

**GOVERNANCE AND THE MILITARY:  
PERSPECTIVES FOR CHANGE IN TURKEY**

*Papers of a project managed by the Centre for European Security  
Studies (CESS) in the Netherlands, in co-operation with the  
Istanbul Policy Center (IPC)*

Sami Faltas and Sander Jansen, editors

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Governance and the Military: Perspectives for Change in Turkey  
Editors: Sami Faltas and Sander Jansen

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The Centre for European Security Studies (CESS) is an independent institute for research, consultancy, education and training, based in the Netherlands. Its aim is to promote transparent, accountable and effective governance of the security sector, broadly defined. It seeks to advance democracy and the rule of law, help governments and civil society face their security challenges, and further the civilized and lawful resolution of conflict.

CESS is international, multidisciplinary and collaborative. Its work is part of the European quest for peace and security both within and outside Europe. CESS encourages informed debate, empowers individuals, fosters mutual understanding on military and other security matters, promotes and sustains democratic structures and processes and supports reforms that favour stability and peace.

## PREFACE

This book presents papers of the project *Governance and the Military: Perspectives for Change in Turkey 2004-2006*, launched by the Centre for European Security Studies (CESS) in Groningen, the Netherlands, in co-operation with the Istanbul Policy Center (IPC). The aim of this project is

“to contribute to an increased understanding in Turkey of the appropriate role of the armed forces in a democracy and thereby to help the country to come closer to complying with the political EU (Copenhagen) criteria for membership.”

Of course, we also hope the project and this book will contribute to a better understanding in Western Europe of the progress Turkey has made in the field of civil-military relations, and the challenges it faces as it prepares for EU membership.

The Matra programme of the Netherlands foreign ministry is sponsoring this project. We are grateful for this support, which has been essential to the launching and continuation of the project. The European Commission, though not a sponsor, has encouraged us by its lively interest in the project. Of course, the opinions voiced in this book do not necessarily reflect the positions either of the Netherlands government or of the European Commission.

This volume comprises the final report, compiled by David Greenwood, of the international task force convened by our project, plus four of the working papers written for the task force by Turkish and Dutch experts, and a paper written by a Dutch student during an internship in Istanbul. Several of the authors have asked us to emphasise that their papers represent work in progress. They were written in 2004/2005 for the benefit of the project, but they are in need of further elaboration and discussion.

The task force report is also available as a separate CESS publication, in Turkish and English, at [www.cess.org](http://www.cess.org). This book is also available there as an electronic file.

Sami Faltas and Sander Jansen  
Groningen, April 2006



## CONTENTS

Introduction <i>Sami Faltas and Sander Jansen</i>	7
Chapter One: Turkish Civil-Military Relations and the EU: Preparation for Continuing Convergence. Final Expert Report of an International Task Force <i>David Greenwood</i>	21
Chapter Two: EU Conditionality Concerning Turkish Civil-Military Relations <i>Margriet Drent</i>	69
Chapter Three: The Past and the Future of Civil-Military Relations in Turkey <i>Armağan Kuloğlu and Mustafa Şahin</i>	87
Chapter Four: Higher Organisation of Defence: a Comparative Overview of Six European States: The Case for an Integrated Defence Organisation <i>Jos Boonstra</i>	105
Chapter Five: Transparency-Building in the Defence Sector and the EU Reforms in Turkey <i>Nilüfer Narlı</i>	129
Chapter Six: The Role of the Military in Turkish Politics: An Analysis of Public Statements Made by the Turkish General Staff <i>Bastiaan Konijnenbelt</i>	155



# INTRODUCTION

Civil-military relations in Turkey are changing as the country prepares for EU membership, and they will continue to change as accession draws closer. The contributors to this book have all been involved in the international project on governance and the military in Turkey, which ran from June 2004 until the end of May 2006. In this introduction, we will bring together some of the principal points they will make in the following chapters and add some observations and comments of our own.

We will first ask ourselves how civil-military relations came to figure on the accession agenda. This will lead us to conclude that the expectations of the EU regarding civil-military reforms in Turkey are not as clear and consistent as one would wish. We will recommend that the EU develop a document outlining its principles of democratic governance in the security sector.

Next, we will argue that most discussions on civil-military relations in Turkey, including our own, suffer from four weaknesses. First, a lack of information. Second, a static perspective. Third, too much emphasis on institutions and too little on behaviour. Fourth, a failure to draw essential players and the wider public into the debate. We will explore ways of overcoming these afflictions.

## 1. Why Civil-Military Relations Are on the Agenda

Civil-military relations are not dealt with in any detail by the *acquis communautaire*, the mountainous pile of treaties and agreements that bind the members of the union together. However, the European Union has taken the position that candidate states must organise their civil-military relations in a certain way in order to comply with the political criteria for accession adopted by the Copenhagen European Council in 1993:

- *Stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;*
- *The existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union;*
- *The ability to take on the obligations of membership including adherence to the aims of political, economic & monetary union.*

As Margriet Drent argues in this book, these Copenhagen criteria leave much room for interpretation and hence for disagreement. They do not mention civil-military relations or democratic control of the armed forces by name. Much less do they provide clear guidance on the requirements that civil-military relations or democratic control of the armed forces must meet in order to pass the Copenhagen test.

Nor do we find this information in any other EU document.<sup>1</sup> This lack of EU guidelines for civil-military relations is not difficult to explain. The EU does not interfere in the way its members organise their defence. Besides, it is not uncommon for the union to make demands of candidate members without spelling out what would constitute an adequate compliance. For example, democracy is a fundamental requirement for EU accession, but there is no single, authoritative and comprehensive EU document that explains in concrete terms what the union means by democracy. Nevertheless, in our opinion the absence of clear EU guidelines in an area like civil-military relations is regrettable, because it complicates the difficult process of enlargement.

According to Drent, certain notions about what the EU considers acceptable, and more particularly what it does not consider acceptable in civil-military relations can be inferred from statements of the European Commission and the European parliament and from the Accession Partnership document.

Indeed, the Regular Reports of the European Commission review and assess Turkish civil-military relations under the heading of 'political criteria'. They demand further alignment as a condition for accession.<sup>2</sup> The European Parliament has also addressed the issue. In its response to the Commission's 2004 Regular Report on Turkey, the European Parliament called on the government in Ankara, among many other things, to further reduce the political power of the army through sustained reforms.<sup>3</sup>

However, some of the EU's most important policy documents on Turkish accession say little about civil-military relations. The EU's *Negotiating Framework for Turkey* (2005) stresses the importance of the Copenhagen political criteria, but makes no explicit mention of civil-military relations or democratic control of the armed forces.<sup>4</sup> The *Turkey: 2003 Accession Partnership* that the Council of the EU adopted on 19 May 2003 also stresses compliance with the Copenhagen criteria. Its only reference to civil-military relations is "adapt the functioning of the National Security Council in order to align civilian control of the military with practice in EU Member States."(2003/398/EC) The next version of the Accession Partnership with

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<sup>1</sup> With the partial exception of the European Commission's regular reports, as we shall see

<sup>2</sup> E.g. the 2004 Regular Report on Turkey's Progress towards Accession, SEC (2004) 1201, pp.11ff.

<sup>3</sup> P6\_TA(20040096), article 37

<sup>4</sup> [europa.eu.int/comm/enlargement/docs/pdf/negotiating\\_framework\\_turkey.pdf](http://europa.eu.int/comm/enlargement/docs/pdf/negotiating_framework_turkey.pdf)



Turkey, adopted on 23 January 2006, has more to say on the subject (2006/35/EC). The second item of its Short-Term Priorities (to be accomplished within one or two years) is called 'Civil-military relations', and it reads:

- *Continue to align civilian control of the military with practice in EU Member States. Ensure that civilian authorities fully exercise their supervisory functions, in particular as regards the formulation of national security strategy and its implementation. Take steps towards bringing about greater accountability and transparency in the conduct of security affairs.*
- *Establish full parliamentary oversight of military and defence policy and all related expenditure, including by external audit.*
- *Abolish any remaining competence of military courts to try civilians.*

All this suggests that civil-military relations are a minor dossier in Turkey's accession process, but nevertheless relevant, and definitely on the agenda. The Final Expert Report of our project's task force argues that Turkey needs to recognise that the EU intends "to keep the country's political credentials under close scrutiny in parallel with the conduct of entry negotiations based on the formal *acquis*." (Chapter 1, section 1.1.)

The EU considers the role of the armed forces in Turkish society and the relationship between military and civilian authorities in Turkey problematic in terms of the Copenhagen political criteria. The union clearly expects Turkey to take action on these counts, but it has not provided clear guidance on what it expects Turkey to do.

## **2. Clarity about EU Requirements**

If the EU's requirements concerning democratic governance in the defence sector, and the criteria by which compliance is assessed, were less vague, there would be less room for misunderstandings and disputes on these matters. When prime minister Erdoğan claims "we have done everything related to the Copenhagen political criteria,"<sup>5</sup> he will probably find that the EU disagrees.

And as the Final Expert Report points out in Chapter One (2.3), when defence minister Gönül claims that civil-military relations are "off the agenda" for accession talks with the EU, because they are not part of the *acquis*

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<sup>5</sup> "Turkey insists EU dream on course", BBC News, 3 September 2005

*communautaire*,<sup>6</sup> he is in all likelihood mistaken. He will find that the agenda deals with them under the heading of the Copenhagen political criteria.

There is also some uncertainty about the extent to which Turkey is required to emulate European institutional arrangements in the defence sector. “Civilian control of the military still needs to be improved”, the European Commission said with respect to Turkey in its Regular Report of 2000, adding that “contrary to EU, NATO and OSCE standards, instead of being answerable to the Defence Minister, the Chief of General Staff is still accountable to the Prime Minister.” Our project has given close attention to the restructuring of Turkey’s defence establishments in order to bring them more into line with European practices. However, it is still somewhat uncertain which changes would satisfy the EU. The Final Expert Report of our project’s task force calls on the European Union “to be clear and more specific about what further changes it expects, distinguishing institutional anomalies from obstacles (to accession), and desirable changes from essential reforms.”(Chapter One, section 5.3) It goes on to ask for a more intensive and candid dialogue on these issues between Turkey and the EU (*ibid.*).

Taking a broader view, and looking beyond Turkey, the EU would do well to consider developing a document that outlines its positions and principles regarding democratic governance in the security sector.<sup>7</sup> This would not be a model to which member states must conform. As Jos Boonstra shows in his paper, there is much diversity among the defence organisation of EU states, but these states nonetheless agree about the basic political requirements for democratic governance in the domain of defence. It would be useful, both for EU enlargement and for other purposes, if this consensus on basics and principles were put to paper.

In the Turkish context, this would help to answer the question of “how much reform is enough?” Or, in the words of the Final Expert Report (Chapter One, beginning of section 2):

- “What more does the Union expect?” and
- “What can Turkey do to address remaining ‘points of concern’ about the relationship between civil and military power in the country?”

“The problem with these questions”, it continues, “is that it is hard to find a single, clear, definitive and authoritative statement of *all* the EU’s expectations and requirements. (*Ibidem*, emphasis in the original)

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<sup>6</sup> *Hürriyet*, 15 February 2005

<sup>7</sup> In their Chaillot Paper no. 80, *Promoting Security Sector Governance in Europe’s Neighbourhood*, Paris, ISS-EU, 2005, Heiner Hänggi and Fred Tanner deplore the lack of a comprehensive and explicit EU policy on democratic governance of the security sector

### 3. Reliable Information

Our project marks the beginning of a process of reflection, information and dialogue on changing military-relations in Turkey as the country prepares to join the European Union. Like the wider accession process, this is not an easy undertaking, and at the moment, it leaves much to be desired.

The subject is sensitive in Turkey. Any attempt to question the position and role of the armed forces is met with scepticism or hostility from various quarters. This is partly an expression of national pride and a reflection of the high level of trust and respect enjoyed by the army. In *The Turks Today*, Andrew Mango cites a 2003 opinion poll showing that 88 per cent of the respondents considered the armed forces the most trustworthy institution in the country.<sup>8</sup> Many Turks would agree with Mango's description of Turkey's generals as 'conservative modernizers' (ibid., p.139). However, the issue goes deeper.

In our project, we have begun to understand why there is little overt opposition in Turkey to the army's guardianship role in politics. While the military are less and less inclined to interfere in the daily business of politics, even today they may resist, and even see it as their duty to prevent, anything that they think will change the secular nature of the state established by Atatürk, affect the indivisibility of the state and the nation, or squander Turkish rights in Cyprus.<sup>9</sup>

This military guardianship is incompatible with full democratic control of the armed forces and therefore an obstacle to EU membership. Nevertheless, in Turkey one does not find a strong sense of urgency about ensuring full subordination of the military to the civilian authorities. Many Turks are reassured by the thought that the army is standing guard over vital interests of the nation and the Kemalist state. These vital interests include maintaining the secular nature of the state, keeping political corruption at bay, suppressing separatism and guarding against a sell-out in Cyprus. For the time being, many in Turkey are reluctant to put an end to the autonomy and the guardianship of the military, even though they realise that this must be accomplished before joining the EU.

This mood might begin to change if public confidence in the civilian authorities and the country's politicians were to grow. More specifically, if people increasingly believed that the civilian authorities are capable of taking the full responsibility for facing fundamental challenges. This calls for a dialogue within Turkish society, as we will argue further on. Perhaps there is also a need

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<sup>8</sup> London, John Murray, 2004, p.134

<sup>9</sup> Mango, op. cit., pp.137-138. For a more detailed and critical analysis, see Ümit Cizre, "Problems of democratic governance of civil-military relations in Turkey and the European Union enlargement zone", *European Journal of Political Research*, 43(2004), pp.107-125

to strengthen the capacity and the resolve of the civilian authorities in this regard. Such efforts might help to break the taboo on the custodianship role of the army in politics and society. When this taboo is overcome, reforms in civil-military relations would cause less anguish and enjoy wider public support.

Public opinion in Turkey is not as well informed on civil-military relations as one might wish. Even highly educated Turks are often surprised to hear that as a condition for membership, the EU demands that their country reform the role of its army in politics and society. Many of them do not understand why these reforms are being demanded or what they entail. Often they are also unaware of the significant progress their country has already made in this regard, for instance the complete reorganisation of the National Security Council. Perhaps the Turkish media need to cover such subjects more frequently and in greater depth.

In the European Union, only very few people understand the role of the army in Turkey. To the extent that politicians, journalists and the wider public know anything about politics and the military in Turkey, they tend toward two opposites. Either they believe that behind a façade of civilian politics, Turkey is a garrison state, or they think that Turkey's democracy has reached full maturity and minor reforms will suffice to fulfil the political requirements of the EU. In our opinion, both views are wrong. In this area, as in many others regarding Turkey, it is important to educate public opinion in the EU, and to explain that while Turkey is making good progress in this field, it still has some way to go.<sup>10</sup>

We have already argued that the EU authorities are less than clear in their statements on the reforms they require and the changes they would like to see. To some extent, this reflects an inadequate understanding of civil-military relations and democratic governance of the security sector. To most EU politicians and officials, these are unfamiliar issues. Here too, there is a need for a public information campaigns.

Finally, even experts on civil-military relations in Turkey admit that they have only a partial grasp of the subject. Our own project is a case in point. It has looked at legislative oversight of the military (including the defence budget), the defence organisation, the National Security Council, and wider issues of transparency and accountability in defence. So far, it has not dealt in any detail with other relevant matters, such as parliamentary control of enterprises belonging to the Turkish military and the revenues they generate, the influence of the military on matters like education, political accountability for paramilitary militias, and the rights and liberties of conscripts, conscientious objectors and professional soldiers. This list could easily be extended. Probably, Turkish and foreign scholars in the field of defence and military matters need to develop a research agenda on civil-military issues in Turkey that are not yet adequately understood. This was attempted at an Ankara seminar organised by CESS and

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<sup>10</sup> Also see Chapter One

IPC on 15-16 November 2005. The outcomes of such research will prove helpful when these topics develop into political issues in the context of EU accession.

#### **4. Analysing Progress over Time**

“Are you in favour of Turkey joining the European Union?” The most appropriate answer to this frequently-asked question is probably, “ask me again in 2015”. Instead, most people make snap judgements for or against accession, based on what they think of Turkey and the EU today. This is unfortunate, because it is premature, it prejudices the outcome of the accession process and by doing so creates new obstacles, and it takes a static view of something that is in motion. We often find the same static approach amongst politicians, journalists and even scholars.

To make an educated guess as to whether Turkey and the EU will be ready for each other in 2015 or 2020, one would do better to take a dynamic view. One could look at developments in Turkey in the recent past, their nature, direction and their speed, and try to extrapolate into the future. One could also look at the conditions that prevailed in other candidate states 10 years before they became EU members, and compare these with Turkey today. Such exercises would provide a better-founded idea of how far Turkey’s march toward accession may have advanced 10 years from now.

This suggests a need for continual monitoring and time-series research. Such exercises are likely to indicate that Turkey is making good progress in some areas, but not in others. They will provide policy-makers and the media with a clearer picture of what remains to be done until accession.

#### **5. Institutions and Behaviour**

As this book shows, our project has devoted much attention to the institutional and legal aspects of civil-military relations in Turkey. These include the question of who is the political master of the Turkish Armed Forces, the relationship between the military and civilian branches of the defence establishment, the make-up of the National Security Council, the authority of parliament to approve and oversee military expenditure, the constitutional duties of the military, etc.

To a lesser extent, we have also looked at the behaviour of the principal actors. For example, we discussed statements by the Turkish General Staff on issues related to defence and on other matters (see Chapter Six). However, we

probably need to pay much more attention to the attitudes and actions of persons and institutions.

Institutions are established and laws are made in order to promote and regulate certain patterns of behaviour and to prevent or discourage others. They are most likely to be successful if they reinforce behaviour that is already considered appropriate. Laws that are not widely accepted cannot be enforced, and institutions that fail to gain public support will not be effective. Laws and institutions do not make a democracy, but they provide an essential framework for it.

Changing Turkish civil-military relations will require some institutional modifications. But if tomorrow the Turkish General Staff is placed under the authority of the Minister of National Defence, as we recommend, and nothing else changes, this will not necessarily lead to radical change in the behaviour of the major players involved. If the Pashas<sup>11</sup> are to become servants of the constitution, rather than its custodians, they must gradually learn to accept and play this new role. What is probably even more important is that defence politicians learn to provide guidance and oversight to the military, while paying due attention and respect to their professional advice. We suspect that the problem of civil-military relations in Turkey lies less in the desire of the military to interfere in politics than in the reluctance of politicians, for whatever reason, to involve themselves in military affairs. Changing the outlook and behaviour of these groups will take time. Amended laws and modified institutions will shape and cement those changes.

Nothing in this process of reform is specifically European. Certainly, Turkey will not undertake these far-reaching changes only to please the EU. But as the country is aligning its institutions, policies and practices with those of the EU, Turkey's quest for democratic governance in the defence sector will unavoidably take on a European dimension. Here too, a dialogue between Turkish authorities and their EU counterparts will lead to a better understanding and acceptance on both sides of what needs to be done and how best to accomplish it.

## **6. The Need for Dialogue**

In this introduction, we have repeatedly stressed the need for dialogue on Turkish civil-military relations. We believe a frank and constructive exchange of views on this subject is essential within Turkey, within the European Union and between the two.

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<sup>11</sup> An Ottoman title still used colloquially to denote and address generals in Turkey

Politics is more about perceptions than about realities. On the road to EU accession, it is not enough for Turkey to carry out successful reforms. They must also be perceived, understood and appreciated by public opinion in Turkey, and by the authorities and public opinion in Europe.

Within Turkey, politicians, the military, civil society and the media need to discuss the implications of changing the role of the army in politics and society. If, as some local experts say, Turkish democracy is not mature enough to allow civilian politicians to fully control the military, and therefore for the time being, the military must retain a certain autonomy and their role as guardians of the constitution, then we believe it is time for all concerned to ponder ways of pursuing democratic maturity. They especially need to consider ways to empower and oblige civilian politicians to assume full responsibility for defence, security and the military, to monitor the actions of these politicians and to hold them accountable.

Within the European Union, as we said earlier, there is widespread ignorance and prejudice with regard to Turkey. The role of the army in politics and society is one of many parts of Turkish life that are poorly understood in Europe. We think it is urgently necessary to educate European public opinion and European policy-makers about Turkish civil-military relations and other aspects of Turkey. This will lead reasonable Europeans to revise their opinions about Turkey and to appreciate better the progress Turkey is making toward successful accession. It may also encourage them to criticise Turkey's real shortcomings in the accession process.

The third kind of dialogue needed is between Turkey and the EU. The process of preparation for EU accession is one of the most challenging transformations that countries undertake voluntarily. It has been described as a mutual process of socialisation. Not only must the candidate state understand and adopt the values, policies and practices of the union that it wants to join. For its part, the union must understand the implications and consequences of absorbing new members, and prepare for them. Both sides will have to change for accession to be successful. The challenge of integrating Turkey into the union will prove at least as large as the challenge of admitting 10 new members in 2004. None of this is specific to civil-military relations, but that is one field among many in which mutual understanding must be fostered.

## **7. Review of Chapters One to Six**

This book comprises the final report of our project's international task force and four of the nine papers written by defence experts for the task force, plus a paper written by a Dutch student during an internship in Istanbul. All papers, the

English and Turkish editions of the Final Expert Report and this book are available for free downloading at [www.cess.org](http://www.cess.org).

In the following, we will highlight the main points of five papers. The principal conclusions of Chapter One, the Final Expert Report, have been discussed above.

Chapter Two, written by Margriet Drent, outlines the requirements and expectations of the EU concerning democratic civil-military relations. Her principal point is that there is insufficient clarity about the criteria that Turkey must meet and about the meaning of concepts like 'democratic' and 'democracy' in the context of civil-military relations.

Drent finds the official requirements of the EU rather vague. She argues that "democratic civilian control is shaped by contextuality and history", so there cannot be "a single model of European democracy". There is no yardstick, no single authoritative theory or definition of democratic civil-military relations that could be used to assess Turkey's civil-military relations.

It is less difficult to assess the existence of appropriate institutional arrangements for democratic civil-military relations. Here Drent's applies OSCE and NATO standards based on the Huntington's notion of 'objective civilian control'. According to Huntington, military professionalism must be ensured by a clear separation of the functional imperatives of politicians and the military. Turkey does not fulfil this requirement, Drent says, because the military is an independent political actor.

The author goes on to describe some specific institutional arrangements which she believes Turkey should put into place if it wants to be in line with European practice. Like many other European experts, Drent focuses on institutions.

By contrast, in Chapter Three, Armağan Kuloğlu and Mustafa Şahin look at the development of Turkish political culture and try to explain why the military play a predominant role in Turkish politics.

They suggest several factors that determine the nature of civil-military relations in Turkey today. In Turkish culture, patriotism and civic virtues are closely linked with military life. Besides, Turkey's geographical location exposes it to greater threats than those faced by most European countries, and these have not receded since the end of the Cold War. Furthermore, the outstanding feature of Turkey's relationship with the West is its important military role in NATO. Throughout decades of political turbulence, the Turkish military have served as a force for stability, modernization and secularism. Today, the need for such a force is diminishing, and so the military are gradually withdrawing from politics, say Kuloğlu and Şahin.

Together these factors shape civil-military relations in Turkey, say the authors, and these factors must be taken into consideration every time a particular reform is contemplated. Kuloğlu and Şahin believe that Turkey cannot reform its political structure on demand without paying the price of diminished



security. New security threats, they say, require the most effective defence organisation, that is to say, one without much political interference.

Perhaps the most important thesis in Chapter Three is implicit: Institutional arrangements designed for particular conditions will not work under different circumstances. Between the lines, Kuloğlu and Şahin suggest that institutional structures may in theory, and in particular circumstances, be conducive to stable democratic civilian control, but this will not work if there is a mismatch between the institutions and the way people behave.

In Chapter Four, Jos Boonstra compares the higher organisation of defence in six countries. Four are EU member states and two candidate countries, namely Turkey and Macedonia. He explains why an integrated defence organisation, consisting both of civilians and military, does not necessarily lead to a less effective military. On the contrary, he argues, the combination of civilian knowledge and military expertise within an integrated, open ministry without much secrecy stimulates horizontal instead of vertical, i.e. hierarchical, deliberation and decision-making. Thus decisions are based on better arguments and information. Effective decision-making is assured by having a single centre of authority and policy-making, the minister of defence. In these days of terrorist threats, close cooperation between various branches of the security sector is crucial. To separate the military and civilian branches of defence, as Turkey does, is to make close coordination and consistent policy-making more difficult, says Boonstra.

The author claims that democratic civilian control is best assured when the military are under the minister of defence and not the Head of Government, as is the case in Turkey. Unlike Kuloğlu and Şahin, he believes there is a direct and positive relationship between the effectiveness of the defence organisation and the degree of cooperation between military and civilian defence personnel.

In fact, Chapters Three and Four approach civil-military relations from entirely different perspectives. Boonstra looks only at institutional arrangements and bases his conclusions on a comparative overview of defence organisations in European countries. His main point is that every mature European democracy has an integrated ministry of defence, and Turkey would do well to align itself with this practice if it wants to join the EU. For their part, Kuloğlu and Şahin emphasise cultural and behavioural aspects and come to a different conclusion from Boonstra's. They say that while it might be good for Turkey's democracy to restructure the country's defence establishments, the complex demands of national security do not allow the country to rush into such reforms.

While agreeing that the military should abstain from political meddling, Kuloğlu and Şahin claim that the Turks have greater confidence in the military as guardians of the democratic state than in politicians. Institutional change only makes sense if it is accompanied by a corresponding change in behaviour.

In Chapter Five, Nilüfer Narlı considers the development of accountability and transparency, two principal elements of the democratic

civilian control of the military. Her central argument is that the latest reforms in Turkey, implemented under prime minister Erdoğan, have reduced the political role of the military and enhanced accountability and transparency, even though these still lag behind EU practice.

Her analysis uses the concordance model, which assumes, as do Kuloğlu and Şahin, that politics, society and the military together produce a style of governance that suits Turkey's cultural, social, and institutional context. Whereas Chapters Three and Four each look at only one component, Narlı relates behavioural and institutional change to each other. A change in civil-military relations implies a change in context (i.e. institutional arrangements) as well as a change in the mindsets of society and the military. She explains how these aspects are related and how reforms have affected the current political context.

Driven by internal and external pressures, Turkey's transparency and accountability have evolved into a tool for Parliament and other non-military organisations. Narlı reports that domestically, a growing number of academics, organisations and other societal actors have complained about the lack of transparency and the opportunities to object to conscription on grounds of conscience. A growing number of civil institutions are assuming the responsibility of protecting secularism and democracy in Turkey.

Externally, says the author, the IMF and the EU have asked for further reforms to enhance transparency and accountability. These impetuses have led to a change of the predominant role of the military. The military's budget is better controlled and is subject to value-for-money considerations and other critical comments from outside the military. The autonomy of the military is diminishing according to Nilüfer Narlı.

The distinctive feature of Narlı's article is the notion that reform requires both an internal and an external impetus. Of the two, domestic factors are the most important, as they forge the concordance between politics, military and society. It is thus important that reforms should always be communicated between the three parties in order to uphold the concordance.

Narlı's concordance model, a modified version of Schiff's theory, takes three parties into account instead of two. In her approach, revealing, explaining and justifying military policy is the responsibility of politicians and society. By contrast, other authors see civil-military relations as the product of a balance of power between politics and the military. Changing civil-military relations implies modifying the triangular relationship between society, the military and politics.

