

# EDITOR'S NOTE

**Volkan Aytar**

*TESEV Democratization Program*

This book is the first in a "Series in Security Sector Studies" initiated by DCAF (Geneva Centre for the *Democratic Control of Armed Forces*) and TESEV (*Turkish Economic and Social Studies Foundation*), and represents a humble effort towards building up the Turkish contribution to the international literature on the field. This Turkish and English language book is made up of Ümit Cizre's preface contextualizing our work, DCAF Deputy Director Dr. Phillip Fluri's paper providing a theoretical and practical framework, followed by the speeches made during the book-launching event for the Turkish translation of DCAF-IPU's (*Interparliamentary Union*) *Handbook for Parliamentarians: Parliamentary Oversight of the Security Sector*<sup>1</sup> (which took place on May 21st, 2004). In addition to the speeches by Dr. Can Paker, Mehmet Dülger, Willem F. van Eekelen, Ümit Cizre, Şerif Sayın, Alain Faupin and Pál Dunay, we decided to include the Question and Answer sessions as well (by remaining as close as possible to the comments in their original forms). As this issue was brought to the table for discussion and debate by DCAF, IPU, and TESEV for the first time ever in Turkey, in order to comprehend and contextualize the positive and negative reactions and particular sensitivities displayed, we considered the inclusion of the Q & A sessions imperative. The "*DCAF and TESEV Series in Security Sector Studies*" will introduce international and comparative studies to Turkey, as well as, present for debate emergent research arising in Turkey. TESEV and DCAF aim to make significant contributions in the upcoming decades, by facilitating the steps that must be taken by members of legislation and society, and by helping "normalize" the debates on the issue of democratic oversight of the security sector, in a calm, objective and scientific environment.

<sup>1</sup> Full text at URL: [http://www.tesev.org.tr/projeler/guvenlik\\_Sektoru\\_metin.pdf](http://www.tesev.org.tr/projeler/guvenlik_Sektoru_metin.pdf).

# PREFACE

Ümit Cizre

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Since the Cold War, the concepts of, and implementations in "Security Sector" or "Security Bureaucracy" have significantly changed all around the world. The most important development concerning Turkey is that defense, security, strategy, internal and external threats, and related policies are being socialized and 'civilianized' rather than remaining exclusively military questions. That is, not only the statespeople, but also the 'simple man,' and their representatives get interested in, and informed on these questions, and as more participate, these issues increasingly come under their control. While there have been great changes in the concepts of security, democracy, stability and peace; the security bureaucracy is becoming open to the control and participation of civilians in terms of 'transparency' 'accountability' and 'superiority of civilian constitutional system' that are the key words of the new democratic understanding. However, in order make this tendency a reality, we need more institutions and activities encouraging "confident, well informed civilians with capacity" to come forth.

The joint TESEV-DCAF-IPU book launching event for the "*Parliamentary Oversight of the Security Sector*" (which took place on May 21st, 2004) aimed to serve to provide a new relationship, control and oversight environment among the civilian and the military units of security bureaucracy and representatives of public, media and independent strategy or civil society organizations. The objective of prioritizing democratic civilian principles over the security bureaucracy does not simply mean an abstract target of democratization or a mechanical fulfillment of the requirements of the European Union. We need to solve problems such as the lack of cooperation, or the existence of destructive competition between the units of the security sector/bureaucracy, their lack of productivity and their isolation from the public. Concurrently we could hope to establish a model whereby there would be cooperation, dialogue and negotiation between civilian politicians and security bureaucracy, and that this relation will be based on sharing equal information. We are in a transition period into a system and practice giving priority to the principle of parliamentary political system, without ignoring the importance of military perspectives in formulating defense and security policies and evaluating new threats. This book and this meeting shall be considered as constituting a seemingly small, but substantively giant step towards this objective.

# OVERSIGHT AND GUIDANCE: THE RELEVANCE OF PARLIAMENTARY OVERSIGHT FOR THE SECURITY SECTOR AND ITS REFORM

**Philipp Fluri<sup>1</sup>**

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## Myths

There is a widespread belief that security policy is a 'natural' task for the executive as they have the requisite knowledge and ability to act quickly. The decision to go to war, to contribute troops to multinational peace support operations, to conclude international treaties or to raise defence spending, to mention just some of the most important governmental security responsibilities, are regarded to be executive decisions. The stubborn perception exists that parliaments should be kept out of these decisions. Parliament tends to be regarded as a less suitable institution for dealing with security issues, especially given its often time-consuming procedures and lack of full access to the necessary expertise and information. Additionally, parliaments are regarded as ill-suited institutions for keeping classified information secret. However, this is a misperception. The past teaches us that parliaments do play a major role in matters of security in democratic states, both in times of war and peace. In the times of the Roman Republic, the Dutch Republic in the sixteenth century, Great Britain in the Second World War, or, more recently at the outbreak of the Second Gulf War, parliaments across the globe have debated, influenced and exercised oversight over security policy and security sector reform, even in the middle of war.

In this short essay, we put forward the main arguments for (a) why parliamentarians should put security sector reform and policy high on their political and legislative agenda and (b) why parliamentarians ought to insist on exercising oversight of the security sector and its reform. First we turn to the novel concept of security sector reform.

## What is Security Sector Reform?

'Security sector reform' is a relatively new but ill-defined concept. By replacing 'defence reform' as a staple phrase in security studies, it seems to be a more adequate policy concept with which to address the problems of the new security environment. Security threats today not only include military threats, which require defence responses, but also non-military threats such as terrorism, civil wars, organised crime, illegal trafficking or proliferation of or small arms or even weapons of mass-destruction. These new threats require that all state security services operate in a concerted manner.

The security sector includes all 'state institutions and agencies that have the legitimate authority to use force, to order force or to threaten the use of force'.<sup>2</sup> Normally these institutions are the Military (Army, Navy, Air Force), Intelligence, Border Guard and Paramilitary organisations. The reform of the security sector takes place 'in order to create systematic accountability and transparency on the premise of increased,

<sup>1</sup> The author would like to thank Marlene Urscheler and Eden Cole for their invaluable research and suggestions. Published previously as 'Oversight and Guidance: The Relevance of Parliamentary Oversight for the Security Sector and its Reform' DCAF Working Paper 114.

<sup>2</sup> Hans Born, Philipp Fluri, Anders Johnsson (eds.), *Handbook for Parliamentarians N°5, Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices*, IPU/DCAF, (Geneva: Belgrade, 2003) p. 16.

substantive and systematic democratic control'.<sup>3</sup> The accent on accountability and transparency places security sector reform within the context of the good governance agenda, characterised by a substantive concern for human rights, democracy and the rule of law.

On the other hand, a non-reformed security sector is often characterised by:

- Lack of transparency and flourishing corruption, especially in the arms procurement and trade sector;
- Too large an organisation and budget, both of which overburden and endanger the national economy;
- Lack of the rule of law due to a non-existing or weak legal footing;
- Lack of professionalism: poorly trained units, amateurism, selection and promotion of servicemen on the basis of nepotism instead of merit;
- An inward looking bureaucracy, risk-avoiding, resistance to change, and organisational structures that are ill-suited to new security threats;
- The political abuse of security services by using intelligence services for domestic spying purposes such as manipulating political enemies, as well as the use of paramilitary units to intimidate or neutralise political enemies;
- A de-motivated and frustrated officer-corps due to a lack of professionalism, career opportunities, low salaries, or their low esteem in society;
- Conscripts perceiving service as a waste of time, the misuse of conscripts for personal gain, and the 'hazing' of conscripts in the barracks.

A non-reformed security sector coincides with the concept of 'poor governance' (as opposed to good governance) which refers to 'arbitrary policy-making, unaccountable bureaucracies, un-enforced or unjust legal systems, the abuse of executive power, a civil society unengaged in public life and widespread corruption'<sup>4</sup>.

	<b>Reformed Security Sector (good governance)</b>	<b>Non-Reformed Security Sector (poor governance)</b>
Accountability	Accountable to democratically elected leaders	Unaccountable bureaucracies, arbitrary policy making due in-transparency, political misuse
Work ethos	Professionalism, adapting to the demands of the new security environment, predictable execution of tasks	Amateurism, hazing of conscripts, political leaders cannot trust on loyal execution of orders
Norms	Transparency, dedication	Nepotism, corruption, risk-avoiding

**Table 1:** Reformed as Opposed to Non-Reformed Security Sector

### **The Necessity of Security Sector Reform**

Regarding the nature and scope of security sector reform (and its opposite, the non-reformed security sector), the reforms are necessary for at least four reasons.

<sup>3</sup> See definition of 'security sector reform' in the Glossary of this handbook p. 244.

<sup>4</sup> See: The World Bank, *Governance: The World Bank's Experience*, (Washington, DC: World Bank 1994).

### *Progression towards Conflict Prevention and Stability*

An unreformed security sector often fails to prevent and sometimes causes violent conflicts which leads to increased suffering and poverty.<sup>5</sup> NGOs working in conflict zones report that an ill-functioning security sector is a key-impediment to peace-building and stability:

Agents of security that do not play a legitimate and democratically accountable role in providing security for citizens not only are unable to prevent conflicts occurring but can also be a source of violence.<sup>6</sup>

Effective security sector reform, on the other hand, in the sense of the provision of security in an effective and efficient manner under democratic control, can add to stability both internally and externally.<sup>7</sup> Internally, security sector reform can take away causes which lead to instability in, for example, civil-military relations. Externally, a transparent and democratically controlled security sector can be regarded as a regional confidence building measure.<sup>8</sup> Therefore, security sector reform can promote stability which is a basic condition for democratisation and economic development.

### *Contributing to Sustainable Economic Development*

A non-reformed security sector, leading to instability and insecurity, does not create a favourable investment climate. Foreign and domestic investors are very reluctant to commit themselves to financial investments if the country is in an unstable and insecure situation. Otherwise, a security sector that is plagued by corruption and that constitutes a burden to the national economy does not contribute to sustainable economic development either. One should keep in mind that security sector reform does not come cheaply, due to, among other factors, investment in new equipment, training and offering service personnel salaries competitive in the national labour market. In the long run, however, security sector pays off as it contributes to sustainable economic development.

### *Professionalising: Creating a Reliable and Dedicated Corps of Servicemen*

As the security sector services are managing, on behalf of the democratically elected political leaders, the state's monopoly of violence, it is important that the monopoly is carried out by a professional work force. Dealing with violence professionally is what distinguishes the security services from other governmental organisations. It is 'more than just another job'. Professionalism entails dedication, the ability to carry out the tasks and orders of their superiors and to provide security within the context of the dynamic and rapidly changing 'new security environment'. Professionalism also means that the officers corps operates in a predictable and disciplined manner. Without professionalism, democratic control would not make any sense as the military's political superiors would never be assured whether their orders will be implemented due to a lack of discipline and quality. Professionalism implies that the political leaders trust that the servicemen are up to their job.

5 Department for International Development, *Understanding and Supporting Security Sector Reform*, (London: Stairway Communications DFID, 2002) [http://www.dfid.gov.uk/Pubs/files/supporting\\_security.pdf](http://www.dfid.gov.uk/Pubs/files/supporting_security.pdf) p.2.

6 See Damian Lilly, Robin Luckham, Michael Von Tangen Page, *A Goal Oriented Approach to Governance and Security Sector Reform*, (International Alert: London, September 2002) available at <http://www.international-alert.org/pdf/pubsec/Goa.pdf>

7 Timothy Edmunds, 'Defining Security Sector Reform', in *Proceedings of the 2001 DCAF/IISS Conference*, Geneva, 23-25 April, 2001, (Oxford: OUP for IISS) pp. 3-6.

8 See Heiner Hänggi, 'Good Governance of the Security Sector: its Relevance for Confidence Building', paper presented at the conference on "Practical Confidence-Building Measures: Does Good Governance of the Security Sector Matter?", New York, October 16, 2002. [http://www.dcaf.ch/news/NewYork\\_161002/Hänggi.pdf](http://www.dcaf.ch/news/NewYork_161002/Hänggi.pdf)

## *Democratising Security*

Last but not least, security sector reform enhances democratisation by the creation of a legal framework which subordinates the security services to the legitimate political authority as well as defining and limiting its purview. Installing a legal framework which affirms civilian supremacy may be regarded as the bottom-line and point of departure for successful democratisation efforts in countries in transition. In principle, the legal framework rests on two core values, which are accountability and transparency. The relations between the political leadership and the security services should be governed by these two important twin concepts of democratising security.

### **Making Oversight Democratic: the Necessity of Parliamentary Involvement**

The security sector services can be characterised as a Janus-faced organisation. On the one hand, the security services have to meet their functional demands, that is to maintain law and order, protect the national interest and civil rights. The security services, be it the military, intelligence services or border guards, all have to be prepared and show readiness to fulfil their duties. On the other hand, the security services have to comply to normative societal, democratic and legal standards. All security services have to operate within the law and are accountable to the democratically legitimate political leaders. In other words, democratic governance applies to security services as well.

When it comes to civilian supremacy and democratic governance, parliaments fulfil a crucial role. Due to parliamentary involvement and debates, civilian oversight becomes democratic oversight. It is a way to give voice to the people's needs and concerns in the debates about security. In fact, parliamentary involvement makes the difference between civilian oversight and democratic oversight, or, between good governance and democratic governance. It is important to make this distinction. Civilian oversight is a pre-requisite, but insufficient condition for democratic oversight. This is what the authoritarian regimes of 20th century teach us. For example, Hitler and Stalin had perfect civilian control over their military, but their type of oversight is not really desirable in a democratic society. In this respect, parliament plays an important role in safeguarding the democratic element of overseeing the security sector.

**There are at least five reasons why parliamentary involvement in security policy and security sector reform is essential.<sup>9</sup>**

#### *A Cornerstone of Democracy to Prevent Autocratic Rule*

Former French Prime Minister Georges Clémenceau once stated that 'War is a much too serious matter to be entrusted to the military'. Beyond its humorous side, this statement recalls that in a democracy, the representatives of the people hold the supreme power and no sector of the state should be excluded from their control. A state without parliamentary control of its security sector, especially the military, should, at best, be deemed an unfinished democracy or a democracy in the making.

According to the eminent American scholar Robert A Dahl, 'the most fundamental and persistent problem in politics is to avoid autocratic rule'. As the security sector deals with one of the state's core tasks, a system of checks and balances is needed to counterbalance the executive's power. Parliamentary oversight of the

<sup>9</sup> Born, Fluri, Johnsson, *Handbook*, pp. 18-19; see also Hans Born, 'Between Efficiency and Legitimacy: Democratic Accountability of the Military in the US, France, Sweden and Switzerland', Geneva Centre for the Democratic Control of Armed Forces (DCAF), *Working Papers*, No. 102 pp. 2-3 available at [http://www.dcaf.ch/publications/Working\\_Papers/102.pdf](http://www.dcaf.ch/publications/Working_Papers/102.pdf) ; and Hans Born, 'Democratic Oversight of the Security Sector: What Does it Mean?', Geneva Centre for the Democratic Control of Armed Forces (DCAF), *Working Papers*, No. 9 pp. 2-3 available at [http://www.dcaf.ch/publications/Working\\_Papers/09\(E\).pdf](http://www.dcaf.ch/publications/Working_Papers/09(E).pdf)

security sector is thus an essential element of power-sharing at state level and, if effective, sets limits on the power of the executive or president.

### *No Taxation without Representation*

To this day, one of parliament's most important mechanisms for controlling the executive is the budget. From the early days of the first assemblies in Western Europe, parliaments demanded a say in policy matters, their claim being: 'No taxation without representation'. As security sector organisations use a substantial share of the state's budget it remains essential that parliament monitor the use of the state's scarce resources both effectively and efficiently.

### **Creating Legal Parameters for Security Issues**

In practice, it is the executive that drafts laws on security issues. Nevertheless, members of parliament play an important role in reviewing these drafts. They can, if need be, suggest amendments so as to ensure that the proposed legal provisions adequately reflect the new thinking about security. Moreover, it falls to parliament to see to it that the laws do not remain a dead letter, but are fully implemented.

### *A Bridge to the Public*

The executive may not necessarily be fully aware of the security issues which are priorities for citizens. Parliamentarians are in regular contact with the population and are well-placed to ascertain their views. They can subsequently raise citizens' concerns in parliament and see to it that they are reflected in security laws and policies. Due to their representational function, parliamentarians have the unique possibility to give or to withhold democratic legitimacy to government's decision about security policy and security reform. Parliamentary debates may fulfil a catalytic role in creating or diminishing public support for, among other decisions, the government's decision to contribute troops to multinational peace support operations.

### *Balancing Security and Liberty*

In the post-Cold War era, the security services are confronted with a new security environment. Among others, security threats today include failed states, terrorism, uncontrolled proliferation of weapons of mass-destruction, political threats and organised crime. Particularly after 9/11, a whole series of new-anti terrorism legislation and measures are put into place. It is important the security services make the right choices under democratic guidance. That is, firstly, that the 'generals are not preparing for the previous war'. Parliaments have to ensure that the security services are up to the demands of the new security environment. Secondly, parliaments have to oversee that the new directions and actions of the security services are at all times consistent with the constitution, international humanitarian and human rights law.

