

THE CIVIL-MILITARY RELATIONSHIP in TURKEY and THE EUROPEAN
UNION MEMBERSHIP

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**THE CIVIL-MILITARY RELATIONSHIP in TURKEY and THE
EUROPEAN UNION MEMBERSHIP**

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ABSTRACT

THE CIVIL-MILITARY RELATIONSHIP in TURKEY and THE EUROPEAN UNION MEMBERSHIP

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This thesis analyzes the civil-military relationship in Turkey with regard to civilian control over the military establishment. Turkish civil-military relations constitute one of the main subjects of consolidation of democracy in Turkey, since Turkish military has an important position in terms of its strong political influence. The role of military in Turkish politics is also significant because of the fact that Turkey is a candidate country to the European Union (EU) membership and has already started accession negotiations on October, 3rd, 2005. Thus, throughout the official documents of the EU, namely the Accession Partnership Document and Progress Reports on Turkey, there are references on the position of the military in Turkish politics. In the thesis, the special role of Turkish military is more analyzed by the realist implications of Huntington and some liberal implications of Janowitz. The measures taken and the remaining problems concerning civil-military relations, and the concerns of Turkey are analyzed with special reference to Turkey's EU membership commitment.

Key words: Army, civilian control over military, Turkey, the European Union.

ÖZET

TÜRKİYE’de ASKER-SİVİL İLİŞKİLERİ ve AVRUPA BİRLİĞİ

ÜYELİĞİ

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Ağustos 2006

Bu tez, Türkiye’deki asker-sivil ilişkilerini incelemektedir. Türkiye’de asker-sivil ilişkileri, askerin politikadaki güçlü etkisinden dolayı, demokrasinin işlerliği açısından en önemli konulardan birini oluşturmaktadır. Politikada askerin rolü, Türkiye’nin Avrupa Birliği’ne aday ülke olması ve katılım müzakerelerine 3 Ekim 2005 tarihinde başlamış olması itibariyle de önem kazanmaktadır. Bu yüzden, Avrupa Birliği’nin Türkiye için hazırlamış olduğu Katılım Ortaklığı Belgesi ve İlerleme Raporları gibi resmi belgelerinde de askerin politikadaki yerine dair referanslar bulunmaktadır.

Bu tezin yazılmasındaki amaç, Türkiye’de askerin özel konumunu Huntington ve Janowitz’in teorik açıklamalarıyla anlamaya çalışmak ve asker-sivil ilişkilerini dair yapılan düzenlemeleri ve ileride yapılması gerekenleri Türkiye’nin Avrupa Birliği’ne tam üyeliği çerçevesinde incelemektir.

Anahtar Kelimeler: Asker, askerin sivil kontrolü, Türkiye, Avrupa Birliği.

To my best friend...

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ABBREVIATIONS

- CEE : Central and Eastern European Countries
EC : European Community
EEC : European Economic Community
ESDP : European Security and Defense Policy
EU : European Union
NATO : North Atlantic Treaty Organization
NSC : National Security Council
NSDP : National Security Policy Document
OPEC : Organization of the Petroleum Exporting Countries
OSCE : Organization for Security and Co-operation in Europe
PKK : The Kurdish Workers' Party
RTÜK : Radyo Televizyon Üst Kurulu-The High Audio-Visual Board
SSC : State Security Courts
TGNA : Turkish Grand National Assembly
TGS : Turkish General Staff
YÖK : Yüksek Öğretim Kurulu-Council of Higher Education

INTRODUCTION

Turkey, as a member of various Western institutions, i.e. NATO, Council of Europe, OSCE, and also a candidate country to the European Union (EU) membership, is a parliamentary democracy since the inception of the republic. Beginning with the early years of the republic, Turkey adopted radical reforms to transform the state and the society into a modern, secular, and democratic system. In this process, military served the vanguard role by accomplishing the Young Turks Revolution of 1908, and by creating the modern Turkish Republic in 1923 with the pioneering role of Mustafa Kemal Atatürk who was the founder of the republic and a military officer also.

From the inception of the Republic of Turkey, modernization and Westernization¹ are the principles that the founder put forward as the main targets that the republic should achieve. In order to attain these goals, various reforms in social, cultural and economic life of the republic are held. Today, Westernization means being a full member of the EU. Consequently, Turkey has reached at a certain point in consolidating and institutionalizing democracy, yet it has some deficiencies and poor practices. Being a candidate country to the EU membership, Turkey also has to

¹ Modernization and westernization do not point out the same concepts. However, modernization means westernization in the latter years of the Ottoman Empire and in the history of modern Turkey. This is the case because “It is generally agreed that the establishment in 1923 of an independent Turkish Republic ... represented the start of ‘europeanisation’ in Turkey and of Turkey’s European ambitions. It is less well-known that these developments represented the climatic reaction to a series of traumatic military defeats inflicted by the European powers on the Ottoman Empire in the 18th and 19th centuries, that had prompted a long period of modernization and state formation along the lines of the European model... The group of young Turks, to which Atatürk also belonged, pushed further in this direction...” Griffiths, Richard T. and Durmuş Özdemir (Eds.), *Turkey and The EU Enlargement*, Istanbul Bilgi University Press, 2004, pp. 15-16

adopt certain standards of democracy since Copenhagen criteria² is set for the incoming members in order to make their law and practice compatible with Western Europe's democratic standards.

While Turkey has been trying hard to achieve the EU membership, civil-military relations constitute one of the major issues for both democratization of the civil-military relations and accession to the EU. This relationship refers to where military stands in Turkish politics and also it covers the legitimacy, governance, and accountability of the civil-military relationship. *When civil-military relations in Turkey are considered, there are differences, problems, and inaccurate practices arising from the argument of the military on its raison d'être and its traditional role in Turkish political history. The fact that European practice anticipates a complete subordinate position of the military to the elected governments, Turkish case constitutes a different example when compared to Western democracies that have maintained civilian supremacy over military.*

As on the way to accession to the EU, Turkish civil-military relations have been coming closer to Western practice with the adoption of constitutional changes about the institutional structure of the military organs. However, past practices of the military that comprises three coup d'états and a post-modern coup, the position of chief of staff and also accountability, military budget, arms procurement issues are still matters of discussion.

² In the Copenhagen Summit of June 1993, the European Council spelled out the so-called Copenhagen criteria, which define whether candidate countries are eligible for accession to the EU.

Concerning civil-military relations in theory, two classical works *The Soldier and The State* by S. P. Huntington, and *Professional Soldier* of M. Janowitz are worth to consider. Both works take the civil-military relations as a relationship between the armed forces as a political, social, and economic institution and civilian government and society. Besides, they cover civilian control of the military by elected representatives of the state.

While Huntington states the existence of the professional military, Janowitz emphasizes the existence of the constabulary forces that can be transformed into military forces. Both scholars discuss the role of the military in politics in terms of civilian control but with different extends. Huntington offers “objective” civilian control that maximizes military professionalism, thus recognizes an autonomous military professionalism through the distribution of political power between military and civilian groups. Therefore, professional military is already a political actor according to the realist conceptualization of Huntington. On the other hand, Janowitz claims that constabulary force is responsive to civilian control because of his integration to civilian values and his perception of the respect of civilians on its professional posture. Although he accepts that the professional military is above politics, he argues that this does not mean that he is apolitical, in fact the politicization of the military is unavoidable according to the liberal implications of Janowitz.

Turkish military comes closer to the realist explanations of Huntington, since it gained a special role in Turkish politics as a result of its entrenched political autonomy over the years. Through the institutional channels (the National Security

Council, military judges in the State Security Courts, military representatives in the Council of Higher Education, and in the High Audio-Visual Board) and informal mechanisms (public speeches and declarations to media), and its role in the areas of defense policy, military budget, and internal security, the military still enjoys a degree of political autonomy. This position of Turkish military backs up the idea of Huntington that the professional military is already a political actor.

The position of Turkish military in politics, and the civil-military relations in Turkey is an important backbone considering that Turkey is a candidate country to the EU membership. One of the most important conditions among the political criteria for full membership has been the democratic control of the military in Turkey.

Turkey has been taking steps to make closer its civil-military relations to European practice with the measures required in the accession partnership documents, annual reports, and progress reports on Turkey. The essential changes occurred in the composition and the function of the National Security Council, maintaining further transparency in the defense budget, removal of the military representatives from the civilian boards, and in the functions of military courts.

However, Turkish civil-military relations are not yet at the point that the full civil control is established over the military. The military still continue to exercise influence through 'informal' channels. They continue to express their views on political matters through public speeches, statements to media, and their declarations. Furthermore, contrary to the EU practice, the Chief of General Staff in

Turkey is still responsible to prime minister instead of the Ministry of Defense. Another difference with the Western practices is the lack of supervisory function of the civilians over the formulation of the national security strategy, and its implementation, and enhancing greater accountability and transparency in the management of security affairs. With respect to the decision-making processes of the security and defense policy including the plans and programs about the definition of the roles and missions, determining the size, shape, equipment, and deployment, the full parliamentary oversight still needs to be enhanced.

In the light of these arguments, the thesis aims to put into consideration the pattern of civil-military relations in Turkey on the way to the accession to the EU and to discuss what has been and what should be further done for convergence to Western practice.

As a result of the EU's demands and the constitutional and legal amendments for a more subordinate military brought more improvements in civil-military relationship in Turkey. However, there are still remaining problems in terms of establishing full civilian oversight over the military.

In the first part, theoretical explanations of civil-military relations will be evaluated by taking into consideration of the works of Huntington and Janowitz. The second part will focus on the traditional role of the military building and modernizing the Republic as being the defender of Kemalism, the periods of military interventions clarifying the indicators of military autonomy. The effects of EU membership process on Turkish civil-military relations will be examined in the third part of the

thesis. Lastly, further steps to maintain democratic control of military will be discussed.

CHAPTER I

THEORETICAL EXPLANATIONS

1.1. Professional Military and “Objective” Civilian Control

Civil-military relations refer to the relationship between the military as an institution, and the elected civilian government, and the society. More broadly, this relationship covers the position of military in politics and consequently democratic control of military by democratically elected representatives of the state. Throughout the 19th century, militaries have played crucial roles in the early stages of the establishment of the state and nation. However, in some states, the civil-military relationship creates problems on democracy since in most cases the officials in military field are hesitant to give up their privileged positions. Most importantly, it is difficult to establish various types of civil control in such countries that military is traditionally powerful.³

Regarding the military as a profession, relations between the statesmen and military officers, and civilian control over military field, two important works are worth to mention. One of them is S. P. Huntington’s work of *The Soldier and The State* of

³ More on civil-military relations theory: Forster, Anthony, “New Civil-Military Relations and Its Research Agendas”, *The Quarterly Journal*, No. 2, April 2002, pp. 71-87; Foster, Gregory D., “Civil-Military Relations”, *World Affairs*, Vol. 167, No. 3, Winter 2005, pp. 91-100; Nielsen, Suzanne C., “Civil-Military Relations Theory and Military Effectiveness”, *Public Administration and Management*, Vol. 10, No. 2, pp. 5-28; Feaver, Peter D., “The Civil-Military Problematique: Huntington, Janowitz, and The Question of Civilian Control”, *Armed Forces and Society*, Vol. 23, Issue 2, Winter 1996, pp. 149-165; Moskos, Charles, “From Institution to Occupation: Trends in Military Organization”, *Armed Forces and Society*, Vol. 4, No. 1, 1977, pp. 41-50; Finer, Samuel F., *The Man on Horseback: The Role of The Military in Politics*, Pall Mall Press, London, 1962

1956 that is not the first civil-military relations study as a separate category of political science, but the most influential one.

He starts with the definition of a professional officer corps and identifies other types of forces that are most influential upon military organization. He argues that there are two forces shaping the military institutions: a functional imperative referring to the threats to society's security, and a societal imperative stemming from the dominant ideologies, social forces, and institutions in the society. Military institutions may not function efficiently with reflecting only functional or only societal imperatives. Accordingly, the balance of these two forces is the vital part of civil-military relations.⁴

According to Huntington, military officership is a fully developed professional body, because it has certain characteristics of professionalism including expertise, responsibility, and corporateness all of which contribute to effectiveness and responsiveness in the military. He also gives a definition concerning the function of the military officer including the organizing, equipping, and training of the force; the planning of its activities; and the direction of its operation in and out of war. The main emphasis is put by Huntington on the main skill of the military officer as the management of violence and this end is achieved only within the limits of socially approved purposes, and the achievement of this goes along with other social values in the eyes of society, but the officer corps is only responsible for military security.⁵ Therefore, they are not directly involved in the formulation and

⁴ Huntington, Samuel P., *The Soldier and The State*, Vintage Books, New York, 1956, p. 2

⁵ *Ibid.*, pp. 8-15

advocacy of policy, but have a limited role of providing professional military advice.

Technical love for their craft, the sense of social obligation to use it for the benefit of the society, and a sufficient pay for both when they are on active duty and when retired imply the motivations behind the acts of military officers. They carry out their tasks according to the regulations, customs, and traditions. Besides, their skills can only be used for the purposes approved by society. They are loyal and obedient to the authority of the state and they are willing to use their skills to enhance the security of the state. With respect to these characteristics of the professional military, they are politically and morally neutral.⁶ Since their principal responsibility is to serve the state in their expertise area of managing violence, they cannot impose decisions to the state beyond their special field. Professional military officers can only “explain their needs to their political counterparts, advice them to meet these needs, and provide aid to implement decisions that the representatives of the state has taken”.⁷

The relations between the representatives of the state and military profession are based on the division of labor according to which they operate. Specialized members of military field are experts and they act in a limited area. In brief, its members have distinguished competence within their field and lack that competence outside their field. Concerning this division of labor between statesman and military man, politics is certainly outside of the military field. Besides, Huntington stresses

⁶ Larson, Arthur D., “Military Professionalism and Civil Control: A Comparative Analysis of Two Interpretations”, *Journal of Political and Military Sociology*, Vol. 2, Spring, 1974, p. 61

⁷ Huntington (1956), p. 16

that the military interference in politics undermines military professionalism because it divides the profession against itself, limits professionalism and substitutes irrelevant values for professional ones. He continues to claim that military field is subordinate to, and independent of the area of politics.⁸ Therefore, Huntington advocates a politically neutral and an autonomous military profession that seeks only the military security of the state and concerned only with military ideals. Loyalty to military ideals is also one of the basic determinants of professionalism. While the military man is performing his function, *loyalty and obedience are the highest military virtues*. As Huntington puts it “his goal is to perfect an instrument of obedience; the uses to which that instrument is put are beyond his responsibility”.⁹ Since the objective of the existence of the military profession is to serve to the state, there is a superior-subordinate relationship, and the unitary goal of the subordinates (military men) is to obey legal orders of their civilian superiors without hesitating, arguing, or proposing their own views.