The sixth and last chapter was written by Bastiaan Konijnenbelt, who shortly before graduating from Groningen University worked as an intern with Nilüfer Narlı at Bahçeşehir University in Istanbul. Under the supervision of Professor Narlı and that of Sami Faltas (CESS, the Netherlands), he analysed public statements on policy matters made between October 2004 and October 2005 by the Turkish General Staff.

Konijnenbelt's analysis looks at the extent of agreement or congruence between national policies proclaimed by the Turkish government and policy positions adopted or advocated by the TGS. Since informal interactions between members of government and the military are difficult to quantify, he makes use of official speeches, press briefings, and other public statements in order to assess the degree and nature of congruence between policy positions of the government and the TGS.

Konijnenbelt looks at seven different internal and external political issues. These are the issue of Cyprus, the mass murder of Armenians in 1915, the bid for EU membership, secularism in public life, the Kurdish issue, the war against the PKK, and the issue of Northern Iraq. His analysis suggests that the less controversial the issue is in Turkey, the more the policy positions of the government and the Turkish General Staff agree. Controversial issues are in most cases domestic matters like secularism and the acceptability of Islamic traditions in public life. Here we find clear and strong differences between the positions of the military and the government. External security problems in which the public plays a less direct role, such as the possible opening of a second front in northern Iraq and the war against PKK terrorism, are less controversial, and here we find wider agreement between the government and the TGS. Similarly, the bid for EU membership is not controversial. The government and the military agree that accession will bring many economic and political benefits.

Chapter Six clearly documents the fact that throughout 2004 and 2005, the Turkish military played an autonomous role in politics. They publicly adopted and advocated policies that were different from those of the government. They took a public stance on policy matters before the government had announced its position on the subject. They did this in their own area of expertise, as well as in various other fields unrelated to defence and security. Finally, even when they were advocating policies that were in conformity with those of the government, they rarely indicated that they were speaking under the authority of the government. All of this is problematic from an EU point of view. Clearly, it will not be enough for the laws and institutions that govern civil-military relations in Turkey to change. There is also a need for changes in the behaviour of the military in politics and society.

## **8. The Way Ahead**

This introduction has summarised, and the chapters that follow will elaborate, what we have so far learned in the project *Governance and the Military: Perspectives for Change, 2004-2006*. We hope that some of these insights will

prove useful to Turkish and EU policy-makers and will help them to tackle the challenges of accession.

In the second half of our project, from November 2005 until April 2006, we organised seminars in Turkey to discuss and disseminate the outcomes of the project, especially the Final Expert Report of the task force (Chapter One in this volume). We also discussed the way ahead for reforms in Turkish civil-military relations.

In November 2005, we met Turkish and overseas scholars to discuss topics related to civil-military relations that require further research. A month later, parliamentarians and parliamentary staff joined us to explore ways to enhance legislative oversight of defence and military affairs and make it more visible to the public. In April 2006, independent and government experts from Turkey and the EU convened in Brussels to discuss Turkey's progress toward complying with EU norms for civil-military relations. Finally, in June 2006, we will go to Ankara to discuss EU accession and Turkey's role in the European Security and Defence Policy.

This has been an interesting and innovative project, and we are grateful to the Netherlands Ministry of Foreign Affairs for its financial support and its encouragement. However, we are acutely aware of the work that will remain to be done after the project's completion. In the coming years, we hope to continue this work in four areas. First, we hope to shed light on EU norms for civil-military relations by drawing up an unofficial list of standards derived from official documents and practice in the EU. Second, we want to apply this list to Turkey by tracking and assessing the country's progress toward complying with these standards. Third, we want to support the development of human and institutional capacities for democratic oversight of the military in Turkey. Fourth, we have plans to inform the public in Turkey and in the EU on civil-military reforms in Turkey.

The integration of Turkey into the European Union is a great adventure. We count ourselves privileged to be among those who are trying to make it a success.

Sami Faltas and Sander Jansen  
Groningen, April 2006

## **Chapter One**

### **TURKISH CIVIL-MILITARY RELATIONS AND THE EU: PREPARATION FOR CONTINUING CONVERGENCE<sup>12</sup>**

**David Greenwood (rapporteur)**

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<sup>12</sup> Final expert Report of a Task Force chaired by Wim van Eekelen and convened under the aegis of a project on Governance and the Military organised by the Centre for European Security Studies (CESS) in association with the Istanbul Policy Center (IPC). The manuscript was completed in April 2005, and the report was published as a CESS Occasional in November 2005



## **Preface by Wim van Eekelen, chairman of the Task Force**

The Centre for European Security Studies (CESS) – located at Groningen in the Netherlands – is engaged in a major study of pressures, options and prospects for change in the civil-military relationship in Turkey, in the specific context of the country's preparations for membership of the European Union (EU). The work is being undertaken in association with the Istanbul Policy Center (IPC). The Center for Eurasian Strategic Studies (ASAM), headquartered in Ankara, was also a partner, but withdrew in April 2005.

This Report marks the completion of the investigative phase of the exercise. It is based on the papers and proceedings of an expert Task Force convened, under my Chairmanship, to examine the changing relationship between civil and military power in Turkey as the country prepares for EU membership. The group comprises experts from both Turkey and the Union (see the nominal roll that follows).

The text as presented is the work of the Task Force's Rapporteur, David Greenwood, who is CESS's Research Director. It draws on official documents, other published material, a number of papers specially commissioned for the exercise and, of course, what emerged from our own intensive deliberations at meetings in Groningen, Ankara and Istanbul.

Because it is a Rapporteur's composition – and not a text that the Task Force has scrutinised line-by-line through successive drafts – not every individual member of the group necessarily agrees fully with everything that is said here, or with the style and language of the submission. By the same token, no institutional endorsement is implied (by CESS, ASAM or IPC). However, all Task Force members have had the opportunity to review the Report prior to its formal presentation; and all observations received have been taken into account in producing this final version. I am satisfied, therefore, that the following pages offer a satisfactory synthesis of the Task Force's work and, as such, merit the attention of decision-makers (and others) in Turkey itself, at EU institutions and in EU member-states.

Unfortunately, on 29 April 2005 Major General (retired) Armağan Kuloğlu, who was a co-chairman of our Task Force, announced that he and his institute ASAM had withdrawn from this project. On 2 May 2005, another highly respected Task Force member, General (retired) Edip Başer, withdrew. "For nearly one-and-a-half years," Mr Kuloğlu wrote, "we have worked in a fruitful manner on the adjustment to the EU practices of the civil-military relationship in Turkey. We believe that the talks held in the framework of the Task Force have contributed to the two sides understanding one another." However, he took the position that the Final Expert Report "was not satisfactory from our point of view and that it did not reflect our sensitivities and the truths adequately." We deeply regret these losses to our project.

I look forward to the next phase of the overall project: a programme of Seminars in 2005/2006 designed to allow dissemination of, and debate on, the material in this text as well as development of its recommendations.



## Members of the Task Force

**Dr. Wim van Eekelen**, former Minister of Defence, former Secretary-General of the WEU and former Senator, Member of the CESS Board, the Netherlands;  
*Chairman of the Task Force*

**Maj. Gen. (ret.) Armağan Kuloğlu**, Head, Geopolitics and Strategic Studies Department, Center for Eurasian Strategic Studies, Turkey; *Co-chairman of the Task Force*. Withdrew from the Task Force on 29 April 2005

**Prof. Dr. Peter Volten**, Director, Centre for European Security Studies, the Netherlands; *Co-chairman of the Task Force*

**Prof. Dr. Ali İhsan Bağış**, Director, Water Policy and Strategic Research Center, Turkey. Dr. Bağış was an active member of the Task Force until his untimely and tragic (accidental) death in August 2004

**Gen. (ret.) Edip Başer**, former Deputy Chief of the General Staff and former Commander of the 2nd Army, Turkey. Withdrew from the Task Force on 2 May 2005

**Jan Dirk Blaauw**, former Member of Parliament and former President of the WEU Assembly, the Netherlands

**Prof. Dr. Ahmet Evin**, Member, Executive Committee, Istanbul Policy Center, Turkey

**Lt. Gen. (ret.) Jan Folmer**, former Director, International Military Staff NATO, the Netherlands

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**Prof. Dr. Ali Karaosmanoğlu**, Chairman, International Relations Department, Bilkent University, Turkey

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**Prof. Dr. Nilüfer Narlı**, Vice-Dean Bahçeşehir University, Turkey

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**Prof. Dr. Erik Jan Zürcher**, Head, Department for Turkish Studies, Leiden University, the Netherlands



## 1. Introduction

On 1 May 2004 no fewer than ten new members joined the European Union (EU). Four of them once belonged to the now defunct Warsaw Pact (the Czech Republic, Hungary, Poland and Slovakia), three to the former Soviet Union itself (Estonia, Latvia, Lithuania). One was an ex-Yugoslav republic (Slovenia), the other two Mediterranean island-states (Malta and still-divided Cyprus). In the second half of the present decade the Union expects to admit a couple more South-East European nations (Bulgaria and Romania), while the remaining former Yugoslav republics (Bosnia and Herzegovina, Croatia, Macedonia, Serbia and Montenegro) plus their neighbour (Albania) also aspire to membership.

Yet, despite a longer-standing interest in EU membership than any of the states named and a candidacy recognised since 1999, not to mention a 50-year record as a valued NATO ally, Turkey has only just been invited to begin the serious business of negotiating accession to the Union. Following a Recommendation of the European Commission presented some weeks earlier, on 17 December 2004 the Council of the EU finally announced that formal entry talks would start on 3 October 2005.

### 1.1 The Turkish Candidacy

The Recommendation said that 'Turkey sufficiently fulfils the political criteria' for membership but added that 'the irreversibility of the reform process...will need to be confirmed over a longer period of time' and that, in order to guarantee this, 'the EU should continue to monitor progress...closely' through annual reviews. The European Council echoed this judgement. It decided that 'Turkey sufficiently fulfils the Copenhagen political criteria to open accession negotiations' (para. 22 of the relevant "Presidency Conclusions") but endorsed the proposition that 'to ensure the irreversibility of the political reform process and its full, effective and comprehensive implementation' that process should be 'closely monitored by the Commission, which is invited to continue to report regularly on it to the Council, addressing all points of concern identified in the Commission's 2004 report and recommendation' (para. 18).

For present purposes, the final phrase here is important. The Commission's Recommendation says, cryptically, that civil-military relations 'are evolving *towards* European standards' (p.3). The 2004 Regular Report notes that 'civilian control of the military has been strengthened', but adds that 'the process of aligning civil-military relations with EU practice is *underway*' – implying a continuing process. It then refers specifically to the fact that 'the Armed Forces in Turkey continue to exercise influence through a series of

informal channels' – implying inappropriate influence (p.15, repeated at p.53 and p.165). Particular points of concern are mentioned later in the text. They include 'provisions on the basis of which the military continues to enjoy a degree of autonomy' and 'legal and administrative structures which are not accountable to civilian structures' plus what are now called 'informal mechanisms' (p.23). The Regular Report also says that 'it is important that the civilian authorities fully exercise their supervisory functions in practice' (p.23 again) and that 'civilian control...needs to be asserted' (p.55).

Clearly, therefore, these matters will be under close scrutiny as part of the monitoring process that will be conducted in parallel with negotiations on the formal *acquis communautaire* (which embodies the obligations of EU membership as expressed in Treaties, secondary legislation and the (common) policies of the Union). Accordingly, Turkey too must pay attention to them. At the very least the authorities in Ankara need to note the points of concern and begin considering how they might best be addressed. At some stage firm decisions will have to be taken on the scope, content and timing of a policy prospectus for such continuing convergence on European norms and practice as Turkey is prepared to contemplate.

## 1.2 The Present Report

Because of this, it is imperative that there should be the clearest possible understanding of what is at issue. That is the *raison d'être* of the present Report, which is offered as a constructive contribution to debate and decision on the evolving Turkish civil-military relationship – primarily within Turkey, but also at EU institutions and in EU member-states (see Preface).

In the investigation we consider carefully what 'continuing convergence' might mean for Turkey. This involves on the one hand examining the EU's expectations and requirements, as these have been expressed in various official pronouncements and bulletins; and, on the other, elucidating Turkish policy and practice, both historical and contemporary. Topics addressed include (civilian) executive direction of the armed forces, and legislative oversight – plus wider democratic oversight – of all military matters, including the budget. Central to the argument here is the importance that Brussels attaches to accountability and transparency in the conduct of national security affairs, as well as appropriate expertise. So far as defence planning and administration are concerned, we explain why the EU thinks that a stronger defence ministry should be the main locus of decision-making in Turkey, ideally a department in which the expertise of the uniformed military and the insights of knowledgeable civilian officials are judiciously integrated.

The essential conclusion is that there is indeed further work to be done on Turkey's alignment agenda. Of course, a lot has already been achieved.

There is important work-in-progress, which we will discuss in later sections. However, in the areas of defence organisation and oversight the country could make more changes to advance democratic governance and efficient resource management.

There are differences of opinion, though, about whether what would please the EU would necessarily be in Turkey's own interest. Both parties must work at resolving these, preferably through dialogue. Those in Turkey who think that reform in the civil-military area has gone far enough need to show that their position is not a reflex defence of the *status quo* but a reflection of real concerns. For its part, the Union could put more effort into explaining precisely what aspects of the candidate's arrangements still cause disquiet, while ensuring that the 'specificity of the Turkish context' is given due recognition.<sup>13</sup>

The sooner such dialogue gets underway the better, in our opinion. In the meantime Turkey should consider (a) indicating that it is able and willing to make such further changes in the relationship between civil and military power as are deemed appropriate, (b) initiating preliminary work on a reform programme focused at first on the relatively uncontentious themes of improving oversight and promoting transparency and, to the extent possible, (c) implementing some concrete measures to this end as soon as practicable in order to ensure favourable reporting under the civil-military heading from an early stage of the monitoring process. Such action would signal clear determination to continue a transformation process that is bringing the pattern of civil-military relations in Turkey closer and closer into line with European practice.

### 1.3 On Civil-Military Relations

Underlying the Task Force's analysis is a particular understanding of the different dimensions of the civil-military relationship in a modern state. In this Report the familiar term 'civil-military relations' encompasses all of these. This is not always the case in the scholarly literature or regular usage: hence the following elucidation.

Of interest, first, is the relationship between *the military and the state*. The European norm here is that armed forces are unambiguously subordinate to the lawfully-elected government-in-office and the armed forces' leadership

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<sup>13</sup> The quoted phrase here is from Nathalie Tocci, *Twenty-first Century Kemalism: Redefining Turkey-EU Relations...*, Working Document No. 170, Brussels: Centre for European Policy Studies, September 2001. This is a paper to which European officials might usefully have paid more attention in the run-up to December 2004. 'Well-grounded criticisms and recommendations can only be made', Ms Tocci says, 'if the specificity of the Turkish context is taken into account' (p.1). Understanding this, she writes later, 'is crucial in the formulation of realistic and constructive policies of conditionality in Europe towards Turkey' (p. 18).

has no voice in public affairs beyond its professional domain. This is generally the position across Europe. It is true that, typically, the military owe allegiance to the state, not the government of the day, and the Head of State is usually their nominal Commander-in-Chief. However, this practice is necessary to underpin two important presumptions: that when power legitimately changes hands the armed forces dutifully serve their new political masters; and that the military's job is to safeguard *national* security (in both its external and internal aspects, inseparable nowadays) and not *regime* security (in the sense of helping keep in power a single party or dominant leader). Complications may arise where there is a popularly-elected Head of State and therefore two loci of legitimate political authority that may be at odds, necessitating 'cohabitation'. In those EU member-states and soon-to-be member-states where this applies, this can lead to occasional friction – as there is in, for example, France and Romania from time to time – but differences can usually be resolved.

This has implications for the relationship between *the military and the executive* branch of government. Subordination of the armed forces – and their high command (or General Staff) – requires that they be firmly and unambiguously under civilian political direction. In advanced democracies such 'control' is normally exercised not by the Head of Government personally but, as in other areas of the administration, by a departmental minister (though Chiefs of Staff may have a right of direct access to the Prime Minister in certain circumstances, as they do in the United Kingdom, for example). This is typical European practice. Also, throughout the Union, 'control' is much more than nominal. In matters of defence policy-making, planning, programming, budgeting and spending, the authority and autonomy of the military are strictly circumscribed. Indeed, in today's world, they do not have complete freedom of manoeuvre even in operational matters. Nor as a general rule do senior military officers make public statements – even on comparatively uncontroversial security-related matters – without the express authorisation of their Minister.

In advanced democracies, the third dimension of civil-military relations – *the role of the legislature* – is of central importance; and here accountability and transparency are the watchwords. In the security field as in any other it is *the executive's obligation* to reveal, explain and justify what is done – policy accountability; and what is spent – financial accountability. A commitment to transparency is essential to fulfilment of this dual obligation. It is *the legislature's responsibility* to hold government to account in both ways. On spending, this applies not only *ex ante*, covering scrutiny of the budget or planned outlays, but also *ex post*, covering scrutiny of defence accounts or realised outlays. To exercise oversight effectively, elected representatives must exert their right to know how the government is conducting its business. This means insisting on all-round transparency. Discharging the responsibility further requires suitable structures, such as a competent and suitably supported specialist committee or committees, and – for monitoring expenditures – a capable, independent and

respected audit bureau. It also requires appropriate processes, such as regular and open parliamentary ‘hearings’ or inquiries that yield published proceedings, plus a rigorous procedure for the formal certification of accounts.

The relationship between *the military and a country’s domestic security community* of analysts, academics, journalists, interest groups and other civil society organisations is a complementary fourth dimension of civil-military relations. Here, too, transparency is of the essence. In the absence of information – in a phrase, open government – there cannot be that wider societal oversight of defence affairs which is the hallmark of good governance in advanced democracies.

Finally, the term ‘civil-military relations’ extends – or ought to extend – to embrace the relationship between *the military and society-at-large*. Patterns of recruitment and resettlement, the organisation of military education, the extent of military aid to the civil community, popular attitudes to the armed forces – these and many other factors determine whether a nation’s armed forces are well integrated in society or whether they exist as effectively ‘a state within a state’. It goes without saying that the former condition is preferred in an open democratic society.

## **1.4 Conclusion**

The purpose of this elucidation of the conceptual foundations of the Task Force’s inquiry is self-evident. These are the several prisms through which we have viewed the civil-military relationship in Turkey, and the basis of our recommendations.

## **2. Towards Continuing Convergence**

In several of the aspects of the civil-military relationship just enumerated Turkish policy and practice still differ from what is typical among not only EU member-states of long standing but also those who joined the Union in 2004 and those due to join in the not-too-distant future.

There has, though, been notable convergence of late. On taking office at the end of 2002 the government of the Justice and Development Party (*Adalet ve Kalkınma Partisi* – AKP) stepped up the tempo of the comprehensive reform process begun by its predecessor and introduced ‘harmonisation packages’ incorporating, among many other things, measures expressly designed to limit the military’s influence on domestic policy, to make the armed

forces and defence-related industry more accountable for the funds they get, and to redefine the role of the National Security Council (NSC).

There does not appear to have been serious opposition to these measures in Turkey, in military circles or elsewhere. As seen from Brussels, however, they evidently do not go far enough in bringing Turkey into line with European practice.

In these circumstances, the main questions arising on this issue for Ankara are the following.

- What more does the Union expect?
- What can Turkey do to address remaining 'points of concern' about the relationship between civil and military power in the country?

The problem with these questions is that it is hard to find a single, clear, definitive and authoritative statement of *all* the EU's expectations and requirements. However, in the next section of this section, we try to piece together as complete a picture as we can.

## 2.1 The European Union's Expectations and Requirements

While our main concern is what *more* the EU may want Turkey to do in our area of interest, it is instructive first to take a broad and thorough look at how the Union has communicated what it expects and requires, initially regarding proof of eligibility for membership and readiness for entry negotiations, in late-2004 statements regarding further change.<sup>14</sup>

The obvious starting-point is the European Council's pronouncement at its end-1999 meeting in Helsinki that 'Turkey is a candidate state destined to join the Union on the basis of the same criteria as applied to the other candidate states'. Those criteria had been spelt out at a gathering in Copenhagen six years earlier. The key political precondition laid down then was achievement of 'stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities'. Like all the other Copenhagen criteria this is a demanding requirement, but not a precisely-stated one.

For individual membership aspirants, however, the formulation has been elaborated. In Turkey's case specific prerequisites were incorporated in an Accession Partnership agreement concluded with the EU in March 2001. After reaching this accord Ankara announced a *National Programme of Adoption of the Acquis* (NPAA), initiating a comprehensive reform process that delivered the

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<sup>14</sup> The following paragraphs draw on material prepared for the present exercise by Margriet Drent (see Chapter 2) and an analysis by Mustafa Şahin of documents that appeared later in 2004 (which was made available to the Task Force at its November 2004 meeting in Istanbul).



aforementioned preparatory 'harmonisation packages'. (They were preparatory in the sense that they incorporated measures to be taken in advance of formal negotiations based on the *acquis communautaire* itself.)

Besides being a party to the 2001 Accession Partnership agreement – and a revised version finalised in May 2003 – the EU has issued annual bulletins on the Turkish candidacy, with particular reference to compliance with the Copenhagen criteria. The European Commission began doing this in 1998, producing two documents before Helsinki. Five Regular Reports have appeared since, the last in October 2004. In addition, the European Parliament has published commentaries on these submissions.

### ***Reports (and Responses)***

All these texts are significant for present purposes because they are the principal source of insight into how the EU views the civil-military relationship in Turkey and how its thinking has evolved.

(1) The 1998 Regular Report said that 'lack of civilian control of the army gives cause for concern' and cited in this connection 'the major role played by the army in political life through the National Security Council'.

(2) The next year's bulletin simply echoed this, noting that through the NSC 'the military continues to have an important influence in many areas of political life'.

(3) The post-Helsinki Regular Report of 2000 went further. 'Civilian control of the military still needs to be improved', it said, adding that 'contrary to EU, NATO and OSCE standards, instead of being answerable to the Defence Minister, the Chief of General Staff is still accountable to the Prime Minister'. 'It is also noted', the document continued, 'that the Council of Higher Education...as well as the Higher Education Supervisory Board, include one member selected by the Chief of General Staff'.

(4) The 2001 Accession Partnership text introduced 'alignment' to the lexicon of conditionality. 'Align the constitutional role of the National Security Council as an advisory body to the Government in accordance with the practice of EU Member States' was declared to be a medium-term priority. The Turkish NPAA accordingly promised – and Ankara duly conducted – a review of relevant articles of the Constitution and other legislation 'to define more clearly the structure and functions of this Council'.

(5) The European Commission's 2001 Regular Report noted this response plus measures taken to change the composition of the NSC and clarify the status of its recommendations. However, the Report also said that the extent to which

these steps would 'enhance *de facto* civilian control' would have to be monitored.

(6) This theme was taken up in the 2002 bulletin. Issued before the AKP took office, the document said bluntly that the NSC-related changes did not seem to have altered 'the way in which the National Security Council operates in practice'. The EU's leaders were therefore prompted to urge the (new) Turkish government to 'address swiftly all remaining shortcomings in the field of political criteria, not only with regard to legislation, but also in particular with regard to implementation'. This was the key message from their end-year meeting – in Copenhagen again – and was accompanied by a reiteration of the criteria formulated in that city almost a decade earlier, plus the undertaking that if in December 2004 it were decided that Turkey had fulfilled them the Union would 'open accession negotiations without delay'.

(7) Responding to this incentive, early in 2003 the AKP administration delivered further 'harmonisation packages' in quick succession. It also undertook, in the revised Accession Partnership agreement (May 2003), to 'adapt the *functioning* of the National Security Council in order to align civilian control of the military with practice in the EU Member States' and to make this now a short-term priority. True to that commitment, yet another 'harmonisation package' was put together (the seventh in the series, effective August 2003) directly addressing the EU's disquiet about the NSC's *modus operandi*. The same package also introduced other measures to curtail the military's influence – some of them responsive to the European Parliament's strictures – and to make the armed forces more accountable and their affairs more transparent.

(8) The Commission's 2003 Regular Report welcomed all this, but still registered reservations. It stressed again the importance of implementation. At the same time it commented, with implicit disapproval, that 'the armed forces in Turkey exercise influence through [many] informal mechanisms' and cited some of them. On the seventh package's provisions concerning financial accountability and transparency it noted the retention of 'restrictions...under which the confidentiality of the national defence is foreseen' and the continued existence of some off-budget funds that escape scrutiny. A strategy Paper and Report on *Continued Enlargement* was issued in 2003 also. Here the Commission had more to say on accountability, stating that 'full parliamentary control over military expenditures must be ensured both in terms of approving the budget and in terms of auditing'.

(9) Turkey responded to these latest observations, and a few earlier ones, through a raft of measures adopted in 2003/4. For example, in December 2003 the Law on Public Financial Management and Control was amended to provide

for inclusion of hitherto extra-budgetary funds in the defence ministry's budget (from 1 January 2005) and for the eventual dissolution of these funds (by the end of 2007). In January 2004 a key Regulation was adopted redefining the duties, functioning and composition of the NSC (implementing earlier legislative changes). In May the defence secrecy clause was struck from the constitutional provisions governing the work of the Court of Audit, and the General Staff lost the right to select a member of the High Education Board. In mid-June legislation was passed abolishing the system of State Security Courts. In August a senior diplomat was appointed as the first civilian Secretary-General of the NSC.

(10) Thanks to the foregoing, the tone of the 2004 Regular Report was markedly different from that of earlier bulletins. It acknowledged that 'the government has increasingly asserted its control over the military' and listed the latest measures with evident approval. However, as mentioned in our Introduction, there were cautionary notes in the overall evaluation: 'the process of fully aligning civil-military relations with EU practice is *underway*; nevertheless, the armed forces in Turkey continue to exercise influence through...informal mechanisms'. The accompanying Recommendation on the start of accession talks noted evolution '*towards* European standards'.

The language in the last of these paragraphs tells its own story. Turkey has done enough in the way of civil-military reform to justify announcement of a start-date for formal EU accession talks; but the country has still not done all that the Union would like to see done.

### ***Comment***

The conclusion to which all this leads is that the EU may not have been entirely straightforward in its dealings with Turkey on civil-military matters. At no time has Brussels spelt out clearly *all* that Ankara should do to bring Turkish arrangements into line with European standards and/or practice. When the Union *has* voiced specific concerns – for example, about channels for the exercise of purportedly undue military influence (notably the NSC) or the irregular funding of the armed forces – Turkey has addressed these, only to find the direction of criticism altered to target 'informal mechanisms' or query practical 'implementation'. While fault has been found with both the higher direction of defence in Turkey and the armed forces' accountability, no constructive guidance on correction has been forthcoming. What is more, it has not always been apparent which reforms the EU considers desirable and which it regards as essential.

No less important, in the Union's communications there are few (if any) signs that the authors appreciate why many institutional arrangements in Turkey are as they are, which is to provide solid underpinning for 'a particular interpretation of the Kemalist nation-state' which in turn reflects 'a specific understanding of the past and a deep-rooted desire to create a viable political entity within a hostile and unstable environment.'<sup>15</sup>

These observations add up to a case for an approach to the post-December 2004 monitoring of the political aspects of the Turkish candidacy that goes beyond the established ritual of formal reports and responses. It would be better now to make provision for candid dialogue between the monitors and the monitored. In such a setting the EU could be clearer about conveying its requirements, making it easier for Turkey to either meet them or explain why it is unable – or unwilling – to do so. The less clear the Union is about its expectations, of course, the less it will be in a position to criticise any Turkish failure to meet them.