### **Challenges for Parliamentary Oversight of the Security Sector**

In sharp contrast between the desirability of parliamentary oversight of the security sector, as described above, is the actual state of affairs of parliamentary oversight in many countries. In many countries, both in consolidating and consolidated democracies, parliaments are confronted with serious challenges:

- Secrecy laws may hinder efforts to enhance transparency in the security sector. Especially in emerging democracies or conflict-torn countries, laws on secrecy may limit or jeopardise parliamentary oversight of the security sector; this is also due to the absence of legislation on freedom of information.
- The security sector is a highly complex field, in which parliaments have to oversee issues such as weapons procurement, arms control and the readiness/preparedness of military units. Not all parliamentarians have sufficient knowledge and expertise to deal with these issues in an effective manner. Nor may they have the time and opportunity to develop them, since their terms as parliamentarians are time-bound and access to expert resources within the country and abroad may be lacking;
- The emphasis on international security cooperation may affect the transparency and democratic legitimacy of a country's security policy if it leads to parliament being left out of the process. It is therefore crucial that parliament be able to provide input to, participate in and follow up on debates and decisions in the international arena.

Perhaps the most serious challenge is to convince all the concerned actors throughout the military, civil society, the executive and democratic institutions that parliamentary oversight is in the interest of both democracy and security.



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## Opening Speech

# WHY IS TESEV INVOLVED?

**Dr. Can Paker**

*Chairman of the Board, TESEV*

*The Turkish Economic and Social Studies Foundation* is proud to present the book "Parliamentary Oversight of the Security Sector" in Turkish. Two highly prestigious organizations, Geneva Centre for the *Democratic Control of Armed Forces* and the *Inter Parliamentary Union*, which Turkey is a member as well, jointly prepared this book. We would like to explain briefly our aim why we took the initiative to get this book being published in Turkish that has already been translated into more than twenty different languages.

As the experts who take part in launching events of this book mention, international relations took a new direction after the Cold War. Simultaneously, internal transformation of the societies strengthened the demand towards democratization. In this new environment the debates over security have gained a new dimension both on internal and external planes.

Globally, we started witnessing more people pronouncing the need to conduct open social discussions in the course of deciding on national security issues. As a result, a consensus was reached on the necessity of taking *both* democratic *and* correct decisions while balancing the views of experts from the armed forces with the views of the society. Thus, while we witness this consensus to grow in the international arena, the internal social dynamics towards democratization contributed this consensus to spread globally.

TESEV, who is determined to support efforts towards deepening and widening Turkey's democratization, and its European Union membership bid, decided to shoulder the task of bringing those new discussion on security sector into the country's agenda. One additional reason for our foundation's determination in this regard has to do with our general aim to make sure that all public institutions follow principles and practices such as good governance, transparency, and accountability towards the Parliament in particular and society in general. As we know, the security sector reform, oversight and control not only became admission criteria into the international and transnational institutions and unions, but also became organic parts of democratization efforts within various societies.

While preparing this book, IPU and DCAF neither took a single country or policy as the only basis for analysis, nor did it present those as written-into-stone types of models to be closely followed by every country. Instead, they tried to present to parliamentarians and societies, general and useful information on these very crucial matters. While discussing security sector reform, oversight and control in Turkey, if one seeks to create a participatory, democratic and healthy environment of exchange bringing together multiple stakeholders, it is very crucial to be informed of the best experiences at the international arena, to get familiarized with global trends and compromises on the matter. Striving to contribute to the creation of such an environment, TESEV hopes to open Turkey's path towards balancing democratic participation with expert opinions.

After the launching of the book, *Parliamentary Oversight of the Security Sector*, TESEV will bring together international and national experts and scholars in a series of workshops delving more deeply into Turkey-specific areas and problems. TESEV and its board of advisors currently work on planning this series of workshops. Among those topics to be covered are, comparisons with the experiences of other countries, and analysis of the structure of the civilian-armed forces relations in Turkey.

# THE POLITICS OF THE OVERSIGHT OF THE SECURITY SECTOR IN TURKEY: THE PARLIAMENTARY DIMENSION



**Mehmet Dülger**

*Member of Parliament*

*Chair, Turkish Grand National Assembly's Foreign Affairs Committee*

I would like to thank TESEV for displaying the talent and courage to take up such an important issue for Turkey, and open up a platform for discussion. Truly, the issue of parliamentary oversight, control and even renewal of the security sector is one of the most important steps towards Turkish democratization. There is a lot to be said. As I said to Can Paker during our conversation before the meeting, I encountered some problems preparing this speech. I had to narrow down and subdue what I had to say, make it understandable and, on some points, be careful of the tone in which I say them.

I would like to divide my speech into three sections. In the first section, I will express a few evaluations of mine that I consider very important. In the second section, I will look at relations between the security sector and politics. In the third section, I will talk about the issues of budget. Furthermore, I will try to depict the present situation in Turkey. How successfully that can be done is another matter. Nonetheless, bold steps need to be taken.

## **Security and defense: A clarification effort**

First of all, an evaluation of mine, which I am pleased to express and would very much like to have discussed, is as follows: In Turkey security is mostly confused with defense. In fact, there are state forces responsible for security and there is the state sector responsible for defense. Defense is normally a matter of an external threat; it is limited in space and even time. What is at stake is to eliminate the threat. Since it can be at any moment, you need to be ready at all times. The issue of security is a concept that surrounds you like the air you breath. It is in everything. If you are sitting here comfortably, it is because you are confident that your house will not be looted and your money in the bank is secure. This is security. The state ensures this security. Here the forces are distinct. The military would provide defense, and civilian forces would deal with security. There has been a great confusion in Turkey on this matter, and this still goes on. On the matters of who is responsible for defense, which department is responsible for security and how will it be done, confusion remains. Clear separation is necessary.

## **Threat perception and assessment**

My second evaluation concerns the matter of threat assessment, which is the most important aspect of the security and defense issue. The assessment of threat, which can be distinguished between internal and external threat, is a political duty. But it is a duty that has been long delegated to the military in Turkey. Within the democratic mechanism, the political branch would assess the threat, and the security and defense forces would act in accordance with that threat assessment. This point is very much in dispute in Turkey. Threat assessment is in effect given up almost entirely to the Chief of Staff. They are continuing in that manner. At the moment, the political branch is not in the position to say that threat assessment is my business, to claim it for its own.

## **Civilian-military relations**

My third important evaluation concerns the relations between civilian politicians and military officials. Within these relations, I would like to mention two important points. Firstly, there is a communication problem. Secondly, there is a trust problem in these relations. These still continue. The National Security Council is an important tool in bringing together civilian and military officials. Yet, presently, at the Council, the President sits at the head of the table, on the one side our generals are lined up. On the other side, our politicians, who, in recent history, have taken quite a beating, sit.

Let me give the example of the American National Security Council. Around one table, the President, the Vice-President, the Secretary of State, the Secretary of Defense, the Joint Chief of Staff, the Security Advisor, representatives of the CIA and FBI sit together. This shows that the security of 240 million people is being discussed at around that table. I do not know how these matters are discussed here. We just see the image I described. We know that very important matters are being discussed there. But I believe this matter as well should be addressed. It has been good to have the National Security Council as a platform for dialogue, but to tell you the truth; I wonder whether or not equal partners exist there.

## **The Exercise of sovereignty and responsibility**

From here, we come to my last word. In Turkey political power and state power are distinct. Constitutionally, the exercise of sovereignty has been treated differently. While the 1924 constitution regards the parliament as the only branch to exercise sovereignty, in the 1961 and 1982 constitutions, whilst sovereignty is still claimed to belong to the people, the article goes on to note that branches specified in the constitution exercise sovereignty. I think that this constitutional article is not right from a democratic point of view. I would certainly abide by it, as it is a constitutional article. Deputies, who have been delegated the right to exercise sovereignty, are responsible to the people for their actions. This is my personal opinion and it would not commit my party.

Institutions, other than deputies and those undertaking the exercise of sovereignty do not have responsibility to the people. When this responsibility is not present, the matters undertaken through their influence have to be accounted for. The democratic system, as an open and accountable system, requires such a process. The issue of responsibility to the people is very important here. I would like to express a very important concept from the American Constitution; the American system, with its checks and balances, through controls on the one hand, and balances on the other, encompasses an important core. But this matter does not figure in our constitution in the same way as it does in the American one. It is left to the sagacity of leaders. Those with experience and wisdom and those who can predict, prescribe and analyze have all shown skill in terms of both control and establishing the balances. But, this is a matter left to leaders. It is not regarded as an institution. All the institutions have to abide by this. Sometimes, we are faced with situations, where these balances are not properly taken into account.

I have one other evaluation: I think Turkey has a problem which she has not been able to solve in the last two to three years and which I do not see her solve in the near future. That is the issue of the army's weapons acquisitions. Such issues as; from which source will we acquire weapons; and how to be independent as we do this, remain important matters ahead of us. The evaluations I have listed are all political ones, which concern our security and defense. Yet as of now, platforms do not yet exist in Turkey for such matters to be expressed and discussed publicly. Luckily, TESEV, as a civil society organization, has now initiated this to a certain degree; but this should definitely be carried over to politics and political platforms. The reasons for our inability in this are well known to all, but we have to overcome them. People who

have long thought on such matters, people who make the final decisions, responsible and accountable people should be discussing such matters; and this should not be a restricted domain worthy of just a few people.

### **The Security sector and the Parliament**

If we look at the relations between the security sector and parliament, parliamentary oversight of the security sector depends on the power and authority of the parliament vis-à-vis the government and security institutions. What I mean by power and authority is the capacity to influence between alternatives and behavior of government in the direction of the common will of the people, as reflected in the parliament. If such influence exists then the parliament can oversee the security sector and keep it under its control. As is it known, the security sector is comprised of units responsible for securing both internal and external security. These are the armed forces, police, gendarmerie, border and coast patrol units, the intelligence organization and lastly, the National Security Council as a platform of dialogue and discussion between the civilian and military officials.

The reform of the security sector not only requires the technical coordination of these units, but their reconstruction, from within a democratic consciousness and mentality, in accordance with new understandings. The oversight of the security sector aims to develop, and if absent, create from scratch, the practices and mechanisms that would ensure the accountability of threat perception and security to parliament and hence to society. We are now at the stage of creating. The oversight of the security sector means control over the security sector in the broadest sense, but in the narrow sense, it means the control of the armed forces by the executive. The European Union and NATO consider reform, oversight, and control of the sector as preconditions of accession and democratization.

### **Though issues ahead**

Distinguished guests, the Cyprus issue was a pretext. Education and broadcasting in Kurdish were also pretexts. These issues do not disturb us. We would solve these problems quite easily. But the matters of reform, oversight and control will emerge in the agenda soon. We will be asked to take serious measures that we will indeed have to take. I see it as my duty to remind us of this. Decisions on critical matters such as threat assessment; defense, strategy and security should be formed through knowledge sharing, negotiation, dialogue, cooperation and the sharing of responsibilities between military and civilian officials. Military needs must be coordinated with civilian priorities of democracy. The parliamentary mechanisms that can be implemented for the security sector are listed in this book, and should all be discussed in parliamentary sessions. There, we will have good intentions and exchange of ideas. Democracy requires the proper functioning of such processes.

### **Defense spending and the budget**

Let us now come to the issue of the budget. Parliament's raison d'etre lie in the budget. Whether revenues gathered from the people are used properly, whether there have been waste or losses, whether corruption exists are all issues to be discussed there. The parliament is the medium whereby the government gets approval for his budgetary policies and is given the means to realize this. The budget is a very important document from the perspective of securing transparency, accountability, inclusiveness and good governance. As all expenses are listed in detail, it prescribes transparency that allows parliament and all citizens to know where monies are being spent on. The budget requires the approval of the parliament before any spending is done or revenue is collected. Thus, it makes the ministers accountable to the parliament and

to parliamentary commissions. Transparency and accountability are requirements for democracy and must be explicitly stated as constitutional requirements in the process of budget preparation. Ensuring transparency in the defense budget process would allow parliamentarians to properly exercise their role of oversight.

Not having transparency in the defense budget process, and using budget means not often resorted to, are signs that the security goals are not clearly defined. It is necessary to identify broad questions such as the bureaucracy's systematic tendency to favor secrecy over accountability, the insufficiency or lack of constitutional articles concerning the public's right to information, etc. Security force expenditure on all areas such as personnel, operations and equipment should be openly stated in their budgets. In these budgets, the issue of how this expenditure is to be financed should also be clarified. Most of their budgets do not seem to meet these two criteria. Extra budgetary spending is a politically very sensitive issue. It requires fundamental and long lasting changes in civil-military relations.

### **Situation in Turkey**

Let us now look at Turkey. How do we fare, really? Presently, in the standards of the current political system in Turkey, neither the legislature, nor the executive, nor the judiciary has oversight or a mandate over the Turkish Armed Forces. The Turkish Armed Forces conduct all fiscal, financial, legal, political, military, cultural and ethical oversight of its own affairs by itself and freely within its own rules. This autonomous structure of the army, not present in any western country, and its position as the overseer of the whole system greatly affects the state and social life on many different levels.

The issue of national security was developed as a concept when the National Security Council was founded under the 1961 constitution, upon inspiration from the national security concept developed in America in the aftermath of the Second World War. This was also present in the 1982 constitution, and it involved a turn away from concepts of security towards direct political tutelage. This needs to be questioned.

In developing countries, the military is seen as the best organized, most technologically advanced, armed and equipped, modern, central, hierarchical and disciplined institution. For that reason, the army is very much concerned with the workings of government. Therefore it is influential in public administration in many ways, it is a privileged institution in countries where civil society is weak and where civilian bureaucracy and technocracy are numerically small and insufficient, it is a pool of talent and a unit of cadres. For that reason, the army belittles civilians. It has material power thanks to the trust of the people and it has moral power thanks to its discipline and its position as the symbol of the country's independence.

### **Prerequisites for democracy**

Among the reasons for the army to interfere in politics, is the absence of an institutional character powerful enough to resist it in state and social life. The military distrusts civilians and politics. At the heart of this suspicion lies a supposed potential threat that political power created through the party system would leave the country to old and new representatives of an insidious counter-revolution. Division, partition, ethnic- or religion-based threats to the republican regime always remain on top of the army's priority list.

Let me suffice by saying this much, distinguished guests; there is a lot more to be said here. Perhaps, there will be a chance to express them during the discussion. To conclude, I would like to say; the reordering of civilian military relations is a serious issue that we have to tackle this in the process of integration with the European Union. The oversight of the military expenditure and having them tied to the budget is not

# PARLIAMENTARY DIMENSION OF SECURITY SECTOR GOVERNANCE IN THE EUROPEAN CONTEXT

**Willem F. Van Eekelen**

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Ladies and Gentlemen, thank you very much for the invitation to speak here at the occasion of the launch of this "Handbook for Parliamentarians". May I first begin by expressing my great appreciation for the speech we just heard by the member of parliament, Mr. Mehmet Dülger. I think if you had held this speech in Western Europe nobody would have disagreed with you. As for the future of Turkey and its relations with European Union, there is no word with which I could disagree, and I know the perception in Europe is exactly the same as mine.

## **Tough task of being a parliamentarian**

Having said that, I want to stress how difficult it is to be a parliamentarian. Fortunately we have several parliamentarians among us. I have been a parliamentarian, I started out as a diplomat, I have been a deputy minister, a secretary general, but I can tell you that it is much more difficult to be a parliamentarian than to be either a diplomat, a minister, or a secretary general for that matter. Because as a parliamentarian you are supposed to know everything. As a minister, you can always say if somebody asks you a question, "I will call you back". Of course you have to be certain that somebody does that on your behalf otherwise your credibility is lost. But as a parliamentarian you are supposed to reply immediately and work very hard.

As a diplomat, you have a whole apparatus, or as a minister even more, and you can rely on the advice and the contributions from others. But as a parliamentarian you have to do it all by yourself. Of course one of the recommendations in this handbook is that parliamentary staff should be increased. We also all wish that, as Mr. Dülger said about the system of checks and balances, all the parliamentarians had to be well informed as well. That is very clear. And that means that certain amount of staff shall be available.

## **Checks and balances**

There is one thing which as a former minister of defence I would like to stress and that is that, in the system of balance there also has to be a balance of trust. Balance of trust on the side of the military means that the government wants to preserve the interest of the state. The balance on the side of the parliamentarians and civilians imply a respect for the military professionalism. That is a very delicate balance. Clearly this is micro management. Certain things the military know better to handle than the civilians, but the overall policy that has to be in an arrangement of checks, and has to be a clear responsibility. As Mr. Dülger said, it is not possible that one sector of the state is completely autonomous and remains outside of the system. As a former parliamentarian I find this book very useful, and it really asks those questions a parliamentarian should ask: How should he conduct his work, how should he deal with these very difficult questions.