Huntington offers a description of military mind that is made up of the values, attitudes, and perspectives that are “inhere in the performance of the professional military function”.¹⁰ The military function is managed by a public bureaucratized profession expert and responsible for the military security of the state.¹¹ Concerning the expertise, responsibility, and organization of the military profession, the ideal military man may be characterized as pessimistic, collectivist, historically inclined,

⁸ Ibid., pp. 70-71

⁹ Ibid., p. 73

¹⁰ Larson, “Military Professionalism and Civil Control: A Comparative Analysis of Two Interpretations”, 1974, p. 61

¹¹ Huntington (1956), p. 61

power-oriented, nationalistic, militaristic, pacifist, and instrumentalist; in short, realistic, and conservative.¹²

Huntington's definition of military ethic implies the assumptions of realism. The values and attitudes constituting military mind are parts of the professional military ethic that is conservative in nature. Any officer corps are professional to the extent that they are motivated by the military ethic. Huntington says that the precondition of the existence of the military profession is conflicting interests and the use of force to facilitate these interests. According to his characterization of military ethic, military man is selfish, evil, irrational, decidedly pessimistic, and he is motivated by the needs for power, wealth, and security. Briefly, Huntington emphasizes that *the man of the military ethic is essentially the man of Hobbes*.¹³ Consequently, conflict exists among humans and violence is rooted in the permanent biological and psychological nature of men. Concerning the conflicting interests of nation states, the responsibility of the military profession is to maintain the military security of the states. Military organization needs cooperation, organization, and discipline in order to fulfill its responsibility. While carrying out its tasks, military man emphasizes the importance of the group against individual. This is both because of his duty of serving to state and the nature of the means which he uses while performing his tasks.¹⁴ Emphasis on group identity is one of the main measures behind the success of the military profession.

¹² Larson, "Military Professionalism and Civil Control: A Comparative Analysis of Two Interpretations", 1974, p. 61

¹³ Huntington (1956), p. 63

¹⁴ Ibid.

Briefly, Huntington's reference to military ethic consists of presumptions of realist view in its regards to the permanence, irrationality, weakness, and evil in human nature. The emphasize on the supremacy of society over individual and on the importance of order, hierarchy, obedience, and division of function also supports those presumptions. The military ethic accepts the nation states as unitary actors and wars among them as usual nature of the international system.¹⁵ In this system, power is the basic determinant, and maintaining power is certainly based on establishing and sustaining of strong military forces. In the meantime, since the military forces are the servants of the state, civilian control is essential to military professionalism. In essence, the professional military ethic is pessimistic, collectivist, power-oriented, nationalistic, militaristic, pacifist, realist, and conservative.¹⁶

Huntington agrees that the position of the military in society has been discussed in terms of civilian control. He observes the basic problem in defining civilian control as minimizing military power. In this respect, he offers two types of civilian control¹⁷: subjective and objective. As for subjective civilian control, he emphasizes the maximization of civilian power over the military denying an independent military field. However, it is almost impossible to maximize civilian power as a whole because of their large number, varied character, and conflicting interests among them. Therefore, maximizing of civilian power always means maximizing of the power of some other specific civilian groups. This is subjective civilian control. In the subjective sense of civilian control, maximizing civilian power is achieved by

¹⁵ Ibid., p. 79

¹⁶ Ibid.

¹⁷ Ibid., p. 80

civilianizing the military. Subjective civilian control assumes military involvement in institutional, class, and constitutional politics.¹⁸ In other words, civilian control in subjective sense supposes an existence of military involvement in politics while denying an independent military sphere by civilianizing the military.

On the other hand, Huntington admits that the ideal civil-military relations are achieved by applying objective civilian control that maximizes military professionalism. Objective civilian control requires maximizing military professionalism thereby recognizing an autonomous military professionalism. To be more precise, objective civilian control is the distribution of political power between military and civilian groups, which is the most convenient way to develop professional behavior among the members of the officer corps. Huntington argues that objective civilian control is directly oppose to subjective civilian control regarding that it achieves its end by militarizing the military, making them the tool of the state. While civilian control in subjective sense supposes military involvement in politics, in reverse, objective military control accepts an independent military sphere. Because, civilian control in objective sense assumes that as the military involvement in politics increases, civilian control decreases. The primary aim of any system of civilian control, Huntington claims, is the minimizing of military power. Objective civilian control achieves this end by professionalizing the military, by putting them in a politically sterile and neutral position.¹⁹ This creates the lowest possible level of military political power with respect to all

¹⁸ Ibid., p. 83

¹⁹ Ibid., pp. 83-84

civilian groups. Besides, it also preserves the necessary size of power for the existence of military profession.²⁰

In brief, the basis for objective control is military professionalism. Any action that furthers military professionalism is an effort for maintaining objective civilian control, all other actions belong to the opposite of objective control, subjective control. The essential objective control mechanism is the recognition of autonomous military professionalism. Interference in military affairs undermines military professionalism, therefore undermines objective control. As Feaver sums the relationship between professionalism and objective control: “Objective control weakens the military politically without weakening it in military terms, i.e. without degrading its ability to defend society, because professionalizing the military renders it politically sterile and neutral. Huntington’s causal chain is as follows: autonomy leads to professionalization, which leads to political neutrality and voluntary subordination, which lead to secure civilian control. The heart of his concept is the putative link between professionalism and voluntary subordination”.²¹

However, arguing that a professional military is the one that obeys civilian authority, and the military ethic that it is dedicated to is made up of loyalty and obedience, and the professional officer corps is politically and morally neutral, Huntington attempts to apply independent military standards. He offers that “The fact that war has its own grammar requires that the military professionals be

²⁰ Ibid.

²¹ Feaver, Peter D., “The Civil-Military Problematique: Huntington, Janowitz, and The Question of Civilian Control”, *Armed Forces and Society*, Winter, 1996, Vol. 23, Issue 2, p. 5

permitted to develop their expertise at this grammar without extraneous interference... The inherent quality of a military body can only be evaluated in terms of independent military standards".²² Reliance on independent military standards is controversial since he claims that professional military is subordinate to and serving to the political ends that the statesman is conducting.

1.2. Constabulary Force Concept and Civilian Control

While attempting to understand the characteristics of the military as a profession, and the interactions between the military men and state institutions the Janowitz's work of *The Professional Soldier* (1960) is another important theoretical study.

Janowitz argues similarly with Huntington about military professionalism and civilian control. However, he bases his argument for a constabulary force²³ concept and claims that acceptance of such a role by the military would also be beneficial for civilian control.²⁴

Military profession has unique characteristics concerning military authority, skill structure, officer recruitment, career patterns, and political indoctrination. Janowitz identifies the characteristics of the military as a profession- expertise, lengthy education, group identity, ethics, and standards of performance- and specifies it as a dynamic bureaucratic organization that changes over time due to the changing

²² Huntington (1956), p. 57

²³ Constabulary force concept refers to a large civil police force organized and trained along military lines, which may contain paramilitary (paramilitary means auxiliary military, that is something not quite military performing military duties, such as gendarmerie) elements. Accessed from, <http://en.wikipedia.org/wiki/Constabulary>, August 28, 2006

²⁴ Nielsen, Suzanne C., "Civil-Military Relations Theory and Military Effectiveness", *Public Administration and Management*, Vol. 10, No. 2, 2005, p. 7

conditions.²⁵ Although these changes in technological and organizational framework reduced the gap between the “military” and “civilian”, military establishment still has a special environment since it has the organizational responsibility for preparing and managing war and combat.²⁶

He proposes that due to the changes in technology, society, and the use of force in international relations, it is more appropriate to speak about constabulary forces instead of military forces. The constabulary force concept does not imply a big departure from the past military traditions and experiences, and it supports pragmatic professionalism doctrine. Constabulary force embraces the whole range of military power and organization and it recognizes that there are strategic and tactical dimensions at the each range.²⁷ The management of mass destructive weapons is at the upper level, and that of flexible and specialized capacity are at the lower level. Military forces transform into a constabulary force when they are continuously prepared to act, committed to minimum use of force, and support viable international relations instead of seeking victory, because they adopt a protective military posture.²⁸ As a result, the traditional role of the military forces has shifted from “warrior” or “heroic” role to the managerial-technical role, and the military profession as a whole has become similar to large, bureaucratic, nonmilitary institutions; it has become “civilianized”.²⁹

²⁵ Larson, “Military Professionalism and Civil Control: A Comparative Analysis of Two Interpretations”, 1974, pp. 61-62

²⁶ Janowitz, Morris, *the Professional Soldier: A Social and Political Portrait*, The Free Press, New York, 1960, pp. 422-423

²⁷ Larson, 1974, p. 62

²⁸ Janowitz., 1960, p. 418

²⁹ Larson, 1974, p. 62

Constabulary force concept does not directly imply a police force in the usual sense, rather it is the transform of the military officers into a form of “fraternal authority” – the recognized equality of unequals- which would permit initiative and creativity within a hierarchical command structure.³⁰ This fraternal type authority has two elements: First, the formal superordinate and subordinate roles do not hide the power and authority (these are apparent in the command structure). Second, from the highest to the lowest levels, technical and interpersonal skill together with loyalty allow subordinate personnel effective but limited participation in the decision making process.³¹

The constabulary force must comprise highly-trained personnel, ready for immediate operations and at the same time be committed to keep the peace. As a result of technological changes in warfare the citizen-soldier concept is weakened in its traditional form. The trend is towards a military force with career professionals. Since the constabulary force concept eliminates the distinction between war and peace, it is not viable for the officer corps to operate effectively on a double standard of “peacetime” and “wartime” premises and, consequently, it draws on the police concept. However, the constabulary concept does not refer to police functions in its historical role. On the contrary, a considerable involvement of the military as an internal police force, would constrain the development of the constabulary concept in international relations.³²

³⁰ Janowitz, 1960, p. 423

³¹ Ibid.

³² Ibid., pp. 419-421

Unlike Huntington, Janowitz rejects the ideal-type division of labor that Huntington argues is crucial to the professionalization of the military. In fact, Janowitz claims that politicization of the military is unavoidable.³³ He argues that the professional military is above politics in domestic affairs. In authoritarian societies, to be above politics means that the officer is committed to the status quo. In democratic societies the above politics formula means that generals and admirals do not attach themselves to political parties or display partisanship. Furthermore, “military men are civil servants, so that elected leaders are assured of the military’s partisan neutrality”.³⁴ Nevertheless, being above politics does not mean being apolitical. Janowitz claims that in analyzing the beliefs of the professional military, there is no advantage in assuming that they could or should be apolitical. Given this fact, civilian supremacy can be achieved with effective rules that reduce or eliminate the influential power of the military over political leadership, and these rules also prescribe their roles as offering advice and stating their opinions concerning national defense policies. Therefore, despite Janowitz’ claim that politicization of the military is unavoidable; the civilian supremacy can be assured with the clearly defined rules about governing the behavior of the military.³⁵

According to Janowitz, the constabulary concept is formulated both to assure the professional competency of the military, and to prevent the growth of frustration. In order to maintain this end, there are some requirements that the officers must fulfill: First, to limit military goals to attainable objectives; second, to assist in the formulation of military doctrine; third, to provide a sense of professional self-

³³ Feaver, Peter D., p. 7

³⁴ Janowitz (1960), p. 233

³⁵ Ibid., p. 234

esteem in the military; and fourth, to develop new devices to maintain democratic political control.³⁶

As for the civilian control, Janowitz emphasizes that it is concerned with guiding managerial and political functions. Professional military is subject to civilian control because of law, tradition, and self-imposed professionalism, and because of its integration with civilian values.³⁷ According to Janowitz, the military authority has become compatible with the values of a civilian society which focuses on the technical achievement, rationality, and pragmatic ethics.³⁸ While concerning the education of the military officers, Janowitz emphasizes that all officers must be trained in the meaning of civilian supremacy besides education in political-military affairs.³⁹

Constabulary force concept is also designed to be compatible with the traditional goals of democratic political control. In democracies, military officers recognize that civilians appreciate and understand their duties and responsibilities. These officers are performing their tasks because of their professional careers motivate them to do so, and civilians permit them to maintain their code of honor and encourage them to develop their professional skills.⁴⁰ Constabulary force is responsive to civilian control because of both its integration to civilian values, and perception of the respect of civilians on its professional posture. Moreover, it behaves along this way only if it has the strongest positive commitments to the system of civilian control. The belief of professional soldiers on their civilian

³⁶ Ibid., p. 435

³⁷ Ibid., p. 420

³⁸ Ibid., p. 424

³⁹ Ibid., p. 426

⁴⁰ Ibid., p. 440

superiors that they weigh the professional advice with great care supports that commitment.⁴¹

Having said that military is more integrated with civilian values does not imply that the military is ready to abandon its traditional role in order to be inferior to civilian, social, and moral standards. This is clarified by the following statement of Janowitz: “since generals and admirals are in closer contact with civilian social structure, they have learned that it is legitimate to criticize social practices, that it is not necessary to take them for granted”.⁴² Indeed, military mostly regards civilian leaders as unworthy, and they see politics as improved by the military staff whose training they believe to be superior to that of civilians.⁴³ Furthermore, military professionals are always opposed to the intervention of the politicians in military administration. However, Janowitz observes that the decisions of civilian leadership cannot be judged by the opinions of military officers alone. Thus, he emphasizes the importance of the appointments of the military officers. Accordingly, he claims that “Civilian supremacy has operated effectively because political leaders select for key military assignments *unconventional* officers who are the least hostile to civilian intervention”.⁴⁴

Consequently, Janowitz claims that the effectiveness of civilian control over the military depends only to a small extent to the political beliefs of the military profession. Thus, military professionals are positively committed to, if not enthusiastic about, civilian supremacy and civilian leadership in a democratic

⁴¹ Ibid., p. 367

⁴² Ibid., p. 249

⁴³ Ibid., p. 251

⁴⁴ Ibid., pp. 251-252

political system.⁴⁵ Besides, he also concludes that since the military profession has no unified perspective of military strategy, political warfare, or national security, and yet there are differing approaches to these subjects among civilian leaders also, the political system assumes an active role for the military in policymaking. The activities of military professionals may be observed as activities of a pressure group, and if these are responsible, limited, and responsive to civilian authority, then they are the part of the decision-making process in a political democratic system.⁴⁶

⁴⁵ Ibid., p.253

⁴⁶ Ibid., p. 343

CHAPTER II

THE MILITARY AND POLITICS IN TURKEY

Turkish military traditionally has an autonomous place and popularity in Turkish society and a strong voice in Turkish political life. Legacy of the Ottoman Empire and Turkish War of Independence provided the basis of legitimacy for the military's strong role in politics.⁴⁷ Regarding this historical context, soldiers are the actors who established the Turkish nation state, and they are also the ones who triggered the reforms in order to have modern social, political, and cultural system. Over the years, they have become some sort of a political actor enhancing their privileged position after gaining more autonomy with the help of the constitutional amendments following three coup d'états (1960, 1971, and 1980). Consequently, the major problem of the role of the military in Turkish case is the fact that civilian authority lacks the full control of the military authority.