It is possible to infer, from the material reviewed here and other sources, the generalised view of good practice in civil-military relations that the EU would bring to such dialogue, information which might usefully have been conveyed when the Turkish candidacy was first accepted back in 1999. Features of this model are:

- a clear division of authority between the Head of State, the Head of Government and the latter's security-sector ministers, enshrined in a written constitution or public law, and unambiguously ascribing roles and responsibilities concerning control of the military (including *inter alia* who provides executive direction, who makes top appointments, who has emergency powers in crises, and who has the authority to declare war);
- peacetime governmental (executive) direction of the general staff and commanders through a defence minister and ministry, with that department ultimately responsible for all key choices about the size, shape, equipment and deployment of the armed forces (and with accountable civilian officials having the decisive voice);
- effective legislative oversight of the defence organisation – exercised primarily, though not exclusively, through 'the power of the purse' – which (a) goes beyond perfunctory scrutiny and more or less automatic (rubber-stamp) approval of what the executive proposes, (b) engages, through committees, the main opposition parties, and (c) is supported by knowledgeable parliamentary staff and 'outside' expertise;

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<sup>15</sup> Further quotations from N. Tocci, *op. cit.*

- wider democratic oversight – involving analysts, academics, interest groups, the media and other civil society bodies – that complements elected representatives’ supervision;

and, last but not least,

- a popular perception that there *is* civilian and democratic ‘control’ of the armed forces with military staffs clearly answerable to civilian office-holders who are themselves clearly accountable to the legislature and society-at-large.

The mirror-image of this last item is, of course, popular confidence that the uniformed military have no special ‘voice’ in public affairs beyond their own domain. The corollary, though, is no less important. Within that domain, the military’s professional expertise should be acknowledged and their policy advice respected.

One can infer also the generalised view of the civil-military relationship in Turkey that the EU appears to have had at the beginning of the post-1998 exchanges that we have reviewed, a perspective which has persisted in some quarters despite developments since 1999 (and especially since end-2002). The Union’s expressed ‘concerns’ reflect a *perception* of Turkey as a state in which the relationship between civil and military power still does not conform to the central precepts of good governance as they apply in this area. In general, Europeans have the impression that it is customary in Turkey to defer to the military on all matters directly or tangentially related to security and that the military retain an influential ‘voice’ in public affairs generally. In this view, the armed forces exist as a ‘state within a state’ for all practical purposes. Defence is certainly not subject to intrusive legislative scrutiny, still less wider societal oversight. It is not even subject to close executive direction at the ministerial level, because the high command answers directly to the Head of Government.

This is a caricature of present-day Turkey, not only unflattering but now inaccurate. However, it is an image that the country has not yet shed. We firmly believe that the only way to finally put it to rest is for Ankara to declare that Turkey intends to work toward ‘continuing convergence.’ This, among other reasons, is why we urge the Turkish government to make such a declaration.

## 2.2 The Military's Role in Turkey – Past and Present<sup>16</sup>

The origins of the image are well known. The founding fathers of the modern Turkish Republic – Mustafa Kemal (Atatürk) and Ismet (Inönü) – were both former generals. They made the military an important partner in establishing and safeguarding a *unitary* and *secular* state with a reforming agenda and a European vocation. They embraced democracy, adopting a parliamentary system of government, with the assurance that the Turkish Armed Forces (TAF) would defend their 1924 Constitution if the republic's unity or secular character (or the democratic ideal) were ever endangered.

### ***Guardianship and Interventions***

For a quarter of a century no such danger presented itself. Through the 1950s, however, the ruling Democratic Party (*Demokrat Parti* – DP) became increasingly authoritarian and used the majoritarian framework of the 1924 Constitution to oppress the opposition Republican People's Party (*Cumhuriyet Halk Partisi* – CHP). It also gave short shrift to secularism. This conduct provoked the coup of 27 May 1960. In the name of 'guardianship' of the Kemalist nation-state, a group of officers took power into their own hands. According to the junta – and respected legal opinion – not only the government but also the DP's parliamentarians had lost political legitimacy.

The aftermath yielded a new constitution (1961). This institutionalised the military's guardianship role by creating the NSC (comprising the President, the Prime Minister, the ministers of foreign affairs, defence and interior affairs plus the TAF's Chief of General Staff and the commanders of the army, navy, air force and gendarmerie). The forum was established as an advisory body to the government on both internal and external security and designed to enable the military to convey their views to ministers formally (thereby, in theory, lessening the likelihood of future interventions). An Internal Service Act of the TAF was enacted in 1961 as well, making the military statutorily 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.

Civilian government was quickly restored after this business had been done, totally in 1961. However, Turkish politics thereafter took an anarchic turn – with the risk of civil war – prompting a second direct military intervention in 1971 and a third in 1980. In both, the military argued that they were fulfilling their legal obligation, and their action had popular support.

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<sup>16</sup> This section draws on, first, a paper specially prepared for the Task Force – Major-General (Retd.) Armağan Kuloğlu and Mustafa Şahin, *The Past and Future of Civil-Military Relations in Turkey* (Chapter 3) and, secondly, material written by academic member Metin Heper and kindly put at the group's disposal by the author.

The justification on 12 March 1971 was to end the unrest caused by ideological disputes and the resultant mass demonstrations and conflicts among Marxists, Ultra-Nationalists, Islamists and others. On 12 September 1980, action was taken partly because in the second half of the 1970s the Radical Left and Right were periodically in armed confrontation, and partly because religiously-oriented political parties had begun to compete for government – and, indeed, join coalitions – to an extent that appeared to threaten the secular ideal, democracy and even the territorial integrity of the Republic.

The 1980 intervention was followed by three years of martial law, during which yet another – and since much-amended – Constitution was adopted (in 1982, with an over 90 per cent popular approval rating). Restoration of civil rule, under the Motherland Party (*Anavatan Partisi* – ANAP) and Prime Minister Turgut Özal, ushered in a period in which, through the NSC, the military maintained influence but with a competent government in office had less need to exercise it or opted to exercise it with progressively greater subtlety. From the mid-1990s the generals' views commanded high attention as Turkey found itself in an armed and bloody struggle with the separatist Kurdistan People's Party (PKK) which challenged the *unitary* state by launching a terror campaign. One example of their change in approach is that, when there was a difference of opinion between the civil and military leadership over the part Turkey should play in the 1991 Gulf War, the (then) Chief of General Staff did not threaten coercive action but, instead, simply tendered his resignation.

Another instance – and a most significant one – is the military's reaction to the next challenge to the *secular and democratic* state that appeared, namely the mid-1990s electoral success of the religiously-oriented Welfare Party (*Refah Partisi* – RP) of Necmettim Erbakan, and some of the actions/proposals of the RP-led coalition that took power in June 1996. The military's choice here was not to threaten Erbakan outright but, first, to successfully mobilise public opinion against his government and then to make it difficult for him to continue in office. At an NSC meeting on 28 February 1997 a memorandum on the fight against political Islam was given to the Prime Minister; the policies it advocated were unacceptable to the RP; Erbakan stood down soon after.

### ***Image and Self-Image***

Though thus indirect, this 1997 'intervention' none the less brought about a change of leadership. Against the background of earlier interventions – and the institutionalisation of the military's guardianship role following the first of them – it is hardly surprising that the EU's first communications on the Turkish bid for Union membership voiced concern about 'the major role played by the army in political life'. The EU's early declaration, and subsequent reiteration, of reservations about the role of the NSC is easily explicable also. Following the 1960 coup the Council was created to offer 'information' to the government.

Following the 1971-73 intervention it was empowered to 'recommend' measures. Following the 1980-83 action the government was to 'give priority' to whatever the NSC advised. Finally, in 1997 the body had been instrumental in changing an administration.

It is important to recognise the image of the civil-military relationship in Turkey that was thus prevalent at the end of the 1990s, not only because it explains the first formulations of the EU's expectations and requirements concerning the country's membership candidacy but also because the image has persisted. That is apparent from what the Brussels institutions have said in their evaluations of Turkey's progress towards accession (as reviewed earlier in the present Report) and, most obviously, from the European Parliament's critical observations (including the most recent).

One approach to dispelling the image might be promotion of a Turkish perspective on the second half of the twentieth century's events and the military's role in them. This would stress that, while officers were on occasion impelled to act 'to save democracy from itself', civilian rule was invariably restored within a relatively short time. It would register also that the high command's responses to the threats of political Islam and Kurdish separatism were carefully calibrated. Whenever the generals concluded that (civilian) governments were not acting or were unable to act appropriately, they proposed whatever measures appeared necessary (in their professional judgement). If adequate measures were not taken they warned ministers. On a few occasions they took power into their own hands temporarily; or, as in 1997, they effectively forced a government to resign. In every instance, though, the action taken had broad societal support. In other words, despite undemocratic appearances, neither the TAF nor the Turkish electorate regarded any of this as fundamentally anti-democratic behaviour but, rather, as extraordinary action fully necessary to safeguard democracy in the country.<sup>17</sup>

### ***Transformation Underway (But Uncompleted)***

In the public information arena today [2005], however, much the most important accompaniment to practical 'next steps' on Turkey's alignment agenda would be more patient explanation of just how far the country has already progressed towards putting the relationship between civil and military power on a new footing, and rendering the 'old' image invalid.

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<sup>17</sup> Although introduced here as 'a Turkish perspective' on events, this account is one that most scholars would endorse. See, for example, Andrew Mango, *The Turks Today*, London: John Murray, 2004, pp. 134-139. Relevant also is the final chapter of the same author's definitive (English-language) biography of Mustafa Kemal (Atatürk, London: John Murray, 1999, Chapter 29).



A graphic illustration is provided by what has been done since 1999 to dilute the authority of the NSC. It no longer has executive powers. It no longer recommends measures to ministers but conveys its views on request. The government is no longer obliged to 'give priority' to the Council's advice but only to 'assess' the views so conveyed. The body now has a *civilian* Secretary-General (a respected senior diplomat, formerly Turkey's Ambassador to Greece). In short, although a mystique still surrounds it, the reality is that today's NSC is essentially the consultative body it was originally set up to be.

The NSC's transformation – for that is what it amounts to – is symptomatic of wider changes in the civil-military relationship that are taking place in Turkey. Reference has already been made to the relevant content of various constitutional amendments, specific legislation and 'harmonisation packages' introduced in 2003 and 2004, signalling a clear evolution towards EU norms and practice. No less important is the *modus vivendi* that appears to have been established between the TAF's high command and the incumbent AKP, despite the latter's perceived religious orientation. This relationship augurs well for continuing convergence and perhaps, in due course, that full alignment with European practice to which the EU and its member-states evidently attach importance.

In this regard the parts played by Chief of General Staff Hilmi Özkök and AKP leader (since March 2003) Prime Minister Recep Tayyip Erdoğan are noteworthy. Put simply, the Chief of General Staff believes that the armed forces should stay out of day-to-day politics, while on matters that directly concern them he favours the resolution of differences between the military and civilian leadership by persuasion and accommodation, always on the understanding that the democratically-elected politicians have the last word. For his part, the Prime Minister has himself shown acute awareness of military sensitivities, and his government has taken care to avoid adopting measures that would arouse military opposition.

Here it is helpful that Mr Erdoğan believes in the necessity of separating religion from politics. He and his colleagues have accordingly kept their distance from political Islam; and the AKP defines itself as a conservative-democratic party. On this key subject General Özkök's sentiments mirror those of the Prime Minister. The Chief of General Staff acknowledges that pious people may pursue secular politics; and, as he told the Istanbul daily *Hürriyet* at the beginning of 2003, he respects people's religious beliefs and preferences 'as long as they [are] not carried to the public realm as a symbol of political Islam'.

On the religious issue, the *modus vivendi* has already been tested – in the affair of the Prayer Leader and Preacher Schools (*Imam-Hatip Liseleri* – IHL) of May 2004 – and will doubtless be tested again. However, the IHL episode did not result in an acrimonious civil-military confrontation. Nor are 'repeat performances' likely, at least in the AKP government's lifetime, for at least three reasons. First, Chief of General Staff Özkök has openly questioned the wisdom

and utility of military interventions in politics, hinting at a preference for entrusting defence of the secular state to the democratic process (meaning the popularly-elected political leadership). Secondly, Prime Minister Erdoğan's disposition is to avoid situations where the military might feel duty bound to challenge the government; and he chose not to press the IHL issue (on their graduates' rights in competition for university education). Thirdly, there was in any case a whiff of 'gesture politics' about this particular affair. The AKP's promise to end discrimination against IHL graduates was given to silence a vociferous lobby. The response of the Chief of General Staff's office may have been motivated more by a felt need to appease those in the TAF who saw sinister motives in the 'equalisation' measure than by any deep conviction that it violated the secular premises of the Republic.<sup>18</sup>

Convergence is evident also in the evolving relationship between the military and the Turkish legislature, with particular reference to financial accountability (and transparency). The 'books' of the TAF – the official budget and special supplementary funds – have long lain beyond serious scrutiny. From 2005 this will no longer be the case, thanks to legislation enacted in 2003 and constitutional amendments adopted in the first half of 2004. Hugely significant, at least potentially, is the deletion of a paragraph in Art. 160 of the Constitution regarding the Court of Audit that made 'auditing, on behalf of the Grand National Assembly, state property in the possession of the Armed Forces' subject to regulation 'in accordance with the principles of secrecy necessitated by national defence'.

In Turkey as elsewhere, however, introducing genuinely open government to the defence domain requires more than improving financial accountability *ex post* by denying the armed forces the ability to wrap their affairs in a cloak of secrecy. Confidence that the Turkish military have truly ceased to be a politically 'protected species' will be assured only when there is a parallel improvement in accountability *ex ante* (for both spending and policy), solid evidence of effective oversight, and greater transparency in the conduct of security affairs all round.

Sustaining the evolution towards European standards and practice may also require a couple of other changes that even the Erdoğan government has thus far not placed on its reform agenda. One is reconsideration of an arrangement widely regarded as indicative of the special status that has long been accorded the military in Turkey, namely the Chief of General Staff answering directly to the Prime Minister rather than through the defence ministry. Another is a restructuring of the latter department from the support apparatus for the TAF which it is at present to a ministry with full responsibility

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<sup>18</sup> This is not to deny that there are those in Turkey who view 'continuing convergence' – and the *modus vivendi* under discussion here – with the deepest suspicion, believing that the country has already 'compromised' its security.

for policy-making, planning, programming, budgeting and budget execution. (Clearly these are related questions.)

The direct accountability of the Chief of General Staff to the Prime Minister was pin-pointed by the EU as an anomaly in 2000, in that year's Regular Report on Turkey's candidacy (the first post-Helsinki 1999 Bulletin). Ankara took no notice and has not done so since. In fact, so as not to prejudice harmonious relations with the high command, at the end of 2002 the incoming AKP government's Defence Minister Vecdi Gönül made it known immediately that the arrangement would continue. This is in line with the view – introduced to Task Force discussions more than once – that subordination of the General Staff to the Head of Government 'provides sufficient democratic commitment by Turkey' and subordination to the Defence Ministry would not 'conform to the present needs of Turkey' (having been tried in the past with unsatisfactory results). However, it will take more than repeated assertion of this conviction to make the issue go away.<sup>19</sup>

Whether, and if so when, Turkey should confront the subject – and the related issue of the country's overall defence organisation – is a topic taken up at the end of this section.

## 2.3 Next Steps

When it comes to working out what next steps would be appropriate following the European Council's decisions of 17 December 2004, three considerations are paramount. It is very much in the Turkish interest (1) to show that the country has registered the cautionary notes sounded by the EU, (2) to acknowledge that civil-military transformation has not been completed, and (3) to make sure that it is not found wanting on this account in the Union's ongoing process of monitoring political preparedness.

It would appear that this is not yet fully recognised in Turkey, presumably because of general misunderstandings about the EU's messages and, in particular, about the decision to keep the country's political credentials under close scrutiny in parallel with the conduct of entry negotiations based on the formal *acquis*.

Even top politicians have been unclear on this point. For example, in a mid-February 2005 interview with *Hürriyet*, Defence Minister Gönül insisted that,

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<sup>19</sup> Among other things this is because the European Parliament takes the matter seriously. In a Resolution drafted following publication of the European Commission's Recommendation on Turkey (October 2004) it 'Calls on the Turkish government to limit the political power of the army further ..., for instance requiring the Chief of Staff to report to the Minister of Defence'. In an earlier general clause it argues that 'that the Turkish authorities still have to adopt and implement further reforms and put current reforms into practice in order to fulfil the [Copenhagen] political criteria'. (See Mustafa Şahin's analysis in Chapter 3.)

since there is 'nothing related to civil-military relations' in the 31 chapters of the *acquis*, the topic is 'off the agenda' unless 'it appears as a detail under any chapter'. In fact, of course, the subject is still a live one but in the context of the monitoring exercise.<sup>20</sup>

From those who appreciate this one hears a slightly different argument: that, in view of all that has been done in the last couple of years, the relationship between civil and military power in Turkey *should* be 'off the agenda'. As presented to the Task Force, the thesis here is that it would be wise to digest recent changes before moving on. In this line of argument, there should certainly be no rush to respond to further – 'baseless' and 'untimely' – demands in the sequence of 'unending' calls from an EU whose leaders seem to have made the Turkish armed forces a 'target for excessive reforms'. Indeed, the Union itself should now display some understanding of Turkey's circumstances and moderate its insistence on further action. (To repeat a phrase introduced earlier, there should be recognition of 'the specificity of the Turkish context'.)

We cannot, and do not, dismiss this line of argument lightly, partly because it is advanced by senior officers (serving and retired) plus others close to the military, partly because there is undoubtedly substance to the claim that the European Commission's criticisms and recommendations have not always been well grounded. Indeed, this is the area where we think a more intensive Turkey-EU dialogue might be most productive in improving mutual understanding. Among other things it would provide Ankara with an opportunity to explain that the 'enough is enough' stance is not a reflex defence of the *status quo* and that when Turkey asks the EU to show some flexibility in evaluating the country's civil-military reforms this is not to be dismissed as special pleading. At the same time, one would expect Brussels to reiterate that what the European Council said in December 2004 was that Turkey '*sufficiently fulfils the Copenhagen political criteria to open accession negotiations*' – and no more than that. As for 'flexibility', while the EU should certainly do more to heed Turkey's national security sensitivities, the record shows that what the Union regards as fundamental aspects of pluralistic democracy are effectively non-negotiable.

Having said that, we accept that the EU may not have completely taken on board just how far civil-military transformation in Turkey has already gone, especially in the last couple of years; and, as suggested earlier, this may be due in part to the persistence of attitudes shaped in the later decades of the last century. There would be merit, therefore, in striving to ensure that the officials

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<sup>20</sup> See *Hürriyet*, 15 February 2005. In the interview Mr Gönül was also dismissive of EU comments on the armed forces' exercise of influence by 'informal mechanisms'; and, when tackled on the subject of the Chief of the General Staff answering to his own office rather than directly to that of the Prime Minister, he responded by saying that 'Turkey does not need to do work on something which is not on the common agenda'.

who will be conducting the post-December 2004 monitoring process are under no misapprehensions about what has been accomplished; and that the politicians to whom they report are not clinging to an image of civil-military relations in the country that is now outdated.

This is a matter of *communication* to which Ankara would be well advised to give priority, bearing in mind that the next Regular Report on Turkey will be delivered before the end of 2005.

We accept also that there is a case for a period of *caution and consolidation* in civil-military reform after the recent flurry of constitutional, legislative and organisational change. Not, however, because all that might be done has now been done, but rather because on 17 December 2004 the European Council made clear that it wants to see 'full, effective and comprehensive implementation' of what has so far been enacted. Moreover, any moderation in the pace of evolution 'towards European standards' in this area should not become a pretext for halting the process. In this area as in others, Turkey cannot now abandon its alignment goals.

Rather the contrary: In our judgement the situation calls for a clear indication that, after deep deliberation and on the basis of 'bilateral evaluation' through dialogue, Turkey will pursue *continuing convergence* on European norms and practice in civil-military relations and, in due course, make firm decisions on the scope, content and timing of a practical prospectus to this end.

### ***Communication***

To elaborate, briefly, on communication, the obvious 'next step' here is a sustained information effort aimed at the European Union's bureaucrats, member-state politicians (especially parliamentarians) and populations.

Attention has been drawn to a wealth of circumstantial evidence indicating that the image of the civil-military relationship in Turkey – at the Brussels institutions and the European Parliament, in EU member-state capitals and generally – still rests very largely on the TAF's direct and indirect political interventions in the second half of the twentieth century and the elevated status and authority that the NSC had acquired by the end of the millennium. However, a great deal has changed in the past four or five years, and the pace of change since December 2002 has been remarkable. 'Harmonisation packages' have appeared thick and fast. Through these, and other means, there has already been considerable convergence towards the European model of civil-military relations. Making these facts more widely known would, in our opinion, make a modest but none the less valuable contribution to smoothing Turkey's path to accession.

## **Caution and Consolidation**

Given the breadth, depth and tempo of change in the last few years, it should come as no surprise that many in Turkey take the view that in civil-military reform 'enough is enough' (at least for the time being).

First, there have been notable headline changes. Most obviously, the NSC – the EU's long-time *bête noire* – has been thoroughly tamed, and placed in the charge of a responsible civilian keeper. Second, the military has acquiesced in many other curtailments of its power and influence, sometimes suppressing profound reservations. Third, the high command has kept a low profile on political issues where once the top brass might have acted, or at least pronounced. A good illustration is the recent 'letters' affair. In June 2004 the Nationalist Action Party wrote to 313 Turkish generals and admirals – some on active service, others retired – complaining about the government's 'passive attitude regarding some provocative Kurdish initiatives by leading members of a Kurdish-oriented political party'. On the instructions of the CGS, all recipients returned the letters without comment.<sup>21</sup>

Against this background, caution may be just another word for prudence. At a practical level it would be counter-productive to programme yet more change if this would bring on reform fatigue (or indigestion). Nor is it worth putting the accomplishments of 2002-2004 at risk by possibly alienating the military leadership, as a result (for example) of asking them to take one or more 'steps too far'. It has also been put to us that current arrangements accord with present-day realities. There is a continuing lack of military expertise in political circles which limits the lengths to which 'civilianisation' of security decision-making can be taken.

There are other reasons to be prudent. Turkey faces renewed stirrings in its south-east. If there is turbulence in Northern Iraq, this will certainly be a cause for concern in Turkey. The same applies to potential troubles in the Caucasus. Some Turkish experts have also pointed out the need for care lest some changes that are demanded by the EU from Turkey on the path to accession undermine the country's fight against terrorism generally and the threat posed by radical Islamic groups particularly. All these concerns need to be taken seriously.

However, it is *not* in Turkey's interest to allow prudence to produce paralysis. On 17 December 2004 the EU identified 'points of concern' in our area of interest; and it is desirable that these should be addressed in the not-too-distant future. It would certainly be unwise to postpone attention to further alignment for too long in the hope that – by the simple expedient of repeated assertions about special conditions in Turkey – the EU can be induced to

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<sup>21</sup> It remains to be seen, of course, whether the present Chief will be succeeded by individuals who approach issues in civil-military relations as he does and similarly respect the primacy of politics.

abandon the positions it has taken. The best Ankara can do here is to persuade Brussels by force of argument, through the enhanced Turkey-EU dialogue that we advocate, to moderate some of its demands.

In short, Turkey must beware of overdoing 'caution'. As for 'consolidation', while it makes a lot of sense to give immediate priority to the 'full, effective and comprehensive implementation' of recent reforms, calling a complete halt to the civil-military transformation process would make no sense at all.

### ***Towards Continuing Convergence***

Implementation of statutes already enacted is the least that the EU expects of Turkey. Recalling again the words of the relevant 'Presidency Conclusions', the European Council wants to see *further* evolution towards European standards in civil-military relations, incorporating *additional* action on 'points of concern'. An appropriate response from the Turkish government might consist of three steps. First, acknowledge the need for further action. Second, announce, with all due caution, that Turkey will move towards closer alignment when the time is right. Third, give substance to this announcement by starting to work on a programme for further reforms.

On top of that, there would be added value in some indication, to the extent practicable, of what might be the content of such a programme (or roadmap, or action plan). Based on the EU's stated 'points of concern', two topics suggest themselves: an in-depth review of Turkey's defence organisation; and enhancement of oversight, accountability and transparency in defence affairs.

- **Defence Organisation:** Turkish military experts tell us that current security structures have served the nation-state well and should be kept for the time being. We respect this view. In the context of continued monitoring of the relationship between civil and military power in the country, however, it will take more than assertion of the point to convince the Brussels institutions, EU member-states and European publics that their remaining reservations about present 'arrangements' lack substance. To deal with this problem, most members of the Task Force think that the authorities in Ankara should express their willingness to conduct a thorough-going appraisal of the strengths and weaknesses of the existing organisation. Among other things, this would involve a careful look at the merits and demerits of structural reform based on an expanded and remodelled defence ministry incorporating some key General Staff functions, i.e. in line with practice across Europe. The question of the best form of provision for (civilian) executive direction of an integrated bureaucracy could be considered in the exercise also, addressing the European Parliament's specific concern (see

note 19 of this Report) while duly recognising the view that subordination of the General Staff to the Prime Ministry 'provides sufficient democratic commitment by Turkey' (also see 2.2 above: *Transformation Underway (But Uncompleted)*).

- **Oversight: Accountability and Transparency:** This is a significantly less controversial subject. Interest here would centre on how best to capitalise on the enhanced potential for *ex post* financial accountability created by recent amendments to legislation, how best to develop improved procedures for *ex ante* financial accountability and how best to eliminate an 'accountability deficit' in relation to policy. In addition, to ensure effective legislative oversight of defence affairs the Task Force thinks it would be sensible to consider (a) reviewing the composition, procedures, staffing and other support of existing specialist committees and, possibly, the creation of new ones; and (b) providing elected representatives with opportunities to improve their knowledge and skills in holding the executive to account. Action on neither count would entail risking national security.

Whether preliminary work towards development of a policy prospectus based on these twin pillars would ensure a favourable next 'report card' from the European Commission in late 2005 is an open question. It might suffice, in our opinion, because it would clearly foreshadow attention to those aspects of Turkish arrangements that the EU still regards as out of line with European practice. Obviously, convergence is not the same as alignment. But the one leads to the other, invariably and inevitably.

Excluded from this agenda is any reference to the 'informal mechanisms' by which, according to the EU, the military continue to exercise undue influence in Turkish politics. Obviously this is a subject on which the Union should be more explicit, ideally in the course of a richer Turkey-EU dialogue in parallel with monitoring. Ankara is entitled to know what precisely causes concern.

Pending such clarification, two perspectives may be of interest. One is that of some Turkish experts on security issues who say that non-official channels or mechanisms simply 'do not exist'; and, according to this view, that should be the end of the matter.

The other is that of a respected external observer of Turkish affairs who has commented on certain specific means by which the military supposedly exert inappropriate influence in the country. In his 2004 book *The Turks Today*, Andrew Mango has pertinent things to say about, for example, (1) senior officers' public statements and (2) the armed forces' significant financial interests; and he shares an informant's insight into (3) the functioning of the 'new model' NSC. His key sentences are these:



(1) 'As in most Western countries, the Turkish military bring their security concerns to public notice. Having done so, they accommodate themselves to the public mood.'

(2) 'The army mutual fund (OYAK) is a considerable institutional investor and runs its own bank, but it does not have the dominant position in the economy that some conspiracy theorists claim.'

(3) '... the National Security Council [is now], in theory, a purely advisory body. "It will make little difference in practice," a Turkish senior civil servant said, in private. "Commanders come...with clear briefs and solid files of evidence. Politicians... do not measure up to them."'

These remarks suggest that there may be less to 'informal mechanisms' than meets the eye. In fact, the sinister connotations with which the EU's report-writers like to invest the term may be no more than figments of their imagination.