## **A new environment of security**

I also believe that one of the major changes in the present environment is that the future is not what it used to be. In other words we should look forward to a different system, a different perception of security and defence from the perceptions we had in the past. During the cold war we had a different set of threats than we have today. Collective defence at that time was the overriding priority and that task clearly was left to a large extent to the military. If we had been attacked, then the military would have been the primary organization responsible for the preservation of our independence and our territorial integrity.

Today fortunately that external threat in terms of attacks on our own country has disappeared to a very large extent. Of course Turkey is in a more exposed position than most of the countries of Europe but nevertheless, I think also for Turkey it is quite clear that threat of aggression is nothing compared to what it used to be. That means when we are talking about armed forces and the security sector as Mr. Dülger said we now have to look at the whole range of forces available for people authorized to use force and to carry weapons. If we then look at the new threats we see that many of the threats are not exclusively military. If we talk about terrorism it is much more a task for the police and the intelligence services to counter. If we look at drugs or organized crime, illegal trafficking of all sorts of things, including people, then clearly the military have a certain role to perform but I think it is much less the case than it used to be in the past. The security sector is in itself a rather general term and not easily defined. Nevertheless what we mean by the security sector is changing in its composition.

## **New role for the citizens, new role for NATO**

Yesterday when we had the hospitality of the Swiss ambassador I had the opportunity to make the point that the individual citizen shall be engaged in these matters in a different manner. In the past he was all too happy to leave it all to the armed forces, today he is much more interested in the implication of this new situation for himself. He is much more interested in the safety of the streets and fighting corruption and illegal dealings and organized crime than he was concerned about that in the past. So there are indeed new threats, new problems.

There I think in Turkey and European countries, and in the NATO member countries in general, we have no problem. We are all now thinking of the same kind of set of new threats to our security. You will see the same when you look at the paper formulated by high representative Solanas on behalf of the European Union and which was approved by the European Council of heads of government last December. There you see that the same threats are put in the foreground as also our main concerns of NATO and the United States. I think there we are on the right track, because we all consider this problem of terrorism and weapons of mass destruction and failed states which then lead to organized crime as the major threats to our security today. But again we also agree that to encounter these threats we need a whole range of instruments to deal with them. There I think that the European Union has a certain advantage over NATO. Of course NATO is still the best organization to organize ourselves militarily. They have proven abilities, they have the rules of engagement to standard operating procedures. They have a well-oiled machinery in which the civilian side and the military side were very well together on the international sphere. So there is no problem with that.

## **How to define stability?**

But if you think of those new threats, then you also have to think of new instruments. The new instruments are very much a whole range of things, they are diplomatic arrangements, they are police and security

forces. How do our ministries of security and internal affairs work together better and how do we exchange information among them, how do we use the instruments of economic support and trade arrangements to help countries to build up their own stability? I think today "stability" is the keyword, although I admit that I often wonder what I mean when I am talking about stability. It is much more easier to talk about instability than to define stability. It is like the giraffe, an animal easy to recognize but difficult to define. Well, that is the same case with stability.

How do you define stability? Well, I think we, Turkey and European countries, have fairly good ideas on that, but more work will have to be done. It can not be only the military which creates stability. Military is sometimes smaller, sometimes a bit larger part of an all-for-all approach. That I think is the keyword in the European security sphere. And we have seen that very clearly in Bosnia and Kosovo, we see it again in Afghanistan and I hope that one day we also see a solution of that in Iraq, because there, the military dimension is still clearly overriding all the other dimensions and that may be one part of that problem.

Now what does this mean for the parliamentarians? For parliamentarians, as I said yesterday as well, I don't think that there were many votes in defence proper in the past. Because the assessments you could not really alter very much, and the citizen was more interested in other issues, social affairs or economic affairs, the prosperity issues and so forth. I think today the borderline between external security and internal security is becoming blurred. The member of parliament has to devote his attention also to this combination of elements. Defence no longer is a very closed of area of concern. It becomes part of a very much wider appreciation of the policies of the state. Therefore, in the policies of the state defence and security have to get that proper place.

### **Turkey on the right track**

That is a problem with which we all have to deal with, but I think in terms of the history of Turkey it places a larger role here than it used to do in western Europe. I think that it is one of the problems. I also think that Turkey is on the right track. When I hear the speech of the parliamentarian Dülger, but also when I look at 7 constitutional reform packages which the government has proposed, I could clearly see that you are aware of the problems, and that gives a hope for the future. To play the sovereign, to play the sultan, or to play the king, or the prince is the fundamental role of the parliamentary system. The Parliament later on expanded to have a much more political role, discussing policies, discussing doctrines, discussing the organization of the state in general.

The other point which is very important in the field of defence is transparency as was already discussed. Policies should be open, and they should be explained, and documents should also be available. Then can you judge whether a certain policy has been achieving the purposes it was intended to achieve and the question of affordability would be clear. That of course it is a very difficult one in any country, because the military always thinks that the parliamentarians are too stingy that they are not providing enough money than the military would like to have. That is natural but that is also part of the debate. What part of the cake are the politicians prepared to give to defence and to security? What do they think it is worth and what do they think the relationship is between other parts of the government expenditures, health, social security, education and so forth?

Now I shall underline what I think holds true for every department of government, not just the security sector. The government should reveal and explain what they are doing, and answer questions and justify their choices. They should as well explain everything in such a way that people accept the need, the justification that these policies have indeed been warranted. There I think this handbook is useful, because

it puts the type of questions which parliamentarians could ask: Ones they could ask so the government would explain, reveal, and justify. Also in this book are emphases on a whole series of issues, from the question of legislation, to the question of the budget, from personnel policy, procurement of equipment, and certain top promotions, to the question of sending troops abroad or hosting foreign forces on their territory, from the question of international treaties, to joining coalitions and alliances.

### **Coming challenges for the European Union**

Now, turning back to the European Union, I am not saying that everything is perfect there. In fact we have a rather strange situation, that a part of the European Union integration is done according to community method. This means that European Commission makes a proposal, which is then voted on by the council of ministers and by the European Parliament. In some questions, state unanimity required in the council of ministers and then there is a court of justice which seeks that laws and regulations are applied the same fashion of through the European Union. That is what we call the community method. But that applies only to parts of the subjects, because some are done according to the intergovernmental way, which much more resembles to the old way of a permanent diplomatic conference, like we are also doing in NATO or the Council of Europe, where there is hardly any voting and where unanimity prevails. That is the case with the common foreign and security policy, with the security and defence policy. Fortunately a part of justice and home affairs, especially visa, immigration policies were transferred to the community method, because clearly that is very closely involved with the internal market and with all the other arrangements.

Now this situation could somewhat be altered by a change drafted at the European Constitution and which will hopefully be approved by the end of June at the European Council. There we emphasize the possibility of forming smaller groups to act faster together. Because the problem is that currently we have 25 countries. When Bulgaria, Romania and Turkey would join, we will become 28. Not always could we agree on everything. So, maintaining unanimity may be difficult and therefore we are now envisioning a system called "enhanced cooperation". A group of at least 8 countries would make arrangements to take up certain institutions. In the field of defence, countries having specific military capacities would work more closely together in what we call "permanent cooperation".

Now that also requires parliamentary oversight because there are very crucial decisions to make. The responsibility for defence and security rests with national parliaments, but at the same time we have these assemblies either in NATO or WEU or the Council of Europe or the OSCE where national parliaments meet. That is not control or oversight in the strict sense of the word because the subjects are intergovernmental. Nevertheless they adopt resolutions, and they express a certain consensus among the member countries.

### **Turkish government is very active**

I have been a member of the first WEU assembly and later on became its Secretary General. I saw how it worked. Then I was a member of NATO assembly, and I worked very closely together with Turkish members. First, I worked with Tahir Köyüz and later with Vahit Erdem. I also worked with the new government who played a very constructive role. I would like to state that the whole Turkish delegation was very active. Nevertheless, this should not exactly be referred to as parliamentary control, but it is what I call "consensus building". What do I mean by that?

When you work together, you have a system of security through participation. I used to call this "consensus building" during my WEU days. You work on a resolution, you work on a report, you see the views of the

other countries as they are represented by their parliamentarians. Then when you discuss the same issues at home, you know what the others are thinking and you can base yourself on a sort of European or NATO-wide consensus. I think that is the importance of these interparliamentary assemblies. I realized that it is not quite clear how the European Union is going to organize this.

### **Turkish case: Need for more integration**

Now briefly to finish up with the special implications of all this for Turkey, again I am not here to describe the model. However, it is quite clear that the position of the Turkish General Staff, and the members of the parliament is that Turkey has an "exceptional situation" which you don't see in any other NATO country. Maybe there are some examples in the past, although every situation was special and different. For example, in the Portuguese case we have seen an evolution from a very strong Security Council to a full acceptance of a democratic position, but I don't know to what extent that is really comparable.

From the European side I must admit that the position of the Turkish General Staff is something which you don't find anywhere else. I hope it will be possible to find a formula so that the Turkish General Staff is integrated more in the overall system of the Ministry of Defence. In such a system of balance, the military expertise shall be recognized and mutual trust shall be established. Perhaps the chief of General Staff in certain circumstances shall have a direct access to the Prime Minister, or the President, or the Cabinet, as is the case in the UK for example.

So, I am not prescribing any precise method but I think it is quite clear that we would hope that Turkey would align itself a bit more with NATO and European practice. What does that require for the parliamentarians? Clearly, they also need to increase their expertise and their knowledge and we can judge that from the bills introduced at the parliament. That is of course a problem which we also have in the western countries.

To sum up, I think Turkey is on the right track. The seven constitutional reform packages are impressive. Clearly the National Security Council is changing its role, becoming advisory, having no executive functions, the involvement of the military in the media and the education system is being abolished. These are all very good steps. So, again I think Turkey is on the right track.

Secondly, I repeat that I am not arguing for immediate, fast, complete changes. Every country has to find its own course, its own tempo. But I hope that nevertheless there will be a possibility to define the perspective of the course Turkey will take in the next 10 years a bit more clearly. So that we in western Europe can indeed say Turkey is part of us, Turkey belongs to the West, we have a common interest in Turkey being part of the security and defence policy of Europe. So that we can say Turkey is part of that overall process, we will all work together for stability and prosperity. I think that is the task of governments and that is the task of parliamentarians as well.

## Q & A SESSION 1

**Mehmet Dülger & Willem F. van Eekelen**

**Yılmaz Aklar** (*ASAM - Center for Eurasian Strategic Studies*) : My question is to Mr. Dülger. He has described very well the Turkish notions on the issue of security and defense, the general environment in terms of both civilians and the military. He emphasized more the responsibilities befalling on the military and their position. I would like to hear his opinions on improving the understanding on the civilian side, especially that of the parliamentarians, on issues of national security and defense. Certainly this initiative of TESEV would give the parliamentarians a direction. Yet, would you not agree that their notion of national security policy needs to be very high in order for them to control an institution like the Turkish Military, and to take on the responsibility of defense. I would like to hear his views on this aspect.

**Dülger** : Thank you very much for your question. I had already thanked TESEV for undertaking such an initiative to open up such debates. Now, the "civilian" and the "military" in your question have to be strictly separated. As the former Minister of Defense of Holland has said, what is at issue is not "control," but "*consensus building*." There are two points that we see as missing in Turkey, generally in politics and in the relation of politics to other fields, and in its culture. One is establishing dialogue and the second is "*consensus building*." Both the civilians and the military of this nation have duties. We need to be conscious of them. Certainly, on issues of national security, our military will be the experts, there is no point in discussing that. Only, how is this going to be something "manageable," how will it be conducted? On this, the politicians have an undeniable responsibility.

For some time now, I chair the Foreign Affairs parliamentary committee. But I consider the arrangement in France as more appropriate. As you know, according to the internal regulations of the French Parliament, Foreign Affairs and Defense are established as a single commission named "Foreign Affairs and Defense Commission". We, on the other hand, work as two commissions. I think that having a single commission would enable the civilians, that is, the politicians, to have clearer ideas on questions like; "what is National Security, how it is handled, how it is carried out, how it is assessed, and how strategies are made?" Having the Defense together with Foreign Affairs would also enable the military, which has to organize against threats from the outside, to understand more substantively these issues, from a closer distance. Then we would establish a certain ground for the consensus building that Mr. Minister has mentioned.

I don't complain about the National Security Council. I don't know its internal workings, I have never been a part of it, but as far as I know, in appearance, there is supposed to be a dialogue in the National Security Council. I am an architect, so I look at appearance and the sitting arrangement and I am on the opinion that dialogue is not possible there. During the discussions of the seventh reform package, I gave a proposal to the Chair of the Justice Commission with two other deputies. There we say that, "the seventh reform package at your commission sets out the principles of how the National Security Council Secretariat would be composed" and then we state our proposal as follows: We consider it a serious shortcoming that only the executive branch and the Military Forces are represented in the present National Security Council, without either the legislature and the judiciary being represented. In this context, we had previously conducted a research. We would like to have the legislature represented either by group leaders or by group representatives from each of the parties represented in the parliament, including those of the opposition; and the judiciary by the head of either the chair of the Constitutional Court or the Supreme Court of

Appeals, and also the Foreign Affairs and the Defense commission as is the case in Bulgaria. The commission chairman was not against to our proposal but he said that "it would entail a constitutional reform". Whereas we had prepared this seventh reform package as a legislative reform made up of separate changes in individual laws. In a general framework, we think that these very serious matters should not be considered an exclusive domain. These should be discussed, and be talked about.

Lao-Tzu has written a book in the Eighth Century BC called, the *Art of Warfare*. This was the book that all the American generals had in their side pocket in the First Iraq Operation. It says there that the "state has operations as dark as the night, and as bright as the day". In issues of security and defense, there might be things dark as the night. Only those who will carry them out would know about them. There is nothing to discuss there. Each state in the world has done this so. My intention here is to have the authorities discuss with each other on as wide a basis as possible and to seek a consensus.

**Cihan Güdümanlı** (*Retired General*): First of all, we have listened to excellent presentations, thank you very much. I would like to express my opinions on two points. First, to Mr. Dülger. In your speech you made a distinction between security and defense, and said that defense is carried out by the military against foreign threat and that security has to be understood more broadly and is carried out more by the civilians. As the Minister remarked, in our day, concepts of internal threat-external threat are interwoven. We experienced this first hand during the internal security operation and I suppose what is important in threat assessment is the duty given to an organization. If the Military Forces are given a duty concerning internal security, the Military Forces have to assess the threat with regard to it. I think these two cannot be strictly separated from one another.

The second point I would like to touch upon is that the expenditures of the military forces are not completely independent. In fact on this point, there are mechanisms in our laws which are not being effectively deployed. I was the Defense and Resource Planning Section Head at the Chief of Staff. All our budgets are prepared within the limits set by the Ministry of Finance. A considerable amount of the large expenditures within the framework of our ten year procurement plans are made yearly, and thus they undergo the approval of the Cabinet. Furthermore, budget debates are open to the questions of all our parliamentarians during both the commission and the general assembly phase and its oversight is done according to laws. What could be an issue is the Defense Industry Support Fund which is an important extra-budgetary resource. Yet even there, important decisions such as the recent helicopter and tank tenders, are reached through a decision mechanism that is largely political, involving the Prime Minister, Minister of Defense and the Chief of Staff. I am giving this explanation to avoid misunderstandings like the Military Forces are completely outside of control or "spends money as it desires."

**Dülger** : I thank very much to my general, you have given an illuminating explanation. Instead of a strict separation between defense and security, what I said was that defense and security are in a continuum, but that they are often mixed with one another. As you have also expressed, there is no way to put strict borders between them. Yet what is important is that those operating under different rules and organizations are experts in their fields. Your words reminded me of these Taksim meetings in Istanbul. In one such meeting, a retired general was asked a question with regard to the cross-border operation in Iraq. There was no American operation in Iraq at the time, but our troops were crossing the (Iraqi) border at times. He was asked whether they calculated the cost of such a cross-border operation. When making such an operation, it is very important how much a gun shell costs, but it is not being considered. Certainly there are resources for such a thing, but this comes to the mind: Why were not the government of Mr. Ecevit, or the National Defense Ministry informed of such an operation? That general of ours said, "this had to be done very quietly due to strategic reasons, so we did it by taking initiative ourselves". This is very

worrisome. Excuse me, but there must be a political authority who has to know about this. It can be one person, two persons, three persons but it was understood there that there were none. I find this wrong. For then, other things might also be done without informing no one. And on that, we already have a consensus. I assume that our general there went beyond his intentions.

I know closely as well that Turkish Military Forces are very sensitive on the issue of the budget. I tried to say this very carefully in my speech. I know that especially the extra-budgetary expenditure is a very sensitive political topic and that this would not be a problem provided that the military-civilian relations are based on the principle of mutual trust. Our issue is not to create difficulties for our soldiers. Especially when we go into a new integration, our military is the institution to play the greatest role there. The military has to be perfect there.

