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Evaluation of the Undersecretariat of Public Order and Security from the Perspective of Security Bureaucracy

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Abstract

Human beings are defined as social beings [1]. So it requires the human beings to live in a social environment and to form some social bonds with others. In order to live in peace with others in the social environment, they need more complex organizations such as states. In order to do the duties attributed to the state, it should form some other structures in itself to function effectively. They are called institutions. These institutions have different functions: some of them serve as security guards, some of them organize social issues, some of them deal with education...etc. For the state to continue serving, all of these institutions are needed to do their duties. Every institution has its own inner structure and relations with others but the formalities of these have some negative connotations among the public. It is the bureaucracy that has its own structure and have negative effects on public. The term bureaucracy is widely used in Turkey in the state and the public sees it as a cumbersome structure that only slows down the state organization. Even the public has the feeling that bureaucracy is equal to asking for many documents for only one thing. So the term bureaucracy has a negative image in the eyes of the public. Undersecretariat of Public Order and Security was established with a law number 5952 that was brought into effect after it was published in the Official Gazette. The name of the law was "Law on the Organization and Duties of Undersecretariat of Public Order and Security"[2]. After its foundation, many different ideas were uttered about it. While many people saw it as barrier to the functionality of the current bureaucratic structures, some other asserted that it will make the bureaucracy function faster than before. In this study, the foundation of the Undersecretariat of Public Order and Security will be investigated from the perspective of public bureaucracy.

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1. Introduction

The only problem that human beings could not come up with a certain solution seems to be terrorism. It also seems that this problem will not be solved in future. When the sons of the first person Adam experienced the event that one of them killed the other, it was the first example of defensive reflex of humanity and it continued throughout the next generations. Neither the accumulation of so much experience nor the fast developing technology hindered human beings from resorting to terrorism when they could not reach what they desired in lawful ways.

It is asserted that the first terrorist attack in history came to existence between BC 6 and 135. It is noted that the first terrorist attack in history was realized by "Zealots", a Jewish sect, and the victims were the Roman legionaries [3]. Some academic sources mention this event as the first terrorist attack in history. When the exact nature and the purpose of the terror is delved into, it will clearly be seen that there is no difference between the terrorist attacks in history and in modern times. The only difference is the actors and the victims. When the terrorist attacks of ASALA, which murdered Turkish diplomats, and September 11 are compared to Zealots Sect, they do not have any main differences. The only difference is the names of the terrorists and the victims. It is outstanding that the killer and the killed are human beings and the purpose is chaos and trouble.

In modern times, terror has gone beyond being a threat and it became a part of the destiny of every nation. The fact that terror has turned into a danger more than a threat was proven with the terrorist attacks on 11th of September. There is no unique nation in the world that was not affected by terrorism in some way. Terrorism has become an international problem in all over the world and the damage that it gave to the democratic countries is on the increase. Thus, the first problem on the agenda in the world has become terrorism and fighting against it. Turkey has been dealing with the problem of terrorism for more than 30 years. When the problem of terrorism first emerged in Turkey, there was a mutual agreement that it was the misdeeds of several rebels and it could be solved by security forces. But as the time passed, it could not be solved and it became a part of the daily life in Turkey. In time thousands of people were killed, much money was allocated in the budget and too much energy was spent to solve it, all of which indicated that struggling against terrorism is something that should be done with all of the organs of the state and should not only be given to the security forces.

In this sense, after getting so much experience in Turkey, it was decided to establish Undersecretariat of Public Order and Security. Firstly a law number 5952 was brought into effect after it was published in the Official Gazette. The name of the law was "Law on the Organization and Duties of Undersecretariat of Public Order and Security". The exact duty of this organization was coordinate the related institutions that were formed by the state to struggle against terrorism. It would serve under the command of the Ministry of Internal Affairs. Later in 08.07.2011, the secretariat became a part of the Prime Ministry. It could also be stated that the Undersecretary of public order and security was founded to improve the policies and strategies against

terrorism. But it was long debated that the Undersecretary of public order and security would not be able to succeed in its duties to coordinate National Intelligence Service (MİT), gendarmerie and the police, which has some duties to provide inner security in Turkey.

2. Undersecretariat of Public Order and Security (UPOS)

The duties and the organization of the undersecretariat was mentioned above. The main duty of it is to coordinate the different units dealing with inner security in the country and to improve the policies and the strategies [2].

2.1 Its Mission

It is an institution that was founded to improve the policies and strategies against terrorism and to coordinate related institutions. Throughout many years, it was harshly criticized that struggling against terrorism was done only by the security forces. To deal with this problem effectively and to minimize the criticism against the state, this institution was founded. It was thought that an institution providing synchronization among the above mentioned 3 different security forces and institutions would come up with more effective solutions.