The reality here is probably best captured by what Atatürk's biographer says in his general assessment of the role of the armed forces in Turkey:

'The military institution remains an important pressure group, whose power derives from the support extended to it by society rather than from legal arrangements. The Turkish military serve the state, and their service is appreciated by the public.'

If this were better understood by Turkey's monitors they might perhaps be inclined to view 'informal channels' with less suspicion.<sup>22</sup>

### **3. Defence Organisation<sup>23</sup>**

Turkish military experts are steadfast in their conviction that it is unnecessary, and it would probably be unwise, to change either the country's defence organisation or arrangements for the executive direction of defence. Current

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<sup>22</sup> The four inset quotations in this paragraph and the preceding one are from the section of *The Turks Today*, op.cit. (on pages 138, 136, 134 and 139 respectively).

<sup>23</sup> This section makes use of material written for the Task Force by Peter Volten and Jos Boonstra (the Netherlands) and by Mustafa Şahin (Turkey), as cited below at note 25 and 26. It also draws on the record of deliberations at several of the group's meetings, including that in Groningen (July 2004), where there was discussion prompted by a presentation on the Dutch Ministry of Defence by General (Retd.) Arie van der Vlis (a former Chief of Defence), and that in Ankara (February 2005) where Jos Boonstra presented a paper reviewing the higher organisation of defence in a number of EU member-states (Chapter 4). In addition, account has been taken of comments on a first draft of the section—and this Final Report as a whole—by ASAM and others.

security structures work well, they say, and subordination of the high command to the Head of Government represents sufficient provision for the democratic control of the Republic's armed forces.

These arguments have been put to the Task Force repeatedly, and forcefully. It is the opinion of a majority of the group, however, that the powers-that-be in Ankara should at least show willingness to *review* the structures, including the direct Chief of General Staff/Prime Minister connection.

The most compelling reason is the EU's evident discomfort with the form of high-level executive direction of the TAF that the 'connection' implies, which both the Council of Ministers and the European Parliament almost certainly see from the opposite standpoint, viz. as privileged access for the high command to the Head of Government. The formulation in the 2000 Regular Report on the Turkish candidacy – that 'contrary to EU, NATO and OSCE standards, instead of being answerable to the Defence Minister, the Chief of General Staff is still accountable to the Prime Minister' – clearly lends itself to this interpretation, as does the Parliament's October 2004 Resolution on the subject.

At the same time we recognise that, were it not for the candidacy context, this argument would not be decisive, principally because the arrangement is not without merit where a country has a history of multi-party coalitions and a defence minister could conceivably become hostage to his (or her) faction's agenda, resulting in a damaging politicisation of military business. Also, in today's Turkey, there is really no doubt about which way the relationship runs: the Prime Minister is in charge.

More to the point is the fact that, as things stand today, the EU's favoured – and the normal – formula for arranging political direction of defence affairs would not work in Turkey. This is because the Defence Minister heads a department which does not incorporate the General Staff, does not fulfil the full range of functions usually associated with a defence ministry, and does not *control* the armed forces. What it does do is *support* the TAF in a variety of ways.

It is in this respect that Turkey is most out of line with European practice (or 'standards'). Thus the strongest argument for reform – in fact, extensive restructuring – of the country's defence organisation is to end the separation of the Ministry of National Defence (MND) and the General Staff (GS). In the existing set-up the two practise co-ordination but are not directly linked. This is almost certainly inefficient and probably dysfunctional. An integrated organisation would bring substantial benefits; and, if a comprehensive review indicated that these clearly outweighed the costs of restructuring – with the Chief of General Staff, his office and important GS directorates incorporated in the MND – it would be natural to consider whether, like his counterparts in other countries, the Chief might become accountable to his 'line' Minister.

### 3.1 The Existing Set-Up

In today's Turkey the main locus of decision-making about the security affairs of the Republic is the GS, headed by the Chief of General Staff (CGS). This officer has overall command and control of all the country's armed forces. The commanders of the three component services (land, naval, air) report directly to him. The General Command of Gendarmerie and the Coast Guard Command (part of the country's internal security forces) are under his authority also: in peacetime they are affiliated with the Ministry of Interior Affairs; in wartime they fall under the Land Forces Command and the Naval Forces Command respectively.

Responsibility for the policies, plans and programmes of the TAF – with respect to roles and missions, and regarding the size, shape, equipment and deployment of the component services – rests with the GS; and this is where the initiative lies in policy-making and programming. As noted already, political direction comes straight from the Prime Minister, an arrangement introduced in 1960 as a safeguard against political meddling in the personnel affairs of the TAF.

So far as manning the organisation is concerned, the uniformed military dominate. In the GS headquarters and at the Force Commands – and also at the MND (see below) – 'civilian personnel are employed [only] in social services and technical fields....to provide continuity in the places of duty not requiring the wearing of uniforms'.<sup>24</sup>

As head of the MND, Turkey's defence minister also reports directly to the Prime Minister. The overall defence organisation therefore has what management scientists would call a twin "stovepipe" character, with extensive co-ordination and co-operation between the two elements – and even some co-location – but no direct connection.

The MND is, however, a department with a strictly circumscribed set of responsibilities. It runs the 'political, legal, social, financial and budget services of the National Defence function'. It manages the military estate. It handles recruitment and other personnel-related work for the TAF. Most important, its remit covers the 'procurement of weapons, vehicles, equipment, logistic material and supplies' for the armed services plus the well-being of – to use an unfashionable phrase – Turkey's "military-industrial complex". In short, it is the TAF's support apparatus.

Dealing with military procurement and (domestic) arms production is a major preoccupation – arguably *the* major preoccupation – of the department.

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<sup>24</sup> The quoted language here and in later paragraphs of this section is from Mustafa Şahin *The Role of the Turkish Ministry of Defence in the Turkish Security Sector and How the Ministry Relates to the General Staff*, Task Force Working Paper No. 3 (part), May 2004, a text which is available from the Secretariat. (Emphasis added in this instance.)

Below ministerial level the two most senior posts there are at the top of an *Undersecretariat of the MND* (UMND) and an *Undersecretariat of/for Defence Industry* (UDI). The former is headed by a general, the latter by a civilian. The head of the UDI is therefore the MND's highest-ranking non-uniformed staff member.

- Among other things, the UMND does the TAF's procurement (and is therefore a player on the demand side of the arms market). It also organises construction and infrastructure investment '*in accordance with the principles and priorities....specified by the Turkish General Staff*'; and looks after the 'financial planning and preparation and promulgation of budgets *in parallel* to the defence programmes of the Turkish Armed Forces' (emphasis added). Fulfilment of the procurement function is overseen by a Defence Industry Executive Committee (DIEC). This body is chaired by the Prime Minister; and the CGS has a seat on it.
- The UDI manages the Republic's military-industrial complex (and is therefore a player on the supply side of the arms market). It grew out of the former Defence Industry Development and Support Administration, an agency set up in 1985 – linked to the MND but given its own legal personality and its own 'financial source' (the Defence Industry Support Fund) – with the objective to 'develop a modern defence industry and to provide for the modernisation of the TAF'.

Organisation theorists would say that in a set-up like this there is obvious potential for "co-ordination and co-operation" to shade into collusion (or worse). For this reason, among others, most countries have opted to order things differently. If Turkey does decide on institutional change in the near future, following the review that we recommend, this is an aspect that would obviously call for careful thought.

### **3.2 The Case for an Integrated Defence Organisation**

It is not just in relation to defence procurement and production that most countries 'order things differently'. There are very few these days – especially among EU member-states and soon-to-be member-states – with a defence organisation as sharply divided as in Turkey (the "twin stovepipe" characteristic). Nor are there many where the uniformed military has the kind of hold on the key levers of decision-making that the Turkish GS has, or *per contra* where the role played by civilian officials is such a modest one. This is not a matter of the personnel count – more than half those working in the MND are civilians – but

of the status of the posts non-military people occupy and the limited scope that exists for the contribution of civilian expertise and civilian perspectives to security decision-making.

It is not sufficient, though, and certainly not satisfactory, to argue that Turkey should reappraise its defence organisation simply *to conform*. The point is that, in today's world, bringing the skills and experience of knowledgeable civil servants to bear on security-sector problems, alongside military expertise, *and* providing an institutional set-up within which that can happen – these are steps worth consideration because they are likely *to produce better decisions*.

This is, of course, because of the sheer diversity of factors that must enter the calculus these days. To policy-making and planning, programming and budgeting for defence the military's contribution is of central importance and always will be. However, though indisputably necessary, it is manifestly not now sufficient. The idea that military competence extends to cover more or less the whole spectrum of national and international security affairs is an anachronism. Time has overtaken this notion because a career in uniform cannot produce individuals with all the relevant expertise for dealing with all that must enter the reckoning. On top of that, neither in Turkey nor anywhere else can even the best military professionals claim a unique talent for complex problem-solving or total immunity from the pressures of their own institutional priorities and vested interests.<sup>25</sup>

This is not the place for going into the practicalities of possible reorganisation, speculating on precisely how and when a unifocal and integrated MND might be put in place, or how best to set about raising the number of civil servants qualified to contribute to such a department's work. It must suffice to repeat that we think the appropriate initial 'next step' in this direction would be a critical examination of the existing structure(s) and connections, leading to the development of concrete proposals for whatever emerges – *all* things considered – as desirable change in the set-up and the staffing.

Even then, the authorities would have to make the case for change in the face of much scepticism in Turkey. The country is one in which the armed forces have always been held in the highest regard. Its geostrategic location at the edge of Europe – sharing borders with Georgia, Armenia, Azerbaijan, Iran, Iraq and Syria, as well as Greece and Bulgaria – necessitates constant attention to external security. The Republic's internal security situation is rarely wholly tranquil and sometimes decidedly tense. Thus many in Turkey think that, whatever may be the case elsewhere, in their nation responsibility for dealing

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<sup>25</sup> There is more on this, and on the subject-matter of this section generally, in Peter Volten and Jos Boonstra, *Harmonising Defence Arrangements in Turkey*, Task Force Working Paper no. 3 (part), May 2004 and in Jos Boonstra's *Higher Organisation of Defence: a comparative overview of six European states*, Task Force Working Paper no. 8, February 2005 (Chapter 4).

with these life and death matters – and what might amount to the survival of their state – is best entrusted to the professional military and insulated from possibly damaging political interference.

However, that is an issue best dealt with as part of the critical examination we propose. In such an exercise, important ‘socio-cultural explanations about the popular acceptance of the TAF’s influence over politics [and] the security discrepancies between Europe and Turkey’ would, naturally, be taken fully into consideration.<sup>26</sup> In the opinion of most Task Force members, though, it would be unfortunate if factors like these were given disproportionate weight to the obvious detriment of what would otherwise be desirable defence reorganisation; and we are confident that the envisaged inquiry would reveal that practical benefits would indeed accrue to Turkey if the higher management of the country’s defences could become the responsibility of a strong department of state in which, throughout the bureaucracy, military expertise and civilian insights were judiciously integrated. It would be unfortunate also if such ‘explanations’ and ‘discrepancies’ were to impede assertion of the primacy of politics in the security domain as elsewhere, especially since fulfilment of the European vocation could well depend on this.

We do recognise, though, that, even if general functional restructuring finds favour, in the matter of top-level executive direction many in Turkey would oppose ending the direct Chief of General Staff/Prime Minister connection. What the EU sees as an anomaly, they see as a positive strength of the system, principally because it provides insurance against the politicisation of defence management. That was the original rationale of the arrangement; and it remains valid, they say.<sup>27</sup>

We realise also that there are those in Turkey who have additional questions. Are these issues all that important anyway? Could success in the quest for EU membership really hinge on whether or not there is institutional reform in this area? Does the country have to respond to every critical comment on the civil-military relationship, including those in which ‘the specificity of the Turkish context’ has clearly not been fully taken into account?

On these matters, we would expect an enhanced Turkey-EU dialogue to provide helpful clarification. At the same time the Task Force has noted the following assessment:

‘Turkey has to persuade the EU member-states that it is like them. Turkey will not be allowed to join unless all the member-states are convinced that the Turks share European values. That is why political

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<sup>26</sup> A Kuloğlu and M. Şahin, op.cit.

<sup>27</sup> On this point it is interesting that in its 2004 report the distinguished panel led by former Finnish President Martti Ahtisaari alluded – in a generally upbeat assessment of the Turkish candidacy – to the still-present ‘risk of radical groups misusing the Turkish democratic process’. (*International Herald Tribune*, 7 September 2004.)

issues – like...*the role of the army* – are so crucial: they determine how the EU's political élites and media view Turkey. These issues are bound to arise again and again, and the way the Turks respond will strongly affect EU perceptions of their country. They need to meet criticism not with prickliness and nationalist rhetoric, but with moderation and coolness.<sup>28</sup>

These are the words of one of the best-informed observers of EU affairs, and one of the shrewdest commentators on enlargement. The message is clear and to the point.

#### **4. Oversight: Accountability and Transparency**

We believe Turkey would do well to draw up in due course a long-term programme for further defence reform, to be implemented as soon as the reforms of recent years have been consolidated and a dialogue with the EU has yielded useful results. This would be the next stage in civil-military transformation en route to EU accession. The first major element of such a long-term reform programme would probably be the reorganisation of Turkey's defence establishment, along whatever lines a structural review might recommend. The other core component of such an eventual policy prospectus for continuing convergence would be a set of measures to promote greater accountability and transparency in the conduct of Turkish defence affairs, with particular reference to legislative oversight (and wider democratic oversight).

There are at least two reasons for suggesting effort in this area. First, as has been noted, the European Commission urged action on the accountability front in its 2003 Strategy Paper and Report on *Continued Enlargement* and the subject was mentioned again in its 2004 Regular Report on the Turkish candidacy. Second, not only have the Turkish military had things pretty much their own way in their dealings with the executive branch up to now – thanks to their occupation of key positions at the MND as well as throughout the more powerful GS “stovepipe” – they have also been able to conduct their business without a great deal of legislative (or wider societal) scrutiny.

It is true that Turkey's armed forces have always been formally accountable to the legislature for what they do and what they spend. It is true also that what has been announced (or foreshadowed) in the last couple of

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<sup>28</sup> Quoted, with added emphasis, from Heather Grabbe's essay *When negotiations begin: the next phase in EU-Turkey relations* (London: Centre for European Reform, November 2004), p.3. (The passage was brought to the group's notice at the conclusion of its February 2005 meeting in Ankara.)

years offers the prospect of a new openness, especially about the TAF's finances, plus opportunities for more diligent oversight all round. (A key prerequisite here, though, is that the country's elected representatives and civil-society institutions should be able to rise to the occasion, a point taken up later.)

Implementation of reforms already enacted is obviously of the highest importance. Turkey should not be content with this, however, but should consider overhauling structures and processes in this part of the machinery of government as in the defence organisation, similarly following good practice in advanced democracies. Not only is this what the EU is looking for, it is also what élite opinion in Turkey itself has been demanding lately.<sup>29</sup>

#### 4.1 Authority and Autonomy

Before both domestic demands and pressure from the EU set Turkey on its course towards more open government in the defence domain the Turkish military had grown accustomed to having effective authority and *de facto* autonomy in the conduct of all its affairs.

It still has the **effective authority**. With some policy input from the Ministry of Foreign Affairs and reference to Turkey's NATO obligations, it is the GS that works out what armed forces the Republic should have, and draws up plans and programmes accordingly. On the basis of these the MND does the necessary budgeting and liaises with the Ministry of Finance over the allocation of resources *to* defence (taking into account other calls on the public finances and what level of total government spending the economy can sustain). The MND does not, however, as a general rule, raise questions about the allocation of resources *within* defence. This is the prerogative of the CGS and his office whose responsibility it is to establish`

'programmes, principles and priorities related to personnel, operations, intelligence, training, and education and logistic services, preparing the armed forces for war, co-ordinating the general, naval and air force commands as well as other institutions attached to the General Staff'.

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<sup>29</sup> See several quotations in Nilüfer Narlı, *Country Transparency Profiling*, Task Force Working Paper No. 4, revised July 2004, pp.4-5. This paper is much more comprehensive than its (working) title suggests. It ranges over the whole of the subject-matter of this Chapter. So too does Professor Narlı's second contribution to the Task Force's work – *Parliamentary Control and Oversight of the Security Sector*, Working Paper no. 7, February 2005. Indeed, these pieces form the basis of this section. They are also the source of all quoted passages here not otherwise attributed. Relevant, too, is former Dutch parliamentarian Jan Dirk Blaauw's paper *The Limits and Constraints of Transparency in the EU*, Working Paper no. 6, November 2004.



The foundation documents produced are the National Military Strategy and the Joint Operational Concept of the TAF, both based on an NSC-approved National Security Policy (on which more later). These underpin periodic Force Structure and Modernisation Plans.

Accountability to the *executive* takes a hand here. These texts are sent to the Office of the Prime Minister for review and approval. The initiative is back with the GS, however, when it comes to drawing-up – with the MND’s help now – follow-on directives and plans, a 10-year programme and a 10-year forward budget. The latter is the point of reference for the armed forces’ annual budgeting.

As for the military’s **autonomy**, for the time being this too remains largely unimpaired. Accountability to the *legislature* is not an onerous obligation (if indeed it is considered much of an obligation at all). In processing the annual budget for the TAF the parliamentary Budget and Planning Committee has the power to scrutinise, review and propose changes to the submission. The budget requires the approval of the Turkish Grand National Assembly. However, elected representatives say that members of the Committee and the Assembly ‘bear in mind the sensitivity of national defence; thus they do not tend to be highly enthusiastic to review and to make changes in the defence budget proposals’. More generally, we understand that over the years the typical parliamentarian has been prepared ‘to let the government and the General Staff...exercise the initiative in military matters’. In short, legislators have been content to play a “rubber stamp” role.

By way of explanation ‘lack of interest and expertise’ among parliamentarians has been mentioned. Other factors must have had something to do with it also, however: the fact that for decades there was much off-budget funding of the fighting services; the fact that generally their finances were opaque, and that a veil of secrecy lay over many areas of activity anyway; and the fact that, for this and other reasons, the amount of information routinely available to elected representatives was insufficient to permit effective oversight.

## 4.2 Oversight of Spending

In this area of financial accountability, however, things have changed lately. Since mid-2003 Turkey has taken a number of important steps that are worth enumerating (in some cases, recapitulating).

(1) In the seventh ‘harmonisation package’ (August 2003) an amendment to the 1967 Law on the national audit bureau was introduced, despite objections from the TAF. This empowered the Court of Audit – acting ‘on behalf of the Turkish Grand Assembly and its inspection committees’ – to scrutinise the revenues, expenditures and property of *all* public sector institutions ‘*without any exception*

*and without exempting any institute from being accountable*'. The Court is also required to report as appropriate to the relevant parliamentary committees.

(2) A new Law on Public Finance was enacted in December 2003. This requires what were hitherto off-budget funds to be incorporated in regular budgets (and accounts), pending their eventual termination. In our area of interest this affects the DISF (*vide supra*) and the Turkish Armed Forces Foundation (TAFF). (The TAFF was established in 1987 – bringing together the existing Army, Navy and Air Force Foundations – with the purpose of 'strengthening the TAF and minimising the dependence on other nations by establishing a National Defence Industry'. It has investments in a number of defence-related businesses: some are more or less wholly-owned, in others it has major or minority shareholdings.)

(3) The same Law also requires the inclusion in budget proposals of more information and more documentary support; and the introduction of a schedule for parliamentary consideration of submissions that allows more time for debate and negotiation. It also extends the scope of audit work to encompass value-for-money inquiries as well as the traditional investigation of the legality and propriety of spending.

(4) Among several constitutional amendments introduced in May 2004 was the striking-out of a 'secrecy clause' that had hitherto shielded TAF assets from the Court of Audit's scrutiny.

The bottom-line here is that from 2005, the legislature's defence commission, and sub-committees of its budget commission, will be in a position to probe the military's bids for resources and use of resources to an extent hitherto unheard of. The question is: will they be willing and able to do that?

Willingness is a matter for elected representatives themselves. There is a limit to what can be achieved by even bold steps to facilitate improved legislative oversight if lawmakers are not at all 'enthusiastic' about fulfilling their responsibility to hold government to account, in the security area as elsewhere. In this connection, however, two observations are in order.

In the first place there is fragmentary evidence that the Turkish legislature is already becoming less inhibited than it used to be about questioning the military's bids for funds. For example, in an interview with the daily *Hürriyet* in July 2004 Defence Minister Gönül said that it was as 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 defence 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'.)

In the second place, elected representatives may become more 'enthusiastic' about scrutiny as time goes by, especially if their ability to conduct effective oversight is progressively enhanced. This is a matter of developing (a) their institutional capacity to put military proposals to the question and (b) their individual capacity to pose the searching questions. At the heart of the reform programme that we envisage – and in this area it might come sooner rather than later – there would be capacity-building measures of both sorts.

On the **institutional** track some or all of the following might be included in the prospectus.

- Instructions to ensure that the Court of Audit actually exercises its powers to probe the affairs of all public sector bodies without exception or exemption *and* that it fulfils its obligation to report fully on its investigations. (See (1) above.) Those parts of the military's finances that have hitherto been 'No Go Areas' should not remain so by default. Irregularities exposed should not go uncorrected, nor should wrongdoers go unpunished.
- Measures to guarantee full implementation of the provisions of the 2003 Law on Public Finance (see (2) and (3) above). Until such time as they are wound up, the affairs of the MND's DISF and the TAFF should be made wholly transparent. It is important to ensure that more budgetary information is indeed provided to the legislature, and that they get more time to digest it. Competence in 'value for money' auditing should be acquired, enabling a start to be made on some well-targeted inquiries.
- Procedural reforms in the legislature itself to ensure that the most effective use is made of more access, more information, and more time. It may be that a new specialist committee structure is desirable. There should certainly be a thorough review of existing commissions' remits, composition (with particular reference to opposition parties' representation), and staffing (with particular reference to the availability of full- or part-time expert staff plus access to 'outside' expertise).

So far as the **individual** track is concerned, there should be the following (in our opinion).

- Provision for parliamentary staff training within Turkey itself or through Turkish participation in regional arrangements.
- Provision for elected representatives themselves to receive education and training in the exercise of legislative oversight and for members of

specialist committees to meet and exchange views with their counterparts in other assemblies.

Follow-up steps such as these would, we feel, go a long way towards alleviating EU concerns about 'implementation' of the flurry of constitutional amendments, new legislation and modifications to existing legislation that there has been in Turkey lately. No less important, they would be good for the governance of the Republic anyway.

One benefit that would accrue is greater transparency of the processes of defence programming, budgeting and spending. Along with that would come more information about these activities and their outcomes. In our view, as much of this material as possible should reach the public domain, and hence be accessible to the analytical community, interest groups and other civil-society institutions in Turkey and, through the print and broadcast media, available also to society-at-large in the country. The dissemination of information through regular official publications would be the most effective way of thus facilitating wider democratic oversight of the armed forces' finances. Some official undertakings on this would, therefore, have a place in any civil-military reform prospectus.

### **4.3 Policy Oversight**

What, though, of the promotion of transparency and accountability in defence policy-making and planning? Here Turkey has done a lot less, and there is therefore much more to do. The explanation is straightforward: especially among elected representatives, the disposition "to let the government and the General Staff...exercise the initiative" in matters affecting national security remains well entrenched and inhibits searching legislative scrutiny of threat assessments, strategy choices, mission priorities and so on.

This state of affairs may not prevail for long, however, because of a number of developments which may turn out to be forces for change every bit as significant in the policy arena as recent legislation has been for scrutiny of military finance.

(1) It is no longer the case that the NSC effectively 'sets [the boundaries of] the parliamentary agenda' so far as security policy is concerned. This is a direct result of the steps taken recently to reduce its role 'to what it should never have ceased to be, namely a purely consultative body'.<sup>30</sup>

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<sup>30</sup> The second of the quoted phrases here is from a February 2004 report on Turkey by the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) of that body's Parliamentary Assembly. This document has a lot to say about the subject matter of the present section. It was

(2) One consequence has been some policy-relevant discussion during the legislature's consideration of the defence budget. Expenditure is policy, so elected representatives have begun to take the opportunity offered by debate on *how much* for defence to express their views on the *whys* and *wherefores* of planned provision.

(3) Transparency and accountability issues have also been aired in the media. In mid-2003 an academic drew attention to the absence of legislative oversight of policy concerning Northern Iraq. Over the turn of the year 2004/5 there were interesting exchanges prompted by the revelation in *Hürriyet* that the TAF/GS were planning to update their basic security assessment, viz. the 'National Security Political Document' or NSPD, for short (in Turkish *Milli Güvenlik Siyaset Belgesi*). Here the newspaper noted that no parliamentary input was envisaged. This drew the immediate response that it was none of the legislature's business. That in turn prompted a questioning of the military's dominant role in drafting such an important text accompanied by the observation that this was incompatible with European norms on the 'democratic control' of armed forces.<sup>31</sup>

(4) Most significant of all, probably, is the fact that some members of the ruling AKP – Prime Minister Erdoğan and Defence Minister Gönül among them – have become increasingly dissatisfied with the limited involvement of politicians, including parliamentarians, in evaluating threats and formulating strategies and concepts of operations. Thus, on the NSPD, early in 2005 the Prime Minister sent the NSC General Secretariat a reminder that 'the Council of Ministers is responsible to the TGNA [Turkish Grand National Assembly] for providing national security'.<sup>32</sup>

These developments represent further advances towards assertion of the primacy of politics in the conduct of Turkey's national security affairs. In the opinion of the Task Force, they merit support in the form of institutional and individual capacity-building in the policy field similar to that which we have

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brought to the Task Force's attention by an official of the European Commission's Directorate-General for Enlargement who briefed the group at an Istanbul Roundtable in November 2004.

<sup>31</sup> See *Radikal Gazetesi*, 6 August 2003 (Baskin Oral) following an article in *Milliyet*, 22 July 2003 (Fikret Bila); and, on the revision of the NSPD, *Hürriyet*, 24 November 2004 (Sedat Ergin), the responses in *Milliyet*, 25 November 2004 (Bila again) and on the BIANET website, also 25 November 2004 (Ilyas Sezai Onder), and the riposte in *Milliyet*, 12 December 2004 (Hasan Cemalu). (All references from Nilüfer Narlı's 2005 paper cited earlier.)

<sup>32</sup> Reported by *Milliyet*, 11 January 2005 (another reference from Narlı, loc. cit.).

commended to improve financial oversight. (See the previous part of this section)

We do not underestimate the magnitude of the challenge here. Nor are we unaware that it should be tackled sensitively to avoid unnecessary damage to the self-esteem of the TAF and unwelcome depletion of the fund of goodwill that they enjoy in the country. However, we are encouraged by two things. The first is the near-certainty that if the national quest for EU membership were to founder because of failure to redefine the civil-military relationship along these lines, the 'damage' and the 'depletion' could well be catastrophic. The second is the knowledge that leading figures in Turkey – including prominent military personalities – understand this very well.

## 5. Developing a Prospectus

On 3 October 2005 negotiations on Turkey's accession to the EU will be opened. Their basis will be the massive 31-chapter *acquis communautaire* which embodies the obligations of EU membership as expressed in Treaties, secondary legislation and the (common) policies of the Union. The task is huge. The process will take years.

No less important for success in the membership quest, while all this is going on Turkey will be subject to other tests of its fitness to join, applied through the medium of an annual political health-check. In announcing the start-date for talks on the *acquis*, the European Council said pointedly that 'Turkey sufficiently fulfils the Copenhagen political criteria to open accession negotiations' – but no more than that. It added that the candidate's 'political reform process and its full, effective and comprehensive implementation' should therefore be 'closely monitored'. That duty was given to the European Commission which is to prepare further Regular Reports on Turkey.