Concerning the democratic control of the military in Turkey, there are basic indicators that reflect the autonomy of Turkish military. These indicators compromise the functions of the NSC (National Security Council), the role of the SSCs (State Security Courts), parliamentary control over the budget and arms procurement, and appointments and career structure of the military personnel. Concerning Turkish civil-military relations, these subjects are also still matters of discussion on the way to accession to the European Union.

⁴⁷ Güney, Aylin, Petek Karatekelioğlu, "Turkey's EU Candidacy and Civil-Military Relations: Challenges and Prospects", *Armed Forces and Society*, Vol. 31, No. 3, Spring 2005, p. 442

2.1 Historical Role of The Turkish Military

Turkish military has a political autonomy that may be defined as its ability to be above and beyond the constitutional authority of democratically elected governments.⁴⁸ This is mainly because of the fact that the military, as the founder of the Republic, observes itself an ultimate guardian of the state and its founding principles of nationalism, republicanism, laicism, populism, reformism and statism which were set by the founder of the Turkish Republic, Mustafa Kemal Atatürk.⁴⁹ The root causes of this evaluation lay in the historical background in which military has gained and enhanced its authority.

There were two main categories in Ottoman society: the sultan, the military, and the ulema, at the top; and subjects (reaya) comprising a large number of peasants, at the bottom. The civil and military bureaucracies were the intermediaries between these two classes. Consequently, as part of the elite, military officers had closer ties with state that was giving them a prominent role in society.⁵⁰ Due to this privileged position of the soldiers, namely the Janissaries and the special type of recruitment of these officer corps⁵¹, and their membership in the political ruling class, there were weak links between them and the society.⁵² As the Ottoman Empire declined the Janissaries developed parochial interests with the alliance of some segments of the

⁴⁸ Sakallıoğlu, Ümit Cizre, "The Anatomy of the Turkish Military's Political Autonomy", *Comparative Politics*, Summer 1997, p. 153

⁴⁹ Demirel, Tanel, "Soldiers and Civilians: The Dilemma of Turkish Democracy", *Middle Eastern Studies*, Vol. 40, No. 1, January 2004, p. 128

⁵⁰ Narlı, Nilüfer, "Civil-Military Relations in Turkey", *Turkish Studies*, Vol. 1, No. 1, Spring 2000, p. 108

⁵¹ "Based on the institution of the *devşirme* (conversion), which involved the drafting of young boys from the subject Christian population, their conversion to Islam, and rigorous training to serve the Empire, the Janissaries represented the epitome of patrimonial rules...", Tachau, F., & Heper, M., "The State, Politics, and the Military in Turkey", *Comparative Politics*, October, 1983, p. 18

⁵² Sakallıoğlu, Ümit Cizre, "The Anatomy of the Turkish Military's Political Autonomy", 1997, p. 155

Muslim establishment and became the main obstacle to reform efforts made to save the collapsing structure of state and society. This caused the reformist sultans to establish a new, European-style army at the end of the eighteenth and beginning of the nineteenth centuries and eventually in 1826 they destroy the Janissaries, the traditional elite corps of Ottoman history.⁵³

By the end of 18th century, when the political modernization movements paved in Ottoman state, the reformist efforts occurred in most part under military establishment. Those efforts first included the creation of a new army. Western sciences and technology were first taught in military schools because the Ottoman statesman believed that to save the empire from collapse is closely based on reforming the military. However, the cadets learned both natural sciences and ideas of freedom and constitutional government and they realized the backwardness of their country.⁵⁴ Following the Young Turk Revolution of 1908, the Committee of Union and Progress (1908-1918) came to power and it was dominated and led by the Ottoman staff officers who adopted the idea of saving the state as their duty.⁵⁵

After Mustafa Kemal Atatürk emerged as a political and military leader, he and other generals established the modern Turkish nation-state as a result of their success in the Turkish War of Independence and led the various reforms to transform the society and the structure of the state. This vanguard role of Turkish military is the reason behind labeling them as the founders of the Republic.

⁵³ Tachau, F., & Heper, M., "The State, Politics, and the Military in Turkey", pp. 18-19

⁵⁴ Demirel, Tanel, "Soldiers and Civilians: The Dilemma of Turkish Democracy", 2004, p.128

⁵⁵ Ibid., p. 129

The prominent role of the military and the Ottoman tradition of close military-state ties continued in the Republican era, namely after 1923. There are two essential factors behind the military's guardianship role in this period: First, the Republican leaders realized that a strong and loyal army was certainly necessary for the survival of the state. Secondly, the transformation project of various reforms, comprising replacement of religion and dynasty with nationalism and secular republicanism, and legislation prohibiting certain types of headgear had been carried out, but these reformist steps were met by deep opposition. Since the Kemalist leaders of single-party regime (the Republican People's Party, 1923-1945) saw armed forces as the main pillar of the new regime, and the party also had the support of the army, the military became the guardians of the Republic and the six principles of Kemalism. Eventually, because of this role, it identified itself completely with the state and the status quo.⁵⁶

Despite vanguard role of the military as a founder and guardian of the Republic that reinforced the politicization of it, there is a remarkable effort that is made in order to maintain the separation of military from politics. This is conducted by Mustafa Kemal Atatürk by an official action of forbidding military officers to stand for elections without resigning from their military postures. "The aim of this policy was not only to prevent the military from exercising direct political influence, but also to insulate the military establishment from the pulling and hauling of the political arena. This is, in fact, characteristic of stable political regimes".⁵⁷ However, military influence in the political affairs continued- and is permitted to continue-

⁵⁶ Ibid., p. 129; Brown, James, "The Military and Politics In Turkey", *Armed Forces and Society*, Vol. 13, No. 2, Winter 1987, p. 238; Sakallıoğlu, Ü. C., "The Anatomy of the Turkish Military's Political Autonomy", p. 155

⁵⁷ Tachau, F., & Heper, M., "The State, Politics, and the Military in Turkey", p. 19

because of the military backgrounds of the leading figures (Mustafa Kemal Atatürk, as the first president of the Republic until his death in 1938, and İsmet İnönü, as successor to Atatürk, president, and prime minister), and support of the military to the reform program of the Republic.⁵⁸

A crucial change occurred in Turkish political system when multi-party regime started with the 1950 elections. A new political party, Democrat Party won the elections and this signified for the first time that its leaders who have no military careers were coming to power. This new period, despite it seemed that the influence of military as elite declined nourished the root causes of tension between government and the military officers who believed that the new government was departing from the founding principles of the Republic.

2.2 Turkish Military and Politics

Having said that Turkish military has political influence historically, the most viable aspect of this influence is military coups that took place almost in every ten years between 1960-1980 period. Military establishment has further gained various channels to control civilian leaders through the coups. For each intervention claimed that it was coming to power in order to reestablish democracy and maintain stability. It also needs to be emphasized that, at the end of each coup they returned to barracks. Military interventions are also supported by the society because of the belief that politicians were incompetent and self-serving. However, the problem here is that the political system is not capable and self correcting enough conversely

⁵⁸ Ibid., pp. 19-20

to Western democracies in that it always calls for intervention through which military is extending its area of influence. Since “excessive caution to avoid a *quick death* of democracy through coup d’etat might lead to a *slow death* of democracy through the gradual erosion of democratic practice”⁵⁹, maintaining stability through military interventions is not compatible with the nature of democracy.

2.2.1. The 1960 Military Coup

In 1950 general elections, Democrat Party won the victory and had ruled the country for ten years (1950-1960). The early years of the new government were successful years comprising opening industry to private enterprise and growing of national income by 40 per cent. However, opposition to the ruling party began in the second half of the decade when economic indicators got worse. After 1954, economic growth slowed, and inflation rate and the balance of payments deficit rose. As the economic discontent rose, the government became more politically repressive. While the Democrat Party Chairman Adnan Menderes was taking harsh measures, the conflicts between the Kemalist elite-namely the military- and the new political forces were becoming evident. Democrat Party alienated the military by some measures. It changed The Chief of General Staff, and the commanders of land, sea, and air forces, and also some other high-ranking commanders. The party also begun to give the impression that promotions in the military establishment was

⁵⁹ O’Donnell, Guillermo, “Transitions Continuities, and Paradoxes”, in Scott Mainwaring, Guillermo O’Donnell, and J. Samuel Valenzuela (eds.), *Issues in Democratic Consolidation: The New South American Democracies in Comparative Perspective*, University of Notre Dame Press, 1992, p. 33, qtd. in, Demirel, Tanel, “Civil-Military Relations in Turkey: Two Patterns of Civilian Behavior Towards The Military”, *Turkish Studies*, Vol. 4, No. 3, Autumn 2003, p. 3

based on fidelity to the party. It also did little to improve the declining economic status of the officers.⁶⁰

Besides, in 1953, all the properties of Republican People's Party were confiscated except the essential ones that are vital for its activities. The newspaper of the party, *Ulus*, was temporarily taken over. In 1954, the government muzzled all opposition newspapers with the help of the new Press Law. The government became more repressive by banning public meetings, and the formation of political parties in opposition to form, introducing a legislation that threatened to close down the Republican People's Party. It was also criticized for making too many concessions to the Islamic conservatives. Consequently, there was a growing opposition to government appearing with student protests. The government ordered the military to repress them and applied martial law. By taking these measures, Democrat Party government was pushing the military into a political role thereby violating the Kemalist doctrine of apolitical army.⁶¹

Consequently, the military removed the government from office with a bloodless coup of 27 May 1960. It is significant to note here that although there was military influence in politics beforehand, military intervention of 1960 was an obvious response to the measures Democrat Party had taken that eroded democracy.⁶²

⁶⁰ Brown, J., "The Military and Politics In Turkey", p. 238; Brown, J., "The Politics of Disengagement in Turkey: The Kemalist Tradition", C. P. Danopoulos, (Ed.), *The Decline of Military Regimes*, 1988, p.p. 131-146, Westview Press, Boulder&London, p. 134; Hale, William, *Turkish Politics and The Military*, Routledge, London, 1994, pp. 94-95; Demirel, T., "Civil-Military Relations in Turkey: Two Patterns of Civilian Behavior Towards The Military", pp. 4-5

⁶¹ Ibid.

⁶² Tachau, F., & Heper, M., "The State, Politics, and the Military in Turkey", p. 21

After the coup, soldiers set up the cabinet in the name of National Unity Committee in which there were figures whose ideologies were ranging from moderate socialists to conservatives and also ultra-nationalists. The majority of the members comprised the junior and middle-ranking officers. Academic specialists and the members of the National Unity Committee composed the constituent assembly in order to prepare a new constitution. They primarily aimed to prevent the re-emergence of an authoritarian regime basing on majority in parliament. The new constitution, thus comprised new legislation that restricted the power of the government, i.e. the establishment of a second parliamentary chamber, adopting an electoral system based on a strictly proportional system of representation, providing universities broad autonomy, establishment of new institutions such as a constitutional court with authority to invalidate governmental decrees and legislation.⁶³ Concerning an essential part of civil-military relations, the new constitution brought an amendment that Chief of General Staff was again made responsible to the prime minister rather than the Minister of Defense.⁶⁴

As another vital part of future relationship between the state and military, a National Security Council was established with the new constitution in order to advise the government on defense and security matters. The National Security Council comprised the president, the main cabinet ministers, the Chief of the General Staff,

⁶³ Ibid., p. 22; Hale, W., *Turkish Politics and The Military*, p. 122

⁶⁴ “The position of the Turkish Chief of General Staff has gone through three stages. In 1924 it was subjected to the prime minister; in 1949 it was placed under the control of the minister of defense; and under 1961 constitution it once again became the prime minister’s responsibility.”, Sakallioğlu, Ü. C., “The Anatomy of the Turkish Military’s Political Autonomy”, p. 159

and the serving force commanders.⁶⁵ Thus the military gained a channel to influence and participate decisions of the political power.

2.2.2 Coup by Communiqué of 1971

After the 1960 intervention, the army according to its loyalty to its promise gave the authority to the elected civilian government. Turkey drafted its most liberal constitution with which human rights were protected and some measures taken to prevent an authoritarian regime.⁶⁶ A socialist party, Turkish Labor Party for the first time in the history of the republic was established. Organized labor made broad gains after a new law authorizing the right to strike and the upheavals they organized were growing. Political activism of the university students became rising. They began to establish Marxist revolutionary organizations claiming that the government had led to Turkey's enslavement by the United States and been oppressing the masses.⁶⁷ Subsequently, there was the formation of political polarization among various groups from students to labor unions, and rising violence especially of leftist militant groups. However, the government was not effective and strong enough to answer this crumbling political situation.

As a result of domestic instability, once again military intervened to overthrow an elected government in March 1971. This intervention was known as coup by communiqué since the armed forces did not take over the government directly, but

⁶⁵ Hale, W., *Turkish Politics and The Military*, p. 138

⁶⁶ Ibid. p. 147

⁶⁷ Ibid. p. 177; Tachau, F., & Heper, M., "The State, Politics, and the Military in Turkey", p. 23

they issued a memorandum.⁶⁸ They refrained from completely overturning the regime; rather they were assured of constitutional amendments aimed to strengthen the regime while dealing with violence-prone groups. Concerning the difference between the 1960 and the 1971 interventions, in 1971 the military wanted to protect the regime with only moderate changes in order to support its authority against challenges particularly from the political left.⁶⁹ Consequently, civilian rule returned to Turkey on October 1973 until the next wave of fragmentation and violence.

2.2.3 The 1980 Military Coup

During 1970's, another wave of violence began to develop in Turkish politics. Political polarization and fragmentation were this time including political parties, both left and right wings, organized labor, the teaching profession, the civil bureaucracy, and the police. Tension was increasing with political assassinations comprising members of parliament, an ex-prime minister, journalists, and university professors. The victims of the assassinations included both extremists of left and right but also moderates aiming to accelerate political polarization. The rise of political Islam and separatist Kurdish nationalism were threatening the state in this period of Turkish politics. In addition to political fragmentation and gaining momentum of violence between left wing and nationalist right wing, Turkish politics were further polarized by growing tensions with Greece over oil exploration rights in the Aegean Sea, and the Cyprus issue of 1974, disputes on education and economic policies, and corruption. Besides, Turkish economy worsened as a result of misgoverning and the OPEC oil crisis of 1973. According to the chronic shortage

⁶⁸ Tachau, F., & Heper, M., "The State, Politics, and the Military in Turkey", p. 23

⁶⁹ Ibid.

of fuel, power cuts became a daily fact of life. By the late 1970s, inflation rate was in excess of 80% and unemployment rate was at about 15%. The balance of payments deficit rose to \$ 3.4 billion in 1980. These domestic economic crises further increased political tensions.⁷⁰

As a result of the general elections held in 1973 and 1977, there were weak coalition governments and those political authorities were unable to maintain stability. Subsequently, the military was also highly critical of the governments with respect to their inability to tackle with economic problems and challenges to basic political values.⁷¹ Due to the complete deterioration of economic and social situation, on 12 September 1980 the military staged the third coup declaring that they were aiming to reestablish democracy.