2.2 Duties

The duties of these institution what determined in the law. They are as follows[4]:

Struggling against terrorism;

- a) To do some workshops to determine the strategies and policies and to check if these strategies and policies are implemented effectively.
- b) To evaluate the information that comes from the security forces and the intelligence services and to share it with related units.
- c) To work on the necessary surveys, analyses and evaluations or to have other institution to do these.
- d) To provide the security forces and related institutions with strategic information and to coordinate them.
- e) To inform the public and to get into contact.
- f) To follow improvements in the international arena and to evaluate them, then to share it with the Ministry of Foreign Affairs.
- g) To do investigation and supervision.

As it is clearly seen in the law, this institution does not have any operational duties in the area of struggling against terrorism. The fact that this institution does not have such a duty is the core point of the debates.

Because as their institutional structures and the televisions in the state require, the duty to gather intelligence in the country was given to National Intelligence Service [5] and the intelligence department working under General Directorate of Security separately [6].

2.3 Organizational Chart

Table 1: Organizational Chart of Undersecretariat of Public Order and Security [7]

Organizational Chart of Undersecretariat of Public Order and Security				
Undersecretary	Deputy Undersecretaries	Main Units of Service	Consultation Units	Units of Ancillary Services
Undersecretary	Deputy Undersecretary	Department of Planning, Coordination and Social Support	The Department of Strategy Development	Department of Human Resources And Support Services
	Deputy Undersecretary	Department of Research and Development	Legal Counsel	
		Department of Communication	Undersecretary Consultancy	
		Department of Foreign Affairs		

When the institutional structure is looked into, it is clearly seen that it was designed to be over all of the other units of intelligence and has the privileges to gather information and evaluate it both in inner and in foreign affairs. Moreover, this institution can share its outcomes with any organs of the state. The duties of the other units in the Undersecretariat of Public Order and Security are as follows:

a) Department of Planning, Coordination and Social Support:

In the scope of determining the policies and the strategies against terrorism;

- 1) To prepare action plans for the implementation of the determined policies and to check the improvements.
- 2) To provide coordination among the security units and to share information with them
- 3) To provide the coordination among the local governors
- 4) To provide the coordination among the related institutions in order to implement the socio-economic policies and the policies against terrorism in accordance
- 5) To do the other duties which were given by the undersecretary

b) Department of Research and Development

To deal with the problem of terrorism,

- 1) To collect data, information and documents; classify and analyze them and do necessary evaluations
- 2) To do some research or to urge others to do research and support the scientific studies in this area
- 3) To arrange some activities such as meeting, symposium, seminar and workshops
- 4) To prepare reports on the area of combating terrorism
- 5) To do the other duties which were given by the undersecretary

c) Department of Communication

In the scope of the policies to combat terrorism;

- 1) To inform the public
- 2) To do the activities to gain the support of the public
- 3) To provide coordination among the related state organs and non-governmental organizations
- 4) To do the other duties which were given by the undersecretary

d) Department of Foreign Affairs

- 1) To follow the improvements in foreign countries together with the Ministry of Foreign Affairs and other related institutions and to come up with precautions
- 2) To follow International improvements and experiences and adapt them to the country
- 3) To be in coordination with related international institutions
- 4) To do the other duties which were given by the undersecretary

The consultation units and their duties are as follows:

a) The Department of Strategy Development:

- 1) To do some work shops to determine the short and long term institutional strategies of the secretary in the framework of annual program and national development strategies and policies
- 2) To develop quality and performance criteria, follow, evaluate and give consultation for permanent development for the topics that are related to the undersecretary.
- 3) To prepare the annual budget of the undersecretariat in accordance with strategic planning and follow the activities of the undersecretariat and evaluate them

- 4) To do necessary preparations in order to increase the efficiency and functionality of the undersecretariat related to self-inspection
- 5) To prepare annual report of administrative activities of the undersecretariat
- 6) To do the other duties which were given by the undersecretary

b) Legal Counsel

- 1) To evaluate the regulations of combating terrorism and how they are implemented. To improve them in accordance with the needs of contemporary conditions
- 2) To declare their opinion about the laws and the regulations related to combatting terrorism
- 3) To follow international regulation related to combatting terrorism
- 4) To do the other duties which were given by the undersecretary

c) Undersecretary Consultancy

This institution can employ at most 10 consultants in the position of contractual personnel to benefit from their knowledge and expertise in the area of combatting terrorism with ratification of the minister. The consultants are not bound with the Law about State Officials number 657 and other laws about contractual personnel. The principles and procedures of the contract is determined by the undersecretariat and their salaries are paid with the offer of the undersecretary and the ratification of the minister. The amount of the salary should be between the minimum and maximum rates expressed in the law. They could also be honored with incentive bonuses which were determined in the framework of the principles and procedures for the contractual personnel in the undersecretariat [4].