**Van Eekelen :** May I make a short addition to what Mr. Dülger said. I indeed said that external and internal security are now overlapping, that the line is blurred. But I also said that, as a consequence, the problem is no longer exclusively military. And in many of the new threats the military still plays a part, but not an exclusive part, and in some cases a smaller part at least in most of the western countries. You have a very good point when you say, military has done the planning, the military is professional. I have no criticism of the professional expertise of the Turkish armed forces, but that is not the only point. I think also the military has to explain, reveal and justify what they are doing, and *why* they are doing it. When they explain all these, they would get support of, and trust from the parliament and from the public. But if they keep everything secret and they behave as if they are the only people who can judge the interest of the state, then they are on a slippery slope, because ultimately they will lose the support of the people. If the people don't understand what they are doing, then ultimately they may be at risk. The parliamentarians should trust military advice and the military should trust that the parliamentarians - at least the majority of the parliament. Having the interest of the state at heart, they should walk together.

**Dr. Şerif Sayın :** I would like to ask a complementary question. Mr. Dülger, does the parliament know the total defense spending? We have done a study on the economic dimension of defense spending<sup>1</sup>, but we could reach only to 70 percent of it, and that with a lot of difficulty. The numbers given to NATO, which were not given to us, are about 30% more than those numbers. The second question; how is the legislative control over extra-budgetary spending? Particularly, is there such a control over the defense industry support fund?

Dr. Eekelen, my next question is to you: what are the procedures in Europe for off-budget spending of military, particularly the accountability procedures? Is this a customary arrangement in Europe that military has off-budget spendings arranged by customary procedures?

**Van Eekelen :** No, no... I think every defense department has some secret funds, but they use that for certain intelligence operations. In the case of Netherlands we have a very small intelligence committee in the parliament which consists of the leaders of the largest political parties. Only four are represented and they are informed of the size of the secret funds. But that, in the first place, is a very small amount and it's only maybe 1 or 2 per cent of the budget.

**Dülger:** You have asked a serious question. Certainly some points will be opened up later. Right now, we are doing a study with colleagues in the parliament about the yearly amounts in the budget and their ratio

<sup>1</sup> Gülşay Günlük-Şenesen, (2002) *Türkiye'de Savunma Harcamaları ve Ekonomik Etkileri, 1980-2001* (Defense Spending in Turkey and Its Economic Impacts, 1980-2001). TESEV Yayınları, İstanbul. Full text available at URL: [http://www.tesev.org.tr/eng/publication/savunma\\_harcama.pdf](http://www.tesev.org.tr/eng/publication/savunma_harcama.pdf).

to the budget as a whole. But this is a big study, my friends are doing it, they have not finished it yet; if the opportunity arises, we will present them. There is a decrease in this amount, but it is not possible to say anything absolute. Sometimes, in difficult times, it becomes necessary to allocate resources there, no hesitation about that. I can guess the way to know the total defense spending. But I don't think it would not be possible for everybody to know. As Mr. Van Eekelen has said, even in the parliaments in Europe, only very few number of people or people in very special commissions would know of such spending. But having that number of people know about it, implies that it is known by the parliament. And there is nothing wrong with that, it is an appropriate thing to do. This is also an exercise of trust. The parliament does not have that much of a say over the fund. I think what the extra-budgetary spending needs to be, is the duty of the Minister of National Defense and our Chief of Staff. They would decide what the fund spending is to be, considering the resources of Turkey, and the necessities of their work. Presently, there is no oversight over them as to how much these are, whether they should decrease or increase. Like everywhere else in the world (as called "à discretion" in French), these matters are left up to those in positions of authority. And that you should leave to whom you entrust your life. I think you can trust these people, with this as well.

**Prof. Dr. Doğu Ergil:** Thank you. Mr. Dülger made the case for not separating defense and security too much. But I think they should definitely be separated. Defense has to be carried out by certain expert institutions and personnel. But security is far more comprehensive and is a subject that interests the society as a whole. Let me express a few topics that I perceive as security threats. There is no an outside enemy, no threat of invasion in all these three examples: When I am in traffic, I fear that somebody will just hit me from rear or front, that I will be overran by a car even when I cross on a green light as a pedestrian. We have lost some very valuable people like that. Second, I fear that my wife or my daughter will be attacked and raped any minute. I see that I can be attacked and robbed walking in the dark, or my apartment can be robbed as it has been often happening in my neighborhood recently. I see, I feel and I fear. Now this security cannot be granted by the soldiers. This cannot be met under the concept that you call defense. Furthermore, in recent times, seeing that the number of people who go around blowing places or even themselves have increased, we are faced with the perception that the dark side of Turkey and also of the world threatens us. This cannot be countered by Turkey's army or any army of the world however good they are. Then we have to separate security into two. The hard security measures that can be met by the organization that we call defense, and the human security. The hungry, jobless person will blow us and himself up sooner or later. The National Security Council with its current structure cannot counter this. As long as we continue to think of security and defense together as we had been doing and taking compound measures, none of us would be able to counter it.

**Dülger:** Dear Doğu, I want to remind you my remark on this. I only said that on certain matters these two get mixed as our general has said. But really, what you said is a thing onto itself, the military has nothing to do with it. Certainly, there is something like that, we have a serious weakness there. I totally agree that like defense, security is also not being discussed properly.

**Van Eekelen :** May I also make a comment on this, because I think the relationship between defence and the security, and the overlap of external and internal is a fairly fundamental issue. I think it is better to talk about external and internal, because security as a concept has also an external element. But I will use the words 'external' and 'internal'. For internal affairs, the example you gave of your daughter, is a question for the police. The military have a very little to do there. But if you look at certain great calamities, then of course the police may request the help of the military to restore law and order and to assist in general terms. But if you look externally, then the question is, for example, on how you decide whether Turkey should go to Afghanistan (as you did very well). Great job of the Turkish Armed Forces there, or in Bosnia



or in Kosovo. And that very much is a political, military question in which the military appreciation plays a big role. What can we do? What do we need? And things like that, but on the other hand the political appreciation for our objectives. Do we want to do it? That is a mixed issue, and I think it's best when you talk about intelligence. Appreciation of the situation is a question of external and internal. And clearly, it has to have a political context. I am very much surprised myself that this question was not solved in the United States. How could the CIA, the FBI and the military intelligence services not function well enough together? Look at all the operations - military intelligence services often were mistaken. In 1991 they underestimated the strength of Saddam Hussein in Kuwait. Now, again in the recent war in Iraq, intelligence was wrong in many cases. Even in spite of the fact that we have no wonderful technology at our disposal. So, to me, it all points to the need for a more integrated approach between the political and the military in every respect, because otherwise one side does not know what the others are doing. And at the end you become enemies.

**Dr. Şerif Sayın:** Professor, in the first part of the book, there was just the same kind of distinction that you have made, human security and state security. And in the book it says that human security is generally neglected. I guess in Turkey we feel this a lot.

**Associate Professor Dr. Haydar Çakmak (Gazi University):** I would like to make a few assessments. Today's topic set by TESEV was the parliamentary oversight of the security sector. Mr. Dülger has changed this to the oversight of the Turkish Armed Forces, and Mr. Doğu Ergil did so as well. If that is indeed so, I would like to say a few words on this topic as well. In all countries of the world, there are the Armed Forces, there is a Security Council, or an organization similar to it, or there are generals. Yet no general or army take care of the traffic. It is not their duty. In the first place, security is not a general concept. Security is a particular concept. And its conditions change according to each country and each nation. Therefore the security planning that the Europeans have come up with might not suit us. I would like to give a different example here: Let's say that the right arm of the Europeans hurts and they have a salve for it; if they come and ask us to put this salve on our right arm, we should be able to say that it is our left arm that is hurting and that they should put it on there. That is, I think this needs to be thought over. Furthermore, I said earlier that security is particular. Of course, since security is particular, measures have to be particular to a country as well. Therefore, perhaps, I think that a security concept and an organization suitable for Turkey's geography, her foreign policy or security threats would be more right. Because, perhaps we can take the principles of European Union's security policies. But I don't think it would be right to apply their means to Turkey.

**Dülger :** Dear Professor, there is that important issue that I did not get a chance to address due to the time limitation. It is that of the "National Security Strategy". I did not speak about it but this posits a most crucial issue. I did not talk only of the oversight of the Turkish Armed Forces. I just wanted to say that the oversight institution is not like how it is in the European countries. The structure of our army, its attitude until now, the respect it commands, should not mean that questions cannot be asked; it is necessary to explain why something is being done, for what reason, and how. When people are persuaded, there is no problem, talking about this is not a problem. Now let's come to the issue of national security strategy. Our national strategy is always expressed with concepts such as "national policy," "national interest," "national goal," and "national state". It is conceived as a binding concept for the state, government and the armed forces. As a general rule, it is the Chief of Staff who conceptualizes it. Thus it makes our National Security Strategy a "National State Policy" over and above the policies of the government as something they definitely need to follow. We did something like this because, in the aftermath of the arms embargo imposed on the Turkish Army following the Cyprus Intervention of 1974, we thought we had to have a national strategy against an eventuality that might leave the Armed Forces in peril. This is a correct

idea. The same year the *National Military Strategic Concept* was prepared. In 1986, the same was prepared again with new contents. It is very important that the parliament controls how much money somebody receives. We need to talk, to present the reasons, to seek a consensus as I said in the beginning. This demand I am saying is the most important demand of our culture. In the meaning you have said, security takes a special character, otherwise, as Doğu Ergil has said, security is truly a very broad concept that affects all areas of our lives. It is certainly the state's duty to assure it. It will secure it. Thus, while we are dissuasive in defense, there seems to be a long distance for us to cover in security. There is nothing wrong in making this as a political point. We have to see our shortcomings to overcome them.

**Reha Denemeç** (*AK Party Deputy Chairman*) : I want to further add to the point of our professor from Gazi University, which Mr. Dülger has not responded to. There are the Force Commands under the General Staff: Air Force, Navy, Land Forces, and the Gendarmerie. You said that the Army does not interfere with traffic or else, but let me give you an example. I am a graduate of the Middle East Technical University, there was the Gendarmerie there in 1979 and 1980, and there still is. I live in Çay Yolu, it is still the gendarmerie who does my traffic control, and it does so also in rural areas. Thus there is no clear separation. This must be stated officially and clearly.

**Dülger** : I would like to say a few words about the gendarmerie if Reha Denemeç allows me. Gendarmerie is an institution we have taken from the French. It is an "ostrich" type of an institution. It is placed under the Ministry of the Interior, but its entire registers are with the General Staff. In France, the Ministry of the Interior keeps the registers of the Gendarmerie. In an unsuccessful operation it is impossible to punish an unsuccessful gendarmerie unit. The Ministry of Interior cannot, though it supposedly gives them the duty. Thus it is imperative to get this streamlined, it is an organization that can be on either side, but this needs to be clarified. Is it part of the Armed Forces or is it an organization to carry out security duties under the Ministry of Interior? This must be decided. There are some problems here.

**Reha Denemeç** : Let me say very clearly. Officers graduated from the Military Schools are their officers. However it looks officially, the truth is very clear in Turkey.

**Associate Professor Haydar Çakmak** : The principle is to grant security. The color or the rank of the uniform does not matter. The honorable deputy spoke a bit politically. My goal here was not to give a political speech. I expressed here that security is particular, and that states must make their own principles themselves. Let me repeat again, what is important here is to grant security. Otherwise it is not important whether the uniform is green or khaki. Of course if he is against the khaki uniform, he would only have philosophical or political reasons for that. That is, if what is important is security, it is not important who grants my security. What is important is that my security is granted.

**Dülger** : Professor, it would be inconceivable for me to say anything against the khaki uniform, I do not take the issue as one of uniform. First of all, there can be nothing more natural for me to say something political, since I am a politician. Secondly, you only demand that your security is granted. Who is to secure it? I am responsible of that. It is my duty to control whether they are using the money that I take from you properly or not. I want to say that, and not go anywhere beyond that. I have nothing against our soldiers or police. Only, as Mr. Van Eekelen has rightly said, tell me why you do something. Certainly, they are the experts, they are the ones to do it. We don't say anything about that. When he prepares the plans to do it, what is the resource for it, what is he going to do, who is to grant those resources? There, we are in cooperation. "To seek a consensus together," that is the motto. This seems necessary and we look for means to do it. Together, we can do it. That is what I am looking for. Nothing else. Thank you.

# NEW HORIZONS IN THE PARLIAMENTARY OVERSIGHT OF THE SECURITY SECTOR: RELEVANCE FOR TURKEY

Ümit Cizre

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Let me begin by greeting you all with respect. My position is different than those who spoke earlier. I am a social scientist, not a politician. I am not a strategist either. As a member of the international advisory committee of the institution which prepared this *Handbook*, I have had some modest contributions to make to it. So, the best thing for me to do today would be to try to explain the approaches, concepts and theorization efforts lying behind it. Thereafter, I would like to look into whether the parliaments and parliamentarians are the suitable agents to carry out the oversight of the security bureaucracy.

## **The Ideas and approaches behind the book**

Now, during its initial founding years, Geneva Centre for the *Democratic Control* of Armed Forces focused on the oversight of the Armed Forces, choosing as its target Central and East European countries which the supranational bodies in Europe hoped to integrate all. Why did the issue of the executive and legislative oversight of the Armed Forces of these countries come to the forefront? Because civilian-military relations in these countries which were the handovers of the old Soviet system carried some worrisome features for the security and stability of the continent. Over time, the scope of the center's work expanded and came to include a broader concept called the democratic oversight by the legislative and executive over the security sector or security bureaucracy: the sector covers a wide spectrum including civilian and military defense and security units. Then came the third stage (and this book is a product of that stage) when the center shifted its focus of activities to building the capacity of the national legislative and executive bodies to carry out this oversight.

### *The emergence of the concept of democratic civilian oversight:*

The concept was first used in a report written and published by Claire Short in 1997 when she was the Overseas Development Minister in the UK. The emergence of security sector oversight as a concept was through the discovery of the close connections between "efficient development" of the former British Colonies, now called "overseas countries", funded by the Ministry, and the fiscal discipline of the security sector achieved through democratic oversight. Claire Short's department then started to put forward to these countries packages containing the democratic oversight of the security bureaucracy as a condition for achieving peace, stability and a sustainable development. Thereafter, the *United Nations Development Program* (UNDP) began to impose democratic oversight of security sector as part of the conditions to meet for "public sector reform" to recipient countries receiving UNDP funds. At a later stage, NATO and the EU adopted the same conditionality for entry into their folds. As you know, in the Regular Reports published on Turkey by the EU Commission since 1998, civilian-military relations has occupied priority positions. That is, beginning from 1998, a new understanding began to take shape in the EU circles that does not see Copenhagen Political Criteria as only a rhetoric and civilian-military relations a product of broader conditions of democracy. At the latest stage, international finance institutions entered into the picture, if not in Turkey, in many countries, by pointing out to the link between fiscal discipline and sustainable development on the one hand and the reform of the oversight of the security sector on the other. Initially, democratic oversight of the military and the other units of the security bureaucracy

remained in the shadow of what is called "*good governance*". In time, they established themselves as theory and implementation realms in their own right.

### *Fundamental principles:*

I have listened to all the presentations from the morning until the break, and as far as I understood, there was a debate primarily on the need to clarify the concepts. Secondly, I also sensed a search for clear-cut principles; that is, the issue of "oversight, fine, but oversight according to which principles?" There are three fundamental principles and they are inviolable:

#### **1. Differentiation of duties and responsibilities among institutions:**

First is the clear separation of duties and responsibilities among institutions that assess the threats facing a country and those that produce security and defense policies on the one hand and those implementing them. Mr. Dülger was the first speaker to address the issue of differentiation of duties and responsibilities as the first principle. Even though there were counter arguments on this point; that some speakers argued that the borders between the functional realms are blurred, this is nonetheless a rule that can not be compromised.

#### **2. Transparency and openness:**

As you know, there are intelligence units, the gendarmerie, the police, the coastguard and Customs Guard units within the security sector. The second uncompromising principle is that of transparency and openness of the instruments, methods and policies the military and civilian security bureaucracy deploy in the activities they follow to fulfill their responsibilities, including information and intelligence gathering and preparation of their budgets. Current understanding of global democracy and global governance is definitely on the side of this principle.

#### **3. Accountability**

Third is the accountability of the security units in the broad, and the armed forces in the narrow sense to the representatives of society. Yet this is not simply accountability. It is accounting for to the representative agents of the society on the basis of equal knowledge and through speaking the same "language" of defense, strategy and security. Looking eye to eye, so to speak. Using Mr. Dülger's expression; by building a democratic "*consensus*".

Thus the three fundamental principles are transparency, accountability and using the same language, and differentiation of functions and responsibilities. Now, I would like to come to the three conceptual novelties in the democratic oversight of the security sector that I find truly meaningful.

#### **Conceptual novelties:**

##### **1. Oversight**

Democratic civilian control is not the simple subjection of the military-bureaucratic sector to the civilian sector; that is, to the executive and the legislative branches. There is a serious transformation in the concept of oversight itself, in line with the transformation of the global understanding of security. If, as was once said by Helmut Kohl, it is the fear of war that lies behind the search for security on the part of the

European Union, then it follows that with the fading of old threats and emergence of new ones, there should be a change in the meaning which "security" and "insecurity" now evoke in our lives both as concepts and also as principles and methods of overseeing the activities of the security bureaucracy.

