu and Ahmet İnsel, (eds.) *Almanak Türkiye 2006-2008: Güvenlik Sektörü ve Demokratik Gözetim (Almanac Turkey 2006-2008: Security Sector and Democratic Oversight)*, pp.176-178.**

47 **Ümit Kardaş, "Military Judiciary," in Ali Bayramoğlu and Ahmet İnsel, (eds.) *Almanak Türkiye 2006-2008: Güvenlik Sektörü ve Demokratik Gözetim (Almanac Turkey 2006-2008: Security Sector and Democratic Oversight)*, p. 67.**

The High Military Administrative Court (HMAC), as one of the constitutionally established high courts, has the statuses of court of first instance *and* court of last instance. Although "it is constituted by civilian authorities," HMAC rules on disputes concerning military personnel and civilians on administrative operations and actions during military service. The court is authorized to decide which operations and actions may concern military personnel and may be related with military service.

Ümit Kardaş identified the following problems with the military judiciary system in Turkey:

1. The ambiguity surrounding the measures that establish boundaries of action for military courts vis a vis civilian courts creates disaccord between these two institutions and thus widens the territory of military jurisdiction. Military courts gradually began trying soldiers and military personnel not only for their military offenses but also for their general offenses, and have since been the only courts of justice that concern military personnel.

2. Due to special procedures that apply to adjudication in military courts, to the way issued sentences are customized, to the unique structure and constitution of military courts, to the diversity in the outcomes of punishment, and to the nature of the relationship between military judges and their superiors concerning personnel registration and personnel holidays, the military judiciary's constitution, operations, and penalization as a whole qualify as an exceptional institution within Turkey's judiciary.

3. Military courts are authorized to try civilians for a variety of offenses - not just for offenses related directly and indirectly to national defense, the implementation of military draft, and the maintenance of military discipline. When military and civilian offenders are tried together in military courts for offenses that are not related to military honor and service, those offenders are arbitrarily exempted from being tried in (civilian) courts and as dictated by procedural law. Therefore, military courts run the risk of issuing charges that may lead to their politicization.

4. Military judges do not have any job security or independence because their evaluations for promotion, deployment, supervision, and disciplinary sentences are based on their military records.

5. Bearing in mind that a combatant officer, commissioned by a commanding officer, acts as a judge in military courts, it is clear that during times of peace, these courts remove the right to fair trial from soldiers and their civilian accomplices charged for offenses related or unrelated to military honor and services. Consequently, military jurisdiction must be restricted to offenses committed by soldiers alone, and to disciplinary offenses and violations of military duty. Also, the military court of appeals must be abolished so as to change the two-headed structure in the judiciary. Again, the HMAC, which acts as the military's own Council of State and rules as a court of first instance in the area of administrative judiciary, must be disbanded.[48]

Finally, a recent and critical development highlighting the expansive powers of the military judiciary is worth mentioning here. At the end of June 2009, the TGNA passed a draft bill amending the Code of Criminal Procedure no. 5271. One of the changes it introduced was the following clause to article 3 of the Code of Criminal Procedure: Civilians, who commit offenses covered in Military Penal Code and other military laws and are thus bound by military jurisdiction, alone or in collaboration with military personnel are to be investigated and tried in civilian courts. Also, the draft bill introduced a change in article 250 of the Code which charges the high criminal courts to try military persons whose offenses fall under their jurisdiction. The Republican People's Party (*Cumhuriyet Halk Partisi, CHP*) appealed to the Constitutional Court for the draft bill to be abolished. At the time of this report's publication in Turkish on 20 November 2009, it was still unclear whether an amendment placing significant restrictions on the authority of military courts to try military and civilian persons would be introduced to the Code of Criminal Procedure. However, after the report was published in Turkish, the Constitutional Court ruled in favor of the appeal and abolished the bill on 21 January 2010.

EDUCATION AND TRAINING

Turkish Armed Forces recruit the majority of its officers and NCOs from among graduates of its own colleges. The Regulation on Secondary School Education in the Turkish Armed Forces, which regulates the education and training in military high schools, states as one of its primary objectives "to provide basic knowledge, information and abilities according to the provisions of the Core Code of Ministry of Education." The Regulation authorizes relevant military

48 **Ibid. Ümit Kardaş, pp.69-73.**

officers to oversee military high schools and permits inspectors from the Ministry of Education (MoE) to accompany military inspectors "*only if deemed necessary* by the MoD and MoE" [emphasis added]. Additionally, while the Core Code of the Ministry of Education mandates the MoE "to carry out, supervise and oversee education and training services on behalf of the state," it states the following exception to the MoE's mandate: "no institution of education can provide educational services in violation of the Core Code, except for military schools." Similarly, Law 4566 on military colleges, which award undergraduate degrees, has a clause that reads, "relevant military offices and the Office of the Chief of Staff oversee education, training, administration, and other activities of military colleges." Furthermore, the Turkish Board of Education is authorized only to nominate candidates for the boards on military colleges that appoint academic staff to professorships. Military academies, on the other hand, are graduate schools and according to Law 1467 they are organized around a Military Academy High Commission, which includes the Commander-in-Chief of the Military Academy as president, and commanders of all military academies, the Director of the Strategic Research Institute, and the Chief of Training at the Military Academy Command as commissioners. Law 1467 does not grant any powers to the Turkish Board of Education (TBoE) to supervise or oversee the military academies.

In contrast to military schools, which are granted immunity and autonomy from external oversight, regulatory bodies operating in the field of education do not possess immunity from military supervision. A 2004 constitutional amendment removed the authority of the Chief of Staff to elect members of the Turkish Board of Education; however, the Chief of Staff still elects one member of the ten-member Higher Education Supervisory Authority, attached to the TBoE. Also, the Inter-University Board, which is a body independent from the TBoE, includes a professor appointed by the military for a four-year term. The Board of Education and Discipline (BED) is an advisory body within the MoE, and the Minister of Education consults the TTK on scientific issues and on the eve of decisions. News stories in the media show that the Chief of Staff cooperates, when necessary, with the BED. For example, in 2007, a teacher filed a complaint claiming that Atatürkism was not sufficiently covered in textbooks. Subsequently a commission was set up to revise the content of school textbooks and the Office of the Chief of Staff was invited by Ministry of Education to participate in this commission.[49] An analysis of the modus operandi of the Council of National Education reveals that the Chief of Staff and the SGNSC are among those institutions that directly elect members of the Council. Regulatory changes introduced in 2006 increased the number of soldiers sitting on the Council from two to five and the number of deans on the Council from 10 to 20.[50] Lastly, it is important to briefly touch on the Regulation on the National Security Curriculum. According to this regulation and in coordination with the MoD and the MoE, the Chief of Staff prepares the curriculum of the national security courses in all national education institutions in Turkey; a special commission authors the books to be taught nationwide in national security courses; the implementation of the national security curriculum is determined according to the supervision of the Chief of Staff; and the results of inspection of the national security courses taught are reported to the Office of the Chief of Staff.

The most interesting institution of education under the umbrella of the Turkish Armed Forces is the National Security Academy, established to educate civilians. The aim of the National Security Academy is "to provide information on and develop skills in national security issues for current and potential administrators in the Turkish Armed Forces, public sector institutions, and if necessary, in the private sector." The Academy is tasked to "educate and train students to analyze, synthesize and evaluate – on the practical level – the concepts of national security and national security policies and their application by the state." Furthermore, "the Academy instructs its students on issues of domestic and international security, protection of national interests, determination and utilization of national power, conducting crisis management operations, principles of planning for war at the central and ministerial levels, and defending the nation as a whole." In other words, the Academy's core function is to teach high-level bureaucrats, journalists, and academics that make up its student body "supra-political and immutable state policies and traditional forms of threat assessment."[51]

49 **"New soldiers as members in the Board of Education and Discipline,"** ***Yeni Asya*****, 2 September 2007.**

50 **"Regulation on Changing the Regulation on National Education Council," 3 August 2006,** ***Official Gazette*****, no. 26248**

51 **The alumni of the Academy founded an alumni association called the National Security and Strategic Research Association that states one of its objectives as "to maintain, develop and strengthen the spirit of friendship and collaboration between the civilians and soldiers who have been educated at the Academy." Please see http://www.ugsad.org.tr**

SUPPLY OF ARMS AND EQUIPMENT

The system of procurement for arms and equipment in the TAF is established in Law 3238. The system includes various departments within the Ministry of National Defense. The Defense Industry High Commission determines the type of weapons systems and other equipment to be acquired according to the strategic targets set by the Office of the Chief of Staff. The Undersecretariat of Defense Industry (UDI) was established in 1985 as the main operations unit for defense procurement. The Defense Industry Operations Committee is made up of the Chief of Staff, the prime minister and the Minister of Defense and has the authority to make decisions on arms and equipment purchases from domestic and international suppliers and to give directives to the UDI to carry out R&D activities, to release tenders on prototype development, and to issue advance payments and subsidies. The Defense Industry Inspection Board, composed of members appointed for two years from the Office of the Prime Minister, the MoD and the Ministry of Finance, audits the operations of the Undersecretariat and the Defense Industry Support Fund. The UDI, on the other hand, is not audited externally.

