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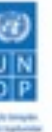
Parliamentary Oversight Mechanisms Technical Education Program

Module 2: Parliamentary Oversight of Internal Security Forces in the Grand National Assembly of Turkey

Problems and Policy Recommendations

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Özge Genç





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General Framework



1. The meaning of security policy
2. The role of state bodies in determining security policy
3. The role of parliaments in security policy and the difficulties encountered
4. Actors related to Internal Security in the GNAT
5. The role and effectiveness of parliaments in security policy
6. Key actors in overcoming difficulties in the parliament
 - a. Administrative Organization of the Grand National Assembly of Turkey
 - b. Legislative Experts
 - c. Advisors of the deputies
 - d. Non-Governmental Organizations



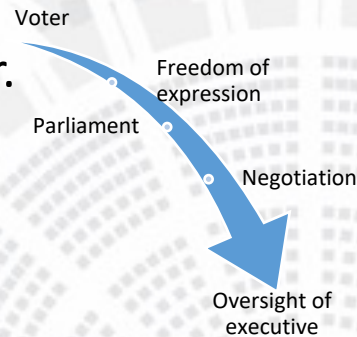


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Voter-Parliament-Government- Oversight Cycle



- ❖ Freedom of expression in democracies allows voters to express their views to their representatives.
- ❖ It is the duty of elected representatives to open these views for discussion in the public sphere.
- ❖ The activities of Administrative bodies, including internal security organizations, are also discussed in this context.
- ❖ Thus, the parliament and deputies become an intermediary that ensures control over the authorities exercising public power.





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State and Security



- ❖ ***Security is not an end in itself:*** it is important because it ensures the well-being and happiness of people.
- ❖ **Engaging in activities that will eliminate welfare and happiness** while trying to ensure security is incompatible with the nature of the concept of security.
- ❖ National security, which is based on the protection of the state, must also **put the individual and society at the forefront** in this context.
- ❖ As states direct security agencies that have a monopoly on the use of force to protect citizens, they may threaten the security they are trying to provide **by obtaining excessive power.**
- ❖ ***SOLUTION: It is the checks and balances mechanisms that will prevent the state organs from obtaining excessive power.***





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Security

Executive ve Parliament



- **Establishing a security policy** is the natural duty of the executive because of its capacity to access the necessary information and take action quickly.
- The parliament is not an appropriate institution for the determination and execution of security policies, since it does **not have expert knowledge on this subject and its processes take time**.
- Parliament is empowered with the task of **monitoring and supervising the executive** on security issues.
- There are **four main reasons** why parliament oversees security policy:





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The role of parliament in security policy