Now, in the western world, with the softening of the old threats, the structure of defense and security bureaucracies, their missions, employment policies and their relations with society and their budgets underwent a radical transformation. This was not to be a structural change only; the nature of the relationship between the military sector and the civilian sector changed. The terms control, subordination or subjugation do not do justice to this change. In decision making on critical issues such as military defense and strategy, security, threat assessment and foreign policy, a new understanding of oversight emerged that depends on information transfer, discussion, dialogue, cooperation, sharing of responsibilities between the military and the civilian sectors. Mr. Dülger and Dr. Van Eekelen touched upon this very important point quite aptly. Some researchers of the problematic (like Tim Edmunds and Anthony Forster of the Kings College for instance), reject the term "control". Rather, they would like to use the term "democratic management". Douglas Bland, who studies civilian-military relations in the US, calls the new civilian-military equation model as "responsibility sharing." Jeffrey Simmons of the IISS defends that protection of the credibility and the prestige of the defense and security bureaucracy is one of the most important issues that needs to be addressed in parliamentary and executive oversight.

Now it might be said that Turkey did not go through these changes. Since the beginning of the 1990s, the regime increasingly focused on internal threats; public life was circumscribed, there was a postmodern coup; thereafter, government of the time was forced to resign; political life was put under further discipline and constraints. As a result, threat diminution may not be the appropriate concept to apply to Turkey. Let me say now what I was going to say at the end: An oversight resting on cooperation, consensus and dialogue does not assume that there are no threats. The issue is, first of all, to establish the priority of a civilian and democratic perspective in assessing and classifying threats. Second, it is essential to bring in a quality-civilian participation into the process of decision-making, meaning that it is absolutely necessary to open the processes of security policy making and then the overseeing of the sector to the competence of civilian representatives, expert NGOs and media. Thus despite its harsh sounding title, namely "*parliamentary oversight*" fact, this book in fact expresses a much more democratic and positive approach concerning oversight.

## **2. Democratic civilian oversight:**

Second, not all civilian oversight is democratic, but all democratic oversight is civilian. Suffice to say that present day Middle Eastern regimes have been portrayed by Prof. Michael Hudson as "intelligence states". It is not possible to say that there is no civilian control there. In these countries security bureaucracy works under the stringent supervision/control of the civilian authority; thus, civilian oversight is not absent, it exists, but it is not democratic. This is what I mean.

Similarly, in order to overcome the desperate and cumbersome structure of the Russian army, President Putin has initiated a reform process. He has a huge modernization project in mind. Yet this project does not include the principles of transparency and accountability. So much so that according to what a former *Duma* member told me, public life in Russia is being securitized very fast. Therefore, what is needed is not just any civilian oversight, but a new spirit and structure of oversight that fits the criteria of transparency, accountability and division of labor and one that converges with the norms and practices of the European Union.

### **3. Perception of Threat:**

Now I come to the last and the most important issue. This book has a very important new approach concerning the process of threat perception. Oversight is not the only problem with regard to the policy formation of security, defense and strategy. The problem is also the contribution and participation of the civilian authority in the process. For it is not meaningful to have an oversight over a policy to which one does not contribute. Thus, this book tries to help improve the information asymmetry between the military/civilian security bureaucracy on the one hand and the civilian executive and legislative branches, media and independent NGOs interested in the issue on the other. Thus oversight here is a positive term, an oversight achieved through information, through learning.

#### **The contribution and the importance of this book**

If where there is no information, there is no interest, it would be easy to understand why very often the core ideas of the legislation on defence and security originate from the Chief of Staff and the military. How suitable are parliaments for the oversight of the security sector is the question that comes to mind at this point: it is common knowledge that parliaments are not the kind of bodies that carry out their legislative and overseeing functions speedily and efficiently. It is also a well-known fact that majority of deputies lack interest in the area simply because they have not been exposed to the ideas, concepts and knowledge on threats, security, defense and strategy issues. This situation makes it extremely difficult for parliamentarians to carry out their functions to legislate and control the macro and micro aspects of military/defense/security expenditure as laid out in the budget.

From the perspective of the military bureaucracy, on the other hand, the principles of openness, transparency, micro-oversight of defense and security issues increase risks and insecurity of the defense of the country. What to do and how to do it? In my opinion, this book accepts these conflicting realities and offers a method of reconciling them. I can even say that this is the fundamental purpose of this book.

Another facet of this *Handbook* which makes it all the more meaningful is that it saves security concept and institutions from being state-centered. We said that a great transformation is being lived out in Western hemisphere in that security is no longer perceived as the protection of the interests of the state. Rather, it comes down, touches day-to-day living, the happiness, welfare, peace of the citizens. Security of life meaning quality of life, security going down to the level of the "little man," to the "man on the street". Thus, if we are talking about the ordinary citizen, certainly who represents him best is not the security bureaucracy or the military, but the members in the parliament. As Mr. Dülger has said, this is the work of the representative who carries a responsibility to the people.

Moreover, as perception of threats from inside and the outside the country and policy responses to them are not just technical and mathematical issues that can be resolved with positivist methods, and as they are "political" in the final instance, it goes without saying that they should be managed by civilians with political considerations, concerns and interests through open discussion. This would promote the legitimacy of the parliaments, terminate the weakness of the power and performance of the civilian politicians and hopefully, prevent public life in Turkey from being circumscribed as was done in the later years of the 1990s.

#### **Is this method suitable for us?**

If what we need is information and expertise, I think we have acquired a great source for it. Yes, these are

not " methods peculiar to Turkey", certainly, we are talking of universal and international methods. Turkey has transcended such questions as suitability of its geography, people or its characteristics for integration with global ideas and norms of democracy. The more relevant question is how to enable the parliamentarians, civil society and media to make a meaningful contribution to overseeing the ways in which security sector carries out its work. For this oversight to be effective, it needs to rely on information and expertise. This is not to deny that the civilian sector needs to show a greater effort to close off this information gap. I do not want to reach a pessimistic conclusion looking at the number of parliamentarians present here today. Hopefully, this will not go on like this. Through exposure to ideas, we will one day come to the point where the parliamentarians will start seeking answers to the question of " what can I do?"

The book presents in boxes the international norms, laws and developments to the parliamentarian related to the specific problem of the chapter. I think reading about new developments in the world would also be interesting for the parliamentarians. In the last box in each chapter, there is the question of "what can I do as a parliamentarian" and answers to that thoughtful question in bullets. Let me end here, we can continue in the discussions.

# DELEGATION OF AUTHORITY AND THE CHAIN OF ACCOUNTABILITY

**Dr. Şerif Sayın**  
*Director, TESEV*

I would like to begin my talk with an anecdote. Before I started at TESEV, I worked with the World Bank for about ten years. I worked in many different countries including Indonesia, Thailand and Malaysia. As often as possible, I would come back to Turkey to see my family. On such occasion, following Kemal Derviş's return to Turkey and whilst his austerity measures were being implemented, I went to my mother's for breakfast. At breakfast she said, "See, my son, the army once again served as an example to us all." When I asked what had happened, she went on: "They limited their expenditures by deciding not to buy some new vehicles, and they said that they would buy what they need with their own money." I replied, "The army does not have its own money in democracies."

## **The missing link in the chain of accountability**

I am telling this story because, in Turkey, this perception still persists: Our army has its own money and funds, which they can use as they wish. A moment ago, Mr. Dülger also said "we have to allow the army as much latitude as possible." Certainly such latitude should be granted. But I am a citizen, and as a citizen, I delegate my authority to the deputies. I say, "I delegate," for in fact, the sovereignty belongs to me. You delegate this authority to the executive through the budget, and then the executive gives you the account of how it used this authority.

What is really missing in Turkey, not only in the military but in public administration in general, is this delegation of authority and the chain of accountability. A moment ago, Ümit Cizre mentioned information asymmetry. This asymmetry is present between the executive and the legislature; more aptly, between the bureaucracy, politicians and citizens, and most intensely, in the security sector. When we look at the general problems in public administration, probably everybody's common complaints are as follows: The public sector uses too much resources, it does not allocate resources to the strategic priorities of the country, it does not use resources efficiently, the quality of service is low, the citizen is not respected, why something is done is not properly explained, how the resources are being spent is not accounted for (not only to the parliament but also to citizens) and the policy making capacity of the state is low - while there are plenty of procedures, their substance is not being adhered to; that is, there is a serious discrepancy between procedure and substance.

As the security sector is also a part of the public sector in the public's mind, it takes its share of these complaints. Certainly, we trust the army a great deal, the army is consistently rated as the most trusted institution, but still, the army is part of the public sector, and it is therefore open to the same allegations. Therefore, I think that proposals aimed at solving such problems should be applicable to the security sector as well. Indeed, since information asymmetry is particularly prevalent in the security sector, such reforms are especially applicable. The security sector does not have the luxury to say "let's begin these reforms in education, in health, let's build roads first, and then we would move on to this," either. If we look at how these reforms have been carried out around the world, concepts like "performance management" and "strategic management" have entered into public administration through the security services. That is true in America, as well as in England. That is, if you look at websites in America, you would come across very detailed plans and the use of performance indicators. Therefore, I believe that it falls foremost to the army



which, as Mr. Dülger has said, and a view commonly held by citizens, is the most institutionalized branch, to carry out these reforms, to initiate them, to lead the rest.

### **How to hold state secrets to account?**

The concentration of state secrets in the public sector is an issue that deserves attention. Compared to other sectors, for example education, health and economic management, there are more state secrets in the security sector. This does not mean that on matters constituting a state secret, we should hesitate to give account or that no account is given at all. On such matters, there should be special procedures, specified by law and regulation, but these procedures themselves cannot be kept secret. Let me remind you of a recent incident: The regulation concerning the oversight of the Court of Accounts was prepared in secret. That is, the regulation specifying the nature of secrets was itself kept secret. Such procedures cannot be held secret.

How do we convince the security sector to take public reform seriously? In December, the parliament passed the public fiscal management and control law. From 2005 onwards, all public institutions have to prepare strategic plans and medium term budgets. For a long time we have known that the armed forces have strategic plans, appropriation plans and medium term budgets. Please disclose the non-secret aspects of these to parliament, take a lead in this process, you already have them, let's have these matters discussed. Describe to parliament, through activity reports and exact calculations, what you have done with the resources entrusted to you. Follow the regulations that cover all public institutions. Prepare service standards (which I am sure exist), structure your management to match these standards and determine exceptions through the law of state secrets. Look, you have the law of state secrets in your hands. According to this draft law prepared by the Ministry of Justice, even division heads can claim something is secret. You cannot have a law of state secrets like that.

### **Defining secrets**

At TESEV we brought together lawyers and we are preparing a draft law ourselves. We will present it to the administration, to politicians and to the deputies. We looked at Poland, India and other countries where the security sector is important, such as Argentina, and we identified their definition of state secrets. We made lists of what was classified as top secret and at the role of politicians in the definition of state secrets, we compared institutional structures and who would have authority. Do not misunderstand me, we did not go look at Sweden, we looked at countries with a similar past to ours. We looked at Thailand for example. From these we came up with a number of different concepts of the secret, and we will share these with you soon. There is benefit in determining what constitutes a secret within the law of state secrets. It is imperative to determine how areas designated as exceptions and listed as secrets in the law of state secrets would be regulated, how they would be overseen, how the resources delegated would be accounted for, how that would be overseen by the Turkish Court of Accounts and who would scrutinize the oversight reports in parliament. There exist procedures on this. OECD has guidelines on audit of highly sensitive issues. As Mr. Dülger has already noted, such things are not unique to our state, all states have areas dark as the night, but somehow their accounts are given. Of course, not everybody get to know about them.

### **Threat Perception**

Let's improve the capacity of the parliament to oversee the security sector. What does this mean? First of all, open dialogue in parliament concerning threat perception, feed and support parliament with academics,

specialists and perhaps retired generals, reach consensus and normalize. Let's have civil society assist parliament in this task. At TESEV, we are doing all we can. On this topic; that is, the draft law on state secrets, we are trying to do something. If such a request is made by the parliament, we would like to work with parliament on the topic of threat perception as well; and we can present to you international experience on the matter of what other topics could be secret. Yet of course, TESEV alone would not suffice. Other institutions have to step in as well.

### **Let's not shy away from debating**

As you can see, we have a very nice environment of discussion here. However the level of participation remains quite low. I shall ask you to let me reprove this a bit! We have invited over 300 people to this meeting. All administrators in the security sector were sent invitations, including those at the National Intelligence Organization, the General Directorate of Security (Turkish National Police Department), Office of the General Chief of Staff, and the National Security Council. Also, those parliamentarians at the Defense Commission, Plan and Budget Commission, and Foreign Affairs Commission were invited. Despite this, you see the low turnout today. It is clear that we shy away from debating this issue. We shy away because we think debating this issue will put those elected against those appointed. Perhaps we think this issue is open to pressures coming from outside of the country. It is thought that this debate is not our debate. It is perceived as something the EU makes us discuss. However, this is not the case. As democracy gets more substantive in Turkey, we need to make sure it is normal to discuss this issue. I am afraid that the National Assembly and the parliamentarians will not show enough interest in this issue, the information asymmetry will remain in place and the security sector will see the very debate on this issue as a threat.

# DEFENSE PROCUREMENT DECISION-MAKING and LOBBYING: A WEST EUROPEAN VIEW

**Alain Faupin**

*DCAF*

Thank you for your kind introduction. Do not think I shall be outrageously provocative. No, we are on the same boat but the perception of the sea, of the coast, of the obstacles and even of the state of the weather, conditions might be different based on our location aboard.

Huge changes have occurred in the last thirteen years, as we shall see. For sure, September 11 will remain, by all means, an important historical landmark. However, the other issues are still there and have their own dynamics. Of course, war is raging abroad but it could erupt again on our continent.

In a year's time, many security gaps have been filled up. It is always difficult to determine why such or such event happens the way it does. Historians are good at that. For those of us in the security and defense business, what counts is **reality**: Let us consider it and think what do with it.

I shall first focus for a while, as an introduction to the defense procurement, on European Security and good governance. Then, I shall try to describe a general pattern of defense procurement, taking the example that I know best, that of France. We shall see from that example how good governance is intimately related to defense procurement. However, before concluding, we shall also pay attention to different realities and to new trends in the procurement business, lobbying being part of the latter.

## **European security requirements**

April of last year in Skopje, a EU force has taken over from a NATO force. The first ever-European military force has officially become operational. Operation Concordia gathered a small force made of 27 nationalities. It has remained on location for 6 months. You may consider it insignificant. I do not. This year SFOR is coming under EU command too. This is a clear rebuttal to those who think that the Iraq crisis would kill the European Defense Initiatives. I do not blame them. It still is necessary to have strong European convictions to believe in the future of a European defense. It is sometimes comparable to the Esternach dance: one step forward and two backwards. The current crisis has brought its share of mixed signals, of differing view, but on a non-European issue.

One after the other, six months after six months the European summits have brought about their contribution, steadily, in the manner of ants. Helsinki, Nice, Laeken, Copenhagen Brussels and Rome. Finally, the enlargements have taken place in a big bang, NATO and EU alike.

The Central issue is to have the EU considered as a Security partner by the defense community and there still are three touchy items on the agenda:

1. The reform of the European institutions: a Convention is at work for that purpose.
2. The enlargement which has brought the number of stakeholders to 25; EU should adapt.

3. Common European and Security Policy: it depends on the previous one but also on the will of Nations to increase their military budget and capabilities.

Major progresses were made in seven years. Time is a factor to be reckoned with. Other issues influence heavily on Europe and on its defense and security buildup: terrorism, enlargements, economy and instability.

### **Defense and security concepts**

Hence the need for a thorough defense system in Europe, well adapted to the needs and totally in line with the political developments and institutions, as well with the current principles and concepts. European Security and good governance are two closely related issues: the admission criteria were clearly intended for that purpose and still are.

European security is based upon three notions and two strategic concepts and its common philosophy is, indeed, good governance.

Any discussion on European security and defense uses NATO as a point of departure, primarily because it is the preeminent security organization in Europe. However, as it becomes clear in the course of this presentation, the future of European security depends a great deal more on the EU than NATO.

During the Cold War, most individuals viewed NATO as a *Collective Defense* organization with the primary purpose to deter an attack by the Soviet Union on Western Europe. Traditionally a collective defense system is one in which countries agree that an attack on one is an attack on all. Article V in the Washington Treaty forms the basis for this commitment within NATO.

*Collective Security* underlines the need for an integrated approach to the security sector, and *Cooperative Security* refers to an even broader principle and translates in the Partnership for Peace process and much further.

NATO Strategic Concept 1999 called for seven points (Transatlantic Link, **DCI**, **ESDI**, Crisis Prevention and Management, Partnership, Cooperation and Dialogue, Enlargement and Arms Control). It did neither take into account lessons learned from Kosovo nor the 9/11 issues.