The system, as explained above, demonstrates that the UDI fails to fulfill "one of its foundational purposes, which is to facilitate the auditing of defense procurement by civilian experts, commissioned by political authorities."[52] The TAF is therefore able to plan *and* execute the procurement of weapons and equipment, as well as to use those arms and equipment. Bearing in mind that the revenue generated by companies registered under the TAF's Support Fund is 33% of the total revenue of all companies within the defense industry in Turkey, and that the revenue of public sector organizations is 31% of total revenue, it is clear that the TAF enjoys a monopoly over the domestic market for arms production.

On the other hand, there are some positive developments towards civilianization of defense procurement. For instance, a civilian bureaucrat was appointed to the post of Undersecretariat. Furthermore, expensive arms purchases, which are administered by a lieutenant general from the Secretariat of the Ministry of Defense, are now regulated by the UDI, following the disbanding of the Departments of Interior and Exterior Supply.

52 **Lale Sarıibrahimoğlu, "Savunma Sanayii (Defense Industry)," in Ali Bayramoğlu and Ahmet İnsel, (eds.) *Almanak Türkiye 2006-2008: Güvenlik Sektörü ve Demokratik Gözetim (Almanac Turkey 2006-2008: Security Sector and Democratic Oversight)*, p. 181-184.**

4. Internal Security

GENDARMERIE

The Gendarmerie is an armed force, possessing both a military and a police identity, that is tasked with protecting public order through law enforcement and through providing services it is legally assigned. The Gendarmerie reports to the Turkish Armed Forces in its military and wartime operations and to the Ministry of Interior regarding its policing and law enforcement activities. The Commander in Chief of the gendarmerie works under the authority of the Ministry of Interior and is also responsible to the Chief of Staff on military matters as well as on matters of internal organization, promotion and registry systems, and personnel training and education.[53] The Gendarmerie operates in areas that fall outside of town and city borders and where there are no police stations.

In theory, Gendarmerie units are authorized and overseen by civilian authorities, i.e. governors in cities and district governors in towns. In practice, however, the civilian oversight and control mechanisms are dysfunctional. The 'registry officials' in charge of members of the police force and all other public servants are governors and district governors; however, members of the Gendarmerie are supervised by officials in the General Command of the Gendarmerie (GCG), and hence by the military – not civilian – authority. While governors and district governors are mandated to 'penalize' members of the police force who commit disciplinary offenses, they are not permitted to exercise direct authority over the Gendarmerie. Governors have a very limited say in the appointments and reappointments of members of the Gendarmerie force (applicable only to the appointment of lower-ranking officials, i.e. petty officers and sergeants at the local level).[54]

Both the State Planning Organization (SPO)'s Special Commission Report on Effective Security Services (SCR) from 2001[55] and the Civilian Authority Council's Ankara reports from 2002[56] include significant observations and analyses regarding the organization of the Gendarmerie. Both reports highlight the distortions in the relationship between the civilian authority and the Gendarmerie force and the need for a fundamental shift in this relationship and for a clarification of the roles and responsibilities of the Gendarmerie.

The Gendarmerie's responses given to the warnings made by the SCR are very interesting. While the SCR report pointed out that the Ministry of Interior only had limited authority over the appointment of the Commander-in-Chief of the Gendarmerie, the GCG responded that there are no limitations on the authority of the Minister of Interior because *"the Prime Minister, who also holds a political (civilian) post like the Minister of Interior, is authorized to have the final say in staff appointments"* (emphasis added).[57] The Special Commission Report also recommended granting civilian authorities the power to issue non-military licenses to those Gendarmerie commanders who work within and under the jurisdiction of the civilian administration. The GCG, in response, offered the following legal definitions and restrictions of members of the Gendarmerie force to oppose that particular SCR recommendation: "The pertinent clause, in TAF Personnel Law no. 926, which states that officers and petty officers in the Gendarmerie are to be registered with military licenses; the fact that Gendarmerie personnel serve in five categories, namely,

53 **Lale Sarıibrahimoğlu, "Jandarma Genel Komutanlığı (General Command of the Gendarmerie, GCG)," in Ümit Cizre (ed) *Almanac Turkey 2005: Security Sector and Democratic Oversight*, p.96.**

54 **Murat Aksoy, "Jandarma (Gendarmerie)," in Ali Bayramoğlu and Ahmet İnsel (eds), *Almanak Türkiye 2006-2008: Güvenlik Sektörü ve Demokratik Gözetim (Almanak Turkey 2006-2008: Security Sector and Democratic Governance)*, pp. 213-216.**

55 **State Planning Organization Special Commission Report on Effective Security Services, 2001.**

56 **Ministry of Interior Civilian Authority Council Special Commission Reports, 2002.**

57 **State Planning Organization Special Commission Report on Effective Security Services, 2001, p.57.**

Internal Security, Border Patrol, Commando Training Units, Headquarters, and *Institutions*; and *that officers and petty officers from the Land Forces Command sometimes serve in the Office of the Commander in Chief of the Gendarmerie."*[58] On the SCR suggestion to sever the direct connection between the GCG and the TAF and to instead tie the GCG with the Security General Directorate (SGD), the Gendarmerie's response reveals the opinion shared by many in the TAF on civilian administrations: *"The Gendarmerie force of the Turkish Republic is an inseparable part of the TAF and aims to remain so forever. The merging of two law enforcement forces (the Police Force and the Gendarmerie) is interpreted by some as a precondition of democratization. However, this interpretation ignores the possibility that in countries ruled by politicians who hold their personal interests above state and national interests, the concentration of law enforcement powers in a single force may lead that force to threaten democratic structures and to encourage the advent of totalitarian regimes. The existence of a Gendarmerie autonomous from the police force in Turkey guarantees the preservation of democracy"*[emphasis added].[59] In both reports, the following reservations are stated in reference to the appointment of generals, who are not part of the GCG, to posts within the GCG: "Although the GCG is not officially one of the command forces, it qualifies for one both spiritually and materially. It is therefore estimated that there will inevitably be problems when a [mere] lieutenant general is appointed to command such an esteemed force within the hierarchy of the TAF."[60]

The opinions quoted above clearly demonstrate the attempt of the GCG to free itself from the Ministry of Interior's supervision and how the military authority in Turkey is institutionalized (by way of the Gendarmerie). A Commission report arrives at a similar conclusion: "The Ministry of Interior has no authority to determine the domestic security strategy. Therefore, and unusually, in matters of domestic security the military bodies exercise exceeding powers and this situation is gradually becoming more institutionalized."[61] Autonomous structures that enjoy immunity from oversight and yet inspect other institutions are signs of military tutelage. Thus, the criticism of civilian administrators of the Gendarmerie's authority is worth considering as an indicator of a system based on the military's guardianship.[62]

The problems identified above in the field of domestic security inevitably create conflict between military and civilian law enforcement units in terms of areas of command and division of labor. Consequently, the Gendarmerie and the police are continuously clashing due to various problems in operations, differences in practices, gaps in legislation, and divergent interpretations of the relevant legislation. When gendarmerie operations violate the territory of the police force[63] and when gendarmerie officers carry out investigations and collect intelligence in areas ordinarily policed by members of the police force, a situation emerges where secret security policies and operations of the state become widespread and overt. Consequently, the sphere of influence of the military is expanded and the military acquires more autonomy in its actions. In fact, the division of powers between the police force and the Gendarmerie is clearly laid out in the Article 10 of the Law on the Establishment, Duties, and Jurisdiction of the Gendarmerie, as well as in the Provincial Administrative Law, which authorizes governors and district governors to distribute law enforcements units to various provinces within their area of jurisdiction. However, the GCG acts beyond its powers[64] to permit or reject the decisions of civilian administrators and to refuse to sign protocols on the transfer of power between security sector institutions.[65] Furthermore, the Gendarmerie is inclined to betray the rule of law to widen its sphere of influence by engaging in practices and issuing appointments that lack solid legal basis. In February 2006, governors issued permits (in some cases for longer than one year) to gendarmerie units in over 40 cities, including the metropolises of Ankara, İzmir, and Konya, to carry out investigations, security controls, raids, and operations. Some gendarmerie patrols used these permits to raid primary schools and student