Democratic cornerstone that prevents autocratic government

No taxation without representation

Determining the standards of the security issue

Acting as a bridge between the executive and the people





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DIFFICULTIES



Law of confidentiality

Prevent transparency

Inability to be informed

Insufficient capacity

Requires information from outside

Expertise of MPs

Limited term of office

Exclusion from foreign relations

Fied is for executive

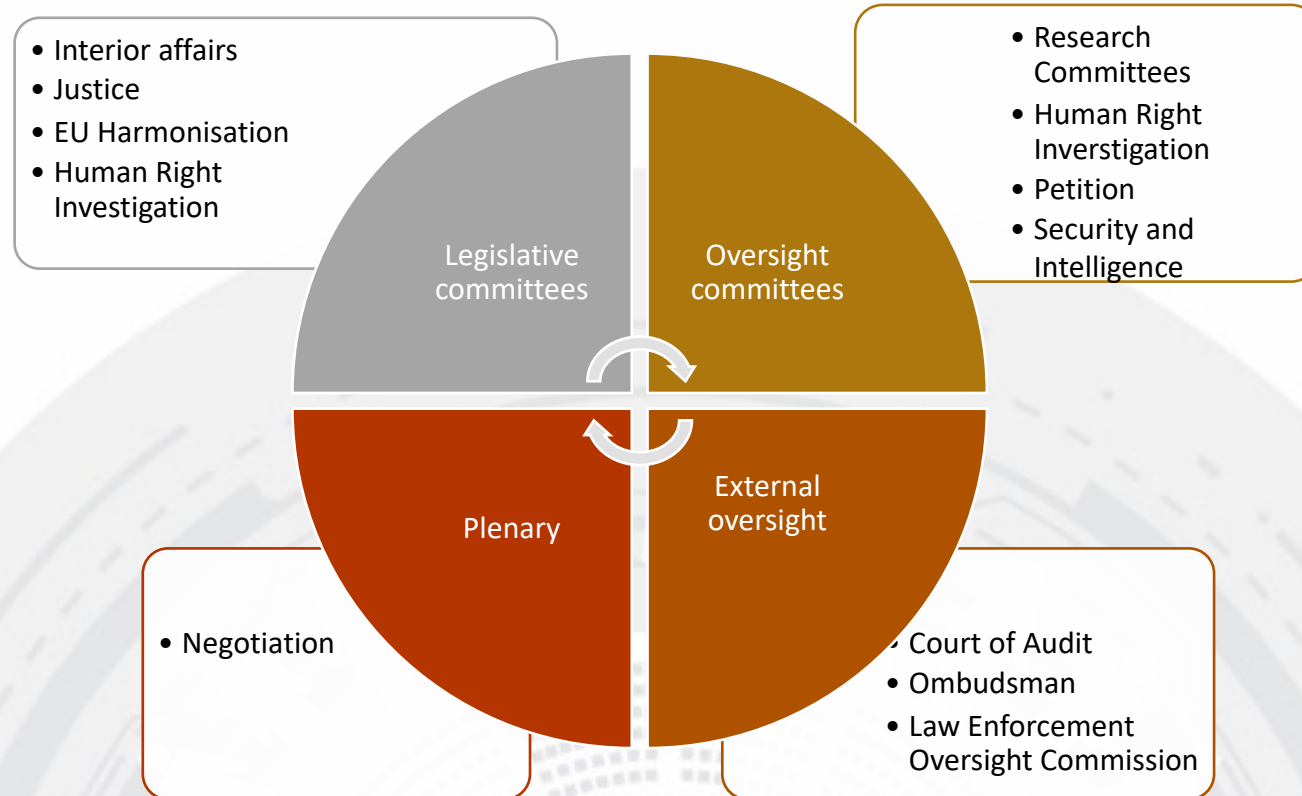
Parliament is under the influence of the executive





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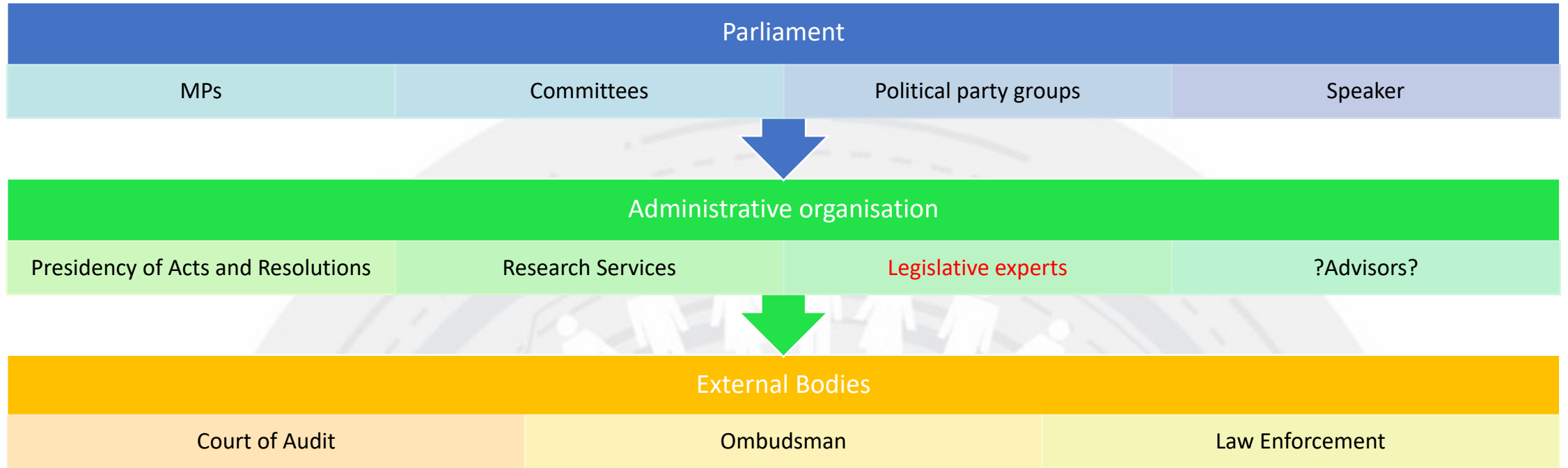
GNAT and Internal Security





