

DECLARATIONS AND JOINT STATEMENTS OF GRAND NATIONAL ASSEMBLY OF TURKEY ON FOREIGN AND DOMESTIC AFFAIRS*

DIŞ VE İÇ POLİTİKA KONULARINDA TÜRKİYE BÜYÜK MİLLET MECLİSİNDE KABUL EDİLEN DEKLARASYON VE ORTAK BİLDİRİLER

Kübra ASLAN**

ABSTRACT

A declaration is a statement of the Turkish Parliament adopted with an overwhelming majority on foreign affairs and domestic politics. It is signed by all political party groups and, in some cases, by the representative of political parties without having a party group and independent members of the Grand National Assembly of Turkey (GNAT). On the other hand, a joint statement has the same purpose as a declaration, yet it is not signed at least by one political party group. Both declarations and joint statements have no explicit legal basis in the RoP of the GNAT; therefore, they are subject to different applications by the Bureau of the Assembly.

This article will examine the GNAT's declarations and joint statements that are adopted on foreign and domestic affairs. It aims to shed light on how the implementation practice of the GNAT with related procedural issues has evolved over the years.

Keywords: Declaration, Joint statement, Grand National Assembly of Turkey (GNAT), Foreign affairs, Domestic affairs.

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ÖZET

Deklarasyon, Türkiye Büyük Millet Meclisi (TBMM)'nde temsil edilen siyasi parti grupları tarafından dış ve iç politika konularında imzalanan metinlerdir. Ortak bildirimler ise deklarasyon ile aynı işleve sahip olmakla birlikte, siyasi parti grupları arasında konsensüs sağlanamadığı durumlarda metne imzasını koyan siyasi parti grupları tarafından kabul edilen metinlerdir. Deklarasyon ve ortak bildirimlerin TBMM İçtüzüğünde yasal bir dayanağının olmaması, bu metinlerin TBMM Başkanlık Divanı tarafından farklı uygulamalarla işlem görmesine neden olmaktadır.

Bu çalışma TBMM'nin dış ve iç politika konusunda kabul ettiği deklarasyon ve ortak bildirimlere dair uygulamasını, konuya ilişkin prosedürler de dahil olmak üzere incelemektedir.

Anahtar kelimeler: Deklarasyon, Ortak bildiri, Türkiye Büyük Millet Meclisi (TBMM), Dış politika, İç politika

1. INTRODUCTION

A declaration (*deklarasyon*) is a statement of the GNAT on a given foreign or domestic affairs issue. It is signed by all political party groups and in some cases by the representative of political parties without having a party group¹ and by independent members of the Grand National Assembly of Turkey (GNAT)². On the other hand, a joint statement (*ortak bildiri*) has the same purpose as a declaration, yet it is not signed at least by one political party group. While article 53 of Rules of Procedure (RoP) on the 'writings and telegraphs concerning matters such as felicitations, acknowledgements, appreciation, and entreaty' is referred to as the legal basis for declarations³, both declarations and joint statements have no explicit legal basis in the RoP of the GNAT; therefore, they are subject to different applications by the Bureau of the Assembly⁴.

While Weisglas and Gonne de Boer argue that declarations do not need to be adopted by consensus and oppositions to the adoption of a declaration could point to a much realistic stand, it is still needed to make a differentiation between the documents adopted by consensus and by majority⁵. With this in mind, it can be

- 1 Under Article 95 of the 1982 Constitution and Article 18 of Rules of Procedure of the Parliament, each political party group participates in Parliament's activities in proportion to its number of members. Political party groups shall be constituted only if they have at least twenty members.
- 2 İrfan Neziroğlu, **Türk Parlamento Hukukunun Temel Kavramları**, pp.127-128, Seçkin Yayıncılık, Ankara, 2008; Fahri Bakırcı, **Türkiye Büyük Millet Meclisi Genel Kurulundaki Yerleşik Uygulamalar**, pp.45-47, Ankara: TBMM Basımevi, 2015.
- 3 TBMM, **Parlamento Terimleri Sözlüğü**, p.21 accessed at <https://www.tbmm.gov.tr/docs/psozluk.pdf> on 10.5.2020
- 4 Neziroğlu, **Türk Parlamento Hukukunun Temel Kavramları**.
- 5 Frans W. Weisglas and Gonne de Boer, (2007), 'Parliamentary Diplomacy', **the Hague Journal of Diplomacy**, 2, p.99.