The crisis that paved the way for 1980 coup covered various reasons from economic breakdown to civil violence, and open challenges to highly symbolic values such as secularist nationalism. However, according to military the underlying reason of the failure of the system was the complete erosion of governmental authority.⁷² Consequently, the military again initiated the amendments in the constitution, and this time highly enhancing its political influence in the system.

⁷⁰ Brown, J., "The Politics of Disengagement in Turkey: The Kemalist Tradition", p. 137; Tachau, F., & Heper, M., "The State, Politics, and the Military in Turkey", 1983, pp. 24-25; Hale, W., *Turkish Politics and The Military*, 1994, pp. 223-224; Narlı, N., "Civil-Military Relations in Turkey", 2000, p. 113

⁷¹ Tachau, F., & Heper, M., "The State, Politics, and the Military in Turkey", p. 26; Narlı, N., "Civil-Military Relations in Turkey", p. 114

⁷² Tachau, F., & Heper, M., "The State, Politics, and the Military in Turkey", p. 25

2.2.4 The 28 February Process

During the 1980-1983 period, dissatisfaction about the military's involvement in politics began to rise. The extended authority of the military and its rising influence in politics have been criticized by all sides of the political spectrum. Both parties from center-left and center-right begun to appreciate the benefits of the democratic regime and they increasingly became dissatisfied with some policies of the military that were backing Islam against the threat of communism. Therefore, there is a growing consensus against the military rule and military influence following 1980 military intervention. However, by the mid-1990's this consensus against the position of the military in politics begun to perish as the democratic regime seemed incapable of dealing with the rising terrorism arising from the Kurdish separatist movements of PKK (Partita Karkaren Kurdistan, the Kurdish Workers' Party) and the rise of political Islam due to the practices of the religiously oriented partner of the coalition government, Welfare Party.⁷³

After the 1995 general elections, Turkey's first Islamist government led by Welfare Party was set up. This Party was the continuation of the previous Islamist parties belonging to the National View (Milli Görüş) movement and existed from 1983 to 1998. Following the 1995 general elections, the Welfare Party experienced a growing popularity and started to put its policies into practice which were perceived as a threat to the secular structure of the state.⁷⁴ Some of the practices of the Welfare Party included "the adoption of Ramadan (the holy month of fasting in

⁷³ Demirel, T., "Soldiers and Civilians: The Dilemma of Turkish Democracy", p. 136

⁷⁴ Knudsen, Bertil Videt, January 2005, "The Role of Military in Turkish Politics", May 12, 2006, Accessed from <http://www.videt.dk/miliduty.pdf>, p. 10

Islam) hours in governmental organizations, increasing the financial strength of religious entities, and increasing the number and activities of religious orders as well as prayer leader and preacher schools.”⁷⁵ The government further disturbed military by the public speeches of its deputies calling change in the system of the republic, and the foreign policy of the coalition government. In addition, Prime Minister received religious leaders who were wearing religious clothes forbidden by the Dress Code at his official residence.⁷⁶ All these actions of the government were perceived by the military as deteriorating the secularist structure of the Turkish Republic.

Regarding these developments, the military began to act, but it did not directly intervene this time. Rather, it chose to issue an 18-point list of policy recommendations to the government at February 28, 1997 meeting of the National Security Council. The list consisted of prolonging compulsory education from five to eight years, and limiting the activities of religious schools and private Quran courses.⁷⁷ Thus, this indirect intervention of the military was regarded a “silent coup d’etat” or “post-modern coup” in Turkish politics.⁷⁸ The result was the resignation of the government.

Consequently, the military was again an actor in politics, this time not by directly intervening, but by exercising pressure through causing the replacement of a civilian government with another one that was more acceptable to the military.

⁷⁵ Güney, Aylin, Petek Karatekelioğlu, “Turkey’s EU Candidacy and Civil-Military Relations: Challenges and Prospects”, Spring 2005, p. 447

⁷⁶ Ibid. pp. 447-448

⁷⁷ Narlı, N., “Civil-Military Relations in Turkey”, p. 115

⁷⁸ Güney, A., “Turkey’s EU Candidacy and Civil-Military Relations: Challenges and Prospects”, 2005, p. 448

2.3 Indicators of Autonomy of Turkish Military

Following the transition to multiparty period, Turkish politics experienced three coup d'états and a post-modern coup. After each intervention, military declared that their attempt aimed to restore order, and stability. Thus, the most essential feature of Turkish military is its acceptance of legitimacy of democracy, since it did not try to establish or continue military rule after neither of its interventions. Rather, accordingly to its commitment to democracy, it lets democratic elections to be held and civilian rule starts after a period of time. However, returning to civilian rule does not signify the return of military to their barracks completely due to the fact that it gains institutional channels (specifically the National Security Council, military judges in the State Security Courts, military representatives in the Council of Higher Education (YÖK), and in the High Audio-Visual Board (RTÜK)) of influence to effect and/or participate the decision-making structure of the state. These direct or indirect channels of influence imply the autonomy of Turkish military, and problem of accountability, defense policy, military budget, arms procurement, and internal security matters constitute the areas of its autonomy. Therefore, it is hard to argue that Turkish military is completely under civilian control.

The political autonomy of the military has been defined as its ability to go above and beyond the constitutional authority of democratically elected governments.⁷⁹

⁷⁹ Pion-Berlin, David, "Military Autonomy and Emerging Democracies in South America", *Comparative Politics*, Vol. 25, October 1992, p. 85, qtd. in, Sakallıoğlu, Ü., "The Anatomy of the Turkish Military's Political Autonomy", p. 153

Although Turkish military has an autonomous and behind-the-scenes power, it is not praetorian; it does not seek to undermine democracy. It refrains to be a political actor directly such as holding cabinet and bureaucratic positions, instead chooses to exercise influence through issuing demands, policy suggestions, and warnings on political subjects. The military behaves in this way depending on its constitutional powers that it has gained after each past intervention.⁸⁰ This stance of Turkish military indicates its privileged position pointing out the autonomy fields of it.

2.3.1 National Security Council

After 1960 coup d'état, a new constitution was promulgated the following year. This constitution was remarkably Turkey's most liberal constitution which was including legislation granting social rights and freedoms.

One of the most important provisions of this constitution was the introduction of a National Security Council (NSC). National Security Council is one of the mechanisms through which the military participates the decision-making process along with civilian authorities, so is criticized by being an undemocratic institution.

National Security Council is composed of the prime minister, the ministers of national defense, internal affairs, and foreign affairs, the chief of the general staff, and the commanders of the army, navy, air force, and gendarmerie, and it convenes under the chairmanship of the president. The NSC meetings may comprise other ministers, bureaucrats, and government officials depending on the discussion topics

⁸⁰ Ibid., pp. 153-154

on the agenda. Only the ten full members of the council have voting rights. The NSC was originally established to recommend the Council of Ministers the necessary basic guidelines regarding the coordination and decisions related to national security.⁸¹ Therefore, it was designed for the military to voice its opinions on matters regarding national security and the agenda of the NSC includes subjects that are regarded as relevant to national security. Therefore, the concept of national security is essential to evaluate the role of the NSC in Turkish politics. The Act of the National Security Council and National Security Council General Secretariat dated December 9, 1983 (No. 2945) defines national security as “the protection and maintenance of the state’s constitutional order, national presence, integrity, its political, social, cultural and economic interests on an international level and contractual law against any kind of internal and foreign threat”.⁸²

When the NSC was first introduced, civilian members exceeded senior commanders in it. After the 1973 amendments its function was extended to make recommendations to the government. Finally, its position was broadened with the 1982 constitution that its recommendations would be given priority consideration by the council of ministers “concerning the measures that the NSC deemed necessary for the preservation of the existence and independence of the state, the integrity, and the indivisibility of the country, and the peace and security of the country”.⁸³ The number and weight of senior commanders in the NSC increased

⁸¹ Jenkins, Gareth, *Context and Circumstance: The Turkish Military and Politics*, Adelphi Paper 337, Oxford University Press, New York, 2001, p. 45

⁸² Ş. İba, *Milli Güvenlik Devleti: Dünyada ve Türkiye’de Belgeleriyle Milli Güvenlik İdeolojisi ve Kurumlaşma, Çıvıyazıları*, İstanbul, 1998, qtd. in., Güney, A., Karatekelioğlu, P., “Turkey’s EU Candidacy and Civil-Military Relations: Challenges and Prospects”, p. 446

⁸³ Heper, Metin, Aylin Güney, “The Military and the Consolidation of Democracy: The Recent Turkish Experience”, *Armed Forces and Society*, Vol. 26, No. 4, Summer 2000, p. 637

compared to civilian members.⁸⁴ Thus, with the amendments in 1982 constitution, the NSC became an institutional mechanism for the military to exercise political influence over the government and even intervene in politics as in the case of February 28 process.

The decisions of the NSC comprised a broad spectrum: “determining the curriculum in schools, regulating television stations’ broadcasting hours, abolishing the penal immunity of members of parliament from the (Kurdish) Democracy Party, closing down certain prisons and television stations, making bureaucratic appointments of the ministry of public works in the southeast, postponing the termination date of military service for current conscripts, suggesting the formation of electoral alignments between political parties before the March 27, 1994, local election, stating the substance of the laws on terror and capital punishment, and offering Arabic as an elective subject in secondary schools”.⁸⁵

Concerning the broad spectrum of decisions and the definition of national security indicates that it is the duty of military to protect both the territory and the character of the regime, so national security is perceived as defending the territory and preserving the country’s Kemalist legacy according to military’s viewpoint.⁸⁶ In order to define the security policies to maintain national interests, the National Security Council General Secretariat prepares National Security Policy Document (NSPD) in coordination with relevant ministries and institutions and it is presented to the NSC. The NSC then sends the NSPD to the Council of Ministers for

⁸⁴ Sakallıođlu, Ü. C., “The Anatomy of the Turkish Military’s Political Autonomy”, 1997, p. 157

⁸⁵ Ibid., p. 158

⁸⁶ Jenkins, G., *Context and Circumstance: The Turkish Military and Politics*, 2001, p. 46

approval, and if approved the NSPD comes into force. The NSPD is in a great secrecy and it is forbidden to announce the content of the document (Law No. 4982, Article 16).⁸⁷ Thus, the NSPD is criticized by being a “secret constitution”.⁸⁸ The clarification for the secrecy of the NSPD is that if the policy formulated for the threats against the security of the state and the prosperity of the nation is clearly manifested, this may be hazardous for the national interests of the country.⁸⁹ The recent draft of NSPD was discussed in NSC meeting dated October 24, 2005, and sent to the Council of Ministers, and took place on March 20, 2006 without being published in the Official Gazette.⁹⁰

Consequently, the NSC is the official and institutional method for the military to exercise influence over the elected government. Its approximately 350 permanent staff is serving or retired military personnel. The NSC General Secretariat works in close cooperation with the Turkish General Staff (TGS) and the working groups⁹¹ in the TGS. At NSC meetings, the president or the civilian government can oppose any proposal that the military brings, however governments traditionally have been hesitant to directly block the military at the NSC. This reluctance arises from social and cultural environment which made Turkish politicians believe that military

⁸⁷ Accessed from, <http://www.mgk.gov.tr/Turkce/sss.html> on August 10, 2006

⁸⁸ Öztürk, Ertuğrul, “Milli Eylem Stratejisi Belgesi”, *Hurriyet*, 24 June 1999, qtd. in, Jenkins, G., *Context and Circumstance: The Turkish Military and Politics*, p. 47

⁸⁹ Accessed from, <http://www.mgk.gov.tr/Turkce/sss.html> on August 10, 2006

⁹⁰ Accessed from, <http://www.radikal.com.tr/haber.php?haberno=190771> on August 10, 2006

⁹¹ The close links between the TGS and the NSC General Secretariat provide considerable military input into the briefing documents presented by the NSC general secretary to council members. But, the military also has its own infrastructure within the TGS which is derived from briefing documents, and policy drafts on a wide variety of issues. Most of this work is done by a system of “working groups” composed of staff officers. One of the most important one was Western Working Group (Batı Çalışma Grubu) that the commanders set up in the General Staff headquarters. It was formed to monitor the activities threatening the secular republic and plan necessary measures. Other working groups cover issues such as internal security (e.g. the PKK), Cyprus and Greece, privatisation, and since the December 1999 EU Helsinki Summit, the EU. Jenkins, G., *Context and Circumstance: The Turkish Military and Politics*, 2001, p. 50; Heper, M., A. Güney, “The Military and the Consolidation of Democracy: The Recent Turkish Experience”, 2000, p. 643

embodies the highest virtues of the nation and from the past practices such as coups that made them think that it is not always simple psychologically to challenge the authority of the military.⁹²

While the military was exercising influence over the government dictating policy through NSC, another mechanism was the Council of Higher Education established with a law that was promulgated on November 6, 1981. With this new system of higher education the head of the state is empowered to appoint the rectors of the universities, and the rectors nominate candidates for appointment to deanship; the power of appointment residing in the newly established Council of Higher Education (formerly, rectors and deans were elected by their respective faculties). The Council consists of eight members selected by the head of the state, eight selected by the government, one by the General Staff, and eight by the universities. In addition, university faculties are forbidden to join or serve in political parties.⁹³ These measures aimed to prevent the politicization of the institutions that the military perceives as a threat against the regime.

2.3.2 State Security Courts

State Security Courts (SSC) were established under 1982 constitution to deal with the crimes against the indivisible integrity of the state with its territory and nation, the free democratic order, or against the republic whose characteristics are defined

⁹² Jenkins, G., *Context and Circumstance: The Turkish Military and Politics*, p.p. 50-52

⁹³ Tachau, F., & Heper, M., "The State, Politics, and the Military in Turkey", p. 29

in the constitution, and offences directly involving the internal and external security of the state.⁹⁴

Originally, in the cases that relates to the scope of the SSC were judged by a panel of three judges, comprising two civilians, one of whom served as president of the court, and one military judge. However, during the trial of PKK leader Abdullah Ocalan, the constitution was amended and the military member of the court was replaced by a civilian judge on 18 June 1999. The aim was to prevent the foreign claims specifically human rights organization and European Court of Human Rights that Ocalan had not received a fair trial.⁹⁵

Consequently, State Security Courts representing the military on the judicial arena were critical agents over consolidating democracy and concerning civilian control over the military.