In performing such scrutiny, the EU's leaders said, their officials should address 'all points of concern identified in the Commission's 2004 report and recommendation'. These include certain features of the relationship between civil and military power in the Republic, namely 'provisions on the basis of which the military continues to enjoy a degree of autonomy' and 'legal and administrative structures which are not accountable to civilian structures' plus the continuing exercise of military influence through 'informal mechanisms' (Regular Report 2004, p.23).

Turkey should clearly recognise the dual challenge here. There is more to preparation for accession than successful negotiations on the *acquis*. The monitoring exercise is an important parallel process.

For that reason, in the civil-military relations area that is the focus of attention in the present study, it is very much in Turkey's interest to acknowledge the European Council's notes of reservation, prioritise the implementation of reforms already enacted and begin thinking seriously about how to deal with the 'points of concern' that have been highlighted. It is not in the country's interest to treat these matters lightly. Moreover, Turkey would be most unwise to regard them as entirely negotiable. The EU may show a little flexibility in matters of timing when dealing with the political aspects of the country's candidacy – on the grounds that following recent legislation there is a danger of reform fatigue. It might moderate some of its demands out of special consideration for all that Turkey, as a member, could contribute to development of the Union's security and defence policy and enhancement of its military capacity. It will not abandon its positions on what it regards as fundamental aspects of pluralistic democracy.<sup>33</sup>

What Turkey does have the right to ask for, however, is greater clarity in the EU's communication of its expectations as the monitoring exercise takes its course and greater understanding of 'the specificity of the Turkish context' when the Commission is conducting its political health-checks. In our area of interest the pre-December 2004 ritual of reports and responses should be replaced by an enhanced Turkey-EU dialogue, primarily on the 'points of concern' in civil-military relations but also on other security matters. Work on the formal *acquis* will be characterised by intensive discussions in which the EU participants will make absolutely clear what is required of the candidate who will in turn have the opportunity to draw attention to potentially troublesome compliance problems and argue the case for taking account of national sensitivities and constraints. The same should apply in the parallel process.

In the opinion of the Task Force, the sooner such dialogue gets underway the better. In the meantime, Turkey should acknowledge the 'points of concern' and begin thinking about how they might best be addressed. Thereafter, firm decisions will have to be taken on the scope, content and timing of a policy prospectus for continuing convergence on European norms and practice in civil-military relations.

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<sup>33</sup> Obviously Turkish membership would be much valued for the numerous reasons set out in A. Kuloğlu and M. Şahin, *Burden or Asset – The Likely Impact of Turkish EU Membership on European Defence and Security*, Working Paper no. 5 (revised), February 2005 (available from the Secretariat). The point here is that, while those responsible for monitoring the country's fulfilment of the political prerequisites for membership should certainly be aware of what Turkey has to offer, they have no licence to use that knowledge to 'bend the rules' in Ankara's favour. (See, however, remarks in the following paragraph about the need for enhanced Turkey-EU dialogue on this and other matters.)

## 5.1 Rationale

The case for taking such a positive approach is obvious. The EU says that civil-military relations in Turkey 'are evolving *towards* European standards' and, in a slightly different formulation, that 'the process of aligning civil-military relations with EU practice is *underway*'. Much the best course for Turkey, therefore, is to express its willingness – after due deliberation – to persevere with the transformation of the relationship between civil and military power which evoked those observations.

In the present Report we have asked what 'continuing convergence' might require of Turkey, focusing on two questions: what more the EU might expect beyond the changes the country has already made of late; and what Ankara might do in response, including – with the monitoring process in mind – whatever early 'next steps' might be feasible.

The first question is a tough one, because expectations and requirements concerning Turkish civil-military relations have never been set out in full. The messages conveyed in pre-December 2004 communications were neither crystal clear nor consistent in emphasis and, as Turkey took legislative and other action to address the specific concerns initially expressed, Brussels shifted its ground. Later EU bulletins on the Turkish candidacy stressed the need to implement reforms while at the same time implicitly questioning the likely efficacy of statutory measures by reference to the informal channels through which the military might influence politics.

As noted above, the European Council still attaches the utmost importance to 'implementation' and still dislikes 'informal mechanisms'. On 17 December 2004, however, it highlighted specific respects in which the Brussels institutions, the European Parliament and opinion in EU member-states evidently continue to perceive the civil-military relationship in Turkey as out of line with European practice. One of these is how defence decision-making is organised, an area where the Turkish military is still seen as having too much autonomy and too little day-to-day political direction, and where the arrangement by which the Chief of General Staff is accountable directly to the Prime Minister is construed (or misconstrued) – certainly by the European Parliament – not as guaranteeing civilian control of the armed forces but as providing the military with privileged access to the Head of Government. The other is the accountability issue, where legislative scrutiny of military affairs is considered inadequate, at least in comparison with best practice in Europe, and where there is not a great deal of wider societal oversight, partly due to a lack of all-round transparency.

The second of our focal questions – what more can Turkey do in order to earn favourable 'report cards' in the post-December 2004 monitoring process – is less problematical. To be sure, if Ankara wants to make an immediate impact, time is short; and, if advocates of 'caution and consolidation' have their



way, some of it will be used to provide an interlude in the civil-military reform process.

What the authorities would be well advised to do, however, is (1) ensure that those who will judge Turkey's progress towards accession are in no doubt about how far recent 'harmonisation' measures have brought the country along a path of convergence to a European-like civil-military relationship; (2) express their intention to continue along that path in the months and years ahead, along lines and at a pace influenced by, among other things, constructive dialogue with the EU and well-informed public debate within the country (and, of course, events); and (3) begin preliminary preparation for development of a sound policy prospectus for continuing convergence, with emphasis on the specific concerns to which attention has been drawn.

## 5.2 Content

(1) Across Europe, the **image** of today's civil-military relationship in Turkey remains much influenced by the military's interventions in politics during the second half of the twentieth century and by the status and authority that the NSC had acquired by the end of the millennium. Yet much has changed of late, and especially in the last couple of years. Perceptions, though, have not fully caught up with reality. *Thus there would be value in a concerted international public information effort – specifically focused on civil-military relations – to dispel the enduring **myths** and publicise just how much convergence on European norms and practice there has been of late. The purpose would be to make sure that in the post-December 2004 monitoring Turkey will be assessed on its **merits**.*

(2) As for further alignment, it is in Turkey's interest that convergence should continue and that those aspects of the Turkish civil-military relationship about which the EU has remaining reservations should in due course be addressed. There should, however, be an enhanced Turkey-EU dialogue in which the Union's concerns can be clarified and any difficulties Turkey might have in meeting them can be elucidated. It would be to Turkey's advantage to express its willingness to carry transformation further in the directions specified, following the aforementioned dialogue (and domestic debate). *Accordingly Ankara might usefully make an early declaration of intent to begin preliminary work on developing a coherent prospectus for 'continuing convergence' that would incorporate a review of the higher organisation of defence plus measures to promote more effective legislative oversight of military affairs (and facilitate wider societal oversight in parallel).*

(3) Even if the immediate policy preference is for 'caution and consolidation' rather than further reform initiatives, Turkey will find it worthwhile to reflect on the possible scope, content and timing of such a programme anyway, the country's EU membership timetable notwithstanding. A review of the higher organisation of defence in Turkey would be timely: to assess the merits and demerits of present arrangements and to explore whether, and if so how, the dearth of civilian inputs to decision-making might be remedied. There is domestic pressure for greater transparency in the affairs of the armed forces and for improved accountability in relation to both security policy and the military's finances. What is important now, though, is the fact that the EU's monitoring exercise is underway. *It might therefore repay Turkey to think about starting preparation of its blueprint for (further) civil-military reform without too much delay, given that completing it and implementing it would almost certainly be a protracted process.*

(3A) Under the **defence organisation** heading of this programme it would make sense, first, to appraise the existing set-up with a view to working out the benefits and costs of structural reform aimed at ending the artificial separation of the military-led GS and the civilian-headed MND by (i) bringing key GS functions under the aegis of an expanded MND and (ii) building-up a body of civil servants sufficiently knowledgeable about defence to be able to work constructively alongside their military counterparts. (We recognise that the second element in this prescription is much more challenging than the first.) The goal would be to see how, if desired, the MND might be transformed from the support apparatus for the TAF that it is now to something more like defence ministries elsewhere. Following this review – and, obviously, provided that the outcome of the cost-benefit calculation were favourable – the transformation could be set in train to yield, on completion, a strong integrated MND. Options for change in the (civilian) executive direction of the armed forces could be examined in this context, including the perennially contentious question – should the CGS answer directly to the Prime Minister or, as everywhere else in the EU (and NATO), to the Minister of Defence? To summarise, *the first core element in a (further) reform programme might be an in-depth review of the higher organisation of defence in order to adapt current structures or justify their retention.*

(3B) Regarding **oversight (accountability and transparency)**, steps have been taken lately that should make it possible for the legislature to probe the armed forces' finances to a greater extent than (ever?) before. There ought now to be institutional follow-ups to ensure that what has been invoiced is actually delivered; and there ought to be procedural reforms in the legislature itself to ensure that parliamentarians are able to make use of the fact that they are to be given more access, more information and more time to exercise oversight.

Among other things, it would also make sense to look at the remits, composition, working methods and staffing of specialist committees. Such reforms, though, are a necessary but not a sufficient condition for improved financial accountability. In addition, attention ought to be paid to how individual legislators (and staffers) can acquire the knowledge and skills to perform professional in-depth scrutiny of military spending. As for policy accountability, there is a 'democratic deficit' here that is overdue for attention and clearly calls for similar action. There ought to be provision for much greater political input to threat assessments, strategy choices, mission priorities and so on, plus a larger role for parliament in the preparation of key policy documents. To summarise, *the second core element in the (further) reform programme would be a variety of measures aimed at institutional and individual capacity-building to ensure that Turkey's elected representatives can be genuinely effective in holding the country's armed forces to account.*

The Task Force set about its initial work with a mission to do sound **analysis** (Sections 2-4) and produce **actionable advice** (this section). We believe that the foregoing outline of a possible prospectus for further civil-military reform in Turkey aimed at continuing convergence on European norms and practice meets the latter test. We look forward now to thorough discussion of the material and welcome feedback.

### 5.3 Conclusion

In December 2004 the European Council kept its promise to open accession negotiations with Turkey, because the candidate was judged to have fulfilled the political criteria for membership sufficiently to allow this. Turkey secured this favourable decision partly because of the impressive efforts made to transform the relationship between civil and military power in the country, under the rubric of harmonisation. Since the beginning of 2003 there has been significant convergence towards a civil-military relationship like that found in existing EU member-states. Be that as it may, when setting a date for entry talks based on the formal *acquis*, the Union's leaders made it clear that in this area they sought more harmonisation, greater convergence, further evolution *and* would be scrutinising Turkey's performance in these respects.

We have tried to understand what is at issue here; to analyse the nature of the call for continuing convergence and the EU's remaining concerns in the civil-military field; and to draw conclusions on what Turkey's next steps could be, bearing in mind that what the country does – or does not do – is being closely monitored. We have gone on to make recommendations. The result is this section's outline prospectus.

We think that Turkey can take useful early actions: first, to ensure that what has already been done to transform civil-military relations is widely and properly understood; and, secondly, to register its willingness to explore what more might be done, bearing in mind the specificities of the Turkish context. Looking beyond these, we think that it is in the country's interest to begin laying the groundwork for further change, notably by reviewing its defence organisation and by bringing greater accountability and transparency to the conduct of security affairs.

For its part we think the EU needs to be clear and more specific about what further change it expects, distinguishing institutional anomalies from obstacles (to accession) and desirable changes from essential reforms. Hence our suggestion that, in the civil-military area, there should be a more intensive and candid Turkey-EU dialogue, an innovation that would also provide Ankara with a useful working forum in which to explain potentially troublesome compliance problems based on national sensitivities and constraints.

## Chapter Two

### EU CONDITIONALITY CONCERNING TURKISH CIVIL-MILITARY RELATIONS

Margriet Drent

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#### **Note by the editors**

*Margriet Drent finished this paper in the summer of 2004. Since then, the Turkish government has implemented some of the measures mentioned here and announced some others. In its Regular Reports of 2004 and 2005, the European Commission acknowledged this progress, but continued to call for further implementation and reform. Although the paper has hardly been revised since it was completed, we believe the main points made by the author remain relevant.*



Romani Prodi stated in his speech to the Turkish Grand National Assembly on 14 January 2004 that the EU and Turkey now very largely share a common assessment of the situation [in relation to the Copenhagen political criteria].<sup>34</sup> However, the EU Commission's Chairman mentioned 'the full alignment of civil-military relations on EU standards' as one of the areas where more progress is needed. In December 2004 the European Council will, on the basis of the recommendations of the Commission, decide whether accession negotiations with Turkey will be opened. Turkey will by then have to have fulfilled the 'Copenhagen criteria'. Since 1999 when Turkey was officially acknowledged as a candidate at the Helsinki European Council the EU's criticism of Turkey's compliance with the political Copenhagen criteria have been dominated by deficiencies in human rights protection and the lack of civilian control of the military. Upon scrutiny of what it is the EU requires from Turkey it turns out that the Copenhagen political criteria are very general and ambiguous and that the condition 'to align Turkey's civil-military relations to EU standards' (or 'practice', a phrase used as well) is not immediately clear.

The aim of this paper is to provide a clarification of the expectations and requirements of the European Union concerning democratic civil-military relations in relation to Turkey. For this, firstly, a number of official documents are relevant. The Turkish *National Programme for the Adoption of the Acquis*, the Commission's yearly *Regular Reports*, the *Accession Partnership Document* between the EU and Turkey and the *Strategy Paper of the Commission on Bulgaria, Romania and Turkey*. Moreover, I will assess the statement of the political Copenhagen criteria from 1993, successive Council declarations and any other policy pronouncements by the EU and its parliament, that relate specifically to the Turkish candidacy. The second part of this paper is devoted to an attempt to sort out what 'European practice' the EU might be referring to.

I will argue that the Copenhagen political criteria are general and imprecise in nature and leave much room for the Commission's interpretation of compliance in their Regular Reports. However, although imprecise, it can be inferred from the Commission's reports, statements, the Accession Partnership and European Parliament's reports what Turkish civil-military relations can *not* be. Similarly, there is also no clear-cut European model of civil-military relations available, although it is possible to identify basic standards and common practice. On this basis, I conclude that – considering the fundamental nature of the necessary turnabout in Turkish political culture – an 'alignment' of Turkish civil-military relations to European practice is not feasible before October 2004. However, the European Council's Decision in December 2004 was informed not only by precise fulfilment of the political conditions of Turkey, but it was a decision that is political in nature, based on whether heads of state and

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<sup>34</sup> Speech of Romani Prodi, The President of the European Commission, at the Turkish Grand National Assembly, Ankara, 14 January 2004, in: *Turkey in Europe Monitor*, CEPS, Issue 1, January 2004

government thought that Turkey had shown sufficient goodwill in making formal adjustments and on the Council's reasonable expectation that Turkey will have the intention to continue on the road of changing its political culture to eventually have a military that is unambiguously subordinated to civilian, democratically elected powers (without a domestic security mission).

## 1. The Official Conditions

In 1999 in Helsinki the European Council stated that 'Turkey is a candidate state destined to join the Union on the basis of the same criteria as applied to the other candidate states'. Since the Copenhagen European Council of June 1993, all states that aspire to EU membership must have achieved 'stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.'<sup>35</sup> These Copenhagen political criteria are the same for all. To underline the European Union as a community of values, actual accession negotiations with a candidate country can only begin after the Council declares that the political conditions have been met. The Copenhagen political criteria do not constitute objectively verifiable standards, but reflect some basic principles of democracy and provide a basis for the EU to negotiate a specific bilateral partnership accession agreement. The processes of translating the basic principles into specific measures in these Accession Partnerships and the feedback to candidate members in Regular Reports by the Commission have also not led to an accepted definition of some kind of a common benchmark. What guidance has been, if any, provided by the EU to Turkey?

The Turkey-EU Accession Partnership defines the objectives and priorities for the fulfilment of the accession criteria which must be implemented in the short and medium term within the framework of the pre-accession process. The EU adopted the first Accession Partnership for Turkey on 8 March 2001 and concluded a revised version on 19 May 2003. On the basis of the first Accession Partnership, the Turkish Government adopted a comprehensive national programme—a catalogue of individual steps needed to adopt the *acquis communautaire* (National Programme for the Adoption of the *Acquis*, NPAA)—on 19 March 2001.

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<sup>35</sup> Also part of the Copenhagen criteria are: (i) the existence of a functioning market economy as well as the capacity to cope with competitive pressures and market forces within the European Union (economic criterion) and (ii) the ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union (criterion concerning adoption of the Community *acquis*).



What was the feedback given by EU bodies to Turkey's efforts to comply with the political criteria in the area of the role of the military in Turkish state and society? The EU started in 1998 with the compilation of regular reports for Turkey like those on the then ten candidate countries, although Turkey only officially became a candidate country in 1999. This was a political gesture to the Turks born out of a compromise to postpone granting Turkey a candidate status. The 1998 Regular Report on Turkey concluded: 'The lack of civilian control of the army gives cause for concern. This is reflected by the major role played by the army in political life through the National Security Council.'<sup>36</sup> The language of the 1999 Regular Report suggests that no improvement has been made in this respect: 'through the National Security Council, the Military continues to have an important influence in many areas of political life'.

The 2000 Regular Report was the first one after Turkey gained the official candidate status. It was more elaborate on the civilian control issue and through the repetitive use of the word 'still' betrays some impatience:

*'Civilian control over the military still needs to be improved [...]. Contrary to EU, NATO and OSCE standards, instead of being answerable to the Defence Minister, the Chief of General Staff is still accountable to the Prime Minister. It is also noted that the Council of Higher Education, which controls the activities of the institutions of higher education, as well as the Higher Education Supervisory Board, include one member selected by the Chief of General Staff.'*

There followed in the Accession Partnership of 2001 the first mentioning of 'alignment' as a medium term priority: 'Align the constitutional role of the National Security Council as an advisory body to the Government in accordance with the practice of EU Member States.'<sup>37</sup>

The Turkish government responds to the Accession Partnership with the counterpart document, the National Programme for the Adoption of the Acquis (NPAA), in a cautious, legalistic and minimalist way. It said 'The National Security Council, which is a constitutional body, has the status of a consultative body in areas of national security. Relevant articles of the Constitution and other legislation will be reviewed in the medium term to define more clearly the structure and functions of this Council.'<sup>38</sup> Turkey announced a review without indicating with what goal this would be undertaken. It did not mention an effort

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<sup>36</sup> European Commission, 1998 *Regular Report on Turkey's Progress Towards Accession*

<sup>37</sup> 'Council Decision of 8 March 2001 on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with the Republic of Turkey', *Official Journal of the European Communities*, 2001/235/EC

<sup>38</sup> *Turkish National Programme for the adoption of the Acquis*, March 2001, p. 27

to align the National Security Council's role to practice of EU Member States, as is stipulated in the Accession Partnership. The NPAA on the whole and also these three lines devoted to the National Security Council were generally judged as bearing all the hallmarks of a laborious compromise between EU membership proponents and sceptical groups from the nationalistic part of the government, the bureaucracy and military.<sup>39</sup>

In May 2003 the Council adopted a revised Accession Partnership Document and dedicated a sentence to civilian control. It said Turkey should 'adapt the functioning of the National Security Council in order to align civilian control of the military with practice in the EU Member States'.<sup>40</sup> The Council regarded this as a short-term priority which could be realised within the year.

If one spots the differences between the language dealing with the National Security Council in the respective Partnerships Agreements of 2001 and 2003 it is clear that Turkey has a moving target problem. It seems as if initially the EU underestimated the particularities of the role of the military in Turkish state and society and was correcting itself incrementally. The latest agreement abandons the more formalistic and legalistic approach and mentions in the 2003 version a more general demand for alignment to EU practice of civilian control.

The 2001 Regular Report noted headway in the legislative sphere, but hinted for the first time that this might not be enough since it remains to be seen whether this will lead to civilian control in practice.

*'As part of the constitutional reform package, the provision of Article 118 concerning the role and the composition of the National Security Council has been amended. The number of civilian members of the NSC has been increased from five to nine while the number of the military representatives remains at five. In addition, the new text puts emphasis on the advisory nature of this body, stressing that its role is limited to recommendations. The Government is now required to "evaluate" them instead of giving them "priority consideration". The extent to which the constitutional amendment will enhance de facto civilian control over the military will need to be monitored.'*<sup>41</sup>

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<sup>39</sup> See for example the comments of Heinz Kramer, *Das Nationale Programm der Türkei für die Übernahme des Gemeinschaftlichen Besitzstandes. Ein Kommentar zum politischen Teil*, March 2001, SWP Berlin ([www.swp-berlin.org/common/get\\_document.php](http://www.swp-berlin.org/common/get_document.php))

<sup>40</sup> Council Decision of 19 May 2003 on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with Turkey, *Official Journal of the European Communities*, 2003/398/EC

<sup>41</sup> 2001 *Regular Report on Turkey's Progress towards Accession*, European Commission, p. 19

This line of reasoning is continued in the 2002 Report with a negative conclusion added as to whether the package has led to an improvement: 'The constitutional amendment introducing changes to the composition and role of the National Security Council has been put into practice. Nonetheless, these changes do not appear to have modified the way in which the National Security Council operates in practice.' Consequently, the European Council in Copenhagen December 2002 'urges in particular the government to address swiftly all remaining shortcomings in the field of the political criteria, not only with regard to legislation, but also in particular with regard to implementation.'

The 2003 Regular Report devoted more than a page to civilian control of the military under the heading of 'National Security Council'. This stands to reason, because Regular Reports take progress since the last report into consideration and with the seventh Reform Package adopted in July 2003 there was much to report on. The Report listed the amendments made to the legal framework in which the NSC operates. Under the rubric of enhancing transparency of defence expenditures the new provisions in the Reform Package are noted, but there is a critical remark about the audit still being subject to the 'restrictions under Article 160 of the Constitution under which the confidentiality of the national defence is foreseen.' This is a criticism that also returns in the 2003 Commission's Strategy Paper on (among others) Turkey: 'Full parliamentary control over military expenditures must be ensured both in terms of approving the budget and in terms of auditing'.<sup>42</sup> Moreover, the 2003 Regular Report laments the existence of two extra-budgetary funds available to the military.

The central sentence in the 2003 report is the one where it suggests that 'Apart from the NSC, the armed forces in Turkey exercise influence through a series of informal mechanisms'.<sup>43</sup> This is a 'catch-all' phrase designed to convey that it will not suffice to demonstrate a narrow legalistic approach when looking for alignment to European practice, but it will require a change of

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<sup>42</sup> *Continuing Enlargement. Strategy Paper and Report of the European Commission on the Progress towards Accession by Bulgaria, Romania and Turkey*, 2003, p. 30

<sup>43</sup> The 2003 report elaborates the following on informal mechanisms: 'On various occasions military members of the NSC expressed their opinions about political, social and foreign policy matters in public speeches, statements to the media and declarations' on page 19. With the reference to 'informal mechanisms' the Commission departs its narrower legalistic and institutional approach, but necessarily only addresses here the visible part of 'informal mechanisms'. See for instance Ümit Cizre, 'Democratic Control of Armed Forces on the Edge of Europe: The Case of Turkey', in: Hans Born et al. (eds.), *Renaissance of Democratic Control of Armed Forces in Contemporary Societies*, Nomos, Baden Baden, 2004, p.116-117, where she criticizes the EU's institutional approach which betrays 'an insufficient understanding of the cultural, political and ideological weight of the military in Turkish life'. To further follow Cizre: 'mere institutional reform of civil-military relations will often fail to identify and respond to an underlying web of unspoken and maybe invisible systems of sustenance that legitimize the military's ability to influence.' Ibid. p. 115.

attitude in the political arena. And although the Strategy Paper finds that the duties, powers and functioning of the NSC have been substantially amended and progress made in 'bringing the framework of civil-military relations closer to practice in EU member states' the Commission's Report cautions that these reforms should be effectively implemented in order to align civilian control of the military with practice in EU Member States.

Finally, the Regular Report of 2004 devoted no less than two pages to the NSC, and said that Turkey has made 'a number of changes to strengthen civilian control of the military', but that the 'military continues to enjoy a degree of autonomy [as it is] not accountable to the civilian structure.' On budgetary control, new provisions have been made, still appropriate legislations must be enabled to allow these reforms to be applied in practice. Further more, the 2004 Report continued its criticism on the role of the NSC and rephrased the catch-all phrase of the 2003 Report that 'the armed forces continue to exercise influence through a series of informal mechanisms.' It concludes saying that the last-year's reforms 'have shifted the balance of civil-military relations towards the civilians,[...] but that apart from formal reform to the legal and institutional framework, it is important that civilian authorities fully exercise their supervisory functions *in practice*.'

It is fair to conclude that the European Union has progressively tried to clarify its expectations regarding the role of the military in Turkey. The Commission has become progressively more explicit in stipulating the reforms necessary. In 1998 it lamented the major role played by the army in political life through the National Security Council (NSC). This role, according to the Commission's Regular Report 1998, 'reflects the lack of civilian control of the army' and the Report finds this a cause for concern. The Report then sums up a characteristic of Turkish civil-military relations: 'The Chief of the General Staff is not formally responsible to the Minister of Defence; he is nominated by the Supreme Military Council and appointed by the Prime Minister' without clearly declaring this practice not in conformity with EU criteria. However, one can fairly conclude that this is exactly what is meant. Since then, when it comes to civil-military relations, the Commission's Regular Reports have focused predominantly on the composition and frequency of meetings of the NSC and the status of its recommendations. Also, the presence of NSC representatives on media and education boards (or 'civilian bodies' in general); parliamentary scrutiny of the military budget and the functioning of state security courts have been criticised by the Commission through its Regular Reports and its Strategy Papers. And eventually the Commission became quite clear what it wanted to see changed. The EU departs from a more narrow legalistic approach and increasingly includes language in its reports, statements and decisions that mention the necessity of implementation, how the NSC functions in practice and 'de facto' civilian control.

## 2. European Parliament

The reports by the European Parliament's Rapporteur on Turkey, Arie Oostlander, are less diplomatic and contain less veiled statements on what is expected of Turkey. The influence of these reports that were adopted by a large majority in the European Parliament is considerable; they are taken into account by the Commission in analysing Turkey's progress in the Regular Reports. Moreover, they are commented on and debated widely in the media and exert their influence through those means as well. Since they represent a political interpretation of the Commission's Regular Reports their central line of reasoning can be regarded as part of the combined package of expectations and requirements by the EU.

The reports probably lost some of their influence with Turkey because in a first draft of Oostlander's 2003 report he had cited Turkey's Kemalist ideology as constituting a barrier to the country's European Union membership bid. After receiving fierce criticism from Turkey he left out the section referring specifically to Kemalism in the final version of the report. In 2003 he also called for the abolition of the National Security Council in its current form. The 2003 and 2004 Reports see it inevitable that Turkey adopts a new Constitution instead of reviewing and revising the one from 1982 (drawn up by a junta under the leadership of the Chief of the General Staff), because the changes required are so fundamental. Civilian control over the military has a prominent place in these reports. In 2003 European Parliament notes that

*'the army maintains a central position in the Turkish state and society; notes with regret that the army's excessive role slows down Turkey's development towards a democratic and pluralist system, and advocates that Turkey must take the opportunity of its present government with its strong parliamentary support to elaborate a new political and constitutional system, which guarantees the principles of a secular system without military supremacy above civil institutions, so that the traditional power of the bureaucracy and the army (the 'deep State') can resume the forms which are usual in the Member States',<sup>44</sup>*

The explanatory statement appended to the report mentions the position of the army as the most obvious point on which reform is needed. 'The army has much more power than is acceptable for a constitutional state and it has an unparalleled power over business, education and the media. [...] The army

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<sup>44</sup> European Parliament, *Report on Turkey's application for membership of the European Union*, 19 May 2003, A5-0160/2003

should of course be under civilian control. In a European democratic constitutional state, the heart of politics lies with the government and the parliament. That should also be the case in Turkey. This means that the political tasks which have hitherto been the responsibility of the army, including the think-tanks set up for this purpose, should be returned to the sphere of the government.'

