

LAW OF THE NSC AND THE SECRETARIAT GENERAL OF THE NSC

CHAPTER ONE

Objection and Definitions

Objection

Article 1 - The goal of this law is to arrange the establishment, duty, working principles and procedures of the National Security Council and the organization, duty, competence, working principles and procedures of the Secretariat General of the National Security Council.

Definitions

Article 2 - The terms mentioned in this law mean,

(a) National Security; The protection and maintenance of the constitutional order, national presence, integrity, all political, social, cultural and economic interests in international field as well as against any kind of internal and external threats, of the State.

(b) The State's National Security Policy; The policy covering the principles of the course of internal, external and defense actions determined by the Council of Ministers within the views set by the National Security Council with the aim of ensuring national security and achieving national objectives,

CHAPTER TWO

The National Security Council

PART ONE

Establishment and Duties

Establishment

Article 3 - In accordance with the article No.118 in the Constitution, the National Security Council was established.

(Amended in the article No: 15th January, 2003-3789/1) The National Security Council, chaired by the President, consists of the Prime Minister, the Chief of General Staff, the Ministry of National Defense, the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the Land Forces Commander, the Naval Forces Commander, the Air Forces Commander and General Commander of the Gendarmerie.

As well as the regular attendees, depending on the agenda, related ministers and persons can also be invited to attend the Council meetings for their views.

The Secretary General of the National Security Council participates in the meetings however does not have the right to vote.

Duties

Article 4 - (Amended in the article No: 7th August, 2003-4963/24) The National Security Council shall, within the framework of the definitions on national security and the national security policy of the State as stated in Article 2, take advisory decisions on issues pertaining to the determination, establishment and implementation of the national security policy of the State, and shall provide its views with a view to ensuring the necessary coordination; it shall submit these advisory decisions and views to the Council of Ministers, and fulfill duties given by laws. The Prime Minister may entrust a Deputy Prime Minister with the responsibility of submitting to the Council of Ministers the advisory decisions and views of the National Security Council to be evaluated, and of coordinating and following the implementation of these advisory decisions should they are approved by the Council of Ministers.

PART TWO

Working Procedure

Meetings of The Council

Article 5 - (Amended in the article No: 7th August, 2003-4963/25) The Council shall convene once every two months. If necessary, the Council may convene upon the proposal of the Prime Minister or the direct request of the President of the Republic.

The Council meetings shall be held under the chairmanship of the President. The Council shall be chaired by the Prime Minister in the absence of the President.

Agenda

Article 6 - The agenda of the Council is drawn up by the President of the Republic, taking into account the proposals of the Prime Minister and the Chief of the General Staff.

The topics proposed by the ministers who are the Council members and the other ministers to be put on the agenda, after taking the opinion of the Prime Minister, are submitted to the President through the Secretary General of the National Security Council.

Decisions

Article 7 - The Council takes its decisions by the majority of votes. In case of a tie, the side which has the Council Chairman is assumed to form the majority.

The decisions of the Council are submitted to the President and the Prime Ministry to be discussed at the Council of Ministers by the Secretariat General of the National Security Council.

The discussion of the decisions in the Council of Ministry

Article 8 - The decisions of the National Security Council are primarily put on the agenda of the Council of Ministers by the Prime Minister and necessary decisions are taken.

Distribution and steering of the decisions

Article 9 - (Repealed in the article No: 7th August, 2003,4963/35, c)

The minutes of the meetings

Article 10 - Discussions in the National Security Council are appropriately reported by the officials of the Secretariat General of the National Security Council. Original copies of the decisions and the minutes of the meetings are kept in the Secretariat General of the National Security Council. The minutes and the negotiations are to be explained or published. Decisions can be explained or published with the permission of the National Security Council.

CHAPTER THREE

The Secretariat General of the National Security Council

PART ONE

Establishment and Organization

The Secretariat General

Article 11 - The Secretariat General of the National Security Council was established under the authority of the Prime Ministry.

The Units of the Secretariat General

Article 12 - The Secretariat General of the National Security Council consists of the Secretary General, Deputies of Secretary General, bureau of Secretariat General and the units which are indicated below:

(a) Legal Advisory,

(b) Main Services Units,

(c) Personnel and Administrative Affairs Department

Main Services Units are founded upon the proposal of the Secretary General and the approval of the Prime Minister.

If necessary, upon the proposal of the Secretary General and the approval of the Prime Minister, apart from the Main Service Units, temporary service units, special profession and research commissions, special education, planning and implementation units within the Secretariat General or not, can be established, stating the duties and the periods of service. To prolong the periods of service and working of these units is based on the same procedure.

PART TWO

Duty and Competences

(Repealed in the article No: 7th August, 2003,4963/26)

The Duty and Competences of the Secretariat General

Article 13 - The Secretariat General of the National Security Council;

(a) Conducts the secretariat services of the National Security Council.

(b) Carries out the duties given by the National Security Council and the relevant laws.

The Competences of the Secretariat General

Article 14 - (Repealed in the article No: 7th August, 2003,4963/35,c)

PART THREE

Personnel

Article 15 - (Amended in the article No: 7th August, 2003,4963/27) The Secretary General is appointed upon the proposal of the Prime Minister and the approval of the President. The positive opinion of the Chief of General Staff is to be sought in case a member of the Turkish Armed Forces is to be appointed to this post.