58 **Ibid. State Planning Organization Special Commission Report on Effective Security Services, p.60.**

59 **Ibid. State Planning Organization Special Commission Report on Effective Security Services, p.61.**

60 **Ibid. State Planning Organization Special Commission Report on Effective Security Services, p.57.**

61 **Ministry of Interior Administrative Council, Specialization Commission Reports, 2002, p.224.**

62 **Ibid. Murat Aksoy, p.216.**

63 **The Şemdinli incident is an example of a case when such violations occurred.**

64 **The Regulation, enforced with a Council of Ministers decision dated 28.06.1961 and numbered 5/1409, on the Performance of the Duties, the Utilization of Authority, and the Management of Relationships between the Gendarmerie and the Police when Policing and Maintaining Law and Order in Cities, Towns and Districts.**

65 **SPO's Special Commission Report from 2001 refers to a case documenting the gendarmerie's handling of issues directly within its scope of responsibility. The report quotes the gendarmerie's response to a suggestion to transfer the authority to maintain the internal and external security of prisons and detention centers to the Ministry of Justice from the GCG; the following response of the GCG is revealing also of how the military calculates the expenses of providing such services: "The GCG carries out services such as the external protection of prisons and the transfer of convicts and prisoners by military personnel (15.000) composed of gendarmerie patrols assigned for the external protection of prisons and other members of internal security forces that carry long range weapons and are trained as soldiers, *and without any financial rewards to the personnel and at no cost to the state (for free)"* [emphasis added], p.61.**

dormitories to search for bombs and weapons. Although Article 10(c) of the Law on the Establishment, Duties, and Jurisdiction of the Gendarmerie states that civilian authorities are able to ask the gendarmerie for assistance when the police force is insufficient, [66] this article does not imply a long-term and overall reliance on the gendarmerie in law enforcement and thus the permits issued in 2006 lack any meaningful legal basis.

SECURITY AND PUBLIC ORDER ASSISTANCE SQUADS (EMASYA) PROTOCOL

The EMASYA protocol is an emblem of the malpractices of treating the provisions in protocols and regulations above laws, of applying those provisions illegally, and of placing privileges and instruments in the hands of military guardians.

The EMASYA protocol, consisting of 27 provisions on the application of Article 11/D of the Provincial Administrative Law (no.5442), was drafted by the Office of the Chief of Staff and the Ministry of Interior on 7 July 1997 as a basis for the transformation of Turkey's homeland security doctrine in the post February 28 era. [67] The Protocol regulates how the military forces may intervene, when necessary, to respond to threats to domestic security and to maintain law and order.

According to the EMASYA Protocol, a governor may issue permits and orders that allow special operations units within the police force, village guards, gendarmerie domestic security squads, and gendarmerie units to be transferred to the highest Land Forces Command (LFC) in the area of the corresponding governor's jurisdiction. The EMASYA protocol dictates that the special operations units of the police force are transferred to the authority of EMASYA Regional and Sub-regional Command forces and temporary village guards are tied to regional Gendarmerie Command forces via the authority of the EMASYA Command. Consequently, those gendarmerie units that are attached to the EMASYA Command are no longer supervised by the Ministry of Interior and are instead administered by the military authorities.[68]

Through their engagement in garrisons stationed in every city under the banner, "Public Order Safety Centers," provincial police units, and governors are attached to the military in matters of intelligence, analysis, and planning. This structure enables the military to collect all social and intelligence-related information. Again, due to this structure the military is able to seize the public sphere without needing the permission of civilian administrators. Therefore, at the provincial level, the armed forces bypass the civilian administration to completely take over the realm of domestic security.

The EMASYA protocol lends superior authority to the highest military unit in domestic security operations and in operation zones. The highest military unit, above, refers in most cases to the headquarters of the LFC. In Turkey's southeast, domestic security operations are constantly underway – and never temporary – thus the military is almost always in control of law and order maintenance in a vast swathe of territory.

As mentioned in the section on the Gendarmerie, one of the ways in which the Gendarmerie's sphere of influence is expanded is through obtaining either single or multiple permits from governors to operate in areas that normally fall under the jurisdiction of the police force. The aforementioned Article 10(c) of the Law on the Establishment, Duties, and Jurisdiction of the Gendarmerie is in fact drawn up according to Article 11/D of the Provincial Administrative Law, from which the EMASYA Protocol stems. Also, it is becoming increasingly more common for police and gendarmerie units to organize joint operations based either on governors' permits or on public prosecutors' orders. These developments are a natural outcome of the homeland security doctrine of the military in Turkey, and are therefore inevitably related to the EMASYA protocol.

Due to the discussions around a recent TAF document, which refers to EMASYA protocol and leaked to the press under the title of "Balyoz" (Sledgehammer) Plan as another alleged coup attempt in 2002-2003, the Ministry of Interior abolished the Protocol in early February 2010. Though this should be regarded as an important and symbolic step for the civilianization process in Turkey, it does not alter the distorted organization in terms of the responsibilities of related institutions, i.e. the police and the gendarmerie, in a significant way. Thus, lifting of EMASYA protocol can only lead to meaningful change, if coupled with extensive reforms in the domestic security area.

66 **Ali Sali, "The Gendarmerie is in the city, upon the governor's permission", *Yeni Asya*, 22 February 2006.**

67 **For more details, please see chapter 2 and the section entitled "National Security Doctrine" [translator's note].**

68 **"Gendarmerie Public Order Corps Commander serves under the operational command of the 2nd Army based in Malatya according to the orders released by the Chief of Staff on 21 May 2001 and numbered, HRK:7130-58-01/GHD.Pl.S. (176)," as cited on the footnote 1, page 6 of the indictment published by Van Chief of Public Prosecutor on 03 March 2003 and numbered 2005/750 (draft) and 2006/32 (principal cause) and 2006/31 (decision).**

THE VILLAGE GUARDS SYSTEM[69]

The village guards system[70] has been in place since 1924 but it came to the forefront only after 1985 when the "temporary village guards"[71] were introduced as a security organization and a critical component of the military response to the Kurdish problem. Changes in legislation introduced in 26 March 1985 authorized the Minister of Interior to act on a governor's request to commission temporary village guards "in adequate numbers" to respond to acts of violence in villages and in their periphery and thus created a new and ambiguous area of authority in domestic security. The amended law does not include a list of reasons to invoke a state of emergency and it does not define the acts of violence that would necessitate the recruitment of village guards. For administrative matters, temporary village guards fall under the supervision of village headmen, while for professional matters they fall under the command of gendarmerie units in the corresponding villages.

In addition to temporary village guards, the region is also home to *voluntary* guards, assigned according to article 74 of Village Law. The difference between the two categories of village guards lies in the fact that the former, i.e. temporary, village guards are salaried public servants. Both categories of guards are given arms by the state. Voluntary village guards are recruited by local civilian administrators and are thus exempt from oversight of the government. Temporary village guards may join gendarmerie patrols on their operations outside of their own village whereas voluntary village guards may bear and use arms only in their own villages.

One of the most significant ramifications of the temporary village guards system is that through this security establishment, countless individuals without any basic training in security and defense are armed. Temporary village guards are only provided training by the GCG if deemed necessary.[72] This training is not standardized.

Although the system of temporary village guards is often justified as a necessary measure to protect civilian lives and properties, a report by the Parliamentary Investigation Commission shows that the system actually breeds problems with public order and safety. "Certain individuals cooperated with illegal organizations, either willingly or out of fear, whilst working as salaried village guards for the state. Some of said individuals engaged in arms and drugs trafficking by using their village guard badges to evade standard security checks. Arms and drug trafficking in the region are still carried out overwhelmingly by village guards. Influential figures in the region used the post of village guardianship to affirm their power, and tribal chiefs, who were also appointed as guard leaders, grew more lawless and ruthlessly suppressed their local opponents by turning them over to the security forces as 'PKK members'. Some village guards involved in blood feuds ordered [rivals and enemies] to be named as PKK militants or to be killed; in some cases, the guards forced their opponents to migrate out of their villages."[73] While there are no official records on whether arrested and convicted village guards return to their jobs, the relevant legislation does not include a provision on the termination of contracts with convicted village guards.