2.3.3 Military Budget, Arms Procurement, Transparency and Organization in the Defense Sector

Enhancing transparency of military spending and decreasing the autonomy of the military in defense industries –arms production and procurement- is one of the essential parts of the maintaining civilian control over the military. Unlikely to the Western practices that prescribes in detail how the military should spend its budget, the defense budget has never been subjected to the parliamentary debate, it has not

⁹⁴ Turkish Constitution, Article 143, Accessed from, <http://www.tbmm.gov.tr/english/constitution.htm>, August 11, 2006

⁹⁵ Jenkins, G., *Context and Circumstance: The Turkish Military and Politics*, 2001, p.p 54-55

been discussed in the press, and it has never been criticized in Turkey. Besides, PKK problem has been a contributing factor for the military expenditure having secrecy and for the public accountability being low.⁹⁶ The proportion defense expenditures in gross domestic products according to years and comparable with some countries can be seen below:

Country	average 2000- 2004	2001	2002	2003	2004	2005
Based on current prices						
France	2,5	2,5	2,5	2,6	2,6	2,5
Germany	1,5	1,5	1,5	1,5	1,4	1,4
Greece	3,6	4,6	3,4	2,8	2,9	3,1
Italy	2	2	2,1	2,1	2	1,8
Spain	1,3	1,2	1,4	1,3	1,3	1,2
Turkey	4,2	5	4,4	3,8	3,1	3,2
United Kingdom	2,4	2,5	2,4	2,4	2,3	2,3
United States	3,4	3,1	3,4	3,8	4	3,8

Table 1 : Defense expenditures as % of gross domestic product⁹⁷

In theory, defense spending is under close scrutiny of administrative, parliamentary, and auditing functions. However, in practice, the military has the total control in defense budget and particularly in defense procurement, and many of the functions of the budgeting are the responsibility of Turkish General Staff. Furthermore, Turkish General Staff has the ultimate power to decide how the funds are spent.

⁸³ Sakallıoğlu, Ü. C., “The Anatomy of the Turkish Military’s Political Autonomy”, 1997, p. 160

⁹⁷ http://www.nato.int/issues/defence_expenditures/index.html, August 19, 2006

When there budgetary talks are held in parliament, traditionally defense spending is the main subject that there is no discussion or opposition on it until 2001.⁹⁸

Basically, the above defined positions of the military stem from the fact that Turkish Chief of General Staff⁹⁹ is not subordinate to the Ministry of Defense and this position of the chief of general staff has expanded its autonomy in the areas of defense policy, military budget, and arms procurement.

According to the 1970 amendments, “the Chief of General Staff would determine the priorities and principles and main programs concerning personnel, intelligence, mobilization, education, and logistics. Also, in determination of the military aspects and implementation of international agreements, the Chief of General Staff would be consulted. It may participate in those meetings if it is deemed necessary”.¹⁰⁰ Therefore, Turkey is still represented at the level of the chief of general staff in organizations such as NATO. On the other hand, the Ministry of National Defense is responsible for the political, legal, social, financial, and budgetary services for national defense, and defense policy is agreed upon by the Council of Ministers according to the principles, priorities, and major programs as determined by the Chief of General Staff.¹⁰¹

The reason behind the establishment of the defense industry is to lower the dependence on foreigners for arms and technology. Production and procurement are

⁹⁸ Narlı, N., “Transparency-Building in the Defense Sector and the EU Reforms in Turkey”, 2006, Sami Faltas, and Sander Jansen, (Eds.), *Governance and The Military: Perspectives for Change in Turkey*, The Centre for European Security Studies, Groningen, 2006, p. 144

⁹⁹ For three stages that Turkish Chief of General Staff has gone through please see footnote no. 54

¹⁰⁰ Ş. İba, *Ordu Devlet Siyaset*, Çivi yazıları, İstanbul, 1998, qtd. in., Güney, A., Karatekelioğlu, P., “Turkey’s EU Candidacy and Civil-Military Relations: Challenges and Prospects”, p. 444

¹⁰¹ Ibid. p. 444

essentially in accordance with the priority list prepared by the chief of general staff. The Turkish military industrial complex is supported by a fund set up by the armed forces and handled by the civilian Under-secretariat for Defense Industries.¹⁰² Procurement is directed by the Defense Industry Executive Committee that is chaired by the prime minister, and includes the defense minister, the undersecretary for defense industries, and the chief of general staff; in practice, the committee is dominated by the military. Likely, the defense minister is theoretically responsible for approving the military's evaluation of procurement needs. In practice, the force commanders submit their requirements to the chief of general staff, it then prepares proposals, and they are signed by the defense minister, and submitted to the undersecretary for defense industries or the procurement departments in the Ministry of National Defense. The domestic and foreign departments in the Ministry of National Defense are headed by serving officials. During the late 1990s, the military also began to dominate the undersecretary defense industries with the appointment of retired senior generals as deputy undersecretaries.¹⁰³

Consequently, since the military is dominant in the defense industries, particularly arms production, procurement, and defense budget the autonomy of the military is continuing in related fields also.

2.3.4 Appointments and Career Structure

Another field that points out the pronounced autonomy of Turkish military is appointments and senior promotions.

¹⁰² Sakallıoğlu, Ü. C., "The Anatomy of the Turkish Military's Political Autonomy", p. 160

¹⁰³ Jenkins, G., *Context and Circumstance: The Turkish Military and Politics*, p. 58

Promotions are decided at the annual August meeting of Supreme Military Council that is composed of the prime minister, defense minister, and all four-star generals and admirals. In theory, the Supreme Military Council is chaired by the prime minister and the deputy chief of the general staff acts as secretary. In practice, it is the military that decides on appointments and promotions considering the criteria of the officer's military competence and disciplinary record. Concerning the commanders of the three services –army, navy, and air- in theory, the Chief of General Staff, prime minister and defense minister submit a joint list of nominees for service commanders to the president for approval. In practice, the service commanders are selected by the Chief of General Staff according to their seniority and the Chief of General Staff informally notifies the prime minister of his choice before the list is prepared for signature.¹⁰⁴

Similarly, the present Chief of General Staff selects his own successor in consultation with a number of senior commanders, and suggests him to the prime minister. In theory, the president officially has the final word on whether to accept or reject the nominee for the chief of general staff. However, the prime minister forwards the suggestion of the current Chief of General Staff that considers seniority to the president.¹⁰⁵ Traditionally, in practice the candidate selected by the outgoing Chief of General Staff is the commander of the army at the time when the Chief of General Staff is due to retire.¹⁰⁶

¹⁰⁴ Ibid. pp. 25-26

¹⁰⁵ Sakallioğlu, Ü. C., "The Anatomy of the Turkish Military's Political Autonomy", 1997, p. 161

¹⁰⁶ Jenkins, G., *Context and Circumstance: The Turkish Military and Politics*, 2001, p. 26

There is one exception of this traditional routine of senior promotions when Prime Minister Turgut Özal succeeded to appoint his candidate of chief of general staff, General Necip Torumtay instead of the candidate supported by the outgoing chief of general staff.¹⁰⁷

2.4 Turkish Civil-Military Relations in Theory

This study intends to approach civil-military relationship in Turkey with regards to civilian control of the military since the role of the Turkish military lacks this subordinate position because of its areas of influence. Therefore, the definition of civilian control over the military is significant. Civilian control over the military refers to three closely related elements: “the non-involvement of the military in domestic politics; democratic control of defense policy (in terms of force size and structure, defense spending and procurement); and the democratic control of foreign policy (including decisions on the external use of forces).”¹⁰⁸

The question of how a government maintains civilian control over the military theoretically explained by Huntington and Janowitz with emphasizing the importance of professionalization but constructed differently.

As Huntington argues maintaining civilian control over military is achieved by maximizing military professionalism. However, in Turkish case the increased

¹⁰⁷ Ibid., p. 27

¹⁰⁸ “Reference Curricula on Civil-Military Relations”, *Geneva Centre for Security Policy*, Accessed from, www.pfpconsortium.org/WGS/2/posts/rc_cmr_2004_01_04.pdf, May 15, 2006

professionalism of the army is related with greater military influence rather than increased subordination of the military to the civilian authority.¹⁰⁹

Turkish military, throughout modern Turkey's history, were not in a weak position and from the 1950s onward, particularly after Turkey's NATO membership, developed into a professional corps. Consequently, the military could not be politicized by the civilian elite and they became an instrument of civilians. In addition, they regard their interventions in politics as undermining their combat effectiveness and they are away from being continuously involved in day-to-day politics. Regarding their past interventions, Turkish military exercised influence in Turkish politics and gained authority basing on its historical role and public prestige. However, at times they intervened in politics they act as the state elite and not as the political elite. They considered themselves as nonpartisan arbiters, not as rival powers to the civilians.¹¹⁰ Although they put themselves in an apolitical and nonpartisan position being a professional body, concerning Huntington's view about professionalism, one can not argue that Turkish military is fully under civilian control, because of the facts that the Chief of General Staff is not subordinate to the Ministry of Defense, the military have autonomy in the areas of defense policy, military budget, arms procurement, and internal security. This entrenched role of the military also hinder us to evaluate them in Huntington's understanding stating that the officer corps is only responsible for military security, thus they are not directly involved in the formulation and advocacy of policy, and have a limited role of providing professional military advice.

¹⁰⁹ Narlı, Nilüfer, "Civil-Military Relations in Turkey", 2000, p. 112

¹¹⁰ Heper, M., A. Güney, "The Military and the Consolidation of Democracy: The Recent Turkish Experience", 2000, pp. 650-652

Turkish military backs up one of the main arguments of Huntington, which he clarifies as the skills of the military, can only be used for the purposes approved by the society; they are loyal and obedient to the authority of the state and they are willing to use their skills to enhance the security of the state. What is clear in Turkish case is that the military interventions in Turkey (1960-1971-1980) have hardly been seen as highly repressive, and hardly been considered as failures in political, economic, or military terms by a significant number of civilians. The military administrations, despite their repressive characteristics, were not discredited or disliked by a significant majority of the people. In fact, the 1982 Constitution prepared by the military administration was ratified by 92.5 percent of the vote in the referendum.¹¹¹

As Huntington argues civilian control by constitutional form, he explains it is contentious that the military, which control the most powerful instrument of violence, will be more powerful in totalitarian countries than in democratic ones. He continues to explain that in a democratic country, the military may undermine civilian control and gain great political power through the legitimate process and institutions of democratic government and politics.¹¹² This is the case in Turkey at times after coup d'états when it acquired legal basis of its role being the ultimate guardian of the secular republic. For instance, according to Article 35 of the Internal Service Act of the Turkish Armed Forces, enacted in 1961, "the military is responsible for defending both the Turkish Fatherland and the Turkish Republic as

¹¹¹ Demirel, T., "Lessons of Military Regimes and Democracy: The Turkish Case in a Comparative Perspective", *Armed Forces and Society*, Vol.31, No. 2, Winter 2005, pp. 246-252

¹¹² Huntington (1956), p. 82

defined by the Constitution.” Article 85 of the Internal Service Regulations of the Turkish Armed Forces stipulates that the “Turkish Armed Forces shall defend the country against the internal as well as the external threats, if necessary by force.”¹¹³

Institutional autonomy of the military, comprising defense policy, military budget, arms procurement, and internal security, also contradicts with the argument of Janowitz who claims that military men are civil servants, so civilian leaders are assured of military’s partisan neutrality. Nevertheless, being above politics does not mean being apolitical. In this respect, he concludes that clearly defined rules under which military officers operate reduce or eliminate their influential power over political leadership and these effective rules are direct guarantee to enhance civilian supremacy.

Eventually, one single theory is not sufficient to understand and explain the Turkish civil-military relations with respect to traditional role of Turkish military, civilian control over them, and their role in politics. Because of several reasons, particularly the key position of the military stemming from the Ottoman legacy, the vanguard role they played in both inception of the republic, and the modernization process, Turkish military has a special position and public prestige in spite of its direct or indirect involvement in political arena.

¹¹³ Heper, M., A. Güney, “The Military and the Consolidation of Democracy: The Recent Turkish Experience”, 2000, p. 637

CHAPTER III

EU MEMBERSHIP PROCESS and ITS EFFECTS on TURKISH CIVIL-MILITARY RELATIONS

Turkey has a long commitment to modernization that meant westernization in Turkish political life. In 1963, Turkey signed an Association Agreement with the European Economic Community (EEC). It applied to become a member of the EEC in 1987 and formed a Customs Union with the European Community (EC) in 1995. The European Union (EU) announced Turkey as a candidate country at the Helsinki Summit of 1999. In December 2002, European Council decided that “If the European Council in December 2004, on the basis of a report and a recommendation from the Commission, decides that Turkey fulfils the Copenhagen political criteria, the EU will open accession negotiations with Turkey without delay”.¹¹⁴ This decision was confirmed at later summits, notably the June 2004 European Council. Eventually, Turkey has started accession negotiations for full membership of the EU on October 3, 2005.

The EU, the North Atlantic Treaty Organization (NATO), and Organization of Security and Cooperation for Europe (OSCE) are the basic institutions through which the West is trying to democratize the civil-military relations especially in Central and Eastern European (CEE) countries. These are the former communists and new democracies of the central and eastern Europe, and the main challenge they face is the military profession that is effective, but not responding to

¹¹⁴ European Council, 2002

democratization. Maintaining democratic civil-military relations is also relevant in the case of Turkey given the fact that it is a candidate country waiting to be a member country of the EU. Since 1952, Turkey has been a member of NATO; therefore NATO membership is not a precondition for democratic control of its armed forces¹¹⁵. By virtue of Turkey's long struggle to become an EU member with regards to its modernization and westernization project, the EU has been an important tool of reforming civil-military relations. One of the most important conditions among the political criteria for full membership has been the democratic control of the military in Turkey.¹¹⁶

The military has always had a pre-eminent role in Turkish political life arising from Turkey's special historical, social, and institutional context. These conditions were basic determinants of the significant place of the military in the nation. And over time, military has started to have a stronger presence in politics also having constitutional channels of influence and a wide public support.

Turkish military has begun to place more emphasis on its self-appointed role as guardian of the basic principles of the Turkish state over last decades. The underlying reason of this self-appointed role is the perception of the military structure that regards the Islamic activism and Kurdish nationalism as the main internal security threats. The military's enlarged role can be seen in their attempts to securitize the country's serious but mainly political problems. This is made possible

¹¹⁵ During Cold War, Turkey, due to its geostrategic location, was an important component of Western security strategy as a bulwark against communism. Communist threat was the prominent concern of that period, so the other issues such as democratic control of the armed forces were considered secondary. Güney, Aylin, Petek Karatekelioğlu, "Turkey's EU Candidacy and Civil-Military Relations: Challenges and Prospects", 2005, pp. 440-441

¹¹⁶ Ibid.

by “letting the national security concept influence codification of laws pertaining to internal security, anti-terrorism, maintenance of public order, political activities and public debate, and by expanding military jurisdiction over civilians”.¹¹⁷ On the other hand, the EU has prescribed political preconditions for Turkey to gain successful entry to the union. Concerning the threats posed by internal enemies, the military high command argues that “expansion of freedoms in Turkey represents too high a price to pay to in order to be accepted into the European fold”.¹¹⁸ While military observes such a guardianship role, the EU’ s entry criteria imply that the military structure must be subordinate to democratic control.

The Copenhagen criteria set out in the Copenhagen European Council Summit of 1993, comprise three distinct areas of political criteria, economic criteria, and the criteria of being able to take on the obligations of EU membership. Political criteria require the implementation of institutional stability, complete freedom of expression, the entrenchment of human rights, respect and protection for minorities, and an efficient market economy.¹¹⁹ Despite the fact that democratizing civil-military relations are not directly mentioned in the Copenhagen criteria, the military as an institution should be subordinate to the political authority which is the case in Western practice, and the democratic control of the armed forces in Turkey is always referred in the accession partnership document, annual reports, and progress reports of Turkey which measures the continuing convergence to the EU.