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Actors (Parliament)





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Effectiveness



- The parliament's effectiveness on ISFs is closely related to its pluralistic functioning.
- Oversight is always about the actions of **others**; self-control is lack of control.
- A definite oversight only occurs when forces **are opposed to each other**.
- It is possible for the legislature to oversee ISFs that are parts of the executive by **including the opposition in the process**.
- When such a pluralistic structure does not exist, it is necessary to talk about **overseeing one's own action**, which is not essentially oversight.





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Overcoming parliamentary difficulties



- Although parliament lags behind the executive in determining and implementing security policy, it has the tools to reduce these shortcomings:



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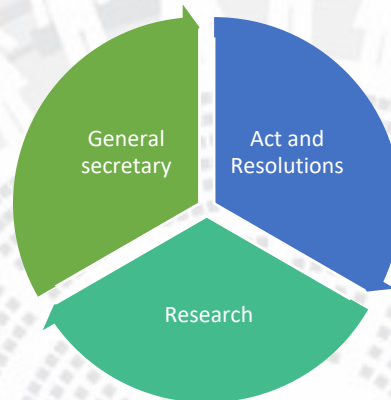


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Administrative Organization of the GNAT



- The administrative organization of the GNAT is **of vital importance** in ensuring that the Parliament acts with a pluralistic approach.
- Interpreting the Constitution and RoP with a democratic and pluralistic approach and guiding the actors in the parliament in this regard is the assurance of effective oversight and ISF oversight.
- In this context, three important actors should be mentioned:



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Impartial Administrative Organization



- The **impartiality** of the administrative organization of the GNAT is more important than the impartiality of other public officials.
- Impartiality is of great importance in **embodying the separation of powers** guaranteed in the Constitution.
- Impartiality requires that the rules **not be interpreted in the interests of any party**, including the majority party.
- In this way, the actors get the chance to **fully exercise the rights granted to them by the legislation**.
- Impartiality is also a guarantee of **transparency** in parliaments..





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Laws and Research Departments



- Laws and Research Departments are important administrative units that **directly support** legislative and oversight activities.
- Legislative experts, who fulfill the basic functions of the units, are involved in **legislative and oversight activities in different ways**.
- It should be the aim of the presidencies **to cooperate with each other** for training all the legislative experts as experts in the law making process and technique, as well as to train them as **field experts** like ISF expertise.
- Such a restructuring would allow the administrative organization **to be decisive in areas such as security policy**.





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The Role of Legislative Experts



- ❖ Legislative experts are **impartial public officials** who are not affiliated with any political party.
- ❖ Legislative experts are a **career group** that specializes in different fields, especially in law making technique.
- ❖ The advantage of being a career professional group is the opportunity to fulfill their duties **in line with legislative science** without being influenced by any political party.
- ❖ 1. They can make up for the lack of knowledge and experience of the members of the legislature on ISFs and the **lack of capacity** of the parliament on this issue.
- ❖ 2. Since they continue their duties after the elections, they can partially compensate for the **disadvantage caused by the constant change** of parliamentary members.
- ❖ 3. Since they are far from political engagements, they can ensure transparency and **integrity of the ISF policy** by cooperating in the determination of the internal ISF policy.





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Advisors of MPs



The advisors have a political mission

- ❖ Advisors, as a rule, are officials who **assist** MPs in the **legislative affairs**.
- ❖ MPs can employ advisers for a **variety of different purposes**.
- ❖ The new system introduced with the 2017 Constitutional amendment **banned the draft laws** submitted by the government and left the parliamentary proposals as the sole source of laws.
- ❖ In this case, **preparing a proposal** has become a **much more important task** for the deputies compared to the old system.
- ❖ Parliamentarian advisors are the **foremost persons who have the potential to assist** MPs in this regard.
- ❖ Since this period **is a transitional period**, aside from the preparation of the proposals by the executive, a great burden awaits the deputies in the following periods.
- ❖ In order to overcome this burden, it can be expected that MPs will prefer advisors who have experience in legislative affairs and oversight function.
- ❖ Such a situation may result in the advisors becoming an institution that makes up for the shortcomings of the parliament.





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Thanks!



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