3. Turkish Public and Security Bureaucracy

3.1 Bureaucracy

Bureaucracy is a term that is used not only in state affairs but also many different parts of the life. For instance, states, supranational institutions, associations, state and private structures, military...etc. This term is used for public administration, ideal management and it originally stems from stationery. But it also has some negative connotations among public such as delaying their work, over-seriousness and being strictly bound to the laws and rules. It is manifest that all of these connotations somehow reminds something negative to ordinary people.

When the historical roots of this term are investigated, it is seen that firstly a French physiocrat and economist Vincent de Gournay used it in 1745 [8]. Etymologically it stems from two words: "bureau" which means the officials working for state and "cracy" which means power. Thus the term "bureaucracy" means the power of

the state officials [8]. Abadan [9] and Baransel [10] use this term closer to public administration and say that it means “state organization” and “the community of officers”. It seems that these are more suitable to the meaning that is given in daily life. According to Gawthrop [11], it is possible to infer from the scientific studies that this term is used not only for the states but also any private organizations that got bigger and bigger and had a complex structure.

The German sociologist Max Weber contributed a different dimension to the term and stated that it is a process of organizing social movements and activities that are widely scattered according to rational and objective principles [12]. This definition by Weber saves it from negative connotation and bases it on a scientific explanation [13]. For this reason, it seems suitable to claim that the term bureaucracy gained a positive meaning after Weber.

To summarize it as Çoker [14] expressed, bureaucracy means an accumulation of laws and rules in general. These rules eliminate all the problems in public administration, provide unbiasedness and justice and forms an excellent and rational social entity. In this sense, bureaucracy is a complex division of labor, a central authority, a rational management of staff, clearly determined rules and policies and a detailed filing system.

3.2 Turkish Public and Security Bureaucracy

In history, the first Turkish Islamic state was Karahanli [15] when all the public and the administrators entered İslam and afterwards, all the Turkish states were under the effect of Islamic culture. So the sultans continued the central role of administering in all states, even it could be said that they gained more legitimacy in the eyes of the public. Especially after the conquest of Egypt by Yavuz Sultan Selim in 1516-1517, the Sultans gained a new identity. It was the Caliphate that means the representative of the Prophet Mohammad [16].

After the Turkish nations accepted Islam until the fall of Ottoman Empire, the States accepted as holy by the public [17]. For that holiness that was attributed to the state, there was always reverence and the incentive to protect the state in Turkish traditions [18]. So it is possible to state that Turkish Public Bureaucracy was encoded with this incentive. When this code of the Turkish Nation is deciphered, the real nature of its bureaucratic organization will be clearly comprehended. It is apparent in history that this genetic code always prioritized the state against individuals and tried to protect it. However, in the modern world, all of the prosperous modern states protect the individuals against the states. Çaha states that in modern states there are some organizations that protect the rights of the individuals against states, but the same organizations in Turkey still play the role of defending the state against individuals [19]. Even these organizations are loyal servants of the state.

One of the main pillars in Turkish Public Bureaucracy is Security bureaucracy and it seems to be unchangeable. Moreover, it is accepted as the founder of the states of Turkish Nation [20]. For that reason, the director of National Mobility in the Ministry of Culture, Kadri Yaman uttered in 1938 that they should be doubtful of the people being a member of Turkish nation who do not have the feelings of love and dependence on the soldiers. This and many more similar examples of dependence on soldiers show the degree where the Turkish Nation puts

the soldiers. For that reason, they are untouchable and unreachable and deserve to be revered. An outstanding dimension of the security bureaucracy is that they combat terrorism for years in Turkey and they are sufficiently experienced about it. For that reason they see themselves as the only authority to determine the policies against terrorism and eliminate the elected governments out of these processes. Baharçiçek and Tuncel stress this point and utter:

“Their central role causes some negative effects. Although the soldiers determine the policies and dictate what they want to the political authorities, they do not claim any responsibility when they are not successful at combatting terrorism. Moreover, nobody can question them. The fact that the security bureaucracy do not have any responsibility and give any account of their activities which is not lawful but a de facto situation causes the politicians to be less effective or none when the policies against terrorism are determined. But in democratic countries it is just the opposite and the politicians determine every phase of these policies [21].”

Yayla (2011) highlights this point uttering that in every contemporary country, the two branches of the security bureaucracy (police force and military) are under control and supervision of the political willpower. In other words, the security bureaucracy implement the commands given by the elected politicians. They cannot attribute any duties and missions to themselves. When they are unsuccessful and wrong, they give account of their deeds to the civilian authorities. When they are guilty, they give the account of their deeds to the justice. This ideal situation comes to existence in contemporary democratic countries. But the developing countries could come up with many problem about this topic. Turkey is possible to be classified into the developing countries category. It does not look like Norway and Italy but like Pakistan and Haiti [22].