Here, with mentioning think-tanks, the European Parliament's reports introduce a new criticism to those voiced in Commission Reports. Similarly the 2004 Report points to the formal and informal influential network comprising *inter alia* think tanks, businesses and funds and sees this as an obstacle to the reform of the state.<sup>45</sup> It also urges 'the full application of EU norms of company law, competition policy and financial accountability to those businesses with military connections'.<sup>46</sup> In other matters, such as boards for higher education and audiovisual media and the parliamentary control of the defence budget, the Parliamentary Reports repeat the criticism voiced by the Commission in its Regular Reports.

### 3. Expectations and Requirements

To sum up, the expectations and requirements that emanate from these combined official documents about which it would be hard to claim any lack of clarity at this point in time (May 2004) are the following:

- The Chief of Staff should be accountable to the Defence Minister;
- There should cease to be military representatives on the High Audio-Visual Board (RTÜK) and the High-Education Board (YÖK) (*Note: The right of the Chief of General Staff to select a member of the High-Education Board and the NSC's right to appoint a representative to the High Audio-Visual board were abolished with the 7 May 2004 Constitutional amendments and the 30 June 2004 9<sup>th</sup> harmonisation package, MD July 2004*);

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<sup>45</sup> After inquiring at the office of the European Parliament's Rapporteur on Turkey it turns out that in addition to information from several interviews the main written source supporting the phrases on think tanks has been a paper by Metin Heper, 'The Military-Civilian Relations in Post-1997 Turkey', prepared for submission at the IPSA Armed Forces and Society Research Committee Conference, 'Globalization of Civil-Military Relations: Democratization, Reform and Security', Bucharest, Romania, June 2002. Heper mentions the Strategic Research and Study Group (SAREM), the West Research Group, 'several research units set up within the military' and the Caucasus Research Group (only mentioned once in an April 2002 newspaper article)

<sup>46</sup> European Parliament, *Report on the 2003 regular report of the Commission on Turkey's progress towards accession*, 19 March 2004, A5-0204/2004

- There should be full parliamentary control of the defence budget, including auditing, which means a lifting of the ‘secrecy clause’ and bringing extra-budgetary funds into the defence budget;
- The functioning of State Security Courts should be brought fully in line with European standards, particularly with regard to the defence rights and the principle of fair trial. (*Note: The State Security Courts system was abolished with the bill accepted in the National Assembly on 18 June 2004, MD July 2004*)

Other requirements voiced by the Commission—about whose implementation the interpretation of alignment to EU practice is important—are:

- Alignment of the *functioning* of the National Security Council to EU practice;
- Abolition of the informal mechanisms through which the armed forces in Turkey exercise influence.

The more extensive requirements, on top of the official ones, that are voiced in the Parliament’s Reports can be summed up as follows:

- The adoption of a new constitution in which civilian control over the military is enshrined as it is in most EU states;
- abolition of political tasks of the military, including think-tanks;
- application of EU norms of company law, competition policy and financial accountability to businesses with military connections.

The interpretation of the ‘alignment to European standards and practice’ phrase turns out to be of central importance as over the years Turkey has for a large part implemented the statutory reforms required by the EU. Still, after the seventh reform package that, as far as I can tell, satisfies the EU’s concretely voiced requirements concerning the NSC, the Commission repeats this ‘alignment’ requirement in relation to the NSC in its 2003 Report.

#### **4. EU Standards and Practice**

‘Alignment to European practice’ of civilian control of the military is a vague requirement, because there is no such thing as one single European practice, but many differing practices. Just as there are no democracies with identical formal and informal rules and regulations, democratic civilian control of the

military is shaped by contextuality and history. Moreover, the EU political conditions need to be very general. It would be impossible to offer a single model of a European democracy. (Nor is that desirable, because the imprecision leaves room for interpretation from the side of the Commission and Council.)

It would of course be possible to dissect 25 practices of EU member states into a few categories and present an overview of what the practice of 25 countries is regarding, for example, parliamentary control of defence;<sup>47</sup> or, another example, the degree of civilianisation of Ministries of Defence. But this would say little about the democratic civilian control mechanism as a whole of these countries. Some features of country A could be inappropriate in countries B and C, but it is the totality of checks and balances and the maturity of the democratic political culture within which civilian control is exercised that matters.<sup>48</sup> However, it is possible to formulate a minimum set of norms and standards on what constitutes 'democratic civilian control' that is generally recognised and shared in principle by democracies in North America and Europe.<sup>49</sup> It is the European Commission itself that mentions which standards it is referring to in its Regular Report of 2000:

*'Civilian control over the military still needs to be improved [...]. Contrary to EU, NATO and OSCE standards, instead of being answerable to the Defence Minister, the Chief of General Staff is still accountable to the Prime Minister.'*

The Commission here refers to EU, NATO and OSCE standards implying that it regards the combined norms of these organisations on civilian control of the military as authoritative.

The OSCE's *Code of Conduct on Politico-Military Aspects of Security* is the clearest defined and most widely accepted agreement within the OSCE area that includes standards and norms on democratic civilian oversight and control of the armed forces. The Code of Conduct was adopted in 1994 and is

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<sup>47</sup> This was attempted by DCAF and the NATO Parliamentary Assembly, see: Annex I The Powers, Procedures and Practices of parliamentary Oversight of Defence in the NATO Member States in: Wim van Eekelen, *Democratic Control of the Armed Forces: The National and International Parliamentary Dimension*, Occasional Paper No. 2, DCAF, Geneva, October 2002

<sup>48</sup> It also should be noted here that if Turkey is searching among EU practices to find the lowest common denominator it has to understand that the Council's decision will be a balancing of pros and cons and that a 'minimalist' approach to civil-military relations (cherry-picking of practices in the EU) can make the scales tip over in the wrong direction.

<sup>49</sup> An attempt to examine these existing and emerging international norms and criteria is undertaken in the following paper: Owen Greene, *International Standards and Obligations: Norms and Criteria for DCAF in EU, OSCE and OECD Areas*, DCAF, Geneva, October 2002



politically binding (as are all OSCE agreements). Article VII of the Code states that 'each participating State will at all times provide for and maintain effective guidance to and control of its military, paramilitary and security forces by constitutionally established authorities vested with democratic legitimacy' (paragraph 21). And relevant here are also paragraphs 22 and 23: 'Each participating State will provide for its legislative approval of defence expenditures' (paragraph 22). [...] and 'Each participating State, while providing for the individual service members' exercise of his or her civil rights will ensure that its armed forces as such are politically neutral (paragraph 23).'<sup>50</sup>

Likewise, a set of standards and norms on democratic control of the armed forces can be inferred from NATO's Partnership for Peace and Membership Action Plan documentation. Also, 'a commitment to practice democratic-style civil-military relations' is among the eligibility criteria for NATO membership. In one of its publications the Centre for European Security Studies has attempted to clarify this requirement. NATO also leaves much room for interpretation on the exact definition of this commitment, but CESS has made use of a NATO official's elucidation. Democratic-style civil-military relations encompasses:

- *'a clear division of authority between the Head of State and the Head of Government and the latter's security-sector ministers enshrined in a written constitution or public law and designating who controls the military, promotes officers in peacetime, has emergency powers in crises and the authority to declare war;*
- *peacetime governmental or executive oversight of general staffs and commanders through defence ministries, with the ministry clearly responsible for all key choices about the size, shape, equipment and deployment of the armed forces (and accountable officials having the decisive voice);*
- *legislative oversight of the defence organisation – primarily but not exclusively exercised through 'the power of the purse' – which (a) goes beyond perfunctory (rubber-stamp) approval of what the executive proposes, and (b) engages, through committees, the main opposition parties, and (c) is supported by knowledgeable parliamentary staff and 'outside' expertise;*

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<sup>50</sup> *Code of Conduct on Politico-Military Aspects of Security, Organization for Security and Co-operation in Europe*, 3 December 1994. Adopted at the 91<sup>st</sup> Plenary Meeting of the Special Committee of the CSCE Forum for Security Co-operation in Budapest on 3 December 1994 (see: FSC/Journal No. 94)

and

- *a popular perception of civilian and democratic control of the armed forces, with (a) military staffs clearly answerable to civilian office-holders [...] and (b) those civilian office-holders themselves clearly accountable to the elected representatives of the society-at-large.*<sup>51</sup>

This checklist is not authoritative, but it reflects the matters to which NATO (and EU) member-states clearly attach importance (although within NATO, of course, no-one has made an issue of Turkish non-compliance).

The combined standards of these two organisations present a basic set of standards. The OSCE's Code of Conduct is more comprehensive than NATO's criteria for democratic-style democratic control because it uses the wording of 'effective guidance', implying that civilian control should not only be reflected in legislation, but that it should also be evident in practice. NATO's criteria should be seen in relation to the enlargement process and were directed at circumstances in Central and East European aspirant countries.

Nevertheless, however basic and however imprecise, these standards applied to the Turkish context show the broad lines to which constitutional and legislative changes should conform: Politically neutral armed forces, governmental oversight of general staffs through defence ministries, extensive oversight powers for the parliament and in general clear subordination of the armed forces to democratically elected governments. That this often involves a delicate balance between the maintenance of political control and respect for professional military expertise is a reality with which long-established democracies in the EU are also wrestling.<sup>52</sup>

## 5. Conclusion

In November 2003, Enlargement Commissioner Günther Verheugen said that 'it is of crucial importance that Turkey shows that it has embarked upon an irreversible process, leading to respect of the political criteria'.<sup>53</sup> Here, he acknowledges that compliance with the political criteria is a process and that a

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<sup>51</sup> Centre for European Security Studies, *Organising National Defences for NATO Membership, The Unexamined Dimension of Aspirants' Readiness for Entry*. Groningen, 2001, Harmonie Papers No. 15, p. 8

<sup>52</sup> From: Andrew Cottey et al. (eds.), *Democratic Control of the Military in Postcommunist Europe. Guarding the Guards*, Palgrave Publishers, Houndmills, 2002. pp. 5-7

<sup>53</sup> *Turkey and the EU. From association to accession*, Record of the High-Level Round Table Conference, Ministry of Foreign Affairs, 6 and 7 November 2003, Amsterdam, p. 11

demonstration of irreversibility on the road to them suffices to start membership negotiations. What, however, would indicate that Turkey has passed this 'point of no return'? It is a question that will be approached politically, because there is no objective scientific way of measuring where this point lies. The EU cannot but view democratising civil military relations in Turkey as a process, because changing the constitution and the lines of responsibility is not enough; implementation of reform and the accompanying attitudinal and cultural changes are much more complex and will take a long time.<sup>54</sup>

Looking at the official body of documents in which the Turkish compliance with the conditions in the area of civilian control of the military are analysed, an impartial observer rightly comes to the conclusion that only at the end of 2003 did it become apparent in broad lines what it is the EU wants from Turkey. Earlier, some concrete requirements were made clear to Turkey. Already in 1998, in the first Regular Report, the General Staff being answerable to the Prime Minister instead of to the Defence Minister is criticised. This is repeated in 1999, but was left out of later reports. This is curious, since this subordination is crucial to civilian control and common to basic practice in EU member states. A withdrawal of NSC representatives from civilian boards was at least a concretely stipulated requirement since the 2000 Regular Report. How far parliamentary control of the defence budget should reach to satisfy the EU only became clear after the 2003 report when the secrecy clause was criticised. Before that it can be argued that it indeed does not clearly emanate from EU practice that the Turkish practice was out of line. It seems that clearer guidance at an earlier stage to Turkey on what the EU wants could have clarified matters and could have been a useful lever for the Turkish government to domestically push for faster changes in civilian-military relations.

The military is an independent political actor in Turkey in a way which is not seen elsewhere in the European Union. The military's conception of national security is all-encompassing and therefore it sees a role for itself in all aspects of social, economic and political life. This is not the way countries in the EU do business. Of course, not all is perfect in EU countries either (sometimes far from it) and civilian direction remains dependent on military expertise and advice. But in the EU countries the ultimate predisposition is that it is the politically elected leaders whose voice is decisive. This way of thinking requires a complete overhaul of the mindset of the military leadership and large groups in the bureaucracy and society in Turkey.

It is beyond this paper to assess whether this is possible, or whether Turkey can find a democratic system, acceptable to the EU, with a bit more military 'flavour' to it than in the current EU countries. What is clear is that, while

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<sup>54</sup> On this issue, see: Timothy Edmunds et al. (eds.), 'The Second Generation Problematic: Rethinking Democracy and Civil-Military Relations in Central and Eastern Europe, *Armed Forces and Society*, Winter 2002

there are many models of civil-military relations, subordination to the elected leadership is the *sine qua non* of civil-military EU-style.

**ANNEX: Legal amendments concerning civil-military relations in Turkey in preparation of compliance with the EU Copenhagen political criteria (July 2004)**

<b>Requirement EU</b>	<b>Legal amendment</b>	<b>Date and package</b>
Accountability of the Chief of Staff to the Minister of Defence	-	-
The Role of the National Security Council (NSC)	<i>The advisory nature of the NSC is confirmed in an amendment to Article 118 of the Constitution, which also increases the number of civilians in the NSC.</i>	<i>3 October 2001 Constitutional Amendments</i>
	<i>Abrogation of the provision of the Law on the NSC that 'the NSC will report to the Council of Ministers the views it has reached and its suggestions'.</i>	<i>3 October 2001 Constitutional Amendments</i>
	<i>Removal of the provision to obtain the views of the NSC when determining the languages to be taught in Turkey</i>	<i>7 August 2003, 7<sup>th</sup> harmonisation package</i>
	<i>Removal of articles 9 and 14 of the Law on the NSC and the Secretariat General of the NSC which empowered the Secretariat General to follow up, on behalf of the President and the PM, the implementation of any recommendation made by the NSC; amendment of article 13 limiting the competences of the Secretariat General to the functions of a secretariat of the NSC; amendment of article 5 to increase the time period between regular NSC meetings from one to two months; cancellation of the prerogative of the Chief of General Staff to convene a meeting; amendment of article 15 to revise the appointment procedure of the Secretary General of the NSC; the SG is appointed upon the proposal of the PM and the approval of the President, allowing a civilian to serve in this office; removal of article 19, which provided that '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'; abrogation of the confidentiality of the staff of the Secretariat General of the NSC.</i>	<i>7 August 2003, 7<sup>th</sup> harmonisation package</i>

Functioning of the State Security Courts	<i>Several amendments to the Law on the Establishment of and Proceedings at the State Security Courts.</i>	19 Feb. 2002, 1 <sup>st</sup> harmonisation package; 9 Apr.2002, 2 <sup>nd</sup> harmonisation package; 11 Jan. 2003, 4 <sup>th</sup> harmonisation package; 19 July 2003, 6 <sup>th</sup> harmonisation package; 7 Aug. 2003, 7 <sup>th</sup> harmonisation package
	<i>The State Security Courts system was abolished</i>	<i>Bill accepted in the National Assembly on 18 June 2004</i>
Full parliamentary control of the defence budget	<i>Addition to the Law on the Court of Accounts to audit accounts and transactions upon the request of Parliament in all areas where public means are used. Introduction of a bylaw to establish the principles and procedures to be observed when auditing State property of the armed forces.</i>	7 August 2003, 7 <sup>th</sup> harmonisation package
	<i>Law on Public Finance Ruling and Controlling brings extra-budgetary funds into the overall state budget.</i>	<i>Law enacted on 10 December 2003</i>
	<i>The last paragraph of article 160 of the Constitution on the Court of Audit is deleted. This paragraph read: 'The procedure for auditing, on behalf of the Grand National Assembly, state property in possession of the Armed Forces shall be regulated by law in accordance with the principles of secrecy necessitated by national defence'.</i>	7 May 2004 Constitutional amendments
Withdrawal of military representatives on civilian Boards	<i>The representative of the NSC General Secretariat in the Supervision Board of Cinema, Video and Music has been removed by an amendment to the Law No: 3257</i>	19 July 2003, 6 <sup>th</sup> harmonisation package
	<i>The right of the Chief of General Staff to select a member of the High-Education Board is abolished</i>	7 May 2004 Constitutional amendments
	<i>the National Security Council's right to appoint a representative to the High Audio-Visual board is abolished</i>	30 June 2004 9 <sup>th</sup> harmonisation package

Sources:

- Ministry of Foreign Affairs, Secretariat General for EU Affairs, *Republic of Turkey, Political Reforms in Turkey*, February 2004, internet: [www.abig.org.tr](http://www.abig.org.tr)
- Nilufer Narli, *Governance and the Military: Perspectives for Change in Turkey. Country Transparency Profiling*, paper for the second Task Force Meeting, July 2004, p.7

## **Chapter Three**

### **THE PAST AND THE FUTURE OF CIVIL-MILITARY RELATIONS IN TURKEY**

**Armağın Kulođlu and Mustafa Şahin**





## 1. Introduction

Civil-military relations in Turkey have always been a contested issue in the literature on Turkish politics. Generally, authors of these studies describe civil-military relations as an uneasy relationship in which civilian authorities always feel the necessity of complying with the impositions of the officers.<sup>55</sup> In addition, in some of these studies, the military's influence on politics is taken into consideration as a natural result of the socio-structural defects of Turkish modernization that has been upheld by certain political contexts and socio-cultural circumstances. However, these notions do not reflect the contemporary transformation of civil-military relations in Turkey.

Studies on civil-military relations made during and after the Cold War differ radically in terms of the criteria they apply.<sup>56</sup> The studies made during the Cold War period generally focussed on the degree of "political control over the armed forces". Within a bipolar world system in which the armed forces acted merely as a means of deterrence, the existence of the institutional and legal means to maintain officers' full compliance to the civilian authorities had been considered as an ideal type. However, by the end of the Cold War, this understanding started to change. The new environment of security and increased global emphasis on democracy crystallised by the subsequent "velvet revolutions" in the Central and Eastern European Countries (CEEC) caused a profound transformation in all aspects of politics both at national and international levels. From that time onwards, the main criterion for the researchers has become the "democratic control over the armed forces", which includes issues like parliamentary control of defence budgets, increased professionalism of the Armed Forces and international cooperation for peacekeeping and humanitarian intervention. Owing to the lack of a new threat, the nature of civil-military relations across Europe has been transformed in the last ten years. The deterrent function of the national armed forces has been transformed more into a new kind of diplomacy and cooperation between the countries.

To a considerable extent, Turkey remained out of this transformation process during the 1990's. Even in 1997, the National Security Council (NSC) submitted a memorandum to the government concerning the prevention of the rise of political Islam. Due to this reason, the dominant influence of the Turkish Armed Forces (TAF) over civilian governments was heavily criticized throughout the 1990's. The determining role of the TAF in internal politics was identified as the main obstruction on the way towards democratization in Turkey. The nature of civil-military relations was explained with regard to the theories of Cold War

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<sup>55</sup> Narlı 2003, p. 4-6.

<sup>56</sup> Forster 2002, p. 1-10

period and with a highly static outlook.<sup>57</sup> However, neither the kind of analysis typical of the Cold War period nor the post-Cold War approach presented accurate reasons for the TAF's influence over civilian authority, nor did they provide an objective explanation for the nature of this relationship. In addition to these, when the Helsinki European Council recognized Turkey's status as an applicant country in 1999, reformation of civil-military relations was mentioned as one of the most crucial items in the accession partnership document.

This paper argues that, although civil-military relations in Turkey have been problematic in retrospect, it is not possible to evaluate the contemporary condition of this relationship on the basis of these past experiences. Moreover, the history of civil-military relations in Turkey cannot be understood or explained with reference to the Middle Eastern countries. Nor can the contemporary transformation of relations be evaluated with reference to the patterns of transformation that occurred in the CEECs. The nature of civil-military relations in Turkey, both in terms of its past and possibly in term of its future can only be analyzed with regard to the unique features of Turkey's geographical location, culture, political life and its relations with the major global actors and international organizations. It is only through such an analysis that the prospects for reform that would bring Turkish civil-military relations closer to its European counterparts can be found, making it possible to understand the possible contributions of Turkey's EU membership to the European security.

To this end, in order to provide an objective analysis of this relationship, in the following sections of this paper, first of all, cultural features will be reviewed so as to present the socio-cultural factors that affected civil-military relations. In the second place, the geopolitical structure of Turkey will be analyzed with regard to the real security concerns of Turkey. In the third place, peculiarities of Turkish politics shall be analyzed in order to explain the sources of previous military interventions. In the fourth place, Turkey's relations with the EU and NATO will be considered so as to present both institutions' impact on the civil-military relations and finally, the recent reforms will be reflected on so as to analyze the current transformation of civil-military relations in Turkey.

## **2. Socio-cultural Structure and Military**

Owing to its historic origins, patriotic features and ceremonies comprised an important part of Turkish culture.<sup>58</sup> Values like loyalty, self-sacrifice, courage, strength and patriotism are revered at almost all levels of social life. These

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<sup>57</sup> Hale 1998

<sup>58</sup> Coles 1968, pp. 11-14

values are continually stressed, both within the family and in the national education curriculum.<sup>59</sup> The main components of Turkish national identity are also defined with special reference to the patriotic features of Turkish culture.

The conscription of young Turkish men also served as an efficient mechanism that has maintained the proximity between the TAF and the society.<sup>60</sup> Moreover, the relation between the armed forces and society has further been developed through implementation of civil emergency plans and social solidarity campaigns, funded by the TAF. 'Nation-Army Solidarity Programmes', which aim to develop the social and structural conditions of the underdeveloped regions, cover a variety of initial services like construction of infrastructure, health or education. These programs have also led to increasing popular support for the armed forces.

Above all, the popular support for the TAF can be assessed as the outcome of the patriotic features of Turkish culture. In public opinion surveys, the most trusted institution has always been the army. In contemporary Turkey, this cultural tendency is strengthened by conscription and social solidarity measures. However, for explaining the sources of civil-military relations, the abstract qualities of culture do not provide sufficient explanation. Due to this reason, as well as cultural features, the geographic peculiarities and security environment of Turkey should also be analysed.

### **3. Geographical Peculiarities of Turkey**

Turkey, in terms of its geographical location, is a bridge between Europe and Asia, West and East. However it has been a European country for centuries, and geographically, its European credentials are undisputable. The impact of its unique location could be observed in all aspects of life in Turkey as well.

Turkey has borders with Georgia, Azerbaijan, Armenia, Iran, Iraq, Syria, Greece and Bulgaria. In addition, the country is surrounded by the Black Sea, the Sea of Marmara, the Aegean and Mediterranean Seas, all of which are connected by the straits of Bosphorus and Dardanelles. This location, while increasing Turkey's commercial and economic importance at the global level, also increases the need to maintain external and internal security more than other European countries. It was only in the 2000s that the security environment of Turkey has been normalized both in terms of western and of eastern frontiers.

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<sup>59</sup> Jenkins 2001, pp. 12

<sup>60</sup> Narlı 2003, p.8

Maintenance of security on Turkey's South-eastern and Eastern frontiers has always been a critical issue for the country. During the Cold War period, these frontiers comprised the focal point of Turkey's external security concerns. Besides the Soviet threat, the 1979 Islamic Revolution in Iran had heightened the need for security in this region. Beyond these, due to the policies of Syria and Iraq permitting PKK camps inside their territories and the reluctant attitudes of some West European countries regarding judicial and diplomatic cooperation, the preservation of the south-eastern frontier had become the ultimate aim of the Turkish security policy. Throughout the 1980s and 1990s, unabated PKK terrorism led to a revision of the national security concept. Over time, against this massive threat, the thin line between internal and external security has been blurred. Despite the normalization of the situation in the region after the arrest of the PKK leader Abdullah Öcalan, as a consequence of the U.S. led war on Iraq, the issue of border protection has again taken precedence in the security considerations of Turkey.<sup>61</sup>

The Aegean dispute remained central to Turco-Greek relations until the late-1990s. Even in 1995, anxieties about Greek intentions were still acute, due to the sudden outbreak of a sovereignty dispute concerning the rocky islets of Kardak. However, in the wake of 17 August 1999 earthquake, these tensions began to disappear and mutual relations have been gradually revived. Buoyed by the positive atmosphere that emerged in 1999, Turco-Greek relations started to produce constructive results in terms of the refreshed political dialogue and mutual understanding between the two countries. In view of the current state of the relationship, it might be possible to expect a prospective political settlement between two countries concerning the security of the Aegean region.

As can be seen from these brief explanations, throughout the 1990s Turkey did not have a chance to enjoy increased security on its borders during the aftermath of Cold War. Due to its distinct geographical location between East and West, the Soviet threat was replaced by the different and more critical threat of terrorism. Some of the actions taken in Turkey to fight terrorism have been taken as evidence that the security forces impose their will on politics. In reality, however, the measures taken in fighting terrorist activities were implemented within the democratically controlled system, with the decision-making locus with the civilian government. Ironically enough, the vast majority of Turkey's European allies did not pay enough attention to help Turkey's struggle against PKK terrorism; as a result, the process of democratization was perceived as marginalized in Turkey while the country was struggling with the threats of terrorist activities. However, by the late 1990s, as the security problems of Turkey began to be solved, the need for the TAF's actions

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<sup>61</sup> During the Iraq War in 2003, Turkey requested the Netherlands to help protect the Southeastern region against any missile attacks from Iraq by MIM-104 Patriot anti-ballistic missiles.

decreased and the subsequent process of democratic transformation was immediately started with the nomination of Turkey as an EU candidate country. In that respect, next to the socio-cultural explanations about the popular acceptance of the TAF's influence over politics, the security discrepancies between Europe and Turkey should also be taken into consideration when dealing with the question of civil-military relations.

#### **4. History of Civil-Military Relations**

After a three year-long War of Independence, the formation of the Republic of Turkey was declared in 1923. Subsequently, a rapid modernization process that aimed to carry the Turkish nation to the level of Western States was started. Through the introduction of several reforms within twenty years, the traditional structure of the Ottoman way of life has to a great extent been transformed.<sup>62</sup> Civil-military relations were also organized in a way that would ensure a radical break from the old system.

Mustafa Kemal, inspired by the 1908 Young Turks Revolution and ensuing from the Balkan War tragedy, had foreseen a politically neutral army that was directly placed under the office of the President. To this end, after the war of Independence, Atatürk made the officers who were deputies choose one or the other profession by defending the idea that the two professions could not be reconciled in a truly civilized political order. In order to ensure the depoliticized status of the TAF, the voting rights of officers were constitutionally abolished. Thus, the TAF were kept in a secondary position in the political system and its functions were limited to implementation of defence policies only.