¹¹⁷ Sakallıoğlu, Ümit Cizre, “Problems of Democratic Governance of Civil-Military Relations in Turkey and the European Union Enlargement Zone”, *European Journal of Political Research*, No. 43, 2004, pp. 107-108

¹¹⁸ Ibid.

¹¹⁹ Accessed from, http://europa.eu/abc/12lessons/index3_en.htm, August 21, 2006

One of the major criticisms that these official documents express is the lack of democratic control over Turkish military. Therefore, the EU regards the position of the armed forces as the main impediment to democratic consolidation in Turkey.

3.1 EU' s Demands as an Outside Trigger

Concerning civil-military relations, the European norm is that armed forces are unambiguously subordinate to the elected government and the leadership of the armed forces has no voice in public affairs beyond its professional domain. When power legitimately changes hands the armed forces continue to serve their new political masters. Another significant feature of the European practice is that the military's job is to safeguard national security (in both its external and internal dimensions) and not regime security (in the sense of helping keep in power a single party or dominant leader). As for subordination of the armed forces, this implies that they will be firmly and unambiguously under civilian political direction. In advanced democracies, that control is not exercised by the head of government personally, but by a departmental minister (chief of general staff may have a right of direct access to the prime minister in certain circumstances). In addition, throughout the Union in matter such as defense policy making, planning, programming, budgeting and spending, the authority and autonomy of the military are strictly restricted. Thus, they do not have a complete freedom of manoeuvre even in operational matters. Furthermore, senior military officers do not make public statements without the express authorization of their minister.¹²⁰

¹²⁰ *Turkish Civil-Military Relations and the EU: Preparation for Continuing Convergence*, Final Expert Report of a program of the Centre for European Security Studies (CESS), the Netherlands, in cooperation with the Istanbul Policy Center (IPC), Turkey, November 2005, pp. 3-4

The main criticisms directed by the EU concerning Turkish military are about institutional aspects of democratic control. In this respect, the status of the Chief of the General Staff under the prime minister (instead of the Ministry of National Defense), the role of the National Security Council in Turkish political life, and lack of an effective civilian or parliamentary control over the military budget constitute the matters of discussion.¹²¹

These major problems in Turkish civil-military relations and required reforms that the EU demands have been outlined in the official documents namely Accession Partnership Documents, Regular Reports, and Harmonization Packages of the EU regarding Turkey.

Accession Partnership Document launched in March, 2001 necessitates the “improvement of the functioning and efficiency of the judiciary, including the state security court in line with international standards” as a short-term priority. The medium-term priority of the same document states “the alignment of the constitutional role of the National Security Council as an advisory body to the Government in accordance with the practice of EU member states”.¹²²

Accession Partnership Document of May, 2003 states the adaptation of the functioning of the National Security Council in order to align civilian control of the

¹²¹ Özdemir, H., *Silahlı Kuvvetler Sivil Otorite İlişkisinin Yeniden Düzenlenmesi [The Organization of the Relations Between the Armed Forces and the Civilian Authority]*, Türkiye Sosyal Ekonomik Siyasal Araştırmalar Vakfı, 1991, qtd. in., Güney, Aylin, Petek Karatekelioğlu, “Turkey’s EU Candidacy and Civil-Military Relations: Challenges and Prospects”, 2005, pp. 443-444

¹²² *Council Decision of 8 March 2001*, Official Journal of the European Communities, I. 85/13, 24.03.2001

military with practice in EU member states as a priority. This document also refers to State Security Courts as strengthening the independence and efficiency of the judiciary and promoting consistent interpretation of legal provisions related to human rights and fundamental freedoms in line with the European Convention on Human Rights,... and aligning the functioning of state security courts with European standards.¹²³

In November 2005, the Commission of the EU released a proposal for a Council decision on principles, priorities, and conditions contained in the Accession Partnership with Turkey. Under the title of short-term priorities the document referred to the civil-military relations in the democracy and the rule of law chapter. The proposal stipulates for Turkey to “continue to align civilian control of the military with practice in EU member states; to ensure that civilian authorities fully exercise their supervisory functions, in particular as regards the formulation of the national security strategy, and its implementation; to take steps towards bringing about greater accountability and transparency in the conduct of security affairs; to establish full parliamentary oversight of military and defense policy and all related expenditure, including by external audit; abolish any remaining competence of military courts to try civilians.”¹²⁴

Accession Partnership of January 2006 refers again directly to civil military relations and the document touches upon “continuing to align civilian control of the military with practice in EU member states; ensuring that civilian authorities fully exercise their supervisory functions; in particular as regards the formulation of the

¹²³ *Council Decision of 19 May 2003*, Official Journal of the European Union, I. 145/40, 12.06.2003

¹²⁴ *Proposal for a Council Decision*, COM (2005) 559, 9 November 2005

national security strategy, and its implementation; taking steps towards bringing about greater accountability and transparency in the conduct of security affairs; establishing full parliamentary oversight of military and defense policy and all related expenditure, including by external audit; abolish any remaining competence of military courts to try civilians”; under the title of anti-corruption policy it states “ensuring of the implementation of the Regulation on Principles of Ethical Behavior for Civil Servants and extending its provisions to elected officials, judiciary, academics and military personnel”.¹²⁵

Along with the Accession Partnership Documents, Regular Reports express the European Commission’s views on issues regarding accession progress of Turkey. The first Regular Report on Turkey presented in 1998 specifies and suggests the following: Evaluating democracy and the rule of law, the document states that “The Chief of General Staff is not formally responsible to the Minister of Defense; he is nominated by the Supreme Military Council and appointed by the Prime Minister. In 1997, according to many Turkish newspaper reports, two operations by the Turkish armed forces against the bases of the Kurdistan Workers Party (PKK) in northern Iraq took place without the Chief of the General Staff giving the government any prior notice”.¹²⁶ Evaluating the judicial system, it addresses the State Security Courts and points out that it deals with overtly political crimes and these courts do not offer defendants a fair trial. There are also doubts about the impartiality of judges: one in three State Security Court judges are military judges who, as the European Commission on Human Rights recently pointed out, are

¹²⁵ *Council Decision of 23 January 2006*, Official Journal of the European Union, I. 22/34, 26.1.2006

¹²⁶ *Regular Report from the Commission on Turkey’s Progress Towards Accession*, October 1998

serving military personnel and therefore subject to military discipline. According to the 1998 Regular Report, this is the only example in Europe in which civilians can be tried at least in part by military judges. The document has a part entitled as National Security Council which summarizes the following: the NSC plays a key role in the formulation and implementation of national security policy and also covers a wide range of political matters. The document expresses that the existence of this body shows that, despite a basic democratic structure, the Turkish constitution allows the army to play a civil role and to intervene in every area of political life. It explicitly points out that “the organization of public authorities in Turkey has most of the basic features of a democratic system. However, several factors, prevent these authorities from functioning in the same way as they do in the member states of the EU. The NSC demonstrates the major role played by the army in political life. The army is not subject to civil control and sometimes even appears to act without the government’s knowledge when it carries out certain large-scale repressive military operations”.¹²⁷

1999 Regular Report on Turkey concludes the following regarding military establishment: Under the title of judiciary, it says “Constitutional and legal amendments removing the military judge in the SSCs were adopted by the Turkish Grand National Assembly [TGNA] and entered into force on 22 June 1999. As a direct effect of this reform, the military judge of the Ankara SSC in charge of the trial against Öcalan was replaced by a civilian judge on 23 June 1999”.¹²⁸ Therefore, the functioning of the SSC is improved, but there are still some doubts about the full rights offered to the defendants in these courts. Regarding NSC the

¹²⁷ Ibid.

¹²⁸ *Regular Report from the Commission on Turkey’s Progress Towards Accession*, October 1999

document draws that the NSC still plays an influential role in Turkish political life.¹²⁹

Following the decision of the European Council in Helsinki which welcomed Turkey as a candidate country to the EU on 10-11 December 1999, the European Commission adopted the third Progress Report on Turkey in November 2000. The report emphasizes that civilian control over the military still needs to be improved. Contrary to EU, NATO and OSCE standards, instead of being answerable to the Defense Minister, the Chief of General Staff is still accountable to the Prime Minister. It is also noted that there is one military member selected by the Chief of General Staff in the Council of Higher Education, which controls the activities of the institutions of higher education, as well as the Higher Education Supervisory Board.¹³⁰

It continues with the judicial system stating that the functioning, powers and responsibilities, as well as other provisions relating to the proceedings of the State Security Courts need to be brought further in line with the EU standards.¹³¹

There is again reference to the NSC stating that there has been no change in the role played by the NSC in Turkish political life. Its conclusions, statements or recommendations continue to strongly influence the political process, as in the recent debate over the dismissing of civil servants suspected of links with radical Islamic and separatist movements. In addition, the document suggests that at

¹²⁹ Ibid.

¹³⁰ *Regular Report from the Commission on Turkey's Progress Towards Accession*, November 2000

¹³¹ Ibid.

present the views of NSC in practice seriously limit the government's role. In addition, the EU notes the debate about the increase in the number of civilian members of the NSC. Moreover, there is too little accountability to the Parliament with regard to defense and security matters.¹³²

The 2001 Regular Report firstly expresses that there has been little sign of increased civilian control over the military. The constitutional amendment concerning the NSC will enhance de facto civilian control over the military. The report notes that since the last Regular Report, the NSC has given its opinion on a number of governmental issues and policies including Turkey's National Program for the Adoption of the Acquis, the Cyprus issue, European Security and Defense Policy, measures to combat anti-secularism activism, the extension of the compulsory age limit in primary education, the state of emergency in various provinces, the privatization of state companies (e.g. telecoms), recent socio-economic developments and on the constitutional reform package. The National Security Council also warned against the risk of "social unrest".¹³³

Furthermore, the document again touches upon the several problems regarding to ensure fair trial in the SSCs, for example with respect to access to lawyers, as well as the competence of these courts vis-à-vis civilians. As to the military courts, over the last year, 22 cases involving 38 civilians have been dealt with by military courts in relation to the charges of abuse of the right to freedom of expression. This subject needs further improvement concerning the independence of the judiciary and maintaining compliance with rulings of the European Court of Human Rights. In

¹³² Ibid.

¹³³ *Regular Report from the Commission on Turkey's Progress Towards Accession*, December 2001

sum, the document assesses that the basic features of a democratic system exist in Turkey, but a number of fundamental issues including civilian control over the military is still matters of discussion.¹³⁴

The European Commission prepared the following Regular Report in 2002 which outlines the judicial system as follows: “The Turkish judicial system comprises a Constitutional Court, a Council of State, a Supreme Court, a Court of Jurisdictional Disputes and a general system of courts of first instance. There are also State Security Courts and Military courts... Some changes have taken place in the judicial system... The SSCs continue to function. Their operation has been modified following the adoption of a number of legislative amendments... As a result, offences relating to organized crime and fraud in the banking sector no longer fall under the competence of the SSCs... Despite the limitations to the jurisdiction of SSCs, the powers, responsibilities and functioning of these Courts still need to be brought in line with European standards... Another area of concern remains the jurisdiction of military courts over civilians. In 2001, 176 cases involving 358 civilians were dealt with by military courts, mostly in relation to charges of fraud in avoiding military service or obstructing, intimidating and insulting soldiers on duty”.¹³⁵

As for the NSC, the document states that the constitutional amendment introducing changes to the composition and the role of the NSC has been put in practice. However, in practice its opinions carry more weight than mere recommendations and its military members are particularly influential. The NSC has issued opinions

¹³⁴ Ibid.

¹³⁵ *Regular Report from the Commission on Turkey's Progress Towards Accession*, October 2002

and recommendations on a number of governmental issues and policies; including emergency rule in the Southeast, the fight against terrorism, political and economic reforms relating to Turkey's compliance with the EU accession criteria, and Cyprus... On various occasions throughout the year, military members of the NSC expressed their opinions about political, social and foreign policy matters in public speeches, statements to the media and declarations. They also played an active role in the debate about reforms to comply with the EU political criteria. They have been particularly active on issues such as cultural rights, education and broadcasting in languages other than Turkish. The NSC has continued to be an important factor in domestic politics. Finally, the increase in the civilian members and the limitation of its role to an advisory role, in line with the Accession Partnership priority, does not appear to have changed the way the NSC operates in practice. Although decisions are taken by majority, opinions of its military members continue to carry great weight.¹³⁶

About the defense budget, the document concludes as "The Armed Forces enjoy a substantial degree of autonomy in establishing the defense budget. Details of the military budget have been made public via the press. There are still two extra-budgetary funds available to the military in spite of the efforts of the Government to close such funds and make such expenditure subject to normal budgetary procedures".¹³⁷

The 2003 Regular Report on Turkey addresses the fundamental changes that have been made to the legal framework of the NSC. However, there is still a

¹³⁶ Ibid.

¹³⁷ Ibid.

representative of the NSC on civilian boards such as the High Audio-Visual Board (RTÜK) and the High-Education Board (YÖK).¹³⁸

Regarding defense budget, the document states that “The audit of the Court is still subject to the restrictions under Article 160 of the Constitution under which the confidentiality of the national defense is foreseen. In spite of the extension of the remit of the Court of Auditors to national defense, the Armed Forces continue to enjoy a substantial degree of autonomy in preparing and establishing the defense budget and in public procurement in the defense-related area. There are still two extra-budgetary funds available to the military. One of these funds relates to a defense industry support fund in which the main budgetary resources allocated to defense originate. According to official data, the national defense budget amounts to 7 % of the consolidated state budget”.¹³⁹ The document further stresses the role of the military describing its continuing areas of influence apart from the NSC. These are the informal mechanisms that armed forces in Turkey exercise influence. On various occasions, they expressed their opinions about political, social and foreign policy matters in public speeches, statements to the media and declarations. Finally, the report emphasizes the importance of the effective implementation of the reforms in order to align civilian control of the military with practice in EU member states with references to the military representations in civilian bodies and full control on the defense budget, and also the functioning of the SSCs.¹⁴⁰

¹³⁸ *Regular Report from the Commission on Turkey's Progress Towards Accession*, November, 2003

¹³⁹ *Ibid.*

¹⁴⁰ *Ibid.*

The 2004 Regular Report of the European Commission describes the further necessities as follows: “Despite the [recent] developments, there are still provisions on the basis of which the military continues to enjoy a degree of autonomy. As regards the institutional framework, there are legal and administrative structures which are not accountable to the civilian structures. Civilians can be tried before military courts for certain crimes”.¹⁴¹

With regards to legal basis of the place of the military the document stresses that “The role and the duties of the Armed Forces in Turkey are defined in several legal provisions. Depending on their interpretation, some of these provisions taken together could potentially provide the military with a wide margin of manoeuvre. This is particularly the case for Article 35 and Article 85/1 of the Turkish Armed Forces Internal Service Law, which defines the duties of the Turkish armed forces as to protect and preserve the Turkish Republic on the basis of the principles referred to in the preamble of the Constitution, including territorial integrity, secularism and republicanism. It is also the case for article 2a of the National Security Council Law which defines national security in such broad terms that it could, if necessary, be interpreted as covering almost every policy area”.¹⁴²

The document further argues that the armed forces in Turkey continue to exercise influence through a series of informal mechanisms. They continue to express their views on various subjects including political, social and foreign policy matters. In addition to formal reforms to the legal and institutional framework, it is important that in practice the civilian authorities fully exercise their supervisory functions

¹⁴¹ *Regular Report from the Commission on Turkey's Progress Towards Accession*, October 2004

¹⁴² *Ibid.*

especially concerning the formulation of the national security strategy and its implementation, as well as the control of the defense budget. A constitutional amendment adopted in May 2004 deletes the exemption of the *state property in possession of the Armed Forces in accordance with the principles of secrecy necessitated by national defense* from the control of the Court of Auditors. Appropriate enabling legislation will be needed to allow this important reform to be applied in practice.¹⁴³

Eventually, the 2005 Progress Report on Turkey describes the role of military and the pattern of civil-military relations. The report as in the previous one addresses The Turkish Armed Forces Internal Service Law, which defines the role and duties of the Turkish military and which contains articles granting the military a wider role. In addition, the Report gives the definition of national security provided in the Article 2a of the National Security Council Law to indicate the broad lines of it which, depending on interpretation, could cover almost any policy field: “*National Security means the protection of the constitutional order of the State, its nation and integrity, all of its interests in the international sphere including political, social, cultural and economic interests, as well as the protection of its constitutional law against all internal and external threats*”.¹⁴⁴ The report also states that there has been no further progress with regard to the provisions of the Military Criminal Code permitting the trial of civilians before military courts. It has another reference point namely the Gendarmerie which is connected to the General Staff in terms of its military functions, but affiliated to the Ministry of Interior in terms of its law enforcement functions. The document recommends that the control of the Ministry

¹⁴³ Ibid.