NATO Strategic Concept 2002 did and called for the seven following points: Creation of NRF, New command arrangements, PCC, Military plans against terrorism, five initiatives related to NBC threat, defense against cyber attacks, anti-missile defense.

In December 2003 in Brussels, the "**EU Security Strategy**" was issued, the first such document, more a draft than a final statement, underlining the main principles of the European Security Policy.

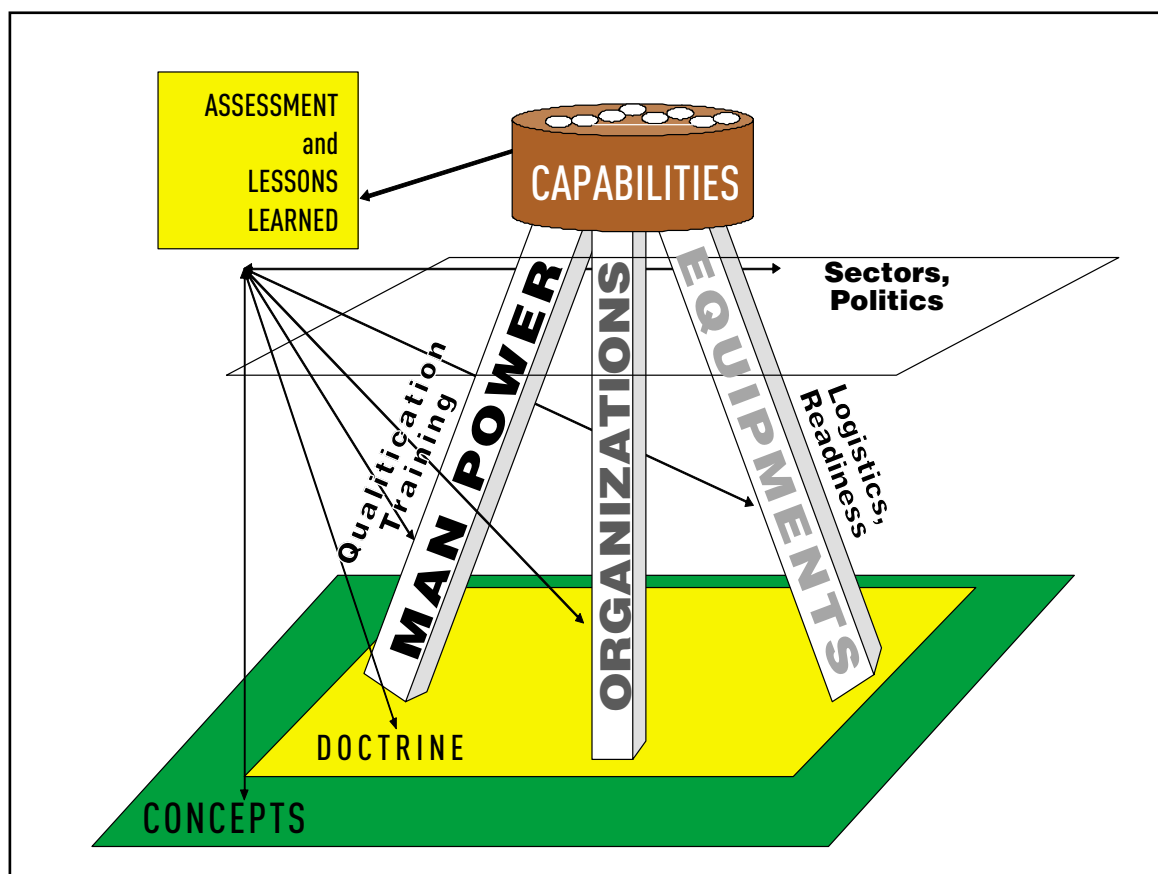
Finally, yet importantly, good governance implies a close oversight of the security services by the parliament according to globally agreed democratic principles.

### **General pattern of D.P**

Procurement is just one moment in the sequence of actions needed to set up and to implement any given security policy. It is the result of either a careful and precise planning or a clever lobbying from foreign or national industrialists. It might be both.

Who should be associated to the different steps leading to the procurement of equipments, goods, ammunitions and services? This is a fundamental question and the answers vary from a country to another, from a regime to another. It depends very much on the defense structure and on the level of parliamentary oversight on the security sector.

Lobbying in the USA is commonplace and exerted on the Congress, either directly by the companies or through the representatives or senators themselves; very strict rules apply. The same companies might as well use fewer precautions in bidding for contracts in other countries in which the legal framework is less restrictive



This sketch shows the place taken by procurement in the overall defense business. It is one of the legs that sustain the capabilities. It must of course take into account the threat assessment, the concepts, the current doctrine, but also the type of manpower and the general organization of the forces, not to speak about logistics, readiness and training both elementary and specialized. It should also be in line with the technological requirements and with the political expectations.

Not a single agency, not a single company could do that by itself. The task is very broad and strenuous and the process very long. It requires many actors. Confidentiality requirements are another domain, which often hampers the industrialists, and translate in additional costs, often unexpected.

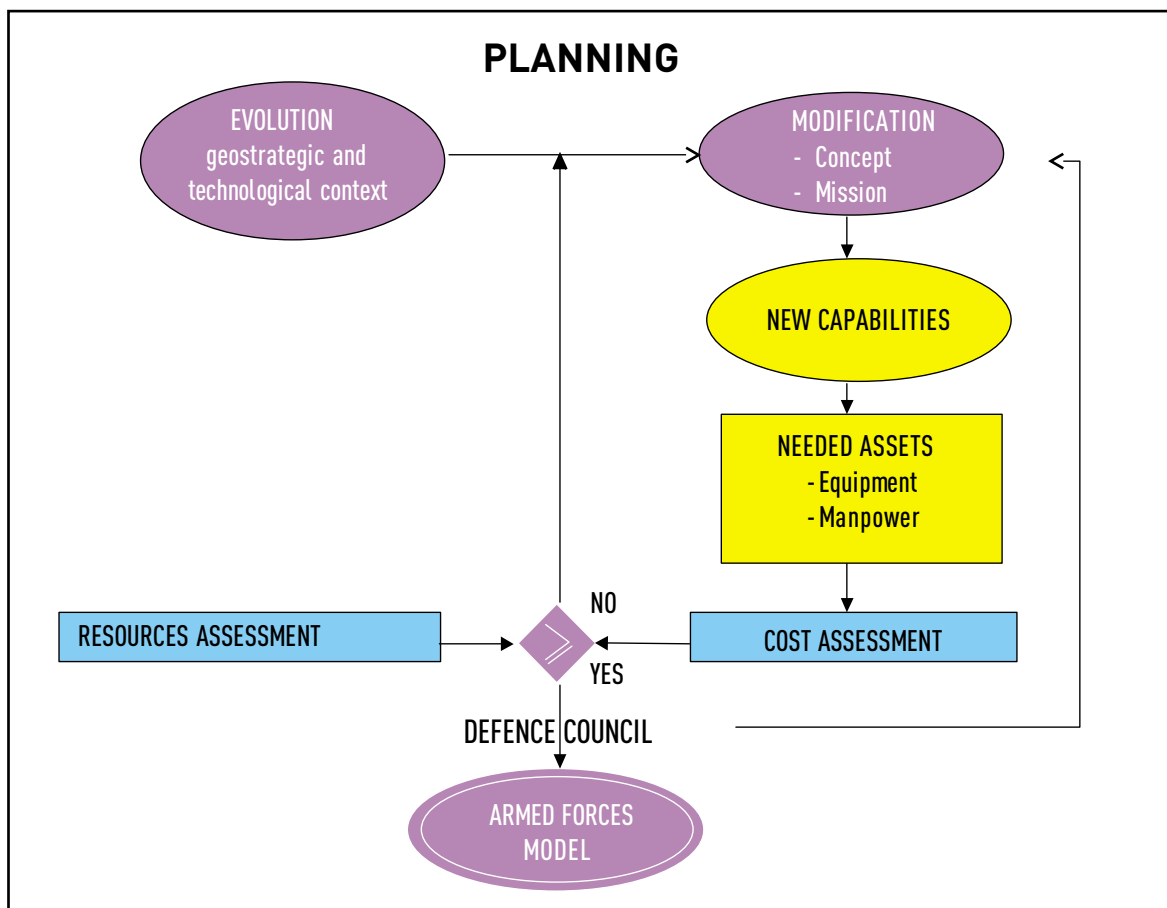
Many other conditions are set, especially in the fields of sustainability and of logistics. Delays are another priority requirement and costs might soar from a failure to meet them. Concurrence is very high in some sectors and the general trend will be for the Parliamentarians to favor their constituency and for the nationals to favor their national industry. Therefore, the specifications, terms and conditions are to be set up with all the possible legal advice and support to remain in compliance with the national, regional (EU-

NATO) and global (WTO) rules of trade. This is good for any type of contract. Parliaments should peer precisely into that, before, during and after a contract is awarded.

## Planning

Planning is part of the procurement decision-making process. It is the stage that follows the security assessment and the definition of the capabilities needed to meet them. It is a matter of leadership and takes place by taking into account the current concept. For example it is part of the French concept to rely on a model which has been agreed upon earlier and translated in the White Paper on Defense consisting of eight force systems, namely DETERRENCE, READINESS, DEEP STRIKE, C3I, MOBILITY, LAND, AIR, MARITIME, each of them made up of five components, namely *manpower, equipment, organization, doctrine and training*.

Defense Planning is the process through which the military machinery of the Nation State is equipped to achieve the goals of security and defense set by the National Security Strategy (or the White Paper on Defense). The National body in charge of making the decision in that field is the *Defense Council*, chaired by the President and attended by several ministers, the joint chiefs of staff, the director of armament and of Gendarmerie, though its composition can be adapted. And it goes, as shown on the slide, up and down until the ends meet.



## Modeling

As an example, the two following slides will show you what are the main capabilities expected in 2015 and the endgame in term of manpower and equipment, as decided by the by the Defense Council and registered by the Parliament. This is the baseline for defense procurement.

## ARMED FORCES MODELS 1995 / 2015

	1995	2015
<b>ARMY</b>	9 divisions : 129 regiments 927 MBT 350 Light tanks 340 helicopters	4 forces : 85 regiments 420 MBT 350 Light tanks 180 helicopters
<b>NAVY</b>	Total : 314 000 t 101 ships 2 Aircraft carriers 33 MPA	Total : 234 000 t 81 ships 1 ou 2 Aircraft carriers 22 MPA
<b>AIR FORCE</b>	405 combat A/C 86 transport A/C 11 tankers 101 helicopters	300 combat A/C 52 transport A/C 16 tankers 84 helicopters

This slide is just an example, with real figures nevertheless, that shows how the forces have been trimmed down in numbers but definitively not in quality. Most of the equipment will be high tech by 2015. To reach the goal, it has been necessary to draft several "Lois de Programme" (program laws) stretching from the beginning of the reform unto the final year, between 1997 and 2015. A "Law" implies that the Parliament has its say and has agreed.

France has had several political and majority changes, though with the same president, from 1997 until now. That means that a consensus has been reached on the defense and security issues... at least to a certain point: no naivety!

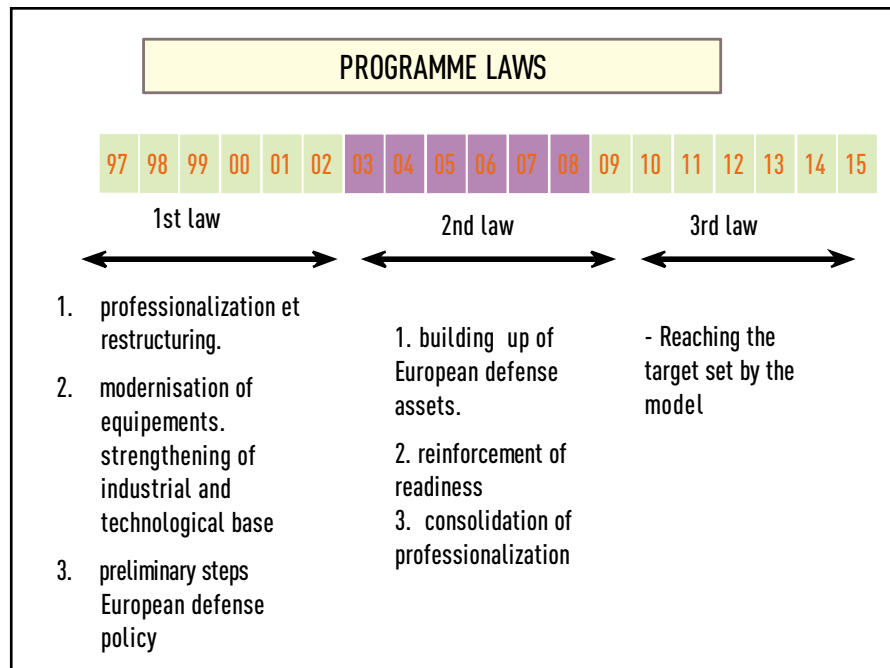
The endgame appears clearly on this chart : Horizontal are the joint services (Army, Navy etc...) Vertical are the force systems ( Deterrence, Mobility, C3R &I, protection, and projection of fire etc... The main capabilities **in terms of assets** appear in the intersection.

### MAIN CAPABILITIES FOR THE 2015 MODEL

Système de forces	Moyens interarmées	Terre	Marine	Air
Disuasion	Têtes nucléaires		4 SNLE NG équipés de missiles M51	Missiles ASMPA sur Mirage 2000N/Rafale
C3R	PC de commandement d'opération multinationalisable SYRACUSE III	PC de composante Terre/SICF 8 systèmes de drones M2MM Système de guerre électronique de l'avant valorisé (SGEA)	PC de composante Mer/SIC21	PC de composante Air/SCCOA 3 16 drones MALE 15 nacelles de reconnaissance NG
Projection & Mobilité		133 hélicos H90/TH/Cougar 144 engins porte-chars 120 engins porte-blindés	4 TCD dont 2 bâtiments de projection et de commandement	150 A400M - 3 A310 20 CASA 235 20 ravitailleurs (dont 6 multirôles)
PREP	Protection de 35 000 hommes 10 bases ou sites projetés Acquisition de systèmes de détection BIO 9 hôpitaux des armées Antennes chirurgicales projetables	320 postes de secours régimentaires	10 blocs hospitaliers embarqués 4 pétroliers ravitailleurs	Lots santé pour 3 bases projetées
PROF	Une brigade de forces spéciales		2 PA - 60 Rafale - 17 FMM - 6 SNA - 20 nacelles Darnocètes missiles AASM/TT 50 SCALP/EG 250 missiles de croisière naval (sur FMM et SNA)	380 Rafale/M2000 20 nacelles Darnocètes missiles AASM/TT 100 Apache 450 SCALP EG

## Programme laws

The following slide, which I am not going to comment extensively, shows the three program laws, the first 97-2002, the second 2003-2008 and the third from 2009 to 2015.



This is a programme which might well shift under the pressure of events, of budgets, of policies but do not believe that the third law is void! It is the last step during which the equipment of the forces will continue and where corrections will be brought to the National plan in function of the international security trend... and when a new plan will be built overlapping this one!

Europe might have new defence and security requirements. New forms of combat due to technological advances could cause a great stir in the current doctrines and techniques of fighting, preventing or finishing crisis and conflicts. It is necessary to adapt, but in the whole, the plan will be reached, except for a total collapse due to unforeseeable causes of any nature. The procurement people will continue their interlinked job with the planners, the programmers, the politicians and the parliamentarians, as well as with the forces themselves.

There is not a time for procurement and a time for lobbying, another one for decision-making, another period for the parliamentarians to give their yeas or their nays. Everything is done permanently through a calendar set by the budget people.

*Let us focus now on the good way to procure the forces with equipment and goods, according to the rules of good governance.*

## Defense procurement

Every one of you, whatever his or her position in the society, has in mind the scandals caused by tainted procurement. No country, especially in the developed and democratic world run by the market rules and the rule of law, has escaped wrongdoing in that field. Good rules in this domain are not only intended to prevent such behavior, but mainly and above everything to provide the Nation State with the best buy



to satisfy its defense and security needs. Greed should not be allowed to interfere.

In the last part of my comments, I shall therefore focus on four domains and tackle them as briefly and clearly as possible:

The first set of remarks will concern the **principles** underlying procurement.

The second will focus on the **assets** with which the decision makers will have to cope.

The third one regards the **actors** of this difficult play who perform on the public, private and official marketplace.

The last bears on the **interaction** between the actors.

A word of caution before starting the review: what is true for weapons system and defense infrastructure is also true for all other types of procurement made by the government of a country; the main difference lies in the extreme cost and in the intended lethal character of the weapons systems.