Turkey Economic and Social Studies Foundation (TESEV) prepared a report about the power of the security bureaucracy comparing some countries and Turkey. The report titled as “Human rights and Security: Turkey, England and France” points out to the reality that the laws that are related to security are all prepared by the security bureaucracy. The ministry that should deal with that problem only works together with the representatives of this bureaucracy. These representatives participate in the workshops done by the specialized committees and dictate their ideas to them. When they express that the offer is a requirement, neither the representatives of the parties in power nor those in the opposition parties reject to their ideas. As a result, the regulations that prioritize security could be against human rights but rejection requires some extra courage and there is the danger of being condemned [23].

4. Evaluation of the Undersecretariat of Public Order and Security from the Perspective of Security Bureaucracy

Forming a new institution requires forming other new ones to support it. For instance, when you start to run a restaurant somewhere, then you need other sectors to meet your needs. You need bakery to provide bread, butcher to provide meat, greengrocer to provide vegetables...etc. So when the Undersecretariat of Public Order and Security is founded with some laws and it does not have any operational authority, these are not sufficient to keep the existence of it on its own. As a result, it will be obsolete in time. On the other hand, in order to be active to do the duties given to it, Undersecretariat of Public Order and Security should form other bureaucratic

structures under itself. As the bureaucratic structures get bigger, the operational power will decrease and have a cumbersome nature. Theoretically this is a natural problem for this institution and all of the other bureaucratic structures but there are more problems for all of the security units awaiting.

Firstly, when the structure of the security bureaucracy is investigated, it should be questioned what the exact reason to found such a structure is. The security bureaucracy lost its unshakeable place unexpectedly during some judiciary processes in which they were sued with some unlawful deeds. The one-party era (1923-1946) was the golden age for this bureaucracy and during the 28th February process in Turkey, the military regained an unquestionable place but during the judiciary process called as “Ergenekon” in Turkey, they lost their position to large extent in the eyes of public. It could be said that the main pillars of this bureaucracy have been demolished throughout these processes and most probably they will not be able to regain what they lost during this process in the short term.

Just at this point, the foundation of the Undersecretariat of Public Order and Security seem to be making sense. The undersecretariat was founded not because of the reason that the state needed it but as a requirement of combatting poles in politics. Since the government realized that they cannot dominate the security bureaucracy under these circumstances, they intended to form a new bureaucratic structure which will coordinate the others and will be a central point of all of them. When there are problems in a city where the governors cannot get on well with each other, it is almost impossible to implement the coordination in whole country among security forces. The government desired to dominate the National Intelligence Agency and assigned Hakan Fidan as the head of the agency out of the traditions of the state. There was a fact that this agency was far behind the police force from the perspective of gathering intelligence. So for the undersecretary of the National Intelligence Agency to be successful, he needs the support of police force and its power of collecting intelligence. There was only one way for the government to think; that was to set up a new organization coordinating all of them and opening the police force’s intelligence power to National Intelligence Agency and it was Undersecretariat of Public Order and Security.

It should be referred to a historical event that was French Revolution in 1789. Just after the revolution, the bourgeoisie came to the power who were scorned by the aristocrats throughout many years. Firstly the constitutionalists and then the moderate liberals called as Girondists (Girondin in French) came to power. But the revolution could not go on as expected. The counter-revolutionists resisted against them. The public were also expecting a revolution and there was another huge problem that the opposition against the revolution was increasing in international arena. The political power was paralyzed between the public and the aristocrats [24]. When the Girondists could not consolidate the revolution, the Jacobins started an era of terror in 1792. They formed a committee named as the Committee of Public Safety in order to judge the both sides [25]. At this point, the words Safety and Security which were used by the French revolutionists and Turkish Governmental organs, which give the idea that both of them have some ontological common points.

5. Conclusion

It is probable that the Undersecretariat is a duplicate of the former bodies which were formed in Turkey years ago in military bases to investigate some opposing people. They were called “Western Working Group” and “Republicans Working Group”. It is also probable to infer that this undersecretariat was designed to be a teacher of the security bureaucracy to comply with the international rules about human rights and the government of the states.

It should be stated and underlined that it is not suitable to question an institution with this kind of imaginary reasoning. While studying this institution, it was tried to go beyond the boundaries of ordinary thinking and reasoning and the real reason was tried to be mined behind founding such an organization because it seemed to be dead from the birth so some new meaning was tried to be inferred from its being founded. It was also voiced in Turkey that this institution was not a new creation of the old bureaucratic structure but that of the counter-revolutionists in Turkey. As a result, the inferences do not always match the real situation but they are not totally wrong.

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