As a result of considerable pressure from the international community, the abolishment of the temporary village guards system became one of the pertinent reforms in Turkey. However, Turkey refrained from pledging on its EU accession reports and legal and political reform packages to completely remove the system of village guardianship and has so far failed to act decisively in that direction. A cabinet decision released in 2000 declared an end to the recruitment of voluntary village guards; however, current research documents that since 2000, there have been more intake of voluntary guards.[74] In 2003, the number of temporary village guards was 538,111 and the number of voluntary guards was 12,279. An amendment to the Village Law, ratified by the TGNA on 2 June 2007, authorized the government to recruit 60,000 more temporary village guards under the following circumstances: "upon a request by a governor and a subsequent order released by the Minister of Interior, when there are legitimate reasons to invoke a state of emergency; when serious signs of rising violence in villages and their periphery are detected; and when there is an increase in violations of rights to life and properties of villagers." This amendment rules out those promises made towards abolishing the village guards system.

69 This section compiles the following article: Dilek Kurban, "The Village Guards System as a Security Policy" in Ali Bayramoğlu and Ahmet İnsel (ed.) *Almanak Türkiye 2006-2008: Güvenlik Sektörü ve Demokratik Gözetim (Almanac Turkey 2006-2008: Security Sector and Democratic Oversight)*, pp. 253-260.

70 "Village Law", No.442, 1924.

71 "Attachment of two articles to Village Law Article 74", No.3175, dated 26 March 1985 (Law no.3175).

72 "Village Guards Regulation", article 11(3).

73 Fedai Erdoğ, *TGNA Investigation Commission on Unsolved Political Murders*, p.99 – quoted in Ertan Beşe, "Temporary Village Guards," p.141.

74 Ünalan, "The Problem of Internal Displacement in Turkey," p.77.

Moreover, the village guards system is another area marked by secret codes and regulations. A parliamentary query uncovered the existence of a particular secret code; subsequently, Cemil Çiçek – then spokesperson for the government – argued that the code's secrecy was justified according to Article 124 of the Constitution, which states that regulations concerning "national order and security" may bear "a status of secrecy."[75] Another piece of regulation, which amended the 2007 Village Law and was enforced in 2008, was also classified as secret.

In the framework of the Kurdish problem in Turkey, the village guards system is used to pressure and suppress anti-state members of society in a region exposed solely to militarized, domestic security-oriented approaches. Consequently, the village guards system creates a group of armed and empowered men who are accustomed to acting with impunity. Episodes such as the 2009 massacre by village guards of dozens of locals during a wedding ceremony in Bilge village in Mardin demonstrate the extent of the security threat that this system has engendered and will continue to produce.

75 **Ertan Beşe, "Temporary Village Guards," p. 139.**

5. A General Analysis in Light of Recent Developments

Two conclusions may be deduced from the discussions in the previous sections. First, Turkey's national security policies and military guardianship are built on a model of path dependency. Specifically, the model is constructed to orient itself in due course to changes in part or whole of the system so as to regain and sustain the status quo – even though a degree of power may be lost in the process. Second, the security-centered approach is largely adopted by civilian political leadership.

The first conclusion is backed by evidence from Turkey's EU accession process when accession reforms changed the structure of the NSC but did not ultimately influence the civilianization of policymaking in security and defense. Evaluating the drafting process and content of the NSPD, the agenda and language of the declarations made by the NSC, and the media coverage and public response to NSC declarations reveals that structural change in the NSC did not dramatically alter the role it has been playing for the past 20 years.

Zeynep Şarlak screened the agenda and proceedings of NSC meetings between 2006 and 2008, and her analysis offers concrete evidence in support of the above claim.[76] For instance, according to the press reports, the first NSC meeting of 2006 proceeded thus: The members of the Council were briefed on the contents of the Counter-Terrorism Action Plan; the Plan, *which contained socio-economic, psychological-operations, and religious propaganda measures* to be introduced through the Directorate of Religious Affairs, was ratified by the NSC; and the Council charged the Domestic Security Group within the National Mobilization and War Planning Department to implement the Plan. The structure of the NSC had already changed, but the Council still ruled to authorize a military department, run by soldiers, to carry out a counter-terrorism plan – built on an extensive homeland security concept and possessing psy-op components. This decision is a clear indicator of the key role that the NSC continues to play in the system of military tutelage.

NSC declarations released following its periodic meetings are a testament to the function that the Council continues to serve as a broadcasting organ of official state policies in an expansive policy arena. Only a few examples from previous declarations are needed to offer sufficient proof to this claim. The meeting on 28 December 2006 reaffirmed the NSC's commitment to obtaining EU membership but also declared that "the EU would not place exclusive preconditions on Turkey's membership and not present irrelevant obstacles to full membership such as the resolution of the Cyprus issue." The NSC suggested that the fulfillment of its expectations from the EU "was an absolute prerequisite for the sustainability of the membership negotiations process." The declaration from the NSC meeting that followed Turkey's exchange of diplomatic notes with Iraq (on 10 April 2007) read, "the meeting established political, economic and other measures to be taken after the diplomatic note." On the 24 October 2007 NSC meeting, the Council members discussed the Armenian Genocide Bill, which was approved by the United States House Foreign Affairs Committee on 10 November 2007, and concluded that Turkey would not accept the bill. The 24 April 2008 NSC meeting reiterated that "Armenian genocide" claims "would not have any effect."

Moreover, the NSC is perceived both by the media and the public not as a higher board discussing security-related issues but as an arena where the government and the "state" clash, collide, and negotiate. Since 28 February 1997, the government and the state both closely follow NSC meetings and interpret its declarations in order to glean important messages. Evidence supporting this claim can also be derived from a review of NSC meeting declarations. For instance, immediately after Prime Minister Erdogan called for a dialogue to define religious extremism,

76 **Ibid. Zeynep Şarlak, pp.104-114. [All examples cited in this section are from this article].**

when different segments of the state engaged in a heavy debate with the government, the NSC meeting that followed on 31 October 2006 received immense media attention. Similarly, the NSC meeting on 23 February 2007 was noteworthy because it came right after the Chief of Staff and the government exchanged bitter words over Prime Minister Erdogan's statement that "the government would consider engaging in diplomatic negotiations with the Kurdish administration in northern Iraq." Then-Chief of Staff Büyükanıt responded harshly to Erdogan's words, and when Abdullah Gül, then-Minister of Foreign Affairs, offered an official statement to contain the crisis, Gül's plans to meet secretly Nechirvan Barzani in İstanbul were cancelled. The NSC meeting declared, in a tone of balance between both camps, "In light of our basic concerns for the situation in Iraq [...] we acknowledge that it would be useful to increase political and diplomatic efforts."

The military guardianship system reacts to the democratization process by increasing its influence in several ways: changing its roles across various institutions, convincing the public of its own point of view by enhancing its visibility in the public sphere, and pressuring the political leadership. Informal channels to exert policy influence were used increasingly after the 2007 presidential elections. As Toktaş and Kurt note:

> These informal mechanisms ranged from official statements and press briefings to informal contacts established with bureaucrats and politicians. Public statements were often made during official public events such as memorial events, anniversaries, and graduation ceremonies of military colleges where members of the TAF declare their concerns about domestic issues. The Armed Forces' public statements are interpreted as pressure on public opinion to formulate the necessary reaction to the political leadership and are therefore perceived as words of warning to the government.[77]

Secondly, the 27 April declaration and the attempts of military officers who are being tried or investigated to intervene directly or to engage in social engineering are indicators of the military's strong and institutionalized resistance to the democratic process. These and other attempts by the military to breach the political sphere show that genuine democratic transformation in Turkey is possible only when the Armed Forces are included in the transformation and the legislation and practices that sustain the Armed Forces' current positioning are removed.

The second conclusion that may be drawn is that the values and practices attached to the security-centered approach espoused by the security sector in Turkey are to a large extent adopted by civilians. The most visible reflections of this phenomenon are cases where national security policies are transferred from traditional security institutions to new ones that were ostensibly founded to civilianize the system. This phenomenon is able to engender, by way of secret legislation, a security zone through which public opinion may be influenced in the security sector's favor. No political leadership has thus far made a worthwhile attempt to reverse the autonomy of this security zone, allegedly protected by secret laws, mandates, and protocols. On the contrary, some attempts at civilianization are clouded by new secret legislation.