concluded that joint statements do not reflect the GNAT's will *as a whole* but those of political parties signing the document. Therefore, this article will use the term declaration for documents that are signed by all political party groups. For the rest, the term joint statement is used. While declarations are processed and read by the Bureau of the Assembly during the Plenary, joint statements are subject to quite different implementations. In the majority of cases, representatives of the political party groups are given the floor to read the statements that parties are agreed upon. In contrast, in other cases, the Bureau rejected to process the joint statements on the basis of non-consensus as explained below.

This article will examine the GNAT's declarations and joint statements that are adopted on foreign and domestic affairs. It aims to shed light on how the implementation practice of the GNAT with related procedural issues has evolved over the years.

2. TURKISH PARLIAMENT ON FOREIGN AND DOMESTIC AFFAIRS

When the declarations and joint statements adopted from the 17th parliamentary term onwards is examined, it is seen that most of the declarations are on foreign affairs with limited numbers adopted on domestic politics⁶. However, in some cases, it is not possible to establish a clear distinction between the declarations and joint statements since they can be related to both foreign and domestic affairs.⁷ For example, while the joint statement's addressee on the extradition of Fethullah Gülen to Turkey by the United States (August 2018) was the United States, given the fact that the statement was adopted in the course of the domestic politics regarding the 15 July coup attempt, the distinction blurs. The joint statement on the attacks against Turkish soldiers in Idlib, Syria (February 2020) was also related to both domestic affairs in the sense of martyred soldiers and foreign affairs regarding the course of the state of play in Syria.

The data reveals that the GNAT sought consensus on foreign and domestic affairs until recent years and did not adopt texts when there was no consensus among political party groups. In other words, if consensus was not reached on a given issue, the GNAT chose not to declare its stance on the concerned issue through issuing of joint statement. Nonetheless, there were two notable exceptions in that regard. In the first example in February 21, 1995, there was a general debate in the GNAT on the customs union with the European Union. Following the negotiations, all political party groups but the Welfare Party signed the joint statement titled 'GNAT

6 The list of declarations and joint statements constituting the basis of this article is obtained from the answer given to a written question by the GNAT Speaker, dated 30.4.2014 and internal archives of the Laws and Resolutions Directorate of the GNAT as well as by the own work of the author.

7 As an exception, there was a declaration neither on foreign nor domestic politics but on the workings of the GNAT stating that all kinds of acts and speeches that interfere with political ethics, fundamental rights, and freedom will not be allowed in the GNAT. **Türkiye Büyük Millet Meclisi (TBMM) Tutanak Dergisi** (2013), Dönem 24, Cilt 49, Yasama Yılı 3, Birleşim 98, p.870 accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d24/c049/tbmm24049098.pdf> on 30.5.2020

Explanation' on Turkey's relations with the European Union in general. After the reading of the text by the Bureau, the representative of the Welfare Party took the floor and stated that contrary to the read document which stated that it was Plenary's will, the document was not GNAT's will of the declaration but the representatives of those political parties or personal views of those signing the document. There was no 'national agreement' on the issue since the Party was against it and demanded from the Bureau to read the Welfare Party's statement afterward. The Bureau accepted the demand and processed the statement of the Welfare Party, which declared that the Party disagreed with the read 'GNAT Explanation'⁸. This joint statement was, in that vein, the notable exception to the consensus tradition of the GNAT. What is also interesting in this example is that the disagreed party to the joint statement made their disagreement processed and read by the Bureau. Typically, parties do not make their position on the issue read by the Bureau since, during negotiations, all political party groups, including the disagreed party to joint statement, explain their views without being able to table a motion and make it read by the Bureau. In the second example, there was an attack against the Turkish flag in the congress of the People's Democracy Party (HADEP). On June 25, 1996, following 'speech out of agenda' the Republican People's Party (CHP) tabled a motion for the adoption of a declaration about 'the sadness and hatred on the thrown of the Turkish flag in the HADEP congress', stating that CHP hoped for other parties would join the text⁹. However, the text was signed only by the CHP representatives, but still, it was processed by the Bureau. In this example, although the CHP representatives stated that it was a declaration, other parties' signatures did not sought beforehand.