This structure functioned effectively throughout the following twenty years. Civil-military relations developed on the basis of a reasonable institutional balance and a smooth dialogue between the civilian political elite (comprised of former officers and intellectuals) and the Republican-minded officers. Atatürk's personal charisma and the political affirmation of shared values and aims through a one-party system provided an atmosphere conducive to the maintenance of this balance. In addition to these, the presence of former officers within the civilian elite also facilitated the dialogue between

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<sup>62</sup> In 1924 alongside with the ratification of new Constitution, the Caliphate, Islamic Schools, Sharia Law, Ministry of Sharia and Evkaf (Religious Foundations) were abolished and unified secular education law had been ratified. In 1925, sects, orders and religious outfits were banned. In 1926, civil code and criminal code were accepted. In 1928, the Latin alphabet was introduced. In 1931, the metric system and decimal measurements were accepted. In 1934, the family name law and voting rights for women were accepted.

civilians and officers. The previous experiences in security and defence matters of these people acted as a complementary source for the civilians in terms of understanding the main issues of national defence and military professionalism.

After Atatürk's death and the end of World War II, one-party rule was transformed into a multi-party system in 1946 in order to bring the political system closer to the western democracies. In order to emphasize civilian control of the political system, the TAF was attached to the Ministry of National Defence.<sup>63</sup>

In 1950, the Democrat Party (DP), founded by former members of the Republican People's Party (CHP), came to power by receiving a majority of votes. Conservative groups in the rural areas of Anatolia who still kept their distance towards modernizing policies of the Republican People's Party and local notables, whose authority had mostly been reduced by the increased centralisation of the system, comprised the electoral basis of the DP. During its initial years in office, the DP introduced a series of populist measures that would lead to increased grassroots support. The increasing political emphasis on religious sentiments and the decentralizing attempts of the DP had caused reactions among the Republican ranks. The majority framework of the 1924 Constitution was used as a mechanism to oppress the Republican opposition.

In order to replace the influence of the pro-state civilian bureaucratic elite with its grassroots representatives, the DP implemented a strict cadre policy that aimed to remove the Republican elite from the ranks of bureaucracy.<sup>64</sup> The leader of the DP, Adnan Menderes, also applied a similar but rather controversial policy towards the Turkish armed forces. Although Menderes was hostile towards the centralist and statist opinions of the armed forces and intended to dilute this influence by interfering with promotions and appointments of officers, he also tried to respond positively to certain demands of the armed forces like modernisation of weapons and training systems. Especially, after Turkey had joined NATO in 1952, this process of modernisation gained momentum and led to increased professionalism.

However, the oppressive policies of the DP and the unimpeded rise of inflation that eroded the living standards of lower ranking officers led to growing anxiety about DP rule. Increasing emphasis on religion also made the young officers think that Kemalist principles were being undermined. All these factors led to the 1960 military coup by the lower ranks of the Turkish armed forces, which seized power so as to restore the Kemalist order and democracy.

During the interim period between the military takeover and the ratification of the 1961 Constitution, the National Unity Committee (NUC), composed of 38 revolutionary officers, ruled the country. In late 1960, the Constituent Assembly, which comprised Republican members and intellectuals,

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<sup>63</sup> Hale 1998, pp.68-70

<sup>64</sup> Turan 1997, pp. 126-127

was established. The 1961 Constitution was written in such a way as to correct the weaknesses of the 1924 Constitution.<sup>65</sup> Unlike its predecessor, the new constitution guaranteed a wide range of civil rights and freedoms. The extreme powers of the executive were curbed and a bicameral system of Parliament was introduced so as to maintain pluralistic democracy. After the Constitution had been ratified, the 1961 elections were held. However, contrary to the election results in which the Justice Party (JP) and the New Turkey Party (NTP) won the majority of votes, the task of forming the government was handed over to the Republicans of the CHP.

After the Turkish armed forces had completely returned power to the civilian government in 1963, the political system started to show first signs of ideological fragmentation, which would reach its peak in the following decades. New political cliques emerging within the party ranks soon transformed themselves into new radical parties that provoked ideological disputes between the leftists and rightists in the following decade.

By the late 1960s, the political and civil freedoms introduced in the 1960 Constitution were also contributing negatively to the escalation of ideological disputes, both at the societal level and within Parliament. Mass demonstrations and conflicts between the Marxists, Ultra-Nationalists and Islamists became larger, fiercer and more numerous. In response, the National Security Council (NSC) took some steps, leading up to the 1971 memorandum. Subsequently, the JP government resigned and a short-lived technocratic government, headed by Prime Minister Nihat Erim was established. Unlike the 1960 coup, the 1971 intervention was regarded by Turkish society as a necessary step to bring an end to anarchy.

After 1976, political disputes between the leftists and rightists soon escalated into armed confrontations. In addition to this, falling living standards and increased political instability almost legitimised once again the call for military intervention. However, it took four years for the Turkish armed forces to respond this call. On 12 September 1980, the TAF seized power again with a well-designed plan prepared by the Turkish General Staff (TGS).<sup>66</sup>

The main political parties that were held responsible for the anarchy in the pre-1980 period were closed down and their leaders were barred from political life. From the outset, the Chief of the Armed Forces, General Kenan Evren, declared that the NSC would return political power to civilians as soon as possible. In contrast with the 1960 and 1971 interventions, this time the officers did not attempt to intervene in party politics. In fact, the leaders of the coup, to a considerable extent kept out of day-to-day government affairs. The NSC's sole focus was on the restructuring of Turkish democracy in a way to prevent another radicalisation of the political environment.<sup>67</sup>

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<sup>65</sup> Özbudun 1996, pp. 22-23

<sup>66</sup> Jenkins 2001, p. 38

<sup>67</sup> Özbudun 1996, pp.25-28

The Constitution of 1982, the Political Parties Law and the Electoral Law reflected this concern. In the new Constitution, executive powers were redesigned to prevent the formation of powerless coalitions, one of the main ailments of Turkish politics in recent years. In addition to these changes, certain transitional measures were introduced to ensure the proper functioning of the political system. To this end, a Presidential Council was established to advise the president during the transitional period of six years. At the end of the six-year period the council would automatically be dissolved.<sup>68</sup>

Following the ratification of the 1982 Constitution and the subsequent referendum, general elections were held in 1983. Among the three parties that the NSC had approved, the Motherland Party (MP) won the elections with a solid majority. The leader of MP, Turgut Özal, functioned as a central political figure throughout the initial transitional period of civilianisation and managed to restructure both civil-military relations and the laggard condition of the Turkish economy and politics.

Özal, while developing a conciliatory relationship with the National Security Council and Turkish armed forces, managed to forge policies that would cure the most notable impacts of the three-year period of martial law. Besides pursuing liberal economic policies, he attempted to promote the international standing of Turkey by forging pragmatic diplomatic relations and by increased dialogue. Moreover, using the Motherland Party's Parliamentary majority, he managed to amend some articles of the 1982 Constitution. In 1987, the articles concerning the procedure for amending the constitution was changed; the size of the Turkish Grand National Assembly was increased from 400 to 550 members, and the political ban on former party leaders was lifted in a referendum. In 1993, the state monopoly of television and radio broadcasting was repealed, and in 1995, the bans on the political activities of trade unions, associations, foundations and public professional organizations were lifted. The political cooperation between the parties and civil society organizations was guaranteed. In addition to this, the voting age was lowered from 21 to 18.<sup>69</sup>

During Özal's prime ministry, civil-military relations started to transform in a way that was to favour the former. The consolidated political authority of Özal made the military comply with many of his progressive policies. Özal's conciliatory relations with the officers and his strong commitment to enhancing Turkey's national security capabilities resulted in a smooth civilianisation of the political system. In response to the spread of PKK terrorism in south-eastern Anatolia, Özal concerted the efforts of both the military and the civilian authorities in a pragmatic political framework. While his government introduced a long-term economic and agricultural development programme for the region and established multidimensional diplomatic relations with the Western

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<sup>68</sup> Özbudun 1996, p.26

<sup>69</sup> Özbudun 1996, p. 26



countries to contain the potential influence of the terrorist organization, the Turkish armed forces were in charge of carrying out the armed struggle and preserving security in the region.

What is more, unlike previous civilian administrations, which had displayed a lack of interest, the Özal government took the lead in determining Turkey's security priorities. At Özal's request, the five-year plans for Turkey's National Security Policy were now drawn up by the NSC. Most strikingly, only six years after the military coup, Özal managed to establish an efficient degree of political control over the armed forces, appointing his own candidate for the Chief of General Staff, General Necip Torumtay, in 1986. During his Prime Ministry, Özal maintained a good balance between civilian and military authorities. The consolidated political authority of the prime minister and his willingness to take the lead in determining the security and defence policy orientations of the country provided a *de facto* political control over the armed forces. The subsequent governments managed to develop a flexible cooperation with the NSC.

By the mid-1990s, Turkey started to realise that, along with unimpeded PKK terrorism, it faced the resurrection of an old problem. The rise of political Islam was of great concern after the victory of the Welfare Party (WP) led by Necmettin Erbakan in the 1994 local elections and the subsequent national elections. The radical political discourse of Erbakan that emphasized "Just Order" implied an order free from secularism and Kemalism, and provoked reactions not only among the members of the NSC but also among the intellectuals of the Turkish society at large.

The accession to power on 28 June 1996 of a coalition government comprising the Islamist *Refah Partisi* and the centre-right *Dogru Yol Partisi* gave the debate strong political overtones. The ambivalence displayed by the leaders of the *Refah Partisi*, including the then Prime Minister, regarding their commitment to democratic values, and some radical Islamic intellectuals' advocacy of a plurality of legal systems functioning according to different religious rules for each religious community, were perceived in Turkish society as a genuine threat to republican values and civil peace.<sup>70</sup>

In the subsequent NSC meeting on 28 February 1997 the memorandum on the struggle against political Islam was given to Prime Minister Erbakan. As could be understood from the content of this memorandum, the intentions of the officers and the method they used for the intervention had changed dramatically in comparison with the previous decades. For this reason, the 1997 memorandum was generally described as an attempt at sensitive balancing of the democracy.

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<sup>70</sup> See *Refah Partisi (the Welfare Party) and Others v. Turkey* [GC], nos. 41340/98, 41342/98, 41343/98 and 41344/98, ECHR 2003-II.

With the measures foreseen in the 1997 memorandum, the government was advised to initiate necessary legislative arrangements for curtailing religious secondary schools and the uninterrupted extension of the basic school education from five to eight years. Moreover, a series of measures were taken to curb the number of Quranic Schools and the Imam-Hatip Schools which were initially opened for educating Islamic preachers. Since these policies would certainly cause tensions at the WP's grassroots, Erbakan did not comply with the demands and was aborted from power.

The subsequent minority coalition formed by the MP and Democratic Left Party (DLP) ratified the law that foresaw eight uninterrupted years of basic education. However, despite continuous suggestions from the NSC to make all the necessary arrangements, both Mesut Yılmaz and Bülent Ecevit remained reluctant to ratify further measures. Thus, until the 2002 national elections, the containment of political Islam continued to be one of the core issues of both the government and the NSC.

The election victory of the Justice and Development Party (JDP) in the 2002 national elections led to a watershed in civil-military relations. Although the Islamic tendencies of the Party were well-known, the military authorities and the new JDP government soon reached a sensitive consensus. Even artificial crisis situations, created by the media pressing foreign policy issues, prevented both sides from deepening divisions.<sup>71</sup> Against the urgent diplomatic and political issues concerning Turkey's EU membership, the U.N-led settlement plan for Cyprus and the U.S.-led war on Iraq, the issue of the headscarf became a secondary subject.

During this period, the TAF's neutral statements, which openly declared its subordination to the Prime Ministry, had emitted the most visible signals of change in civil-military relations. Even with the request for the opening up of a second front from Turkey and the TAF's assistance to the U.S. troops, public statements of TGS showed full neutrality by expressing that the "TAF is dependent on the office of the Prime Minister and the TAF will fulfil all obligations arising from the decisions of Parliament."<sup>72</sup>

Similarly, in terms of the Cyprus settlement, the TAF avoided expressing any opinions both during the negotiations and before the referendum. In the public declaration of the TGS, it was stated that "in terms of the negotiations concerning the future structure of Cyprus, the whole responsibility belongs to the Turkish government. TAF would respect all the decisions taken by the government in accordance with the referendum results."<sup>73</sup>

Compared with statements in previous decades, these statements imply a significant change in the institutional outlook of the TAF. Unlike before, the current institutional stance of the TAF is far from being activist. The reasons

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<sup>71</sup> Narlı 2003, p. 10-11

<sup>72</sup> TGS Public Declaration, March 5, 2003

<sup>73</sup> TGS Public Declaration, January 5, 2004

for this change might be explained with reference to concrete developments like the normalisation of internal security conditions, consolidation of political stability and the impact of increased dialogue with the major global actors and international organizations. Owing to these developments, the old depiction of Turkish civil-military relations started to lose its validity. The contemporary state of relations implies a change both in the institutional mentality of the military authorities and in the nature of political competition. Since 2001, as a result of the increased prospects for EU membership, these changes on both sides provided efficient incentives terms of realizing the necessary reform measures that would ensure democratic control over the armed forces.

## **5. The National Security Council**

The National Security Council (NSC) was formed by the 1961 Constitution. There are many similar bodies in other democratic states that bring together military and civilian leaders to discuss security issues.

The Turkish version is currently merely an advisory body which reports to the Council of Ministers. The advisory nature of the NSC has been strengthened with the recent constitutional changes in May 2004. No longer is priority given to the advice of the NSC in formulating the decisions at the Council of Ministers. Moreover, at the end of August 2004 a civilian has been appointed as the head of the NSC. Previously, only a general could hold this post. The present Turkish government sees the appointment for the first time of a civilian as the Secretary General of the NSC as an important step forward in the alignment of Turkish civil-military relations with European standards.<sup>74</sup>

One of the most important recent changes regarding the NSC is that it no longer has executive powers. That is, it cannot take initiatives on its own, but only respond to a government request for advice.

## **6. The Internal Service Law**

According to Article 35 of the Turkish Armed Forces' Internal Service Law of January 1961, it is the duty of the TAF "to protect and preserve" the Turkish motherland and republic, the characteristics of which are defined in the

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<sup>74</sup> "MGK'ya Sivil Genel Sekreter" An interview with the Minister of National Defense, Vecdi Gönül, *Hürriyet*, 5 July 2004, p. 22

constitution. In the article there is no mention of internal or external threats. However, the references to the Constitution and to the characteristics of the republic indicate that there is both an internal and an external dimension to the protection and preservation of the country and state. The regulation interpreting Article 35 makes this clear. This article has been regarded as the legal basis for the interventions of the military in politics. However in Article 43, the same Internal Service Law also forbids military staff to engage in politics. So both articles should be taken together when assessing the bearing of the Internal Service Law on possible interventions of the Army in political life.

So, the Internal Service Law should not be seen as an excuse for the TAF to intervene in politics but as a way of protecting the unity and the regime of the country by taking action before stability and democracy are damaged irreparably. In any case, as the democratic values are increasingly consolidated in Turkey, the system will no longer need such protection from the Army.

As the judgement of the European Court of Human Rights in *Leyla Şahin v. Turkey* Case (application no. 44774/98) of 29 June 2004 indicates, Turkey will no longer need to use these extra measures to protect and preserve its secular and democratic system, as it will be protected by the European institutions when it becomes part of European structures.

## **7. Relations with the EU and NATO**

Since 1923, Turkey has always followed a peace-oriented foreign policy, both in its own region and at the global level. In accordance with the long-proclaimed national target, that is inclusion into the world of developed democracies, the foreign policy of Turkey has focussed on the maintenance of multidimensional relations with major global actors, and on international cooperation.

Related to this, after Turkey had joined NATO in 1952, the TAF got the chance to reform its institutional structure in accordance with the global standards of military professionalism and security cooperation. Increased military cooperation and assistance provided by NATO soon increased the military capabilities and professionalism of the TAF.

Starting in the 1990's, the TAF participated in joint peace operations and proved its peace-making and peacekeeping capabilities. In addition to these, owing to the successes of the TAF in the international missions in Bosnia, Somalia and Afghanistan, Turkey's international prestige in international peacekeeping operations has increased globally. The successes of the TAF regarding these missions also increased the support for the TAF at domestic level.

These developments, together with the normalization of internal security conditions, paved the way for the transformation of civil-military relations in terms of their content and scope. The recognition in 1999 of Turkey's status as an applicant for EU membership further increased the speed of this transformation process. In accordance with the Accession Partnership Document given to Turkey in 2000, Turkey has determined its short and medium term objectives in order to comply with the Copenhagen political criteria.

To this end, starting in 2001, the Turkish Parliament ratified eight reform packages concerning the necessary legal and constitutional amendments. Among other reforms concerning the maintenance of freedom of expression and thought, prevention of human rights violations and improvement of conditions in prisons and detention houses, the composition of the NSC was changed in favour of civilian authorities within the scope of the seventh reform package ratified in July 2003. With these amendments, the coordination and monitoring of the decisions taken by the Council has been transferred to the deputy prime minister. Also, the non-binding, advisory, nature of the decisions taken by the council has been constitutionally guaranteed. In addition to these, and in accordance with the points mentioned in 2003 Progress Report, within the scope of the eighth reform package, amendments concerning the withdrawal of the military members from the Radio Television Supreme Council and the Council of Higher Education have been realized.

Concerning the transparency of defence expenditures, certain promising steps were taken. The state assets utilised by the TAF were brought under the inspection of the Court of Auditors. So far, the TAF had enjoyed a considerable autonomy in terms of public purchases regarding security. However this has now changed and there will be strict auditing starting in January 2005, when the new law comes into effect.

As could be understood from these developments, the prospects for Turkey's EU membership have accelerated the transformation of civil-military relations, which started in the late 1990s. The military authorities support all the reforms that will bring Turkey closer to the level of member states. In addition, the TAF favours Turkey's membership of the EU since it will pave the way for Turkey's inclusion into the world of developed democracies. Furthermore, in terms of the changing global security environment, in which religiously-oriented terrorism is becoming a major threat to all countries, Turkey's membership of the EU was also considered an important step forward, that would maintain Turkey's security. After 15 years of armed struggle with PKK terrorism, the members of the TAF are fully aware of the importance of international cooperation for collective security and defence. In addition, the TAF's developed peacekeeping and peace-making capabilities would provide an important contribution to the European Security.

Starting in 2000, the military authorities have supported all reforms ratified by Parliament. The predominance of the Turkish armed forces in politics was reduced not only by these legal arrangements but also through the changes that occurred in the institutional mentality of the TAF. Owing to these fundamental changes and the legal/constitutional developments, the future of civil-military relations will be radically different from previous experiences. However further developments need to be encouraged in order to maintain continuity of this transformation process.

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## **Chapter Four**

### **THE HIGHER ORGANISATION OF DEFENCE: A COMPARATIVE OVERVIEW OF SIX EUROPEAN STATES AND THE CASE FOR AN INTEGRATED DEFENCE ORGANISATION**

**Jos Boonstra**



## 1. Introduction<sup>75</sup>

In mature democracies, the Armed Forces are controlled by politicians who in turn are accountable to the electorate. One of the implications of civilian control is the integration of the General Staff (GS) in the Ministry of Defence (MoD); civilians and military personnel work within the same building and communicate intensively with one another; the Minister of Defence is always a civilian and in charge of the Armed Forces. There are several reasons for Turkey to consider changing the current set-up of having a politically influential GS next to a mainly supporting Ministry of National Defence (MoND).

In this paper six different defence organisations are briefly examined and compared: the Netherlands, the United Kingdom (UK), Germany, France, Macedonia and Turkey. The Netherlands is highlighted because it is an average-size country of the European Union (EU); the UK, Germany and France were chosen because of their 'great power' status within the EU (and their size which is comparable to that of Turkey); Macedonia is chosen to illustrate how a defence organisation can be reorganised in the process of becoming an EU and NATO member. Finally, Turkey is under consideration for obvious reasons. In the end the author hopes to prove that all six countries in question are different but that five of them – excluding Turkey – also have one clear similarity; an integrated MoD.

There is not one overarching model of civil-military relations available let alone a theory on how to organise a democratic defence organisation. There are however some denominators of civil-military relations on which most experts agree by common understanding. These apply to all countries that have a military and claim to be a democracy. In the words of NATO expert Carnovale these are: (i) a constitutional and legislative structure with clearly defined responsibilities; (ii) clearly defined civilian control over the Ministry of Defence and the military establishment, with civilian officials of a government having key roles in both; (iii) substantive and detailed parliamentary oversight; (iv) sufficient transparency of decision-making; (v) an informed national debate on security.<sup>76</sup>

It is not a coincidence that these 'denominators' were put on paper by a NATO official. After the Cold War many East European countries were eager to join NATO while they had a poor record of civil-military relations. Initiatives such as the Partnership for Peace (PfP) assist the 'soon-to-be' members in creating healthy civil-military relations. The necessary reforms in these relations are

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<sup>75</sup> Most material on the organisational aspects of defence under the headings of the six countries is derived from the websites of the respective Ministries of Defence. The models/organisational charts and accompanying material were assembled by CESS Intern Michiel Smit. The author expresses his gratitude for the input offered.

<sup>76</sup> Marco Carnovale, 'NATO partners and allies: Civil-military relations and democratic control of the armed forces', *NATO Review*, No. 2, March 1997, Vol. 45, p. 33.

beneficial for the country in question since democratic legitimacy is increased and NATO membership comes within reach. NATO on the other hand has an interest in welcoming new members with healthy civil-military relations. These new members are said to make better and more efficient defence policy after these reforms. In that sense the slogan 'it is not the military that joins NATO, but the whole country, certainly also applies to civil-military relations.

If we look at the 'Carnovale test' today and apply it to long-standing NATO-member Turkey, the conclusion could be that the country would not pass the test fully. There are problems regarding the second and fourth point Carnovale made. Exactly these two points are in the area of interest of this paper since civilian control over the ministry and military establishment *and* transparency in decision-making seem to be best guaranteed by an integrated Ministry of Defence where military officers, civil servants and politicians cooperate and where a civilian minister makes final decisions and is accountable to Government and Parliament. Of course, this does of course not imply that the military cannot have an opinion and should be completely neutral. Armed Forces should uphold the constitutional order and defend the country and in that way they should have the opportunity to voice their concerns; there can be no neutrality between a fireman and the fire.<sup>77</sup> However it is important that the Armed Forces are not partisan in their advice. Moreover, having voiced their concerns and having given their advice, military chiefs must either abide by the decisions of their political masters or resign. Another complicating question that comes to mind when arguing for an integrated MoD is 'how are ministers to control the armed forces when they usually lack the necessary knowledge and experience to do this effectively?'<sup>78</sup> The answer to these questions is *integration* of the defence organisation. Military expertise should be sought, respected and used by civilians to make the right decisions.

So, the purpose of this paper is *not* to examine all the ins and outs of civil-military relations in the respective countries; this would be too great a task for a short paper. Important issues in civil-military relations such as legislative oversight of the defence organisation fall outside the scope of this paper. Our objective is to look at the defence organisation's structure and to give a brief overview of the specific development processes of the individual countries. More specifically we will ask three questions in looking at the six countries:

- Was the development of the defence organisation a historical evolutionary process on a continuous basis or was the development discontinuous and was change inspired through internal necessity or outside influence?

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<sup>77</sup> James Sherr, 'Transforming the security sector in Ukraine: What are the constraints? What is possible?' *Conflict Studies Research Centre*, April 2004, p. 4.

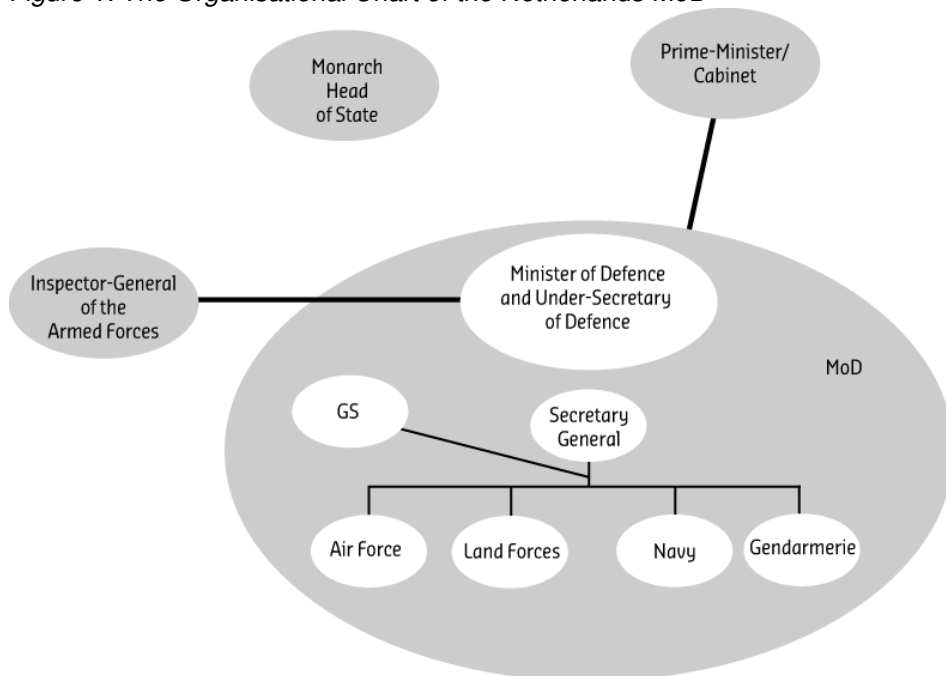
<sup>78</sup> Douglas L. Bland, 'A unified theory of civil-military relations', *Armed Forces & Society*, Vol. 26, No. 1, Fall 1999, p. 13.

- Does the Chief of the General Staff report directly to the President (Commander-in-Chief) and/or the Prime-Minister (head of the Cabinet)?
- Is there a fully integrated Ministry of Defence where military officers, civil servants and politicians co-ordinate and co-operate in all departments and where the political leadership presides over the whole defence establishment?

After six brief overviews of defence arrangements in the different countries (EU and non-EU countries) a short paragraph is devoted to seeking out the commonalities and differences between the case studies. After that a paragraph will focus on the arguments in favour of an integrated defence organisation. To conclude the author asks the question how Turkey might proceed to set up an integrated MoD and whether there are lessons to be learned from other countries in this respect.

## 2. The Netherlands

Figure 1: The Organisational Chart of the Netherlands MoD



Since the Second World War no sudden or revolutionary changes have taken place with regard to the organisation and political structure of the Dutch defence organisation. Currently the MoD is reforming in such a way to make the Armed Forces more centrally organised, better manageable and focused on peace-keeping and crisis-management operations within the framework of the EU, UN and/or NATO missions. The reform also implies that by 2006 the Chief of Defence Staff (CGS) will have more influence over central planning; there will be a new joint operation centre over which the CGS will have command. This implies that the separate operational Chiefs of Staff will be abolished. By no means does this mean that the CGS is going to be some kind of Commander-in-Chief; the supreme authority will always lie with the Minister of Defence and the Cabinet, as is laid down in the Constitution.