The following examples showcase how the national security policy model repositions and reproduces itself:

The section entitled "Internal Security" features a discussion on the distortions in the relationship between responsibility and authority in the security sector. For instance, the composition of the NSC is problematic because it includes the Minister of Interior and the military wing of law enforcement forces (the GCG), but it does not have representation from the DGS and CGC. As a result, some actors in the field of internal security are sidelined and thus internal security becomes a fundamentally military matter. Moreover, the 2001 State Planning Organization Special Commission Report on Effective Security Services documents the tension that the monopoly of the military creates in internal security. In the section on proposals, the report recommends amending the composition of the NSC to include the DGS and CGC.[78] The GCG responded, *"The Commander-in-Chief of the Gendarmerie attends the National Security Council [...] not as a commander in a security sector institution, but as a part of the Armed Forces. As the Ministry of Interior represents the whole of the security sector in the National Security Council, it is deemed unnecessary for the Chief of Police and the Commander-in-Chief of the Coast Guard to attend the Council."*[79] The GCG further stated, in light of the recommendations for improving coordination with the Interior Ministry, that *"it is found appropriate to set up within the Ministry of Interior a Security Forces Coordination Center, attached to the Undersecretariat, so as to coordinate domestic security units and to later develop this Center into a Directorate, if it proves to be efficient and useful."*

77 **Şule Toktaş, Ümit Kurt. 2008. "The Impact of EU Reform Process on Civil-Military Relations in Turkey," p.3.**
78 **State Planning Organization Special Commission Report on Effective Security Services, 2001, p.41.**
79 **Ibid. p.59.**

Two steps corresponding to some of the above recommendations, but wider in scope, were taken recently. The first was the establishment of the Directorate General of Security Affairs (DGSA) in 2006. The DGSA was formerly a department within the office of the Prime Minister called the Presidency of Security Affairs. The constitution of the DGSA, put in place on 30 May 2006, announces that the Directorate General has the following responsibilities: "Managing communication between the Prime Ministry and the organs of domestic security, foreign security, and counter terrorism (TAF, GCG, DGS, National Intelligence Services, CGC and Ministry of Foreign Affairs); facilitating coordination between these organs when necessary; conducting or commissioning research on issues of domestic security, foreign security, and counter-terrorism; developing analysis and proposals based on said research; collecting and evaluating information on the principles/conditions of martial law and state of emergency in areas governed by either or both and providing coordination during martial law and state of emergency; and informing the public of its services."[80]

The second step was the founding of the Undersecretariat of Public Order and Safety (UPOS) as part of a decision to renew the organizational structure of the Ministry of Interior. The bill allowing these structural changes to be implemented was ratified by the TGNA on 20 May 2009. This meant a fundamental "changing of hands in the security bureaucracy." In this bill, the role of the Undersecretariat, which is a noncombatant unit, is expressed in the following terms: Working to develop counter-terrorism policies and strategies; providing strategic information and support to security institutions and other relevant bodies; coordinating between these institutions and bodies; informing the public about its activities and conducting public relations; tracking and analyzing international developments in cooperation with the Ministry of Foreign Affairs and other relevant bodies; and carrying out or commissioning analysis and oversight. The bill also charged the Undersecretariat with establishing a Center for Intelligence Analysis and, through this center, with assessing information and intelligence submitted by security and intelligence institutions and the Ministry of Foreign Affairs. Additionally, the bill regulates a secret fund within the budget of the Undersecretariat to be used "for activities that require secrecy."

A counter-productive development in the path to civilianization was the NSC decision to transfer the Public Relations Command (PRC) to the Ministry of Interior. The bill authorizing the transfer was passed on 30 April 2003 and charged the Ministry of Interior with preparing for a new organizational structure whereby the Department of Public Relations Command would be based in Ankara and Public Relations Bureaus would be established in other cities.[81] In the same vein, on 22 May 2003 the Ministry of Interior distributed a secret memorandum to 81 governorships instructing them of the necessity and means of psychological operations: *"On issues that concern our national interests, principles of national politics ought to be fortified by psychological warfare. As our Ministry plays a key role in carrying out psychological operations, strong support ought to be given to their implementation. Therefore, it is decided that our Ministry's Directorate General of Public Relations, which was tasked to execute psychological operations, is now charged to resume its activities under the name, the Directorate of Public Relations Command."*[82] Subsequently, İstanbul MP Emin Sirin submitted a parliamentary inquiry and then-Interior Minister Abdülkadir Aksu responded that his Ministry was working on a draft bill on the Directorate of Public Relations Command. Aksu added that the Ministry would reevaluate its conclusions in accordance with the Basic Law on Public Administration but refrained from giving any explanation regarding how, with whom, and against what the PRC would be mandated to work.[83] The section on "organizational structure" on the website of the Ministry of Interior does not include information on the structure of the PRC. Based on press coverage on the PRC, it becomes evident that this institution reflects the extent to which civilian administrators internalized and embraced the 12 September 1980 coup mentality and that the security-centered model may easily be passed from one institution to another. In this respect, it is important to see whether its civilian administrators will attempt to develop new legislation on the future functions and organization of the DGSA and the Undersecretariat of Public Order and Safety. Though such steps may be interpreted as a means to further inter-institutional cooperation, the fact that the EMASYA protocol is still in effect is a strong sign to the contrary. Again, when the organizational structures and distribution of roles in the new institutions are observed, it can be seen that they too are structures containing both domestic and foreign security elements.

The issues discussed so far have also been covered in EU Progress Reports. The reports base their evaluation largely on principles for democratic governance of the security sector that are derived from lessons learned from Central

80 **Law on Amending the Law on the Passing with Changes of the Decree on the Organization of the Prime Ministry, numbered 5508 and dated 24 May 2006, published on 30 May 2006 in the *Official Gazette*, no. 26183.**

81 **Soner Arıkanoğlu, "A Civilian PRC is Recommended by the NSC," *Radikal*, 24 October 2003.**

82 **Mustafa Balbay, *Cumhuriyet*, 22 October 2003; "We Have No Comments on Balbay's Explosive Statements," *Yeni Şafak*, 23 October 2003.**

83 **For the full text of the response given on 4 December 2003 to the Presidency of the TGNA by the Ministry of Interior, PRC, please see http://www2.tbmm.gıv.tr/d22/7/7-13474c.pdf.**

and Eastern European democratic transformations and on the Copenhagen Criteria. However, since the reports repeatedly underline similar issues and bring the same set of targets to Turkey's attention, it is evident that Turkey has so far not made sufficient progress in terms of the principles of democratic governance of the security sector. Ümit Cizre[84] explains this phenomenon by suggesting that the principles espoused by the EU are not customized to apply to Turkey, a long-time NATO member and part of the Western alliance, a country whose history is defined by military coups. Cizre argues that the EU principles are instead designed for "countries that – when compared with Turkey – have smaller armies, weaker security forces, less institutionalized, politically low-profiled and non-interventionist security establishments."[85] The shortcomings of the EU framework are evident in several cases. For instance, the 2002 Progress Report states, "On various occasions throughout the year, military members of the National Security Council expressed their opinions about political, social and foreign policy matters in public speeches, statements to the media and declarations. They also played an active role in the debate about reforms to comply with the EU political criteria. They have been particularly active on issues such as cultural rights, education and broadcasting in languages other than Turkish."[86] The 2004 Progress Report, which was released after the 2003 reform on the NSC, declares,

> [T]here are still provisions on the basis of which the military continues to enjoy a degree of autonomy. As regards the institutional framework, there are legal and administrative structures which are not accountable to the civilian structures.... The role and the duties of the Armed Forces in Turkey are defined in several legal provisions. Depending on their interpretation, some of these provisions taken together could potentially provide the military with a wide margin of maneuver. This is particularly the case for Article 35 and Article 85/1 of the Turkish Armed Forces Internal Service Law, which defines the duties of the Turkish Armed Forces as to protect and preserve the Turkish Republic on the basis of the principles referred to in the preamble of the Constitution, including territorial integrity, secularism and republicanism. It is also the case for Article 2a of the National Security Council Law which defines national security in such broad terms that it could, if necessary, be interpreted as covering almost every policy area.[87]

In more recent reports, there is no mention of the NSC and instead more references to the TAF's interventions into the political process – as mentioned in the 2004 report. The developments in civil-military relations also follow a similar trend; reforms introduced either fall short of meeting the targets or are stuck in mid-progress. As evidenced in the quote above, sometimes reforms are bypassed due to the spread of security-centered culture from one institution to another.