In recent years, particularly from the 26th term onwards, the GNAT has been increasingly resorting to joint statements to overcome no consensus among political party groups. Both on foreign and domestic affairs, the adopted joint statements are on the rise, meaning that it becomes more challenging for the GNAT to reach consensus. Therefore, to establish a clear distinction between declarations adopted by consensus and joint statements that are not signed at least by one political party group is crucial to develop a consistent implementation practice by the Bureau in the light of existing data.

8 **Türkiye Büyük Millet Meclisi (TBMM) Tutanak Dergisi** (1995), Dönem 19, Cilt 79, Yasama Yılı 4, Birleşim 77, pp.401-403 accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d19/c079/tbmm19079077.pdf> on 15.12.2020

9 **Türkiye Büyük Millet Meclisi (TBMM) Tutanak Dergisi** (1996), Dönem 20, Cilt 7, Yasama Yılı 1, Birleşim 66, p.390 accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d20/c007/tbmm20007066.pdf> on 15.12.2020

3. THE IMPLEMENTATION OF THE TURKISH PARLIAMENT ON THE ISSUE

Under the presidential government system, the executive power ‘shall be exercised and carried out by the President of the Republic’ which amongst others includes the formulation and implementation of the foreign policy of the Republic of Turkey¹⁰. While under the 1982 Constitution, the powers and duties of the GNAT on foreign affairs are to declare war and to approve international treaties (article 87), powers and duties on foreign affairs under the RoP of the GNAT are the ratification of international treaties (article 90), declaration of the state of war against a foreign state (article 129) and sending Turkish armed forces abroad or admission of foreign armed forces to Turkey (article 130) with two standing commissions on foreign policy namely, the Foreign Affairs and the European Union Affairs Commissions (article 20). In addition to that, law 3620 regulates international relations of the GNAT. Under law 3620, the GNAT establishes and/or participates in friendship groups, inter-parliamentary unions, and parliamentary assemblies of international organizations. Based on this, it can be concluded that in addition to the GNAT’s legal powers on foreign affairs, the GNAT through declarations and joint statements reaffirms its stance on foreign affairs issues. Declarations are sent to the concerned state and/or international organization through the Ministry of Foreign Affairs. A close examination of the title and content of the declarations and joint statements reveals that they are on a far-reaching range of foreign policy issues, with a line of continuity on the hot topics of Turkish foreign policy. First and foremost, on the so-called Armenian genocide, relations with Greece, and the developments related to the Cyprus issue. The remaining were adopted according to the course of developments of foreign policy issues of their time.

On the other hand, increased numbers of declaration and joint statements were adopted on domestic politics, the country’s political landscape developments. Declarations and joint statements on domestic politics exhibit two lines of continuity, i.e., on the Turkish armed forces, and terrorism, and the unity of the Turkish nation. The declarations on domestic affairs related to the Turkish army centered on the ‘confidence, appreciation, and gratitude of the Parliament to the Turkish armed forces’ took the lead during the 1980s¹¹. The notable example in that vein was the declaration

10 Mümtaş Soysal, **Dış Politika ve Parlamento**, Ankara, Ankara: Ankara Üniversitesi Siyasal Bilgiler Fakültesi Yayınları, 1964.

11 Bakırcı argues that GNAT’s declaration for love and appreciation of the Turkish army is a ritual (*ritüel*) developed during 1950s, which has its origins in the the Republic’s foundation. They were adopted particularly during the budget negotiations of the National Defense Ministry. In that vein, Bakırcı does not accept those texts as declarations on domestic affairs, states that these are ‘rituals’ and continuation of the past practices. Bakırcı, **Türkiye Büyük Millet Meclisi**, pp. 29-34. However, for those texts all political parties’ signature was secured, they were processed and read by the Bureau. Besides, among those adopted in the 1950s, some of them were put the vote and become GNAT resolution (*TBMM Kararı*) in the legal terms. See footnote 34 below. Those adopted in the 1980s are accepted as declarations by the presidency of the Parliament as well. **Türkiye Büyük Millet Meclisi (TBMM) Tutanak Dergisi** (2014), Dönem 24, Cilt 76, Yasama Yılı 4, Birleşim 83, pp.467-465 accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d24/c076/tbmm24076083.pdf> on 1.4.2020