¹⁴⁴ Progress Report on Turkey, European Commission, November 2005

of Interior, of governors and district governors over the Gendarmerie should be strengthened in order to allow full civilian control on internal security policy.¹⁴⁵

According to the provisions of the document the armed forces continue to exercise significant political influence. Individual military members of the NSC as well as other senior members of the armed forces have continued to regularly express their opinion on domestic and foreign policy issues including Iraq, Cyprus, terrorism, the principle of secularism and EU-Turkey relations. In November 2004, the Deputy Chief of Staff made extensive comments on aspects of last year's Regular Report. In March 2005, the General Staff issued an official statement reacting to incidents which took place at the occasion of the celebration of the Newroz (marking the beginning of the spring). In April 2005 at the headquarters of the Military Academies Command, the Chief of General Staff delivered a speech on foreign policy and domestic issues.¹⁴⁶

The document emphasizes the importance of the consolidation of the reforms adopted in previous years and recommends that Turkey should remain committed to further reforms in this area. Turkey should work to maintain greater accountability and transparency in the conduct of security affairs in line with member states' practices. In addition, statements by the military should only concern military, defense and security matters and should only be made under the authority of the government, while the civilian authorities should fully exercise their supervisory functions, in particular as regards the formulation of the national security strategy and its implementation, including with regard to relations with neighboring

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

countries. Finally, the report states the importance of promoting better public understanding of reforms in civil-military relations, both at home and abroad.¹⁴⁷

As it seems in the Accession Partnership Documents (2001, 2003, 2005, 2006) and in Regular Reports (1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005) on Turkey the EU has been closely examining the civil-military relations, influence channels of the military, the military budget, and reforms adopted in these fields. The Union strongly recommends the continuation of the constitutional and legal amendments in order to ensure full civilian control over the military and it assesses that there is still a further need to make the civil- military relations comply with the standards of the EU.

3.2 Constitutional and Legal Amendments on Military Institutions on The Way to Accession to The EU

3.2.1 Transformation of The Role and Composition of The National Security Council

The 6th and 7th EU Harmonization Packages¹⁴⁸ brought changes in the composition, functioning, and the role of the National Security Council as a result of the modification of Article 118 of the Constitution. First, the amendment diminished the role of the NSC. With the 1982 Constitution, the NSC had gained executive powers. But now, it became an advisory body. Previously, the NSC was responsible

¹⁴⁷ Ibid.

¹⁴⁸ The 6th Harmonization Package was enacted on July 19, and the 7th package was enacted on August 7, 2003.

for drafting national security and foreign policy and directing it to the Council of Ministers which was legally obliged to take their recommendations as a priority. Now, according to the amendment it is only responsible for advising the Council of Ministers on matters relating to national security. Also, the functions of the NSC are redefined with amendment of the Article 4 of the NSC Law. According to this amendment, the scope of the NSC's involvement in political affairs is confined to national security issues. The NSC will determine the national security concept and recommend its views about the state security to the Council of Ministers.

Moreover, the composition of the NSC has been altered. The number of the civilian members of the NSC is increased. In addition, the Secretary General who was always a military man in the past will be a civilian. This is actualized with the appointment of Yiğit Alpogan, the former ambassador to Greece, in 2004. Additionally, the NSC will now meet only once in every two months, and the prerogative of the Chief of General Staff to convene NSC meeting is abolished. The provision that states "The NSC will report to the Council of Ministers the view it has reached and its suggestions" is also abolished. So, "it is not going to discuss security in a broader term but in particular terms confining to national security issues".¹⁴⁹

The 7th Harmonization Package also brought changes to the role and duties of the Secretariat General, an institution which employs approximately 350 permanent

¹⁴⁹ Michaud-Emin, Linda, "The Restructuring of The Military High Command in the Seventh Harmonization Package and its Ramifications for Civil-Military Relations in Turkey", *Paper submitted to the department of Turkish Studies, University of London-School of Oriental and African Studies, in partial requirement for the author's MA degree*, p. 5; Misrahi, Frederic, "The EU and the Civil Democratic Control of Armed Forces: an Analysis of Recent Developments in Turkey", *Perspectives: Central European Review of International Relations*, Vol. 22, 2004, p. 25; Narlı, Nilüfer, "Aligning Civil-Military Relations in Turkey: Transparency Building in Defense Sector and the EU Reforms", 2000, accessed from: www.ciaonet.org/book/nda003/nda000n.pdf, May 12, 2006, pp. 164-166

staff, and which prepares the NSC meetings. The Article 9 and 14 of the Law on the NSC and the Secretariat General which empowered the Secretariat General to follow up of the implementation of NSC's recommendations made by the NSC are abolished. Provisions that authorized unlimited access of the NSC to the documents of any civilian public agency or legal person are abrogated. Article 19 had been drawn as "*The Ministries, public institutions and organizations and private legal persons shall submit regularly, or when requested, non-classified and classified information and documents needed by the Secretariat General of the NSC*". Besides, an amendment of the Article 13 limited the executive and supervisory powers of the Secretariat General to make its new role only secretarial. The confidentiality of the staff of the Secretariat General of the NSC is abolished as well to make it more accountable to the parliament and the public.¹⁵⁰

Consequently, the prospect of the EU membership gave pace to the reforms in various structures in Turkey as well as the military establishment which constitutes an impediment to democratic consolidation in the country.

Furthermore, the understanding of Turkish General Staff that EU membership could provide solutions to some of the Turkey's main problems which comprise the Kurdish question, rising Islamism, worsening relations with Greece, chronic economic difficulties, internal disagreement about US policies in Iraq, and the possibility that Turkey might be left out of the European Security and Defense Policy (ESDP), the EU's planned independent military force.¹⁵¹ As a result, by the

¹⁵⁰ Ibid.

¹⁵¹ Aydınlı, E., Nibat, A. Ö., Akyaz, D., "The Turkish Military's March Toward Europe", *Foreign Affairs*, Vol. 85, Issue 1, January/February 2006, p. 82

end of 1990's the Turkish General was growing to be more prone to civilian responses, but without completely abandoning their influence in politics through a series of institutional mechanism such as public speeches, declarations and statements to the media.

3.2.2 Transparency of the Defense Budget

A number of reforms as part of the 7th Harmonization Package provide the institutional and legal framework for full accountability of the military to the parliament.

An article is added to the Law on the Court of Auditors “to expand its mandate to audit accounts and transactions upon the request of Parliament in all areas where public means are used”. It also introduces a regulation to establish the principles procedures to be observed when auditing state property owned by the armed forces. The article added to the Law on the Court of Auditors (Article 7 of the 7th Harmonization Package) enables the Court of Auditors to scrutinize all types of public expenditure, the revenues, expenditures, and property of institutions without any exception and without exempting any institute from being accountable. The other legal arrangement is the Law on Public Financial Management and Control (enacted in December 2003) that brought all extra budgetary funds into the budget. Therefore, extra budgetary defense industry funds (the Defense Industry support Fund and the Turkish armed Forces Strengthening Foundation), used to make defense procurement and expenses, are brought into the Ministry of National Defense Budget. Also, with the Law on Public Financial Management and Control

which entered into force on 1 January 2005 extra-budgetary funds (these were almost 80 and were not under parliamentary control) are brought into the defense budget and into the overall state budget. Furthermore, the same law requires more detailed information and documents to be provided in the budget proposals, and longer period of debate on the defense budget proposals enabling the parliament an increased voice. The Law brings a change in the method of budgeting requiring a performance report for efficiency to be submitted to the parliament and to the related institutions. The law also repealed the secrecy clause of auditing of the state property owned by the armed forces.¹⁵²

With the introduction of these reforms, the Court of Auditors is empowered to scrutinize the revenues, expenditures and property of all public sector institutions without any exception. Therefore, what is at issue here is that the implementation of these constitutional and legal amendments is essential and Turkey's elective representatives¹⁵³ should be more effective to make the armed forces more accountable.

¹⁵² Narlı, N., "Aligning Civil-Military Relations in Turkey: Transparency Building in Defense Sector and the EU Reforms", 2000, pp. 167-171

¹⁵³ "Willingness is a matter for elected representatives themselves... Elected representatives say that members of the parliamentary Budget and Planning Committee and the Assembly bear in mind the sensitivity of national defense; thus they do not tend to be highly enthusiastic to review and to make changes in the defense budget proposals... In an interview with the daily *Hürriyet* in July 2004 Defense Minister Gönül said that it was a result of the parliamentary review of the proposal that the 2005 budget had been sharply cut back, to the point where for the first time the amount allocated to defense dropped below that allotted to education. On the other hand, during the same interview, speaking about manpower reductions, he said that the armed forces themselves were 'making the plan' and they would 'declare it when it was decided'." *Turkish Civil-Military Relations and the EU: Preparation for Continuing Convergence*, Final Expert Report, 2005, pp. 32-34

3.2.3 Removal of the Military Representatives from the Civilian Boards

As part of the 6th Harmonization Package of 19 July 2003, with the amendment of the Article 6 of the Cinema, Video and Music Works Law, the NSC representative in the Supervisory Board of Cinema, Video and Music was repealed. With the adoption of the package of ten constitutional amendments in 2004, with an amendment to the Article 131, the military representative on High Education Board (YÖK) was removed in May of the same year. The removal of the military representatives on the High Audio-Visual Board (RTÜK) was in July 2004. In order to abolish the influence of the military on high councils, the right of the Chief of General Staff to appoint a member to the High Education Board and to the High Audio-Visual Board was eliminated by the 9th Harmonization Package, passed in June 2004.¹⁵⁴

Consequently, the EU prospects and reform programs open the way to diminish the military influence over the policies of educational, and art and broadcasting institutions.

3.2.4 Amendments on Military Courts

As part of the 8th Harmonization Package, the legal basis for the existence of State Security Courts, Article 143 of the Constitution, has been repealed. The military judge in these courts had already been replaced by a civilian judge after the trial of

¹⁵⁴ Misrahi, F., “The EU and the Civil Democratic Control of Armed Forces: an Analysis of Recent Developments in Turkey”, 2004, p. 25; Narlı, N., “Aligning Civil-Military Relations in Turkey: Transparency Building in Defense Sector and the EU Reforms”, 2000, pp. 166-167

Öcalan with an amendment of Article 143. Furthermore, the trial of civilians in military courts was abolished with the amendment of Article 11 of the Law on the Establishment and Trial Procedures of Military courts, as part of 7th Harmonization Package.¹⁵⁵ Eventually, on May 7, 2004 State Security Courts are totally abolished.¹⁵⁶

3.3 The Changed and Remaining Attitudes of Turkish Military

Consequently, the EU membership process has paved the way for Turkish military to act and for military-related institutions to restructure to comply with the democratic standards. The autonomy of the military in Turkey has been diminished by means of the EU induced reforms. Therefore, the NSC is no more an executive body, it has only advisory functions; the transparency of the defense expenditures has been enhanced; and the competency of the military courts has been limited. Considering these constitutional or legal amendments, it may be argued that the role of Turkish military has been more harmonized with the role of their counterparts in EU member states.

However, there are still remaining problems regarding the position of the military. First of all, the armed forces continue to exercise influence through informal channels. They continue to express their views on various matters using public speeches, media and their declarations. For instance, in August 2005, during the handover ceremony of the Turkish Naval Forces, ex-Admiral Örnek stated that the naval forces do not only serve their military functions, but also they are the

¹⁵⁵ Ibid., Misrahi, 2004, p. 25; Narlı, 2000, p. 173

¹⁵⁶ Accessed from: http://www.belgenet.com/arsiv/anayasa/1982_km.html, August 30, 2006

vanguards with their strict commitment to the secularist and Kemalist ideals.¹⁵⁷ The new Admiral Karahanoğlu added that “today, there are still bad games that have been planning on Turkey. In these circumstances, we have three inconvertible and indispensable roles: to counter against all threats to the indivisible unity of the state and the nation, unitary and nation-state structure, the main principles of the republic that are determined by the constitution; and to continue to grow the personnel that will serve according to that mission”.¹⁵⁸

On the other hand, in a NSC meeting in 2005, the military stated that the top priority of the government is to maintain the welfare, peace and happiness of the individual and society; and the government also should fight against terrorism.¹⁵⁹

Furthermore, in one of his public speeches the Chief of General Staff Özkök declared that “Turkish Armed Forces has a prominent role in the development of Turkish nation, and it has a special relationship with the society, so it is the most-trusted institution in Turkey. The fact that the civil-military relationship in Turkey is a unique one brings Turkish Armed Forces in a different position. In some countries, there are problems concerning the civil-military relations, so there is prejudice while looking at the armed forces. In this regard, the EU does not efficiently understand the role and importance of the armed forces in the society”.¹⁶⁰

¹⁵⁷ *Radikal*, 27.08.2005

¹⁵⁸ *Ibid.*

¹⁵⁹ *Radikal*, 24.08.2005

¹⁶⁰ *Radikal*, 25.08.2005

In his other declaration Özkök express the importance of the indivisibility of the state and the society, and if a religious or separatist threat occurs the armed forces will immediately respond it.¹⁶¹ Therefore, this special role of the military does not seem to change entirely unless the internal threat perceptions lessen, and the military observes civilian authority as fully capable of responding to these threats.