The resulting problem is apparent. Turkey is ruled by a model in which the military is isolated and centralized and has the ability to oversee – not be overseen – a wide range of major and minor issue areas; and there is a body of law that is imbued with the national security concept, with ambiguous terms and references that allow for military usurpation of authority. If the public consent established during the 1980-2000 period, which may be considered the peak of national security state, is not changed fundamentally, then it will be impossible to undergo genuine reform in Turkey. If reforms are not generated and applied comprehensively, then the changes they inspire will only be cosmetic and will never produce their intended effects.

84 **Ümit Cizre, "Problems of democratic governance of civil-military relations in Turkey and European Union Enlargement zone,"** ***European Journal of Political Research*****, pp.107-125.**

85 **Ibid. Ümit Cizre, p.112.**

86 **2002 Regular report on Turkey's Progression to the European Union, p. 17.**

87 **2004 Regular report on Turkey's Progression to the European Union, p.23.**

6. Conclusion and Recommendations

The normalization of civil-military relations in Turkey and the transformation of its security-centered system are possible by simultaneously introducing the changes proposed in this report and building the necessary capacity. The following are some pertinent changes that may enrich the debate in civil society and the media and to facilitate a transformation of the security-centered model that will not permit the model to reproduce itself.

The first group of changes concerns the reevaluation and transformation of constitutional and legal provisions that shape the military tutelage system and its perception of security.

- The oft-mentioned Article 2 of the NSC Law and Article 35 of TAF's Internal Service Law need to be changed as the first, most significant and macro-level step towards pulling the TAF back into its natural area of jurisdiction.
- However, the entire system of legislation is marred by generalizations such as "public peace and well-being" and ambiguous references to the "Turkish nation," "national interest," "national gain," "and national power and organization" that collectively legitimize the expansion of military authority. These terms and references must be redefined clearly, unequivocally, and in a way that will not permit further expansion of the military into the civilian sphere.
- The concepts of domestic and foreign security threats need to be clarified; the jurisdiction of domestic security institutions within the national security concept need to be identified; and the presently vast space occupied by foreign security needs to be charted according to specific boundaries of counter-terrorism activity, as is the case in many other NATO member states.
- The tendency to opt for secrecy and the prevalence of secret codes in the legislation must be removed, and "national security" must be codified with clear and transparent guidelines that can only be invoked under exceptional circumstances.
- In the executive branch, the relationship of responsibility and authority between the MoD and the Chief of Staff need to be reformulated so that the former, not the latter, is the first among equals and has broader control and oversight powers.
- The militarization of internal security, due to the concentration of authority in some institutions, must be overturned and while the GCG and CGC retain their military status, they ought to be structurally aligned within the Ministry of Interior.
- The reports authored by various state bodies and the European Union progress reviews offer roadmaps to realize these changes.
- As previously indicated, practices that bypass civilianization by allowing for the spread of the security-oriented culture from one institution to another must be abandoned. A state that views its society as a threat and thus creates false categories of class that collectively damage the notion of democratic citizenship breeds both the tradition of psychological operations to preserve domestic security and legally controversial practices such as blacklisting, surveillance, and wiretapping; both need to be abolished.
- Finally, the village guards system has to be abrogated, according to the reform goals established by the EU and the UN.

The second group of changes includes practices that will remove the TAF's autonomy and isolation and introduce proper civilian oversight. In addition to amendments offered by Ümit Kardas in this report, the following recommendations in the State Planning Organization (SPO)'s 2007 Special Commission Report on Effective Security Services are vital to the process:

- The Supreme Military Council's decisions must not be exempted from administrative proceedings in courts.
- The Law on the Establishment and Trial Procedures of Military Courts and the Code of Criminal Procedure, the Administrative Procedure Act, and the Law on the Military High Administrative Court need to be evaluated to develop common jurisdiction and procedures.
- A law degree must not be a precondition in eligibility for the posts of judges and prosecutors in civilian and military courts; military disciplinary authorities must no longer be able to issue penalties that suppress freedoms.
- Again, while it must be acknowledged that military institutions need to have separate curricula, it is nevertheless essential that TAF institutions operating in the field of education and training are stripped off their powers to oversee other institutions whilst enjoying immunity from oversight, which is seemingly justified by militaristic reasons, themselves.
- In particular, the current authority of the Chief of Staff to control the curricula of mandatory national security courses must be removed; the need for and the content of these courses must be assessed; and the ideological partnership between the Ministry of Education and the Chief of Staff must be ended. Furthermore, the Chief of Staff's authority to direct the civilian administration in defense procurement should be lifted and reduced to planning and engagement in negotiations. In this respect, the internal oversight of the UDI ought to be supplemented by external oversight mechanisms.
- Lastly, the autonomous structures of the Army Solidarity Institution (OYAK) and the Turkish Armed Forces Support Foundation need to be reconsidered.

The third group of proposals concerns the building and use of civilian capacity. Realizing these proposals requires the expansion of the TGNA's parliamentary oversight powers and the facilitation though social pressures of its use of existing powers. Day-to-day politics in Turkey clouds the lethargy that civilians have in taking initiative and using their social power to exert such public pressure.

- The first significant step towards improvement is making the proceedings of National Defense Council meetings publicly available; the current practice of no record-keeping during NDC meetings means security is an area entirely shut off from civilians.
- The NDC should be converted into a commission, which – as is the case in other countries – does not only operate in the legislature and works instead to reverse the problem of asymmetrical information about the military in the Parliament and to facilitate the exchange of information.
- One way to realize these goals would be to turn the NDC into an institution that works in the defense industry and plays an active part in resolving the TAF's internal problems.
- Another important step would be to break the monopoly of information in the security universe in Turkey.
- Access to information is limited and what information is available is sporadic and inconsistent.
- Finally, Article 318 of Turkish Penal Code[88] and other measures restraining freedom of expression must be amended.

Lastly, it is useful to compare these proposals to changes foreseen in the 2008 National Program in Turkey. The Program makes the following references to civil-military relations:

> The role of the National Security Council (NSC) as an advisory body has been redefined with the amendments to the Constitution and the related laws. The effective implementation of these reforms [has been] realized and, in this framework, the preparation of the national security strategy and its implementation under the responsibility of the Government will continue.

88 **Article 318 states that 1- The persons who discourage the public from military service through incentives, advise and propaganda are sentenced to prison for 6 months to 2 years; 2- If the act is committed through press and media, the sentence is doubled.**

> In accordance with the amended Article 160 of the Constitution, all incomes, expenditures and state properties of Turkish Armed Forces are subject to the audit of Court of Audits. The new Draft Law on the Court of Audits, prepared in the previous legislative period, includes two articles that fulfill all the technical regulations related to its implementation.
>
> As a part of the Judicial Reform Strategy that will be prepared according to the principles of a democratic state governed by the rule of law, the regulations related to the definition of the tasks and competences of the military courts will also continue. [emphasis added][89]

Clearly, the pledges made in civil-military relations are limited in scope. Moreover, the Program's subsections on internal security and judiciary do not envision a fundamental shift in the structure of law enforcement units. The National Program as it stands today does not promise a real change in the security model in Turkey, and this is a sign of the lack of political will in this area.

89 **National Program, 2008, p.6.**

Bibliography

Akgüner, Tayfun: *1961 Anayasasına Göre Milli Güvenlik Kanunu ve Milli Güvenlik Kurulu (The National Security Law and National Security Council According to the 1961 Constitution)* (Istanbul: Istanbul University SBF Publications, 1993).

Aksoy, Murat: "Jandarma (Gendarmerie)," in Ali Bayramoğlu and Ahmet İnsel (eds) *Almanak Türkiye 2006-2008: Güvenlik Sektörü ve Demokratik Gözetim (Almanak Turkey 2006-2008: Security Sector and Democratic Governance)* (Istanbul: TESEV Publications, 2009).