## **D.P PRINCIPLES**

Based upon my own experience, as a user and a planner of defense equipment, but also based upon the questioning of high executives in the defense business, up to the rank of minister, the following principles apply directly to procurement:

1. Foresight: with the exception of extreme urgency, you need to look far ahead
2. Efficiency: the decision maker is accountable for that to the nation to its soldiers, to the taxpayers, to the allies, to the workers etc...
3. Simplicity: defense equipment is intended to be used under extreme conditions and often served by personnel who, even well trained and educated, have not the education and the technical skills of engineers.
4. Interoperability: nobody works or fights alone, but in coalition.
5. Affordability: your country should be able to pay for it. Without jeopardizing other segments of the national economic and social life, of the national budget and of defense programs.
6. Sustainability: you should keep it as long as possible without major or additional unscheduled costs
7. Transparency: though obvious in term of democratic control, it needs a special attention and development

### **Transparency**

The direct involvement of the state in the economy is not acceptable from a liberal point of view. However, Defense is a State responsibility: confidentiality is a matter of national security. Therefore, the question of civil servants accountability is a key one: accountable for what, to whom and in what way (how?)

**Accountability for What?** The need for standards is real. UN norms translate in a « Register of Conventional arms », OSCE has set rules in the field of confidence and security building; NATO standards, national laws and standards answer the need.

**Accountability to Whom?** Population... Press and media, the Parliament, the defense agencies, International

Security Organizations, the Military etc...

**Accountability but *in what way?*** Inspections, hearings, audits, opinion polls, media scrutiny, codes of conduct, charters. Documents are often the preferred way: White papers, defense estimates, Program laws, parliament Committees, Defense Statistics etc.

The lack of control on defense procurement leads to an excessive political influence, to a creeping corruption and to a negative citizen's perception not only regarding the defense policy but also regarding the security sector reform.

### **D.P Assets**

To procure equipment to the armed forces once the model has been set up and the capabilities defined, three assets are necessary:

*Budgets, weapons on the shelf, plans and programs.*

We have already spoken of the nation's budget and of the part, which is to be devoted to defense and security, in accordance with the National Security Strategy, whatever you would call it.

Even if there are in the national or regional research programs many equipments scheduled for production, their cost-effectiveness should be compared with the weapons on the shelf. The inventory and the performances of such equipment should not be left to the only publicity of their manufacturers; a cautious and thorough examination of all the literature, open or restricted, is advised along with the testing of these equipment: International weapons shows as well as specialized magazines and companies help figure out the quality and relevance of the weapons on the shelf.

Last but not least, and not only to be considered by countries that produce armament, plans and programs should be the leading process of procurement: first look inside the national industry what is available, be sure that the research and development policy is on its way and then, under strict conditions of fair concurrence, take the best for the cheapest price. Preferences might apply: European preference in order to boost the European defense business, NATO's or bilateral agreement. MP's have to know and to give their say !

### **D.P Actors**

The actors in charge or directly interested by defense procurement are the following: Governments, Parliaments, Defense forces, Legal system, civil society, Media, International organizations, Private industry, University. Almost everybody in the Nation.

Who comes first? Who has the final word? Difficult to say. However, for sure everyone SHOULD have its say at one point of the procurement process, in the preparation phase, during the procurement itself and after, during the life cycle of the programs.

The most outspoken would normally be the Parliament and the media, the first to keep the focus on the right issues and to correct in time any wrong trend and wrong doing; the second to inform the public and to denounce publicly the flaws of the equipment and/or the overall process. No need to provide you with examples...

The international organizations have also their say in the defense procurement of any given nation, through regional agreements and weapons registers and conventions.

No doubt that in our democratic societies where the state of law is a basic principle, everything starts with the law and ends with the law... No procurement is either possible without industrialists or in the absence of international lawyers.

### **D.P Interaction**

There is no need to comment at length on the interaction between the different actors. However, it is good to remember that procurement is the meeting point of these actors within a legal framework, the same for the international community (UN), but also within a national or regional institutional framework (OSCE, EU, NATO).

Interaction is a matter of refined and revised agendas and calendars. Parliamentarians in their sessions contribute to the overall decision; they are to be briefed, as frequently as needed, through the administration, specialized journalists and conferences or symposia. Last but not least, there is the lobbying process itself, to which I shall give some additional consideration...

### **D.P New trends: Leasing**

I could have spoken earlier of this trend which is new in the sense that it is, more than ever before, in line with the security sector reform and, more specifically, with the defense reform. Its advantages are self evident and apply mainly for the logistical part of the expenditures, such as transportation and communication assets.

What leasing provides is the equipment, the maintenance and even the operation of a given system. Indeed, it allows savings in manpower and facilities but probably not in the overall budget. However the public sector is beneficiary of such solutions which might therefore appear as the best answer to the draw down of the forces as recommended by the legislative bodies of nation states.

Leasing is often the first step of a purchase when it comes to tactical equipment: I have in mind the leasing to the Royal Air Force by McDonnell Douglas of four C 17 A transport aircraft in 2001. On a larger scale the US are anticipating the lease of one hundred Boeing 767air tankers: the magnitude of such operations brings in, among the parliamentarians, the suspicion of hidden preference for a given firm.

Leasing can also be an answer to urgency; UN is accustomed to such practices due to uncertain budget and frequent urgent situation requesting immediate air transport and logistical support. Lacking the necessary assets for overseas deployment, in Africa or during the first gulf war, France recured to the lease of Antonov and of Roll Off Roll Ons (Roros) or of sea tankers.

The states are beneficial in this kind of operation and tend to recur more and more to this process. This system of financing defense equipment is now widespread, especially in anglosaxon countries and in the South of Europe. The endgame is not only the national procurement of assets and of services but also the exportation of defense industry products. Proliferation of sensible armaments and equipment may stem from these processes which need a close oversight from the legal services and from the Parliaments.

## **Lobbies and Lobbying**

What is a lobby? Initially a place where the MPs used to meet with the public then a place where they assembled before a vote and , finally, a pressure group. So behind the notion of lobby, there is that of three powers: the power to decide (the government), the power to influence the government (the parliament) and the power to influence the MPs.

Lobbies can be of all sorts and all origins, linked to industry, to the banking systems, to specific ethnies or minority groups, to religions as well as to cultural and professional organizations.

All of them have in common the will to influence the decision makers either directly or through the parliamentarians. When it comes to the defense business, what is generally at stake represents huge sums of money, employment and wealth for a given professional and geographical sector.

They better be well organized and well supported in the communication field (access to media and to specialized magazines), in the legal field (knowledge of the legal limits, of the conditions of tending etc...), in the technical or scientific field and in the financial domain: their business is costly and ends only with defeat or victory. Most often dedicated think tanks support them with their data bank and assessments.

National lobbyists tend to choke by any means the international lobbyists; legally and ethically unfair, this trend is common place and has to be fought... by the national parliaments, as well as by the international or regional offices of business management. The rule of the market can not, for nationalistic reasons be broken, though national and regional preferences may apply, but only in the face of equivalent or better offers. Under these conditions it is easy to see where does the responsibility of the parliaments stand.

## **Conclusion**

Beyond any doubt, defense procurement is one of the most difficult decisions to make for a politician; it is among the toughest ones for a military commander. Whatever the precautions taken and the efforts to be transparent, it tends to be considered more or less a covert activity. The public will always see the dark side of it.

Therefore, to overcome the hurdles of this arduous process and the bad perception, the following key words should apply, as it appeared throughout my presentation:

Transparency, national teamwork combining the inputs of the government, the parliament, the military, the industry, the media and the civil society. International cooperation needs to be taken very seriously into account as no military action can be seriously considered outside a coalition, permanent in kind or of the willing. Last but not least, the optimum is to meet the public expectation in terms of money well spent and of usefulness well demonstrated.

The broad umbrella of the rule of law should be permanently deployed and the parliamentary control should apply rigorously at every step of the process: before, during and after. It is strenuous. It is long. It is not so pleasant, but it is the only condition for weapons programs to comply with the needs and with the democratic requirements of Good Governance.

# SECURITY SECTOR GOVERNANCE and EUROPEAN INTEGRATION

**Pál Dunay**

*Geneva Center for Security Policy (GCSP)*

First of all, thank you very much for the invitation. I have been working at another institution in Geneva, called the *Geneva Center for Security Policy*, for the last eight years. The reason I am here to speak is not so much that, but primarily because I am coming from a country that has recently become a member of the European Union. I am a Hungarian citizen. We have been speaking a lot during the day about unforeseen external security providers. I will slightly change my agenda and I will try to share some of my impressions with you about the accession process in the European Union, and to some extent NATO, and how we have perceived this accession process for the last ten-twelve years in Hungary and elsewhere in East Central Europe.

## **European Union will be somewhat less of a "rich men's club "**

We have partly completed our accession and partly haven't completed our accession. Hungary together with nine other countries, over all eight East Central European countries and two countries from the Mediterranean became members on May 1 2004. It is not a complete integration with the European Union, because there are still elements which are either domestically not yet sorted out or haven't been completed. These elements contain factors like; "we are not going to be able to absorb EU funding, unless we are developing certain structure for the absorption of this funding". We are, of course, not in the Euro zone and it remains to be seen when these countries are going to join the Euro zone. One thing which has some security relevance is that we are not part of the Schengen regime. Because the accession to the Schengen regime will require approximately 2-3 years further preparation. It is not only on behalf of the newly acceding countries but also those on behalf of the European Union, because the second face of the Schengen Information System hasn't yet come into force. Which means that there is also in the future border control. Let's say on the borders of Czech Republic and Federal Germany, or Austria and Hungary or Slovenia and Italy for that matter. So this is an incomplete integration. And this incomplete integration also means that, in the coming ten years or so, I think, the main aspiration of the East Central European countries is going to be to get closer to the center of the European Union. As to move from the periphery to the center of the European Union, which, I think, is a challenging task.

With both the current and upcoming enlargements, with Romania and Bulgaria and eventually and hopefully with Croatia, the European Union will be somewhat less of a rich men's club, which I think is a very good news for countries, which are in the line of accession. At the same time, and this is my first slightly critical comment, the integration of this ten new countries will be extremely demanding on the European Union. As a consequence, we may actually mess up the line for those countries, which are going to follow us in the integration, including Turkey, which is by far the largest country waiting for accession to the European Union.

## **Security Sector Reform as a post-Cold War phenomenon**

Let me start by saying that security sector reform is typically a post cold war phenomenon, indeed we did not speak about it during the cold war. Militaries and their alliances used to apply a narrow definition of security, largely identifying it with defence. As a consequence defence reform was often not mentioned as a national prerogative -and it's a relatively recent development. In order to foster the transformation

in some countries, which are willing to join the European Union, and that the armed forces of these countries have to be transformed from the past to a modern face of development for the future. What I would like to mention is primarily that, other integrations, including economic integrations, had no security agenda. So, when the system change had occurred in East Central Europe at the end of the 80's these institutions had no direct security agenda. Of course, the Atlantic Alliance had one but the European Union did not.

### **Changing Agendas**

At the beginning of the 1990s, the European Union established its tri-pillar structure, which included common foreign and security policy as well as justice and home affairs. As a consequence, we may say that at the beginning of 1990s, western institutions very much thought in boxes. They had their own box. When we spoke about NATO, it was military integration. When we spoke about the European Union, which at that time was the European Community, we primarily spoke about economic integration and not security agenda. But I think what we have learned in the 1990s is that we now should forget about this. Basically although different institutions have different emphases, all institutions are addressing all issues in one way or the other. As a consequence, you can not regard the European Union an institution which exclusively focuses on economic development because it is not the case. The European Union has a very comprehensive agenda by now which entails other elements including security, although not so much in the traditional sense.

Let me be slightly controversial here, although I must admit, I am not here to lecture you. As you probably know there is only one country in the world that can lecture any body. As a consequence, I will leave that privilege to that country. I am a humble Hungarian, who comes from a small country in this case. But let me tell you one thing, I read yesterday evening a little booklet about Ankara, that I got at the hotel. There was something about Turkey's EU integration. And it was very interesting to see in that booklet that, it was mentioned that, the primary problem on the way of Turkey's EU integration is human rights, or it is perceived by the European Union to be human rights. And I would like to take issue with this, because I think it is a very complicated and complex problem. Human rights matters may be easier to fix than micro economic adjustment, or actually budgetary, fiscal matters or monetary policy matters. So, we have to be a bit careful. Here I would raise the security sector beyond a simple human rights matter. Because when I started to come Turkey a few years ago, everybody spoke about the human rights aspect as a big problem. By now we know the human rights problem is not so prominent and we are thus happy. It was a problem which was far easier to fix than many other problems.

### **External Threats and Turkey's special situation**

We mustn't forget that there is one fundamental change since the end of the Cold War in the Euro-Atlantic area, namely that state-to-state external threats have been on the decline. Of course, Turkey is in a unique situation in this respect. Because Turkey has, if I may put it this way, a somewhat unfortunate neighborhood, particularly towards the eastern end of the country and also, to some extent, the south. As a consequence, when we speak about security we no longer should address security matters in narrowly defined military or defence terms. Following the end of the Cold War, security concepts have changed in Europe. Traditional threats in a European context are increasingly irrelevant, but bearing in mind the specific character of the Turkey's security situation, I may say, that Turkey has this kind of double problem. It's partly an internal security problem, I mean, a classical internal security problem, partly migration related, partly related to policing and it is further burdened by an interstate security problem, which exists due to Turkey's geographical location.

## **Familiarizing with the region**

When the wall came down in 1989, the European Union basically had a three phased strategy vis-à-vis East Central Europe. And the strategy has very slowly and with lots of uncertainty evolved. The first thing was basically to familiarize with this region, to learn what this region is up to. How is this done? You know the average American tourist was easily confused by a booklet for Budapest. I very well remember, at an OSCE meeting in 1991, the Portuguese foreign minister was briefed by his colleagues, who were telling him; "Look sir, this is Slovakia, this is Slovenia, and this is Slavonia". So, basically the European Union, except for the some of the larger member states, had to start learning about the region. And it's very good news for Turkey, that Turkey is beyond this. Everybody knows where Turkey is and what Turkey is up to in its changing reality.

## **Stabilization**

The second phase was stabilization. The goal was to stabilize this region without offering the immediate prospect of membership. And this was a characteristic feature between 1993 and 1997, basically until the agenda 2000 first said that these countries are going to join or some of these countries are going to join the European Union. After 1997 we have seen a new agenda which was driven by accession, first offering accession to 6 countries, five East Central European plus Cyprus, and then it changed from 6 to 10 a few years later. It is very important that as these countries have become democratic, of course, it very much matters in terms of security, how the population of these countries perceived security.

In the morning, one of your colleagues spoke about classical criminality and police related problems as main security problems. We have gone through the same change. So basically when we are speaking about security, we are not speaking solely about armed forces and other matters. This will become much more prominent in the agenda of Turkey's accession. The issue of the security sector was neither on NATO's agenda nor the EU's. There was a slow and gradual departure from the narrow definition of security, increasingly in the sense that domestic security played an important role and it has increasingly become a law enforcement problem. Law enforcement is extremely important, because it is not enough that parliaments pass laws if they are not implemented and they are not adequately enforced. And I will speak about this later.

The European Union in the beginning of 1990s had no democratization *acquis*, it had no *acquis* that acceding countries should adopt. And you will see that such relationships have started with a lot of ambivalence. Just a little excursion to NATO; the first thing is that, of course, democratic civilian control of the military will be set against us as a requirement but there is a lot of debate whether we ever had some kind of control. And the answer is: "probably". We did not have civilian control but we did have political control. This is a highly controversial issue. Some people fundamentally disagree with me on this when I say we had political control over the military when the one party system existed. In a very interesting manner in smaller East Central European countries, the party's central committee controlled the military. And the military in its structure got accustomed to being controlled by this body, which was not a democratic body but which represented the political center of those countries. The situation was different in another country, let's say the Soviet Union, where, and this is quite relevant for Turkey, the military was extremely powerful in the political structure. As a consequence it was more in the bargaining position than anywhere else in East Central Europe. Of course, it was interesting that, in the beginning of the 1990's the Americans focused on civilian control and political control of the military in traditional constitutional terms. Saying, "Okay, is there a political body to which the armed forces are liable to?" But the interesting thing is that, we lost years on a matter which was not relevant in East Central Europe. Primarily because

*Bonapartism* never characterized East Central Europe. There were no military coups, the military very seldom interfered with political matters except in the classical Soviet system where the military had enormous bargaining power. As a consequence, gradually in East Central Europe we moved away from the question of civilian and political control of the military to reform of the military. How do we reform the military, how to make the military an efficient tool surrounded by some constitutional guarantees? The whole idea was preconditioned by the importance of political and military integration with the Atlantic Alliance. But if you look at the NATO enlargement in East Central Europe throughout the 1990s, particularly between 1995-6 and 1999, until the first eastern enlargement took place with Poland, the Czech Republic and Hungary, NATO applied the budgetary approach. NATO basically said, "Okay, spend more on your military". Of course, we can spend more money on the military without any change in output. We can waste any amount of money. As a consequence this was a fault line. So the first eastern enlargement of NATO was in a military sense a fault line, politically it was not. But in military terms it was a fault line, because basically we were gradually moving in the direction of NATO without being militarily prepared. Politically we were prepared, militarily we were not. And of course, NATO has learned from this.