Secondly, along with the fact that the political statements of military officials are continuing, the Chief of General staff is still directly responsible to prime minister contrary to the EU practices. These unchanged positions of the military indicate that the political influence of the military remains and Turkey is still far from exercising full control of the military.

There are root causes behind this fact, so it seems that the authority of the Turkish military will not be strongly challenged in near future. As Jenkins reasonably puts it: “The role of the Turkish military in the formulation of policy is based on a combination of statutory obligations and the moral authority derived from its public prestige and record of past interventions”.¹⁶² The military exercises influence through formal and informal mechanisms, such as its position in the NSC, and setting policy parameters through public and private declarations and speeches. Considering this position of the military, the informal authority of it is a strong one. As a result, its ability to influence policy through expressing an opinion is greater than any its legal and constitutional powers. In addition, the military’s definition of security is much broader than in the West and comprises not only threats to the

¹⁶¹ Radikal, 20.09.2005

¹⁶² Jenkins, Gareth, *Context and Circumstance: The Turkish Military and Politics*, Adelphi Paper 337, 2001, pp. 41-42

country's territory or internal public order, such as terrorism, but also perceived threats to Kemalism. Consequently, if the military considers an issue as a threat against the regime, it will increase pressure on the civilian government to take immediate action.¹⁶³

Accordingly, the effective role of Turkish military suggests that it reflects the characteristics of autonomous military professionalism as Huntington argues. Therefore, Turkish case is an example of the distribution of political power between the military and civilian groups thereby recognizes "objective" civilian control and gives the military an independent sphere as Huntington offers.

Therefore, in order to maintain full civilian control over the military, like the case of EU member states' practice, the implementation of recent reforms is crucial as the Regular Reports on Turkey consistently indicates.

¹⁶³ Ibid.

CHAPTER IV

FURTHER STEPS to MAINTAIN DEMOCRATIC CONTROL of MILITARY

With regard to historical, cultural, and social factors Turkish military always has a special and important place in the history of Turkish Republic. Over time the military has expanded its area of influence in Turkish political life relying on its institutional gains. It always presents itself as the vanguard of the modernization process and the protector of the secular and democratic character of the republic. This self-appointed role and the expanded area of influence of the military establishment has constitutional and legal bases. The NSC which has had a broad effect on political decision making was established with the 1961 Constitution. An Internal Service Act of the Armed Forces was enacted in 1961 and made them responsible for “defending both the Turkish fatherland and the Turkish Republic as defined by the Constitution; the authority to do so ‘if necessary by force’ was conferred by complementary Internal Service Regulations”¹⁶⁴ legitimizing any intervention by the military.

After the EU accorded Turkey candidate country status at the Helsinki Summit of 1999, the process of institutional reforms in order Turkey to meet the political Copenhagen criteria has accelerated. The reforms included structural and institutional amendments on military establishment to maintain Turkish military’s rapprochement to European practice which anticipate the subordination of the military to the civilian authorities. Eventually, the autonomy areas of military

¹⁶⁴ *Turkish Civil-Military Relations and the EU: Preparation for Continuing Convergence*, 2005, p. 13

comprising exercising influence through the NSC, formulation of the defense budget, competence of military courts have been narrowed but there are still remaining points of concern against the full control of the military.

4.1 Continuing Areas of Autonomy of Turkish Military

Despite the constitutional and legal amendments on military establishment in Turkey, there are still differences, problems, and inaccurate practices of Turkish military when compared to the place of the armed forces in EU member states.

One of the most important differences with the European practice is the fact that the Chief of General is responsible to prime minister rather than the Minister of National Defense. Turkish military argues that this arrangement is a necessity derived from the historical and strategic conditions unique to Turkey.¹⁶⁵

The Turkish Ministry of National Defense has limited responsibilities comprising the political, legal, social, financial and budget services of national defense. It manages the recruitment and other personnel-related work for the Armed Forces. Its responsibilities include the procurement of weapons, vehicles, equipment, logistic material and supplies and the management of Turkey's military-industrial complex. In brief, it is the support instrument of the Turkish Armed Forces.¹⁶⁶

¹⁶⁵ Güney, Aylin, Petek Karatekelioğlu, "Turkey's EU Candidacy and Civil-Military Relations: Challenges and Prospects", 2005, p. 457

¹⁶⁶ Boonstra Jos, "Higher Organization of Defense: a Comparative Overview of Six European States: The Case for an Integrated Defense Organization", Sami Faltas, and Sander Jansen, (Eds.), *Governance and The Military: Perspectives for Change in Turkey*, 2006, p. 121

The subordination of the Chief of General Staff to the Ministry of National Defense is the essential mechanism to enhance civilian control in EU member states. Looking at the Turkish case points out that “Turkey is the only European democracy that does not have a Ministry of Defense with the General Staff integrated to it”.¹⁶⁷

Bringing civilians and military officers together in one organization, the integrated Ministry of Defense, so as to combine military values with full civilian control will increase the legitimacy of the state. Reducing the role of the Ministry of Defense to an advisory body is not appropriate to democratic standards. In a mature democracy, the defense establishment including the armed forces are not only controlled by parliament and president, they are also managed and controlled by the Ministry of Defense that brings together the uniformed officers, civil servants, and politicians within all departments and from different levels. An integrated defense organization is also more effective on taking decision and reaching conclusions.¹⁶⁸ Therefore, making the Chief of General responsible to the Ministry of National Defense is an essential step in favor of maintaining democratic control of the military.

Another problematic issue is the lack of supervisory functions of the civilians over the formulation of the national security strategy, and its implementation, and enhancing greater accountability and transparency in the management of security affairs. These deficiencies are also outlined in the 2006 Accession Partnership Document on Turkey. More transparency and civilian participation to conduct of

¹⁶⁷ Ibid. p. 123

¹⁶⁸ Ibid. p. 127

security-related affairs are needed to further a democratic civil-military relationship in Turkey.

Furthermore, with regard to budgeting, there are structural reforms accomplished in this area. However, it is not enough by the EU standards. This is partly because of the lack of military expertise of the civilians, and also the political tradition of letting the military to make its own budgetary formulation.¹⁶⁹ It is also emphasized in the 2006 Accession Partnership Document on Turkey that there should be further steps to maintain full parliamentary oversight of the all security related expenditure including by external audit.

While conducting the decision-making about the security and defense policy, the Chief of General Staff is the main organ. All policies, plans and programs regarding the definition of the roles and missions, determining the size, shape, equipment and deployment of the component services are under the responsibility of the Chief of General Staff.¹⁷⁰ With respect to these policies along with the determination of defense policy, full parliamentary oversight should be established.

As it is stated the Progress Report of 2005 on Turkey, the Turkish Armed Forces Internal Service Law defines the role and duties of the Turkish military, and contains articles granting the military a wide area of influence. Likely, the Article 2a of the National Security Council Law provides a broad definition of national

¹⁶⁹ Narlı, N. "Transparency-Building in the Defense Sector and the EU Reforms in Turkey", Sami Faltas, and Sander Jansen, (Eds.), *Governance and The Military: Perspectives for Change in Turkey*, 2006, p. 151

¹⁷⁰ Boonstra J., "Higher Organization of Defense: a Comparative Overview of Six European States: The Case for an Integrated Defense Organization", *Governance and The Military: Perspectives for Change in Turkey*, 2006, p. 120

security, which may cover a wide range of policy field depending on interpretation. It is important to note that “the purpose of the armed forces should be to defend society and not define it”.¹⁷¹ Besides, the military members of the NSC as well as senior members of the armed forces continue to express their views about domestic and foreign policy issues comprising a large spectrum.

According to the 2005 Regular Report, the Gendarmerie is connected to the General Staff in terms of its military functions, but affiliated to the Ministry of Interior in terms of its law enforcement functions. Therefore, the control of the Ministry of Interior over the Gendarmerie should be in order to establish full civilian control on internal security policy.

Eventually, throughout the official documents of the EU on Turkey evaluating the progress of the institutional reforms, it is strongly being emphasized the significance of the implementation of the accomplished and the required constitutional and legal amendments.

4.2 The Necessary Measures to Be Taken For Further Convergence to European Practice

As it stated in the Regular Reports on Turkey (from 1998 to 2005), despite the institutional amendments on the military establishment to lessen its role in politics, there is still a need for more effort in order to maintain convergence to the practices of EU member states.

¹⁷¹ Ibid. p. 124

Despite the constitutional and legal amendments, the remaining position of the military in politics reflects the concerns of Turkish General Chief of Staff. These concerns include that Turkey has an important geopolitics that there are a lot of potential crisis areas around it. Apart from these potential external threats, Turkey faces internal threats particularly the separatist movements and Islamic fundamentalism. These concerns partly explains continuation o the special role of the military in politics.

The 2000 Regular Report on Turkey specifies that the establishment of full civilian control over the military should comply with the EU, OSCE, and NATO standards. According to these comprehensive standards of maintaining civilian control, parliament should have the access to all budget documents, have the right to review and amend defense and security budget funds, and should have the right to approve or reject any supplementary defense and budget proposals. Regarding the general defense and security policy, the parliament should have the right to approve or reject security policy concept, force structure, and military strategy or doctrine. Furthermore, the parliament should be informed about latest national and international developments in security and about the past operations carried out by the security sector participants.¹⁷²

In the light of these principles, first of all, the full subordination of the military men to the civilian authorities should be achieved up to point where the members of the military have no voice in public affairs. Statements of the military should only

¹⁷² *Parliamentary Oversight of the Security Sector, Principles, Mechanisms and Practices*, (Eds.) Philipp Fluri and Anders B. Johnson, Geneva, 2003

concern military, defense and security matters and should only be made under the authority of the government, while the civilian authorities should fully exercise their supervisory functions.

As indicated in the Accession Partnership Document and Regular Reports on Turkey, the Chief of General Staff should be subordinate to Ministry of National Defense in order to maintain civilian control thereby enhancing the consolidation of democracy.

Consequently, the artificial separation of the military-led General Staff and the civilian-headed Ministry of Defense should be abolished and the key functions of the Chief of General Staff should be brought under the authority of an expanded Ministry of National Defense which this time comprises civil servants knowledgeable about defense. Thus, the role of the Ministry of National Defense will be transformed from being the support organization for the armed forces to a higher organization like everywhere else in the EU and NATO.¹⁷³

Moreover, a clear division of authority between the Head of State, the Head of the Government, and security sector ministers should be accomplished describing who provides executive direction, who makes top appointments, who has emergency powers in crisis, and who has the authority to declare war.¹⁷⁴

¹⁷³ *Turkish Civil-Military Relations and the EU: Preparation for Continuing Convergence*, 2005, pp. 42-43

¹⁷⁴ Greenwood, David, "Turkish Civil-Military Relations and the EU: Preparation for Continuing Convergence", Sami Faltas, and Sander Jansen, (Eds.), *Governance and The Military: Perspectives for Change in Turkey*, 2006, p. 36

Concerning the key choices about the size, shape, equipment and deployment of the armed forces, the Ministry of Defense should be fully responsible and direct the general staff and commanders on these matters.¹⁷⁵ In addition to these choices, there should be more political involvement in determining threat assessments, strategy choices, and mission priorities and in preparation of key policy documents.¹⁷⁶

It is also essential to attain a popular perception that there is a civilian control of the armed forces with military staffs clearly answerable to the civilians who are themselves clearly accountable to the legislature and to the society.¹⁷⁷

With regard to the accountability and transparency, there should be institutional follow-ups to ensure that what is invoiced is actually delivered or not, and the parliamentarians should be given more access, more information, and more time to exercise oversight.¹⁷⁸

Eventually, in order to maintain a military establishment fully subordinate to the civilian authorities, as it is the case in the EU member states, it is important for Turkey to consolidate the previous reforms adopted, to stay committed to further reforms and to work for establish greater accountability and transparency in the conduct of security affairs in line with EU member states' practices.

¹⁷⁵ Ibid.

¹⁷⁶ *Turkish Civil-Military Relations and the EU: Preparation for Continuing Convergence*, 2005, p. 43

¹⁷⁷ Greenwood, D., "Turkish Civil-Military Relations and the EU: Preparation for Continuing Convergence", 2006, p. 37

¹⁷⁸ *Turkish Civil-Military Relations and the EU: Preparation for Continuing Convergence*, 2005, p. 43

CONCLUSION

This thesis has made an analysis of the civil-military relations in Turkey with respect to maintaining civilian control over the military. The armed forces have a history of interference in and influence on politics, which may be assumed as they have a guardianship role. The historical conditions and past interventions of the military were basic determinants of the significant place of the military. Thus, it has expanded its stronger presence in politics through both having constitutional channels of influence and a wide public support. Eventually, apart from being the protector against external threats, the military assumes the guardianship role against the internal threats directed to the secular and democratic structure of the state and the integrity of the republic. Despite the fact that there are historical causes behind this role, the position of the military does not yet fully align with their counterparts in Western democracies.

Turkish military fits the model of Huntington defined as the civil-military relations imply the distribution of political power between the military and civilian groups. They are away from intervening in day-to-day politics and establishing an authoritarian regime, however they regard themselves as ultimate guardians of regime against separatist and fundamentalist movements. Therefore, they assume a privileged position in threat assessments and strategy choices.

The lack of democratic control over Turkish military is also a crucial problem while Turkey is pushing hard for full membership to the European Union, since the EU

has increasingly emphasizing that putting military to a subordinate position concerning the elected political authority is a fundamental element of membership. Within the official documents prepared on Turkey, the EU closely follows and evaluates the situation of civil-military relationship and relevant reforms. With respect to the Accession Partnership Documents and Regular Reports, the EU expects Turkey to take concrete steps for democratization including the modification of the role of the military in Turkish politics. As on the way to accession to the EU, Turkey has adopted constitutional changes about the institutional structure of the military. However, it may be argued that there is still a political influence of Turkish military and the historical context backs up this idea.

The conclusion of this study can be derived from the analysis of the historical background and the recent constitutional and legal amendments that points out the changing position of the military. Turkey is seeking for full membership to the EU and this point signifies that the country has reached at a certain point in consolidating democracy. At this point, a military intervention in politics is unlikely to happen. Public prestige of the military is still high, however Turkey comes closer to the point where political authority is decisively capable of determining the priorities of the security sector. Nevertheless, the military does not regard to release all decision-making and also budgetary issues to the civilian authority, and continues to enjoy a degree of autonomy in relating area. Likely, the Chief of General Staff continues to express its views when the internal threat perception gains impetus.

Consequently, Turkey has achieved to democratize up to some point its civil-military relations with the triggering of the EU membership. However, there still some deficiencies remain concerning the position of the Chief of Staff, establishing full transparency on military budget and key security policy documents with respect to the practice in the EU member states. Looking at the recent position of the armed forces and their concerns, their position does not seem to change entirely. The civilian control of the military may further be achieved, if the volume of internal threat perceptions reduces, and civilians would be more capable of answering them, and finally the military may decisively accept the full subordination to the civilian authority.

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