on the ‘gratitude of the Turkish Parliament to the President, the National Security Council, and Turkish Armed forces that freed the country from disintegration and conducted the transition to the democratic parliamentary system again’¹². It is seen that with the strengthening of civilian politics, the GNAT no more adopted this kind of text. Until recently, there was no declaration or the GNAT’s joint statement regarding Turkish armed forces except for 15 July coup attempt declaration. On the other hand, declarations and joint statements on terrorism and unity of the nation constitute the majority of the texts on domestic politics. They range from on the unity of the Turkish nation (August 1992), on the martyr Turkish soldiers (July 2011) to the terrorist bombings at different parts of the country during 2016 (February, March, and June 2016, respectively). Apart from these, depending on the course of domestic politics, there were declarations and joint statements adopted upon a *particular* development in the domestic politics, such as the declaration on Soma mine accident, (May 2014), and the extradition of Fethullah Gülen to Turkey by the United States (August 2018).

There are plenty of contradictory issues needed to be addressed for the declarations and joint statements practice of the GNAT. First of all, as there is no explicit legal basis in the RoP, there is no unity in practice as for how to title declarations and joint statements. Quite different naming examples is seen. This applies not only to the naming of texts themselves but also for minutes of the GNAT. Until recent years, the document as it read takes place under a different title and name in the minutes of the GNAT¹³. In recent years however, declarations and joint statements take place generally under the general heading of ‘declarations/joint statements’ in the minutes. The terms declaration (*deklarasyon*), memo (*ortak bildiri*), joint motion (*müşterek önerge*), joint notice (*müşterek bildiri*) common notice (*ortak önerge*) motion (*önerge*), statement of the GNAT (*TBMM açıklaması*), GNAT notice (*TBMM bildirisi*), notice (*bildiri*), resolution of the Parliament (*TBMM Kararı*), resolution (*karar*), statement (*açıklama*) are all used interchangeably for naming declarations and joint statements. Therefore employed *terminology* needs to be clarified, and once the terminology is determined, it should be used consistently.

In order to name a document as a declaration, it should be signed at least by *all* political party groups. One might also argue that in addition to all political party groups’ signature, political parties without having a party group and independent MPs’ signature should also be sought. In some cases, representatives of political parties

12 **TBMM Tutanak Dergisi** (1983), Dönem 17, Cilt 1, Yasama Yılı 1, Birleşim 5, p.31 accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d17/c001/tbmm17001005.pdf> on 1.6.2020

13 For example, the Declaration on Bosnia was read as communique (*bildiri*) by the Bureau, it took part as joint motion (*müşterek önerge*) in the minutes. **TBMM Tutanak Dergisi** (1993), Dönem 19, Cilt 27, Yasama Yılı 2, Birleşim 53, pp.43-44 accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d19/c027/tbmm19027053.pdf> on 5.6.2020; the Declaration on Italia was read as GNAT Explanation (*TBMM Açıklaması*) but took part as GNAT Communique (*TBMM Bildirisi*) in the minutes. **TBMM Tutanak Dergisi** (1998), Dönem 20, Cilt 65, Yasama Yılı 4, Birleşim 20, pp. 479-480 accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d20/c065/tbmm20065020.pdf> 5.6.2020