After the 1999 enlargement, NATO learned that it is easier to influence countries before they join rather than after they have joined. I think this is going to be relevant for the further discussion because what the EU is starting to learn is that "okay, there are so many things we should have told these guys before they came in rather than when they are in, and around the table and they speak bad. They are not meeting requirements and fulfilling conditions". And this is an extremely important matter, for the future I will draw some conclusions on this very soon. But NATO learned. NATO introduced a membership action plan, there was the Prague Capabilities Commitment and there is the NATO Response Force. There are number of things, which are to be applied to new member states as well. Thus the 2004 round of enlargement in this sense was much better prepared than the enlargement in 1999. The European Union reacted in a very ambiguous manner. The EU conditions of membership are listed as the so-called Copenhagen Criteria, issued at the Copenhagen Council in 1993. And if you look at this we basically come to the conclusion that the conditions were not on the side of democracy, security sector reform or the respect for human rights. They are nominally listed as the first element, and the rest is basically the conditions either the EU had to meet or the conditions the candidates had to meet on the economic side of the development. Now of course we speak about stable institutions. And this is the stabilization element that I mentioned somewhat earlier.

## **Institution Building**

Establishing institutions in the framework of the constitution is not the only part of institution building. Indeed constitutional courts, executives, legislatures and ombudsman exist for this role. No, I think in this phase, implementation and enforcement of law is essential for a functioning democracy. The proper functioning of these countries is conditional not only of passing laws but also implementing and enforcing them.

As far as the defence sector, I may say that in the Central European context we may face a very special situation. At the time of the system change, incompetent politicians, who had no idea how to control or manage or direct a military, and an incompetent military, because it was basically a subsection of the Soviet-armed forces, were in charge. There has been certain disrespect for the autonomy of the military, because it is not up to the politicians to decide on the military's technical matters. So the politicians and military have to find out how far the authority and the autonomy of the military should go and where are the strategic points where political control and interference is necessary and indispensable.



## **Delivery is necessary**

What is important is military reforms as a promise. So we have to take into account that things can not just be promised, delivery is necessary. And I must admit that the current and next EU enlargement round are all important signals for the European Union to learn that you should not live on promises. So, delivery is necessary. If you look at the current EU attitude, the EU now says "we do not want to hear promises any longer on the future delivery of the *acquis communautaire* from candidate countries." They are saying, "okay, we are going to close chapters when the laws are passed in their national legislation, when they are up to the task". This is unfortunately the bad thing we did for you; that is the countries which just joined. Because we promised a number of things and not everything has been delivered and there is the danger that not everything will be delivered any time soon. European Union accession is basically not a classical diplomatic negotiation. European Union accession is like joining the club which has some established rules. And you either accept the rules or you should not join. Negotiations matter and individual skills matter a lot too, but it is still not a classical diplomatic matter where both sides are making compromises and so on and so forth.

## **Democratic control of security services**

Now I would like to emphasize that, the European Union's security agenda is primarily an internal security agenda. Military matters appear on the side but, increasingly, the closer you get to the European Union you will notice that the important part of the security agenda is internal security. This requires transparent and democratic governance and democratic control of the security services. We no longer speak about the democratic control of the armed forces, we speak about the democratic control of the security services. And of course Turkey has a very special situation again, because, of course, the European Union as such is very much interested in maintaining a secular Turkey. And if it requires that the military plays an important role in one sense or the other, sometimes in a very peculiar way, the European Union will look the other way when this issue is emerges. And I think I have enough reason to claim so.

## **Turkey and its neighbors**

There is a large contribution to the common security effort in the European Union, and we also all know it is increasingly difficult to join the European Union. So the *acquis* is more and more valuable. There is more and more demand from the countries. At the same time, the European Union is gradually developing on its own. The Schengen regime will be presenting a particularly difficult problem for Turkey as well. As a consequence, the moment the European Union wants to see the Schengen regime extending to the eastern and southern borders of Turkey it will be an enormously difficult and very costly investment. Let's hope that by then, the Italian proposal, which was made about two years ago, entailing financing the modernization and the catching up with the Schengen regime jointly, will also apply, and it will not only be a burden only on the Turkish taxpayer. By then it will be a common effort, of close to 500 million European Union citizens.

## **Capacity Building**

Now I come to a fairly controversial matter, and I would like to go back to the fact that capacity building is extremely important. Turkey has an illegal immigration problem both as a transit country and as a country whose citizens are occasionally leaving in a westerly direction. And there are also other cross border problems, which will have to be fixed. You know that, each member except for the Czech Republic has an external border; the Czechs have the luxury that, they are totally surrounded by Schengen countries

the moment when Slovakia and Poland also join the Schengen regime. But apart from the Czechs, everybody has to develop its own internal security system in order to tightly control their borders. Let me mention this, migration is an issue that has been highly valued by the European Union. Whereas 10 years ago you only heard about the danger of migrants, currently we are not speaking about the danger of migrants, we are speaking about declining populations and as a consequence, the need of migration is appearing much more. So Turkey may be a country, with its large population, which may be able to contribute to this part of the story.

### **Internal security is a continuum**

And let me come to the problem of internal security. Internal security is a continuum. It's not only police and it's not only judiciary. We have some experience of what happens when you are only modernizing one part of this continuum and not the others. When President Aristide returned to Haiti -you may remember the previous return of the President Aristide before he was out of power again-Americans noticed that there was a fundamental problem with the police and they wanted to fix it, which is fair enough. So they increased the salaries of the police in order for the police to be far less corrupt than it had been. That was fine. Then they noticed that police started arresting criminals. Because they were not corrupt. They then get them in front of a judge. But Americans had not fixed that problem, and the judges were still corrupt any more. As a consequence, two weeks later they had the same criminals in the streets again. So when you want to fix the system of this continuum, you have to be very careful that the judicial and penitentiary system have to be cleaned from beginning to end.

### **Corruption**

Let me come to the problem of corruption. Corruption is a security matter of prime importance for the European Union, partly because there is a lot of central redistribution of money in the EU. So, if the system is corrupt nationally then there are the dangers that, money will disappear in the system. But it is also extremely important for national output because countries are unable to perform unless they have a relatively clean system. Let me give you some indicative data on international measures. *Transparency International* quantify corruption on the basis of international business in different countries. The countries rank from 1 to 133, number one in the most recent statistics is Finland, number 133 is Bangladesh but Bangladesh hasn't moved from that place for at least the last 5 years, that's how far my memory goes back. It's very interesting to see how Turkey and the new EU members rank in this system. Turkey is 77 in the system, which is better than the average former Soviet area country, but is way behind of any of the current members of the European Union, including those countries which joined the European Union on May 1st. The lowest old EU member, which is the most corrupt among the EU member states is ranked number 50 and it's Greece. I mentioned Turkey was 77. The least corrupt new EU member is the Republic of Cyprus ranking number 27. The highest new East Central European is Slovenia ranking number 29, still relatively high. The lowest new EU member on this list is Poland number 64. So there is catching up to do. This will be extremely important, not just for a static assessment of Turkey's performance, but the dynamic assessment of Turkey's performance, how Turkey is moving in one direction or the other.

### **EU is thinking like an empire**

Let me mention that the EU has gone through its biggest enlargement in human history. EU is increasingly emphasizing that, there are some countries in the pipeline including Romania, Bulgaria and most recently Croatia. I am more or less confident that Turkey will get a green light in December, but there is a lot to think about. Now, of course, the big question is whether the European Union will create an overstretch

effect. The other question is whether the European Union will have sufficient influence on countries which are actually neither legally nor politically willing or able to join the European Union. So, is there leverage without the prospect of membership? And my answer is basically negative.

### **Prospect of Membership**

I basically think that the European Union has one very effective means to influence its external perimeter and that's the prospect of membership. And you know that there are not so many countries which are in the pipeline. Two of them are Romania and Bulgaria. Croatia hopefully will start negotiating reasonably soon. Turkey will hopefully start negotiating on the date which will be offered in December. And then you come to countries, countries of the western Balkans, which carry hope for membership. Everybody agrees that the only way to stabilize the western Balkans is with the prospect of membership. And then you have two countries, which are interested in gaining membership though are not doing too much for it, these are Moldavia and Ukraine. Russia has never demonstrated its willingness to join. And Belarus is out of the question.

### **Conclusion**

Because I know that I am the only person who is blocking the way to the well-deserved weekend I am coming to my conclusions, which will still not take much time. Security sector governance is traditionally a domestic matter. But with integration and the anticipation of integration, the function of international affairs and foreign affairs have changed, namely it is increasingly about influencing the domestic political course of countries. That's a fundamental change. You know that, traditionally in international relations, we will all say "this is a domestic matter". This is one thing that, I think everybody should forget about. Nowadays, it's not only the IMF which is coming with certain conditions. It is the European Union which is coming with certain requests from those countries wanting to join and most of those are clearly touching upon traditionally domestic political and economical matters.

I must admit, that the Copenhagen Criteria in 1993 were relatively weak and ambiguous on security related matters. As a consequence, we will increasingly see tailor-made arrangements. Thus, we are not going to get arrangements which are very general and applicable to everybody. We are going to see arrangements that the European Union wants to achieve with one country or the other. We should not forget that the conditions of enlargement are very often in the best interest of society and of the people. If there is a cleaner judiciary, if laws are better enforced then this is very much in the interest of the overwhelming majority of Turkish society. Criminals may not be happy, but many others would be happy that laws are better enforced than they used to be. So we should not only see these problems from the vantage point of state interest but also from the interest of the citizens and the people. A country by country approach is the name of the game, which is also good news for Turkey because Turkey is a large country and it has very specific problems that the EU and Turkey should address together.

## Q & A SESSION - 3

### **Pál Dunay and Alain Faupin**

**Mehmet Dülger:** I would like to thank the speakers. They kindly expressed the problems and the demands facing Turkey. I want to ask which problem they solved first in their countries. What do they advise? I wonder if they handled justice, the police, the military, or the economy first. I would be glad if they could give some more concrete information.

**Dunay:** It would be a long story to tell you. In one sense, I think the East and Central European accessions were very special. We were coming out of a single-party heritage; we had a total lack of democracy in these countries. Although some variation did exist. Obviously, Hungary and Poland were slightly more democratic in the late 80's than, let's say, Czechoslovakia or Romania. However, the first step was to fix the institutional problem. Moreover, this is a lesson that, I think, will remain as a lesson of the last fifteen years. Without properly functioning institutions and some kind of political consensus concerning the direction the country is going to take, all other problems are impossible to overcome.

So, if you don't have institutions in place and a common vision for the country on where we are coming from, and where are we going to, it's extremely difficult to do the rest. Macroeconomic problems, which constitute an important part of EU accession, are not going to be addressed without adequate institutions, which function properly, are able to control the political processes, and then gradually generate growth. The Central European enlargements were so peculiar. It would thus be totally absurd to provide external, unsolicited, and incompetent advice to a country that, I think, knows where it is going, and what it wants to achieve.

Yesterday afternoon, I was coming from the airport and, I must admit, I was totally astonished. Having not visited for at least 4 or 5 years, I saw that the run down neighborhoods between Ankara and the airport, no longer existed. It's a something you realize if you had memories from 5-6 years ago. For example, how the landscape has changed, not to mention what you have achieved with building domestic consensus around certain issues, like how to address the Kurdish problem because it was a headache to everybody. Addressing this problem as only a police, or law enforcement, or a military matter was not the solution. Without regional development in the area, where the Kurdish populations live, you're going to have enormous difficulties. Because Turkey is not just Istanbul, it also includes the south east of the country. If that part of the country is not ready for membership, then the country is not ready for membership.

We (in Hungary) also have these regional differentiation problems in the northeast of the country, where the concentration of heavy industry is far less. There we have higher unemployment and more security problems. Because of higher unemployment, we also have higher crime levels. Therefore, I think this is a very difficult problem to deal with. Certainly, building a domestic consensus around the problems is necessary to get closer to Europe and then to become a member of the European Union. This would be a reasonable starting point.

**Faupain:** First a compliment Pal, I thought you made an interesting and constructive presentation. I would like to submit to you a reflection which I have heard elsewhere. In the past, the foreign policy and the security role of the European Union was minimal, now we are moving to a larger, more active role, a more coherent role. Do you think that is a powerful incentive for the European Union to include Turkey? Because that would round off security concerns. Of course this is only a reflection, you can also turn the

argument the other way. But what do you think of it?

**Dunay:** I think Turkey is a major player, and everybody knows that Turkey is a major player. Turkey itself knows that it is a major player in foreign policy and security terms. I very well remember this whole debate at the WEU when Turkey felt underprivileged on its previous status. This was when you (van Eekelen) were the Secretary General of the WEU. This resulted in a situation whereby Turkey was *de facto* participating, and was in decision making. However, Turkey was out of the structure of the WEU and ESDP.

Turkey is important because it has a different regional dimension than most other European countries. That is the positive side. Therefore, Turkey would enrich the way of thinking and would deprive some of our traditional ways of thinking. Not so much for the Hungarians, because we are humble security "takers" rather than "makers". We are foreign policy takers rather than foreign policy makers. But for the Western European "Great Powers" - and let me not list them because you always miss one of them, and somebody gets upset- it would be extremely difficult, this is the positive side. The negative side is that so many conflicts are in the area neighboring and surrounding Turkey. Turkey will also have to find a compromise with others, and no doubt Turkey will be one of those countries which will be in the inner circle of foreign policy matters.

I would like to emphasize one thing: Differentiation will be the name of the game. The EU will have 27-28 members, and after Turkey's accession, the total number of members will rise to 29. The new situation will be unimaginable without differentiation. There will be areas where Turkey will not be a decisive player, such as many of the classical economic areas. But there is no doubt that Turkey will be decisive player in CFSP and DSDP. I think Turkey has played on this, and I should add, not always in the best way. I think if Turkey will act maturely on this, then it will be a more tempting partner.

**Lale Sarıbrahimoğlu** (*from Jane's Defense Weekly*): I would like to speak in general. Procurement in the defense industry in Turkey is quite a complex process, as it is in many other countries. In September of last year, I prepared a report on this subject. Our main problem in the defense industry is that there are so many firms in the sector. And many of the firms don't contribute to the economy. As you know, all the firms around the world tend to become smaller. In Turkey there are nearly ninety defense industry firms. Some of them produce both military and civil materials. According to the figures obtained from the Defense Industry Association in 2003, the contribution of the Turkish Defense industry to the national economy is around 1.7%, and they export around 200 million USDs. The reforms of the Turkish defense industry aim to have a more transparent general military budget. Thus, the defense industry fund, which is an extra budgetary resource will be included in the national budget.

However, the greatest problems facing the Turkish defense industry is its dispersed nature and the fact that it is governed by many different authorities. The Undersecretariat for Defense Industries was established in 1985. The aim here is, as in all democracies, to avoid the situation where the Turkish Armed Forces are both the buyer and the seller. Unfortunately due to wrong assignments by politicians, and the employment of unqualified staff, the defense industry was negatively effected. Project terms became longer. Sometimes under the pretext of "urgent need," Turkey purchased from single sources, ignoring competition rules and without participating in international tenders. As a recent example is the M60 modernization tender to Israel. This cost Turkey too much.

One of the conflicts in the Turkish defense industry is that military firms are effective in the market but there is no sufficient control over them. For example Spain, like Turkey, introduced its defense industry

in the 1980s. Their defense industry is in joint production of domestic and foreign investors. But today, while Spain sells us *Casa* planes, Turkey is still assembling the systems produced by world giants and therefore can't export. So many military factories are planned to be privatized but this was not yet realized. The defense industry procurement system has to be revised. Investments should be done for R&D, because the aim was to do genuine designs but Turkey fell behind. Turkey's share in the R&D is around 0.5%. I believe that, in order to have a contributing, productive and genuinely innovative defense industry, we should provide transparency, accountability and avoid overemployment and nepotism.

**Faupain:** I will not comment on your comments. I think on the first part where you made the remark on the state of procurement in Turkey. I will provide no judgement on that. But I know that every country has its own problems. I would not claim no problems exist in France. Especially in the privatization of the industry, there are problems. For quite a long time, government-owned companies have been working for the government. The problem is not yet solved, we still have to face social issues in that field. The recommendations we make are exactly in line with what we do in our own country.

**Lale Sariibrahimoğlu:** Civilian tenders and military's civil procurement are subject to Public Procurement Law. The section concerning military procurements is in article 3b and is a different regulation. It was prepared by the Ministry of National Defense and went into effect. It entirely deals with the military procurement. For example, according to one of the articles there, you cannot make an application to the Turkish Competition Authority.

**Şerif Sayın:** Are the tenders of the institutions subject to the Law of Public Procurement?

**Lale Sariibrahimoğlu:** The Undersecretariat for Defense Industries was established in 1985. It aimed to initiate domestic and foreign entrepreneurs in the defense industry. At that time, there were procurement laws specific to the defense industry, so after this new Public Procurement Law was amended, and put into effect, the Ministry of National Defense, the Undersecretariat for Defense, and the Headquarters of the Gendarmerie set their own procedures in separate regulations. However there wasn't any big change in the procedures of the Undersecretariat for Defense Industries.