Akyeşilmen, Nezir: "Yasama: Türkiye Büyük Millet Meclisi (Legislative: Turkish Grand National Assembly)," in Ali Bayramoğlu and Ahmet İnsel (eds.), *Almanak Türkiye 2006-2008: Güvenlik Sektörü ve Demokratik Gözetim (Almanac Turkey 2006-2008: Security Sector and Democratic Oversight*) (Istanbul: TESEV Publications, 2009).

Arıkanoğlu, Soner: "A Civilian TIB is advised by the NSC," *Radikal*, 24 October 2003.

Avrupa Birliği Müktesabatının Üstlenilmesine İlişkin Türkiye Ulusal Programı (Turkey's Program for Alignment with the Acquis) (Ankara, 2008) < http://www.abgs.gov.tr/index.php?p=6&l=2 >

Bayramoğlu, Ali: "Asker ve Vesayet (Military and Tutelage)," in Ali Bayramoğlu and Ahmet İnsel, (eds.) *Bir Zümre, Bir Parti: Türkiye'de Ordu (A Community, A Party: The Military in Turkey)* (Istanbul: Birikim Publications, 2006).

Bayramoğlu, Ali: "Asker ve Siyaset (Military and Politics")," *Birikim*, no: 160-161, 2002.

Bayramoğlu, Ali: "EMASYA: Üç Anlam, Üç İşlev (EMASYA: Three Meanings and Three Functions)," in Ali Bayramoğlu and Ahmet İnsel (eds.), *Almanak Türkiye 2006-2008: Güvenlik Sektörü ve Demokratik Gözetim (Almanac Turkey 2006-2008: Security Sector and Democratic Oversight*) (Istanbul: TESEV Publications, 2009).

Beşe, Ertan: "Geçiçi Köy Koruculari (Temporary Village Guards)" in Ümit Cizre (ed), *Almanac Turkey 2005: Security Sector and Democratic Oversight* (Istanbul, TESEV Publications, 2006).

Cerrah, İbrahim and Cizre, Ümit (eds): *Security Sector Governance: Turkey and Europe* (Istanbul: TESEV Publications, 2008).

Cizre, Ümit: "Giriş ya da 'İtaat' Kültürü Yerine Bilimsel İtiraf ve İtiraz (Introduction or a Scientific Confession and Objection to a Culture of Obedience)" in Ümit Cizre (ed), *Almanac Turkey 2005: Security Sector and Democratic Oversight* (Istanbul, TESEV Publications, 2006).

Cizre, Ümit: "Problems of Democratic Governance of Civil-Military Relations in Turkey and the European Union Enlargement Zone," *European Journal of Political Research*, 43(1), pp.107-125.

Çakırözer, Utku: Transition from Civilian to Military Authority in NSC," *Milliyet*, 10 September 2005.

Çelik, Seydi: *Osmanlıdan Günümüze Devlet ve Asker: Askeri Bürokrasinin Sistem İçindeki Yeri (The State and the Soldier from the Ottoman Era to Present Day: Locating the Military Bureaucracy within the System)* (Istanbul: Salyangoz Publications, 2008).

DPT: *Devlet Planlama Teşkilatı Adalet Hizmetleri ve Güvenlik Özel İhtisas Komisyonu Raporu (State Planning Organization Special Commission Report on Judicial Services and Security)* (Ankara, 2007).

DPT: *Devlet Planlama Teşkilatı Güvenlik Hizmetlerinde Etkinlik Özel İhtisas Komisyonu Raporu (State Planning Organization Special Commission Report on Effective Security Services)* (Ankara, 2007).

Ekşi, Özgür: "Two Women Presidents for the NSC," *Hürriyet*, 8 September 2005.

Erdal, Meryem: "National Security in Legislation," in Ali Bayramoğlu and Ahmet İnsel (eds.), *Almanak Türkiye 2006-2008: Güvenlik Sektörü ve Demokratik Gözetim (Almanac Turkey 2006-2008: Security Sector and Democratic Oversight*) (Istanbul: TESEV Publications, 2009).

Greenwood, David (ed.): *Governance and the Military: Perspectives for Change in the Military* (CESS, November 2005).

Güneş, Ahmet Faruk: "EMASYA," in Ali Bayramoğlu and Ahmet İnsel (eds.), *Almanak Türkiye 2006-2008: Güvenlik Sektörü ve Demokratik Gözetim (Almanac Turkey 2006-2008: Security Sector and Democratic Oversight)* (Istanbul: TESEV Publications, 2009).

Günlük-Şenesen, Gülay: *Türkiye'de Savunma Harcamaları ve Ekonomik Etkileri, 1980-2001 (Defense Spending in Turkey and Implications for the Economy, 1980-2001).* (Istanbul: TESEV, 2002).

İçişleri Bakanlığı: *T.C. İçişleri Bakanlığı Mülki İdare Şurası İhtisas Komisyonu Raporları (Ministry of Interior Administrative Council, Specialization Commission Reports)* (Ankara, 2002).

IHIK: Hakkari Şemdinli İnceleme Raporu (Human Rights Screening Commission Hakkari Şemdinli Investigation Report) (Ankara, April 2006) <http://www.tbmm.gov.tr/komisyon/insanhaklari/belge/kr_22HakkariSemdinli.pdf>

IHIK: Hrant Dink Alt Komisyonu Raporu (Human Rights Screening Commission Hrant Dink Sub Commission Report) (Ankara: July 2008) <http://www.tbmm.gov.tr/komisyon/insanhaklari/belge/Hrant_Dink_Alt_Komisyon_Raporu.pdf >

İnsel, Ahmet: "Cumhuriyet Döneminde Otoritarizmin Sürekliliği (The Persistence of Authoritarianism in the Republican Era)," *Birikim*, no.125-126, 1999.

Karakaş, Eser: "Askeri Harcamaların ve Askeri Malların Parlamenter ve Yargısay (Sayıştay) Denetimi (Parliament's and Court of Appeals (Auditors)' Oversight of Military Spending and Military Property)" in Ali Bayramoğlu and Ahmet İnsel (eds.), *Almanak Türkiye 2006-2008: Güvenlik Sektörü ve Demokratik Gözetim (Almanac Turkey 2006-2008: Security Sector and Democratic Oversight)* (Istanbul: TESEV Publications, 2009).

Kardaş, Ümit: "Askeri Yargı (Military Judiciary)," in Ali Bayramoğlu and Ahmet İnsel (eds.), *Almanak Türkiye 2006-2008: Güvenlik Sektörü ve Demokratik Gözetim (Almanac Turkey 2006-2008: Security Sector and Democratic Oversight)* (Istanbul: TESEV Publications, 2009).

Kardaş, Ümit: *Hakim Bağımsızlığı Açısından Askeri Mahkemelerin Kuruluşu ve Yetkileri (The Constitution and Authority of Military Courts in terms of Judges' Independence)* (Istanbul: 1992).

Kili, Suna and Gözübüyük, A. Şerif: *Türk Anayasa Metinleri: Senedi İttifaktan Günümüze (Turkish Constitutional Texts: From Bill of Accord to Present Day)* (Istanbul: Türkiye İş Bankası Publications, 2006).

Kurban, Dilek et.al. (eds.): *Overcoming a Legacy of Mistrust: Towards Reconciliation Between the State and the Displaced* (Istanbul: TESEV Publications, 2006).

Kurban, Dilek et.al. (eds.): *Coming to Terms with Forced Migration: Post Displacement Restitution of Citizenship Rights in Turkey* (Istanbul: TESEV Publications, 2007).

Kurban, Dilek: "Bir Güvenlik Politikası Olarak Koruculuk Sistemi (The Village Guards System as a Security Policy)" in Ali Bayramoğlu and Ahmet İnsel, (eds.) *Almanak Türkiye 2006-2008: Güvenlik Sektörü ve Demokratik Gözetim (Almanac Turkey 2006-2008: Security Sector and Democratic Oversight)* (Istanbul: TESEV Publications, 2009).

Özcan, Gencer: "Milli Güvenlik Kurulu (National Security Council)," in Ümit Cizre (ed), *Almanac Turkey 2005: Security Sector and Democratic Oversight* (Istanbul, TESEV Publications, 2006).

Sali, Ali: "The Gendarmerie is in the city, upon the governor's permission," *Yeni Asya*, 22 February 2006.

Sarıibrahimoğlu, Lale: "Jandarma Genel Komutanlığı (General Command of Gendarmerie)," in Ümit Cizre (ed), *Almanac Turkey 2005: Security Sector and Democratic Oversight* (Istanbul, TESEV Publications, 2006).