without having a party group and independent members signed the text beforehand along with political party groups, while in other examples, their signature was not sought¹⁴. In other cases, after a declaration was processed and read by the Bureau, the independents stated their agreement thereafter, and the speaker confirmed the independents' signature¹⁵. The independent MPs' and representatives of political parties without having a party group signature is closely related to the political configuration and climate at the Plenary at that time. There is no clarity as to whether or not their signature should be obtained beforehand. In any case, the consensus at least among political party groups is essential to consider those texts as declarations¹⁶. In the 'speeches about the procedure' it was discussed that documents that are not signed by all political party groups could not be processed as a declaration by the Bureau¹⁷. Based on this, the Bureau rejected to put into process proposed texts on the ground of non-consensus among political party groups. In later, however, for joint statements, the practice of the Bureau has changed considerably. To overcome non-consensus among political party groups, the Bureau has sought common ground in cases where majority of political party groups agreed on an issue. The speaker gives the floor to political party groups' representatives. Each representative of the political party group read the joint statement's text either from the rostrum or from his/her seat. The disagreed party to the text is also given the floor to explain its rationale and position. However, there were examples in which joint statements were processed like declarations and read by the Bureau¹⁸.

Apart from political party groups and independent members, the signatory of declarations and joint statements could proliferate depending on the issue at stake. For example, the declaration on the support of the GNAT of membership of Macedonia, Albania, and Croatia to the North Atlantic Treaty Organization was signed by the presidents of the friendship group of these countries¹⁹. In another example, the

14 For example the Declaration on the genocide, in Bosnia and Herzegovina, **TBMM Tutanak Dergisi** (1995), Dönem 19, Cilt 93, Yasama Yılı 4, Birleşim 147, pp.348-349 accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d19/c093/tbmm19093147.pdf> on 8.6.2020

15 For example, the Declaration on Caucasus and Abkhazia, **TBMM Tutanak Dergisi** (1992), Dönem 19, Cilt 19, Yasama Yılı 2, Birleşim 14, p.58 accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d19/c019/tbmm19019014.pdf> on 5.6.2020

16 Neziroğlu, **Türk Parlamento Hukukunun Temel Kavramları**, pp.127-128

17 **TBMM Tutanak Dergisi** (2004), Dönem 22, Cilt 47, Yasama Yılı 2, Birleşim 74, pp.26-33 accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d22/c047/tbmm22047074.pdf> on 5.6.2020; **TBMM Tutanak Dergisi** (2004), Dönem 22, Cilt 68, Yasama Yılı 3, Birleşim 32, pp.222-228 accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d22/c068/tbmm22068032.pdf> on 6.6.2020

18 See for example, the joint statement on Armenia's attacks to Azerbaijan TBMM Tutanak (2020), dated 16.7.2020 accessed at <https://www.tbmm.gov.tr/tutanak/donem27/yil3/ham/b11401h.htm> on 28.12.2020; the joint statement on the United States sanctions on Turkey TBMM Tutanak (2020), dated 15.12.2020 accessed at <https://www.tbmm.gov.tr/tutanak/donem27/yil4/ham/b03201h.htm> on 28.12.2020

19 **TBMM Tutanak Dergisi** (2004), Dönem 22, Cilt 53, Yasama Yılı 2, Birleşim 104, pp.314 accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d22/c053/tbmm22053104.pdf> on 7.5.2020

declaration was signed by the foreign affairs commission president and the president and vice president of investigation commission on the issue.²⁰ There were also examples in which the speaker of the Parliament himself was among signatory of the texts as well²¹.

Under the RoP of the GNAT, political party groups are represented per the number of seats they have. Correspondingly, the motion for the adoption of a declaration should come from political party groups no matter whether parties decide to issue a text on their own or at the call of for example the speaker of the parliament²². If the motion to adopt a declaration comes from Member of Parliament (MPs) themselves, it was not processed by the Bureau. In an example MPs tabled a motion on Armenia's condemnation for its offensive and expansionist stand to Azerbaijan and demanded from Turkey to make all aid Azerbaijan. The speaker stated that the motion could not be processed by the Bureau in the light of RoP and customs, as it was signed by the MPs, not by the political party groups. The motion by the MPs was processed *only after* political party groups' statement for joining the motion and upon their signature, respectively²³. There were examples in which a declaration was adopted upon a presidency memorandum. In this case, the presidency memorandum was also put to the vote. For example, the declaration on the 40th anniversary of the Council of Europe (March 1989) was adopted upon the presidency memorandum stating that the document was prepared upon the agreement of political party groups²⁴. In another example, the text constituting, in essence, the basis of the declaration 'on the proposal that will be discussed in the French Parliament foreseeing punishment to those who reject the Armenian genocide' was processed by the Bureau as 'presidency explanation' substituting political parties' signatures²⁵.