Other personnel

Article 16 - The personnel employed in the Secretariat General of the National Security Council are composed of;

(a) The ones to be assigned to the staff of the Secretariat General,

(b) Contracted personnel,

(c) The ones to be charged from the Turkish Armed Forces to the Secretariat General.

(d) The personnel of the public institutions and organizations, subject to the 4th article of the Law No: 160 on the foundation of the State Personnel Organization, who are assigned to the Secretariat General upon the proposal of the Secretary General and the approval of the Prime Minister.

In the Secretariat General of the National Security Council, first degree staff is appointed by notification of the Secretary General and through joint decision; 2nd-4th degrees are appointed by proposal of the Secretary General and approval of the Prime Minister; 5th- 15th degrees are appointed by approval of the Secretary General.

In case of a need for the appointment of the personnel in the Secretariat General to other public institutions, application is submitted to the Prime Ministry. The Prime Ministry determines the institutions and the establishments where these staff will be appointed to. The relevant institutions carry out appointment procedures in accordance with the general provisions.

Special provisions

Article 17 - Personnel of the Secretariat General of the National Security Council are subject to the State Employee Law no.657 except for certain special provisions listed below.

(Amendment: 17/12/2003-Article 5017/1) The staff of the Secretariat General of the National Security Council is established or abolished by the proposal of the Secretary General and the approval of the Prime Minister, with the supplementary charts determined in conformity with the general provisions.

According to the additional item on wage raises and compensations annexed to the State Employee Law with 31.07.1970 no. 1327 Code, payment proportions without exceeding the maximum limits are determined by the proposal of the Secretary General and the approval of the Prime Minister.

Members of the Turkish Armed Forces who will be appointed to the Secretariat General of the National Security Council are determined by joint decision of the General Staff and the

Secretariat General of the National Security Council. Appointment process of officers and non-commissioned officers is executed under the principles of Turkish Armed Forces Staff Law no. 926.

In case of a need, personnel working for other public agencies, mentioned in the 4th article of the Law No:160 on the foundation of the State Personnel Organization, may be employed at the Secretariat General of the National Security Council; provided that their employment matters are kept in their own institutions, their status on discipline, employment record and permissions are regulated by the Secretariat General, as long as the Prime Minister finds that such an employment is necessary.

The difference is paid as compensation out of the Secretariat General budget to the personnel appointed to the Secretariat General of the National Security Council in accordance with the above 4th and 5th clauses, in case sum of the raise and compensation paid in their institutions is less than the sum of the payments given to the equal staff.

The contracted personnel who will be employed at the Secretariat General of the National Security Council are not required to fulfill the conditions indicated Article 4 of the State Employee Law. Working conditions, principles of contracts, minimum and maximum payment limits determined without exceeding the ratios of the Council of Ministers, as well as principles of their social rights are arranged by a regulation. (Annex: 8/4/1990 - 417/1 article) The contracted personnel will be subject to the Retirement Fund on their will.

In case of a need, financial contribution for clothing to some personnel of the Secretariat General of the National Security Council is made under the provisions of the State Employee Law no.657 with the proposal of the Secretary General and the approval of the Prime Minister.

PART FOUR

The Working Principles and Various Provisions

The working order

Article 18 - The Secretariat General of the National Security Council fulfills its duties given by this and other legislations, in its own organization and, when necessary, in coordination with other ministries, establishments and institutions.

Internal working conditions of the Secretariat General of the National Security Council and relations and working procedures with other ministries, establishments and institutions are arranged by regulations.

Information and Documents

Article 19 - (Repealed)

Budget of the Secretariat General

Article 20 - The Secretariat General of the National Security Council is subject to the General Budget System. An extra allocation is included in the budget for confidential expenditures. The Secretary General is responsible for using this allocation, to the Prime Minister.

Regulation

Article 21 - (Amendment: 17/12/2003-5017/1 article) The principles and procedures on the implementation of this law and the issues mentioned in the law are arranged by a regulation prepared by the Secretariat General of the National Security Council, discussed in the National Security Council and approved by the Council of Ministers.

This regulation is prepared and enters into force within three months after the publication of the law.

Repealed Provisions

Article 22 - The National Security Council Law dated 11.12.1962 and no. 129 is repealed.

PROVISIONAL ARTICLE 1 - Implementation of the ongoing decisions of the National Security Council functioning according to the repealed law no.129 and the national policy decisions accepted by the National Security Council will continue until the enforcement of the amendment and abolishment decisions of the National Security Council reorganized by this law.

PROVISIONAL ARTICLE 2 - Until the enforcement of the regulation to be issued under the provision of 21st article, the implementation of the provisions of the regulation issued according to the National Security Law no.129 will be in force.

PROVISIONAL ARTICLES 3 - Existing organization and staff of the Secretariat General of the National Security Council are regulated in accordance with the provisions of this Law. The personnel of the ministries, establishments and institutions working in the Secretariat General and all personnel including contractual employees can be tasked by the Secretary General, with their new staff and status, or appointed to the other public establishments and institutions with in the context of article 14.

PROVISIONAL ARTICLE 4 - (Annex: 03-4963/28 article) In accordance with the arrangements in the National Security Council and the Secretariat General of the National Security Council Law dated 9.11.1983 no.2945, envisaged by this law, a regulation is issued within three months after the publication of this law with in the context of the principles of the 21st article of the law no. 2945.

Entry into Force

Article 23 - This law enters into force on the date of publication.

Execution

Article 24 - The Council of Ministers is responsible for the execution of this law.