Sarıibrahimoğlu, Lale: "Savunma Sanayii (Defense Industry)," in Ali Bayramoğlu and Ahmet İnsel (eds.), *Almanak Türkiye 2006-2008: Güvenlik Sektörü ve Demokratik Gözetim (Almanac Turkey 2006-2008: Security Sector and Democratic Oversight)* (Istanbul: TESEV Publications, 2009).

SSM: *Savunma Sanayii Müsteşarlığı 2007 Faaliyet Raporu (Undersecretariat of Defense Industry 2007 Activity Report)* (Ankara, 2008) <htpp://www.politics.ankara.edu.tr/dergi/pdf/64/1/8-ozkal_ipek_sayan.pdf>

Şarlak, Zeynep: "Milli Güvenlik Kurulu (National Security Council)," in Ali Bayramoğlu and Ahmet İnsel (eds.), *Almanak Türkiye 2006-2008: Güvenlik Sektörü ve Demokratik Gözetim (Almanac Turkey 2006-2008: Security Sector and Democratic Oversight)* (Istanbul: TESEV Publications, 2009).

Toktaş, Şule and Kurt, Ümit: "The Impact of EU Reform Process on Civil-Military Relations in Turkey" (SETA, 2008).

2002 Progress Report on Turkey's EU Accession Process (Ankara 2002) <http://digm.meb.gov.tr/uaorgutler/AB/b%20BELGELER/ilerleme_raporu_2002_TUR.pdf>

2004 Progress Report and Proposals on Turkey's EU Accession Process (Ankara, 2004) < http://digm.meb.gov.tr/uaorgutler/AB/b%20BELGELER/ilerleme_raporu_2004_TUR.pdf

Indictment by Van Public Prosecutor dated and numbered 2005/750 (draft), 2006/32 (principle), 2006/31 (decision), 2006.

Yentürk, Nurhan: "Askeri ve İç Güvenlik Harcamaları İzleme Klavuzu 2009-2010-2011 (Military and Domestic Security Spending Tracking Guide)," Istanbul Bilgi University NGO Research Unit, NGO Study Guides, Budget Tracking Series, no:4, 2009. <stk.bilgi.edu.tr/stkButce.asp> (accessed 15 June 2009).

Zeyrek, Deniz: "The Military To Take Action, If Necessary," *Radikal*, 26 October 2005.

.....: "Here's the Ergenekon Plot of the Turkish Armed Forces," *Taraf*, 12 June 2009

.....: "Do you Have Lots of Time," *Radikal*, 8 April 2008.

....: "We Have No Comments on Balbay's Explosive Statements," *Yeni Şafak*, 23 October 2003.

.....:"New soldiers as members in the Board of Education and Discipline," *Yeni Asya*, 2 September 2007

.....: "NSC Announcement on the Secret Provisions," *Radikal*, 8 September 2003.

LAWS

Military Law, dated 21 June 1917 and numbered 1111; *Official Gazette*, no.631-635, 12-17 July 1927.

Village Law, dated 18 March 1924 and numbered 442; *Official Gazette*, no.68, 7 april 1924.

Provincial Administration Law, dated 10 June 1949 and numbered 5442; *Official Gazette*, no.7236, 18 June 1949.

Turkish Armed Forces Internal Service Law, dated 4 January 1961 and numbered 211; *Official Gazette*, no.10703, 10 January 1961.

Constitution of the Republic of Turkey, dated 9 July 1961 and numbered 926; *Official Gazette*, 20 July 1961.

Turkish Armed Forces Personnel Law, dated 27 July 1967 and numbered 926; *Official Gazette*, no.12670, 10 August 1967.

Law on Role and Authority of the Chief of Staff, dated 31 July 1970 and numbered 1324; *Official Gazette*, no.13572, 7 August 1970.

Law on Role and Authority of the Ministry of Defense, dated 31 July 1970 and numbered 1325; *Official Gazette*, no.13572, 7 August 1970.

Law on Constitution and Role of Supreme Military Council, dated 17 July 1972 and numbered 1612; *Official Gazette*, no.14258, 26 July 1972.

Law on Establishment of State Supervisory Board, dated 1 April 1981 and numbered 2443; *Official Gazette*, no.17299, 3 April 1981.

Constitution of the Republic of Turkey, dated 7 November 1982 and numbered 2709; *Official Gazette*, no.17863, 9 November 1982.

Law on the Establishment, Duties, and Jurisdiction of the Gendarmerie, dated 10 March 1983 and numbered 2803; *Official Gazette*, no.17985, 12 March 1983.

State of Emergency Law, dated 25 October 1983 and numbered 2935; *Official Gazette*, no.18204, 27 October 983.

Law on State Intelligence Services and Organization of the National Intelligence Services, dated 1 November 1983 and numbered 2937; *Official Gazette*, no.18120, 3 November 1983.

Martial Law and State of War Law, dated 4 November 1983 and numbered 2941; *Official Gazette*, no.18125, 8 November 1983.

Law on National Security Council and Secretariat General of the NSC, dated 9 November 1983 and numbered 2945; *Official Gazette*, no.18218, 11 November 1983.

Law on Constitution of Ministries and Principles of Authority, dated 27 September 1984 and numbered 3046; *Official Gazette*, no.18540, 9 October 1984.

Law on Structure of the Office of the Prime Minister, dated 10 October 1984 and numbered 3056; *Official Gazette*, no. 18550, 19 October 1984.

Law on Role and Authority of Ministry of Interior, dated 14 February 1985 and numbered 3152; *Official Gazette*, no. 18675, 23 February 1985.

Attachment of Two Articles to Village Law Article 74, dated 6 March 1985 and numbered 3175, *Official Gazette*, no. 18715, 4 April 1985.

Military Academies Law, dated 24 May 1989 and numbered 3563; *Official Gazette,* no. 20181, 31 May 1989.

Military Colleges Law, dated 11 May 2000 and numbered 4566; *Official Gazette,* no. 24052, 17 May 2000.

Law on Amending Some Articles of the Constitution of the Republic of Turkey, dated 3 October 2001 and numbered 4709; *Official Gazette,* no. 24556, 17 October 2001.

Law on Amending Various Laws, dated 30 July 2003 and numbered 4963; *Official Gazette,* no. 25192, 7 August 2003.

Law on Amending the Law on the Passing with Changes of the Decree on the Organization of the Prime Ministry, dated 24 May 2006 and numbered 5508; *Official Gazette,* no. 26183, 30 May 2006.

Law on Amending Constitution and Jurisdiction of Military Courts, dated 29 June 2006 and numbered 5673; *Official Gazette,* no. 26219, 5 July 2006.

Law on Amending Village Law and Some other Laws, dated 27 May 2007 and numbered 5673; *Official Gazette,* no. 26450, 2 June 2007.

Law on Changing Law on Role and Authority of the Police, dated 2 June 2007 and numbered 5681; *Official Gazette,* no. 26552, 14 June 2007.

Law on Amending Military Academies Law, dated 11 June 2008 and numbered 5771; *Official Gazette,* no. 26916, 24 June 2008.

Law on Changing Various Laws in line with Core Penal Codes and Other Legislative Changes, dated 23 January 2008 and numbered 5728; *Official Gazette,* no. 26781, 8 February 2008.

REGULATIONS

Regulation on Teaching National Security Courses, *Official Gazette,* no. 16888, 2 February 1980.

Regulation on the Performance of the Duties, the Utilization of Authority, and the Management of Relationships between the Gendarmerie and the Police when Policing and Maintaining Law and Order in Cities, Towns and Districts; *Official Gazette,* no. 10855, 15 July 1961.

Regulation on Internal Services of Turkish Armed Forces, *Official Gazette,* no. 10899-10900-10901, 6-7-8 September 1961.

Regulation on Office of the Prime Minister Crisis Management Center, *Official Gazette,* no. 22871, 9 January 1997.

Regulation on Village Guards, *Official Gazette,* no. 24096, 1 July 2000.

Regulation on Military Colleges, *Official Gazette,* no. 24536, 27 September 2001.

Regulation on Changing the Regulation on Military Colleges, *Official Gazette,* no. 26053, 18 January 2006.

Regulation on Changing National Education Supreme Council, *Official Gazette,* no.26248, 3 August 2006.

Regulation on Changing Regulation on Role and Authority of Gendarmerie Organization, *Official Gazette,* no. 27185, 30 April 2009.

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