Legally binding acts of the GNAT are laws and resolutions. Under Turkish constitutional and parliamentary law, resolutions are defined as acts other than laws that

20 The Declaration on the genocide in Bosnia and Herzegovina, **TBMM Tutanak Dergisi** (1995), Dönem 19, Cilt 93, Yasama Yılı 4, Birleşim 147, pp.348-349 accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d19/c093/tbmm19093147.pdf> on 8.6.2020. At that time, the Investigation Commission on Bosnia and Herzegovina was formed.

21 For example the Declaration on the mine accident in Soma **TBMM Tutanak Dergisi** (2014), Dönem 24, Cilt 77, Yasama Yılı 4, Birleşim 89, pp.576-577 accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d24/c077/tbmm24077089.pdf> on 8.5.2020; the Declaration on the coup attempt **TBMM Tutanak Dergisi** (2016), Dönem 26, Cilt 21, Yasama Yılı 1, Birleşim 114, pp.377-378 accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d26/c021/tbmm26021114.pdf> on 7.5.2020

22 The Declaration on the terrorist attacks in New Zealand accessed at <https://twitter.com/TBMMresmi/status/1106599145215791104/photo/1> on 28.12.2020

23 **TBMM Tutanak Dergisi** (1993), Dönem 19, Cilt 34, Yasama Yılı 2, Birleşim 95, pp.238-239 accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d19/c034/tbmm19034095.pdf> on 7.5.2020

24 **TBMM Tutanak Dergisi** (1989), Dönem 18, Cilt 24, Yasama Yılı 2, Birleşim 71, p.406 accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d18/c024/tbmm18024071.pdf> on 7.5.2020

25 **TBMM Tutanak Dergisi** (2011), Dönem 24, Cilt 9, Yasama Yılı 2, Birleşim 43, p.972 accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d24/c009/tbmm24009043.pdf> on 8.5.2020

do not foresee to put into force binding general obligations for citizens²⁶. Gözler argues that resolutions can be classified as; those regulating internal structure and working methods of the legislature; those adopted by the legislature within the framework of its relations with the executive and the judiciary; on the selection of members of the executive and finally those that are *sui generis* which do not fit either of these categories. Declaration of war and sending of Turkish armed forces abroad constitute examples of *sui generis* GNAT resolutions, in that respect according to Gözler²⁷. The resolutions of the Parliament have the force of implementation, particularly those on foreign affairs. For example, resolutions that authorize the government to send and deploy the Turkish army at the country's external borders *authorize* the government to do so. In the 27th term, on three times, twice on the same issue of the so-called Armenian genocide, and French President Macron's anti-Islam remarks, the GNAT has adopted a different approach pointing to a large extent a change until then practices. Until these examples, the GNAT declared its stance on the issue through the declarations and joint statements. The presidency memorandum 'on the condemnation and rejection of the GNAT of the United States Senate's decision on the so-called Armenian genocide which ignores fundamental rules of international law and distorts historical facts,' and 'on the French President Emmanuel Macron anti-Islam remarks' were processed by the Bureau. The presidency memorandums requesting the GNAT approval were put to the vote. Following the vote, the GNAT adopted resolutions in legal terms which, in essence, were subject to the issue of declaration or joint statement²⁸. In that regard, it could be argued that the condemnation of the GNAT on the concerned issues contributed to making the GNAT position official in legal terms, but this time through a resolution.

In the past, there were declarations named as 'resolution of the GNAT'. However, these were not resolutions in legal terms, just exemplifying inconsistencies about the employed language since in these examples, the legal procedure for the adaptation of a resolution was not followed. They were just declarations on the concerned issues named as 'resolution of the GNAT'²⁹ exemplifying the inconsistent naming examples, as discussed above. There were relatively limited examples where declarations were legalized through the enactment of resolutions in legal terms to the best of its knowledge. In both cases in 1939, Prime Minister Refik Saydam briefed the GNAT on its policy with the United Kingdom and France, respectively. After explaining Turkey's policy with these courses, he read declarations (*müşterek*

26 Kemal Gözler, **Anayasa Hukukunun Genel Esasları: Ders Kitabı**, pp. 349-357, Bursa, Ekin, 11. Baskı, 2019

27 Kemal Gözler, **Türk Anayasa Hukuku**, pp.384-398, Bursa, Ekin Kitabevi, 2000.

28 Resolutions 1235 and 1237 on the condemnation, rejection, and ignore of the GNAT of the United States Senate's decision on the so-called Armenian genocide, Official Gazette dated 31.10.2019 and 14.12.2019 respectively. Resolution 1268 on the French President Emmanuel Macron anti-Islam remarks, Official Gazette dated 28.10.2020.

29 For example, the Declaration on Cyprus, **TBMM Tutanak Dergisi** (1994), Dönem 19, Cilt 58, Yasama Yılı 3, Birleşim 95, pp.460-461 accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d19/c058/tbmm19058095.pdf> on 1.7.2020

beyanname) detailing the course of relations between the parties³⁰. Following these in both cases, the GNAT adopted resolutions in legal terms declaring that the GNAT approved the Turkish government policy and the declarations given in the full text in the resolutions. Named as declarations, these were kinds of official documents agreed by Turkey, the United Kingdom, and France, respectively. It seems that it was the then single-party government choice to declare its policy with these countries accompanied by declarations; they were more than ‘declarations’.

On the other hand, the resolutions on ‘the confidence, salutation, and love of the Parliament to the Turkish army’ were similar in essence to the resolutions adopted in the 27th term³¹. That is to say, both types of resolutions, on the Turkish army and those adopted in the 27th term did not have the power of implementation, the topics were in essence subject to the issuing declarations or joint statements. Nevertheless, the GNAT chose to adopt resolutions on both cases as if to reinforce its position legally on the concerned issues as stated above.

Typically, declarations and joint statements are not put to the vote following their reading by the Bureau. However, there were examples in which they were also put to the vote. As stated above, declarations and joint statements have no legal base in the RoP. While this is the case, to put to the vote declarations and joint statements become extra problematic since the adoption of a declaration is already declaring the GNAT’s will. When declarations that were put to the vote are examined, it is seen that they were on particularly crucial issues of foreign and domestic affairs. To the best of its knowledge, the declarations that were put to the vote were on the ‘gratitude of the Turkish Parliament to the President, the National Security Council, and the Turkish Armed forces (1983), on the Cyprus issue (2003), on the Gaza flotilla raid (*Mavi Marmara*, 2010). In other cases, on the other hand, even demanded by MPs to put a declaration to the vote, the then speaker rejected the demand on the ground that this type of documents was not put into vote³². Moreover, in some cases, following a declaration’s adoption, the Bureau also put the authorization of the Bureau to the vote for ‘bringing the declaration to domestic and international community’s attention and taking necessary measures’³³. However, the authorization of the Bureau does not make sense under the RoP. It is a practice most likely raised from different understanding and political configuration of the Bureau back then.

30 The official names of the documents were ‘*müşterek beyanname*’. See Resolution 1093, dated 12.5.1939 and Resolution 1129, dated 23.6.1939. Official Gazette on 15.5.1939 and 26.6.1939, respectively.

31 Resolution 1513 dated 19.12.1946 and Resolution 1688 dated 15.2.1950. Official Gazette on 21.12.1946 and 18.1.1950, respectively.

32 For example the declaration on the Serbian brutality in Bosnia and Herzegovina, **TBMM Tutanak Dergisi** (1994), Dönem 19, Cilt 73, Yasama Yılı 4, Birleşim 45, pp.84-85 accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d19/c073/tbmm19073045.pdf> on 1.7.2020; the declaration on Greece **TBMM Tutanak Dergisi** (1995), Dönem 19, Cilt 88, Yasama Yılı 4, Birleşim 121, pp.136-137 accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d19/c088/tbmm19088121.pdf> on 1.7.2020

33 For example the declaration on Bosnia and Herzegovina, **TBMM Tutanak Dergisi** (1993), Dönem 19, Cilt 27, Yasama Yılı 2, Birleşim 53, pp.43-45 accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d19/c027/tbmm19027053.pdf> on 2.7.2020

Another issue is whether or not to give the floor to representatives of political party groups before or after a declaration's adaption. Since declarations and joint statements were adopted mostly after negotiations on the concerned issue, once a text is adopted, to a large extent, political party groups and MPs do not demand to take the floor. In an example, the speaker rejected giving the floor to the state minister on the ground that the political party groups signed the declaration, therefore, they should take the floor³⁴. In another, the speaker gave the floor to the representative of the political party after adopting the declaration. The speaker's practice was challenged by the Justice and Development Party's representative on the ground that there was no basis for political party groups to take the floor after adopting of a declaration. Eventually, the Party refused to take the floor while other party group did so³⁵.

Declarations and joint statements are adopted at any time according to the course of foreign and domestic politics upon the agreement of political parties during the negotiations in the Plenary. Available data shows that the declarations are adopted at the Plenary. In the past, neither a declaration nor joint statements were adopted outside the GNAT to the best of its knowledge. If an extraordinary development on foreign and/or domestic politics raised when the GNAT was in recess, the GNAT convened and following negotiations, it adopted a declaration on the given issue³⁶. However, in recent years, for declarations and joint statements, there is a change. They were adopted outside the Plenary and were not brought to the agenda of the GNAT. In other words, they were adopted either when the GNAT was in recess/adjourned or adopted out of Plenary when the GNAT was working according to its legislative year agenda. For example, the joint statement on the condemnation of the United States sanctions targeting internal affairs and justice ministers of Turkey (August 2018), and the joint statement on the extradition of Fethullah Gülen to Turkey by the United States (August 2019) were adopted while the GNAT was in recess. The joint statement on the attack against Turkish soldiers in Idlib (February 2020) was adopted outside the Plenary while the GNAT was officially working under its legislative year agenda. This practice raises the question of whether or not the texts adopted outside the Plenary should be accepted as declarations or joint statements.

34 The declaration on Greece, **TBMM Tutanak Dergisi** (1984), Dönem 17, Cilt 3, Yasama Yılı 1, Birleşim 43, pp.65-66 accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d17/c003/tbmm17003043.pdf> on 2.7.2020

35 The Declaration on Cyprus, **TBMM Tutanak Dergisi** (2003), Dönem 22, Cilt 6, Yasama Yılı 1, Birleşim 42, pp.409-416 accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d22/c006/tbmm22006042.pdf> on 5.7.2020

36 For example, **TBMM Tutanak Dergisi** (1992), Dönem 19, Cilt 16, Yasama Yılı 1, Birleşim 94, accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d19/c016/tbmm19016094.pdf> on 2.7.2020; **TBMM Tutanak Dergisi** (1992), Dönem 19, Cilt 16, Yasama Yılı 1, Birleşim 97, accessed at <https://www.tbmm.gov.tr/tutanaklar/TUTANAK/TBMM/d19/c016/tbmm19016097.pdf> on 2.7.2020.

4. IN LIEU OF CONCLUSION

Given that declarations and joint statements have no legal basis under the RoP of the GNAT, they are subject to different implementations as discussed above, most likely due to the political configuration in the Parliament and needs of their times. Therefore, it is thought that declarations and joint statements need to be regulated in the RoP of the Parliament to grant them legal basis that would in return, secure a more consistent implementation by the Bureau.

The data shows that the GNAT has increasingly adopted joint statements, not declarations, pointing to the fact that it becomes harder to reach consensus on foreign and domestic affairs. In light of this, distinguishing between the documents taken by consensus and majority becomes particularly important. The texts adopted outside the GNAT are another issue to be decided as to whether or not to accept them declarations or joint statements.

The issue of naming, putting to the vote, whether or not to give the floor to the representatives of political parties before or after the adaptation of a declaration or joint statement are other issues to be determined. A possible regulation in the RoP of the GNAT should clarify these issues as well.

Under the RoP of the Parliament, through the presidency memorandum, an issue can be subject to the GNAT resolution as it was done three times in the 27th term. Any amendment in the RoP should also clarify whether issues that are in essence subject to issuing of a declaration or joint statement could subject to the adoption of a resolution of the GNAT in legal terms.

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