The main authority over decision-making procedures, strategy and control of national security and defence affairs lies with the Minister of Defence. In co-operation with the Under-Secretary of Defence they are politically responsible for the MoD. Together they are referred to as the 'political command'. As member of the Cabinet, the Minister is responsible for the general defence policy and the execution of this policy. The Under-Secretary of Defence is responsible for day-to-day military matters such as personnel policy,

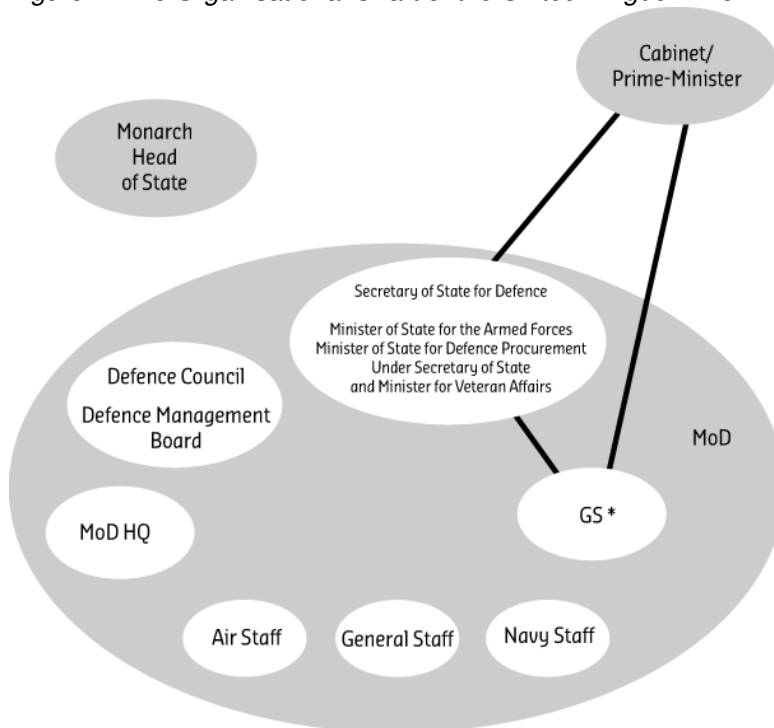
material supply, management and the co-operation between the various parts of the military.

The GS is fully integrated in the MoD. The CGS is the 'corporate planner' of the Ministry and gives advice to the Minister of Defence (direct contact with the Prime-Minister is unlikely and not constitutionally arranged). Furthermore, the CGS commands the Armed Forces. In sum the Netherlands has a more or less 'classical' approach to defence organisation as is often advocated in the literature on civil-military relations: the CGS advises and reports to the Minister of Defence, the Minister on his turn reports to the Cabinet of which he is a member. In the end the Minister is held accountable by Parliament.

A special role is reserved for the uniformed Inspector-General of the Armed Forces (who since 1991 is also the Inspector of Veterans). He is subordinated to the Minister of Defence, but is not part of the Ministry's nucleus. He has a complete autonomous and mainly advisory role to the Minister of Defence and has access to all sections and all documents of the Armed Forces; therefore he has potentially great influence on the Minister. In addition, he is a kind of military ombudsman and serves as a mediator in the event of conflict within the defence organisation.

### 3. The United Kingdom

Figure 2: The Organisational Chart of the United Kingdom MoD



\* For the sake of conformity the term GS is used here while in the UK the top military leader is referred to as Chief of the Defence Staff (CDS). (In the UK the CGS is the commander of the land forces.)

The British MoD, as it is known today, was reorganised in 1964, bringing together the functions of the then smaller Ministry of Defence, the Admiralty, the War Office, the Air Ministry and the Ministry of Aviation. The aims were to simplify the chain of command, eliminate duplication of efforts across the three services (Navy, Air and Land Forces), and encourage an integrated approach to operations. Besides, the reorganisation was initiated to improve the quality of 'defence advice' (rather than 'single service advice') to politicians.

Defence policy-making in Britain has more or less slowly evolved. In the past the GS was mainly concerned with strategy while civilians (also politicians) were occupied with budgeting issues. Now all the decisions are more or less shared between the GS and civilians. The MoD is headed by the Secretary of State for Defence who is responsible for the formulation and conduct of defence policy. Three Defence Ministers support the Secretary of State and are also politically accountable: (i) the Minister for the Armed Forces is responsible for



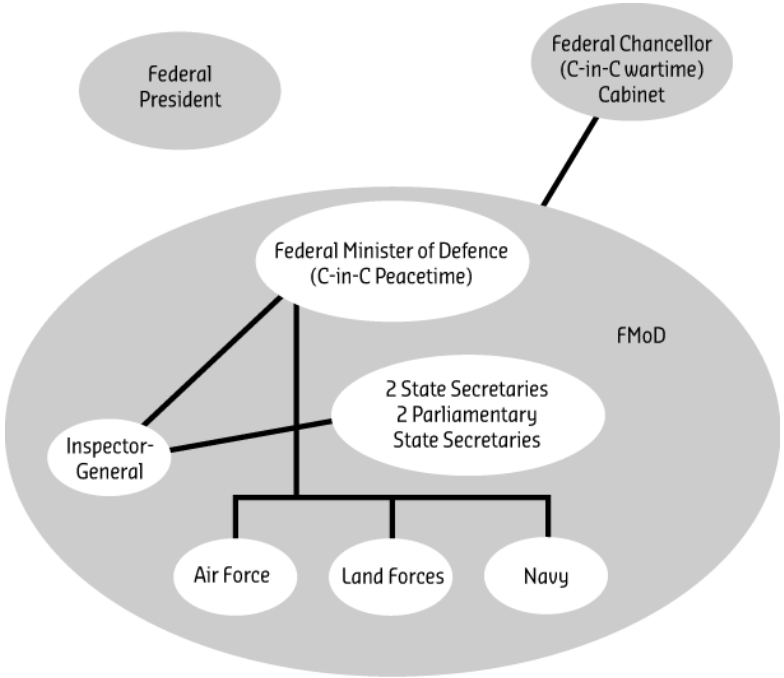
operational and policy issues affecting the Armed Forces (e.g. nuclear policy, the defence budget and strategy); (ii) the Minister for Defence Procurement has responsibility for defence equipment and defence export and; (iii) the Minister for Veterans has responsibility for environmental and regulatory issues, service and civilian personnel, public service matters and of course veterans' issues.

Managing defence is a complex business in the UK where ministers, military officers and civilian officials work together in order to provide effective direction. The most important committees in the MoD are the Defence Council and the Defence Management Board. The Defence Council is a senior departmental committee that is chaired by the Secretary of State and gives the formal legal basis for the conduct of defence. The Defence Management Board is the highest non-ministerial committee. It is essentially the 'corporate board' of the MoD providing senior level leadership and strategic management of defence to maximise the capabilities. Separated from the daily management of the MoD is the planning and policy-making structure. The MoD Headquarters lies at the heart of policy-making. It has an integrated service and a civilian staff who bring their different qualities together to create sound and effective policy.

The individual Service Chiefs and the CGS have the right of direct access to the Prime-Minister while they are on the other hand fully integrated into the MoD and accountable to the State Secretary for Defence. The four 'Chiefs' do not use this right often, and when they do it is headline news. The latest example was when the CGS requested that a top governmental law officer should categorically state that the war in Iraq was a legitimate action under international law. He wanted to make a point – the Armed Forces are concerned – and to ensure that British soldiers would not be open to war crimes charges.

#### 4. Germany

Figure 3: The Organisational Chart of Germany's FMoD



The case of Germany is an odd one in the European Union and could be regarded as the opposite of the Turkish case. Although Germany's defence organisational structure resembles other countries' arrangements with regard to the major players and decision-making procedures, it lacks a Chief of the General Staff. The military apparatus has a so-called pyramid structure but without a top element. This is a direct result of Germany's Second World War legacy. During the Cold War it was long assumed that wartime command and control of most of the *Bundeswehr* (the German Armed Forces) in the Federal Republic of Germany would be exercised through the NATO integrated command structure. In the German Democratic Republic the Soviet GS had much leverage over the German military.

In unified Germany overall command rests with the Federal Minister of Defence (FMoD). However, in wartime these powers are transferred to the Chancellor. The FMoD commands, controls, and manages the *Bundeswehr*, develops long-term political-military goals, and defines and delineates the limits and objectives of *Bundeswehr* planning. The Inspector-General is the senior military advisor to the FMoD and is a non-voting member of the Federal

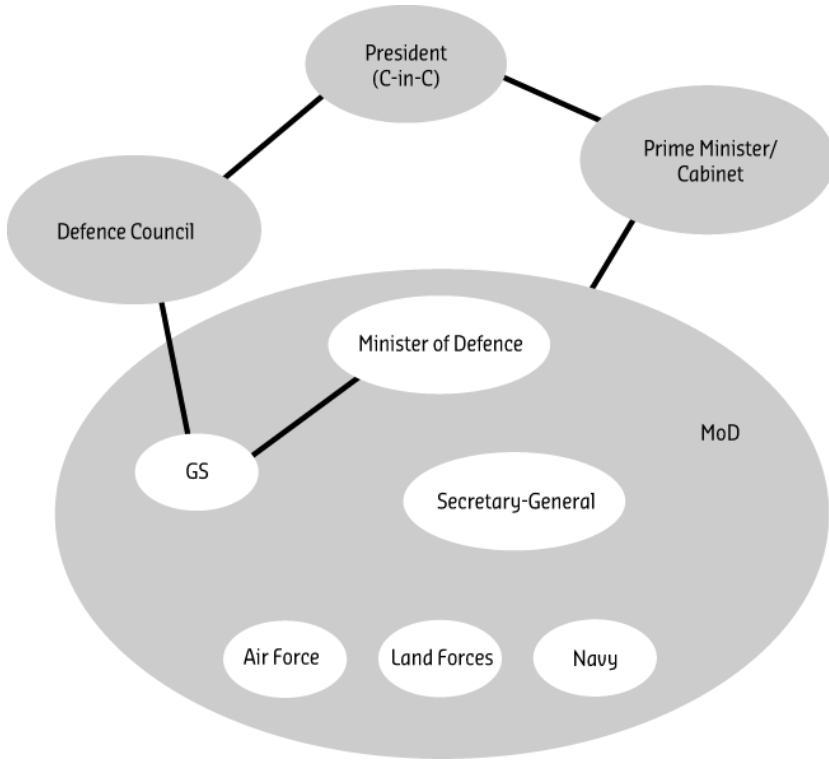
Security Council. The only independent right the Inspector-General has is inspecting all the units of the *Bundeswehr*.

The FMoD consists of the executive group, the civilian directorates and the military staffs. The FMoD is characterized by its dual responsibility; it performs the functions of a (civilian) ministry and at the same time acts as *Bundeswehr* command authority. The FMoD is the supporting apparatus of the Federal Minister of Defence in fulfilling his or her varied responsibilities as Member of the Federal Government and head of the military structures (Commander-in-Chief of the Armed Forces in peacetime). Two Parliamentary State Secretaries assist the Minister in fulfilling his governmental duties. They maintain permanent contact with the *Bundestag* (Parliament), and represent the Minister in these bodies. Two other State Secretaries assist the Minister in performing the technical control of the Ministry and exercising command. The Federal President has a mere ceremonial function.

All ministerial directives and orders to the *Bundeswehr* are issued in the name of or on behalf of the Federal Minister of Defence. The General-Inspector is the highest-ranking service member of the *Bundeswehr* and the military adviser of the Federal Minister of Defence. He is responsible to the Minister for the development and implementation of an overall military defence concept.

**5. France**

*Figure 4: The Organisational Chart of France's MoD*



France is a Presidential Republic, while the other five countries under examination are parliamentary democracies. After the failure of the Fourth Republic to resolve the wars in Algeria and Indochina and to put an end to domestic upheavals, Charles de Gaulle was put forward to curb the crises and consequently drastically changed the Constitution in 1958. This had major repercussions with respect to civil-military relations. The constitutional change resulted in increased powers for the President in the field of foreign and security policy. Under the Constitution of the Fifth Republic the President and the Cabinet (Prime-Minister) share leverage over defence and security policy. The President of the Republic is the Commander-in-Chief (*Chef des Armées*), and he chairs the Supreme Council of National Defence, which by law and tradition is the key decision-making body of the executive branch. In times of crises the President may even ignore the Council.

The MoD has a central role in the definition of military policy options, but the President has decisive authority. In practice, the President retains some key areas (nuclear policy for instance) within his exclusive personal decision-

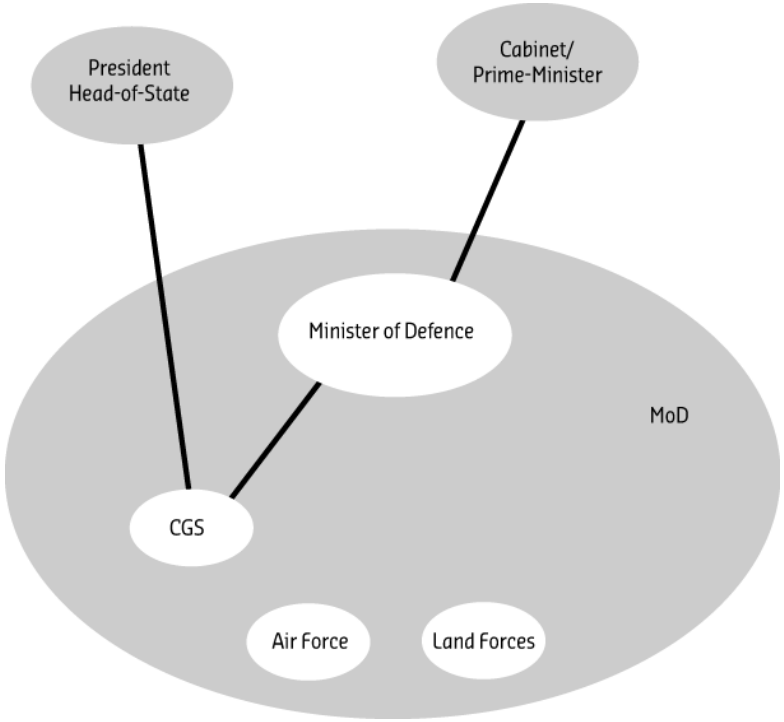
making, while the administration of the French Armed Forces is largely left to the Ministry of Defence.

In France there is a complex relationship of constitutional provisions, personalities, differentiated bureaucratic interests and political kinships that all have their impact on shaping the national strategy, including the choice of goals and definition of means. Generally, when the President and the Prime-Minister have the same political colour, relations are expected to be less problematic than in the case of *cohabitation*: divided executive power. In a period of *cohabitation* (Mitterrand-Chirac and later Chirac-Jospin in the nineties), the Prime-Minister's influence on security and foreign policy is strengthened, even though the President has the last word. However, the allocation of competence between the President and Prime-Minister (Cabinet) is the object of great controversy because the Constitution is not clear about it.

The Defence Council – chaired by the President – includes the Prime-Minister, the Defence Minister, the Minister of Foreign Affairs, the Interior Minister, the Economy and Finances Minister, and the Armed Forces Chief of Staff. This is also the main link between the President and the CGS. Still, the MoD is very influential because of some important agencies it presides over. For instance, the Armaments Delegate General has responsibility for a vast industrial domain: research, development, and production of new weapons; supervision of arsenals and defence industries etc. The fully integrated MoD – headed by the Minister – is regarded as the frontrunner both in daily management as well as in policy-making and planning.

**6. Macedonia<sup>79</sup>**

*Figure 5: The Organisational Chart of Macedonia's MoD*



Macedonia is a parliamentary democracy established under the 1991 Constitution that offers insight into the division of responsibilities between the President and the Cabinet. Practice in Macedonia shows that the provisions made in the Constitution and other laws are flexible because the legislature plays a subordinate role in this parliamentary democracy; it is the Presidency and the Cabinet that in most cases have the first and last word concerning the direction of defence policy. The Constitution is vague on the relation between the President – being the Commander-in-Chief of the Armed Forces – and the Cabinet, including the Defence Minister. Although the 2001 Defence Law sheds more light on the roles and responsibilities of both parts of the executive branch it is still unclear what the exact relationship is between both; it seems to depend mostly on the interest and expertise of the individuals in charge.

The relations between the MoD and the other constitutional players are insufficiently defined. The Defence Law states that ‘The Chief manages the

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<sup>79</sup> The information presented here was obtained by the author in October 2004 during interviews in Macedonia.

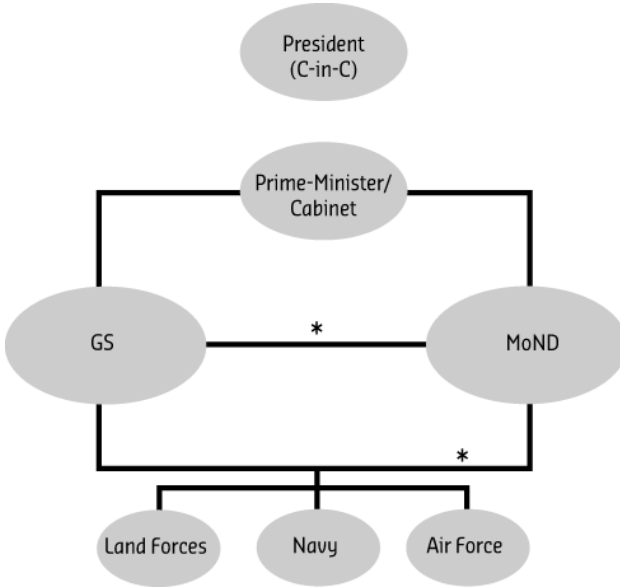
General Staff of the Armed Forces, who is appointed and discharged by the President of the Republic.’ It is unclear on what grounds a President can dismiss the Chief of the General Staff (CGS). The second part of that article creates even more uncertainties: ‘The Chief of the General Staff reports to the President of the Republic and to the Minister of Defence’. The fact that the current President and Minister of Defence are from the same party has helped to reduce difficulties. Although the General Staff (GS) is integrated in the MoD when it comes to daily practice there might arise a situation in which the Minister and the President disagree on reports submitted by the CGS. In drafting the 2001 Defence Law the preference of the GS to be directly connected to the President was honoured after several Ministers of Defence had tried in the past to fully integrate the GS into the Ministry. The direct link to the President in his capacity as Commander-in-Chief of the Armed Forces is still regarded as essential by the top military brass, although they have accepted most other basic reforms and they have shown not to be inclined to interfere in politics.

The Constitution stipulates that a civilian should head the MoD. However, his position seems less clear, being part of the Cabinet but also having an obligation towards the President. If the GS is part of the MoD but accountable to the President then so is the Ministry. It could be said that the Minister performs his duties in a ‘system of dual accountability’. Here again the problem of an underdeveloped relationship between the Cabinet and the President comes into play.

Macedonia has made significant progress in integrating civilians and military officers into one organisation. The Minister and the CGS work in one building and meet almost on a daily basis. Moreover, joint working groups that consist of ‘suits’ and ‘uniforms’ were established to work on different aspects of defence reform. Although in daily practice the GS seems fully integrated in the MoD, the problem of accountability of the highest ranking officer remains.

7. Turkey <sup>80</sup>

Figure 6: The Organisational Chart of Turkey's MoND and General Staff



\* Only co-ordination

In Turkey the main institution of decision-making about the security and defence affairs of the Republic is the GS. The CGS has overall command and control of all the country's Armed Forces. The commanders of the three component services (land and air forces, navy) report directly to him. The General Command of Gendarmerie and the Coast Guard Command (part of the country's internal security forces) are under his authority too. In peacetime they are 'affiliated' with the Ministry of Interior Affairs, in wartime they fall under the Land Forces Command and the Naval Forces Command respectively.

Responsibility for the policies, plans and programmes of the Armed Forces – with respect to roles and missions, and regarding the size, shape, equipment and deployment of the component services – rests with the GS; and this is where the initiative lies in policy-making and programming. Political direction comes straight from the Prime-Minister, an arrangement introduced in 1960. However, the Constitution of 1982 has delegated more power to the President. For instance, the President presides over the National Security Council, which is composed of the CGS, the Minister of Defence, the Minister of

<sup>80</sup> The information and parts of the text in this paragraph is mainly derived from the First Expert Report *Turkish Civil-Military Relations and the EU: The 'further alignment' challenge* (September 2004).



Interior Affairs, and the Commanders of the branches of the Armed Forces and the Gendarmerie.

As far as personnel is concerned, the uniformed military dominate. In the GS headquarters and at the Force Commands – as at the Ministry of National Defence (MoND) – civilian personnel are employed only in social services and technical fields to provide continuity in areas where uniformed officers are not considered necessary. As head of the MoND, Turkey’s National Defence Minister also reports directly to the Prime-Minister. The overall defence organisation therefore has what management scientists would call a twin ‘stovepipe’ character, with co-ordination and co-operation between the two elements but no direct connection, let alone full integration.

The MoND is a department with a strictly circumscribed set of responsibilities. It runs the political, legal, social, financial and budget services of national defence. It manages the military estate. It handles recruitment and other personnel-related work for the Armed Forces. Most important, its remit covers the procurement of weapons, vehicles, equipment, logistic material and supplies for the armed services plus the management of Turkey’s military-industrial complex. In short, it is the Turkish Armed Forces’ support apparatus.

## 8. Commonalities and Differences

In the introduction we set out to answer three questions with relation to the six European countries under examination.

<b>Table 1</b>	<b>Continuity in development MoD?</b>	<b>Link CGS to President / Prime-Minister?</b>	<b>Fully integrated MoD?</b>
<b>The Netherlands</b>	YES	NO	YES
<b>United Kingdom</b>	YES	YES	YES
<b>Germany</b>	NO	NO	YES
<b>France</b>	NO	YES	YES
<b>Macedonia</b>	NO	YES	YES
<b>Turkey</b>	NO	YES	NO

In relation to the *first* question it is interesting to note that although four of the examined countries are EU members, they do not have similar organisational structures; their development has roots in historical processes and events. In the UK and the Netherlands these processes were not interrupted by landmark

events and their respective systems matured over time. In the case of Germany a radical change was made to erase memories of a dictatorial past. In other cases, such as France that made a sudden change in the late fifties, or Macedonia that had to build up an army and defence organisation from scratch after independence, one could say that there are tensions in the way the legal structure works. The undefined relationship between the President, the Minister of Defence and the CGS in Macedonia seems to be a result of sudden change in the legal framework that can have problematic consequences in the future. Turkey should avoid changing too fast and could take shortcomings in the legislation from other countries into account. On the one hand a radical change should be avoided while on the other hand Turkey does not have the time to evolve in the way that the United Kingdom did for instance. From an historical perspective none of the countries examined offers a ready-made blueprint for a successful structure arranging the relationship between the President, the Prime-Minister and the GS. Turkey could draw some lessons from other countries but essentially should find its own way in making legislative arrangements (and evolving practice) that are ideal for Turkish circumstances but also take notice of practice in EU-countries (alignment).

In sum, the examined countries followed various paths in developing their democracies in general and their defence organisation in particular. Although, the respective defence organisations are always evolving because of the changing security environment, in the Western countries it is firmly believed that the Armed Forces will never again act solely and the supreme authority of decision-making procedures and control lies with civilians.

With respect to the *second* question – the link of communication and accountability between the highest ranking military officer and the President or Prime-Minister – it is clear that there is a difference in practice in all six countries. In France and Macedonia it could be considered as problematic in the event of different political backgrounds of the President and the Prime-Minister (France) or of the President and Minister of Defence (Macedonia). The UK is sometimes used as an example to illustrate that Turkey could in future reforms of the defence organisation keep an ‘emergency link’ open to the Prime-Minister. In that way the Turkish GS could voice their concerns directly to the Prime-Minister. It is argued here that this example is not extremely useful; the link of communication itself is not important because it exists in various developed democracies. The difference with Turkey lies in accountability. In developed democracies that keep this link open the Ministry of Defence on a day-to-day basis runs a Ministry that includes the GS. The Minister gives civilian direction and is responsible for policy, planning and implementation. This is not the case in Turkey where the GS and MoND are separated and the GS is only accountable to the Prime-Minister.

It follows – with relation to the *third* question – that the most striking difference between the countries under examination is the fact that every

country has an integrated MoD as one of the prerequisites of civilian control (next to parliamentary control etc), except for Turkey. This is the main difference between Turkey and the other five countries under examination, and for that matter also the main difference with EU practice.

## **9. The Case for an Integrated Defence Organisation**

In making a case for an integrated Ministry of Defence it is important to be aware that military expertise should be respected and that civilians are properly educated to work in a defence and security orientated environment. It is also clear that the military do not have to stand by as observers but can have an opinion – though not partisan – of their own and even express this opinion to the highest echelons of power; in some countries the CGS has a link with the President as Commander-in Chief while in other countries a link is kept open with the Head of the Cabinet (UK). In countries where such provisions are not in place you could argue that an ‘ombudsman’ or ‘inspector’ lends a listening ear to the concerns of the top military without the Minister directly being involved. In all cases provisions are created that give the GS the possibility to speak their mind and sometimes to report to the highest civilian authorities. There is nothing wrong with such a situation unless the President or Prime-Minister is the only civilian that holds the GS accountable as is the case in Turkey.

We have established that Turkey is the only European democracy that does not have a MoD with the GS integrated into it. EU countries use this integrated organisation to enhance civilian control. What then are the arguments for Turkey to consider adapting to EU practice? Three main arguments come to mind:

### **A. The Argument of Alignment**

This argument directly relates to Turkey’s objective to become a member of the EU. In this respect it is also the most obvious argument. In the regular EU Commission Report of 2000 on Turkey it was stated that ‘Civilian control of the military still needs to be improved’ and ‘contrary to EU, NATO and OSCE standards, instead of being answerable to the Defence Minister, the Chief of General Staff is still accountable to the Prime-Minister.’<sup>81</sup> This implies that the CGS – even after the reform packages and after having complied with most of the criteria set by the EU – is not in any way answerable to the Minister which leads to the conclusion that the GS is not integrated into the Ministry of National

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<sup>81</sup> Chapter 1, section 1.3

Defence. The argument is used here for the sake of completeness of argumentation, although the author is aware that this argument was already discussed in other papers and during the actual Task Force's deliberations.

## **B. The Argument of Democratic Legitimacy**

Civilian control of Armed Forces is an essential element of democracy. It is often said that a country may have civilian control of the military without having democracy (as in Communist countries) but that you can not have democracy without civilian control.<sup>82</sup> In Turkey (as in other countries) the Armed Forces are highly regarded due to their professionalism, honesty, integrity, courage and loyalty. In first instance one would say that such an institution should certainly be involved in politics since large parts of the population seem to think that politicians do not possess the above mentioned qualities. Still, in a true democracy the popularity of the Armed Forces should not serve as an excuse to give the military political power. The main reason for this is that in essence the Armed Forces are the most undemocratic institution one could think of. The Armed Forces – by nature – are shaped to wage and win wars; democratic values such as 'freedom' are useless in battle. So, the purpose of the Armed Forces should be to defend society and not define it<sup>83</sup>; democracy is damaged if this is not the case. An integrated MoD that combines military values with full civilian control increases the democratic legitimacy of the state. In a mature democracy legislative oversight does not suffice; civilian control can only be guaranteed through full participation of civilians in all aspects of defence planning and decision-making. Next to parliamentary scrutiny and informed public debate by and through civil society there is a clear need to further the democratic legitimacy by bringing civilians and military officers together in one organisation: the integrated MoD.

## **C. The Arguments of Effectiveness and Efficiency**

Under this heading six arguments are given all relating to the claim that a Ministry of Defence that is fully integrated – incorporating the GS – is more effective and efficient. This argument is also the main reason why Turkey should consider developing such an integrated approach, even if it did not want to join the EU.

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<sup>82</sup> Richard H. Kohn, 'How democracies control the military', *Journal of Democracy*, Vol. 8, 1997, p. 141.

<sup>83</sup> Richard H. Kohn, p. 141.

### ***1. An integrated MoD results in better decision-making***

Often defence policy will suffer if it is not the outcome of broad deliberation between 'uniforms' and 'suits'. In a time where issues in society become more connected and in which there are new threats to security, pure military knowledge is insufficient in dealing with all the issues a military is (or should be prepared to be) confronted with. By contrast, an integrated MoD can benefit from direct daily contacts between civilian and military expertise.

### ***2. An integrated MoD is more cost-effective***

The most obvious part of this argument is that integration of two institutes into one often results in lower expenditures. Next to savings on personnel and the facilities there are more important savings an integrated MoD could make. With a lack of intensive interdepartmental debate between the military (who make their requests for funds), bureaucrats and the political decision-makers (who understand best what state funds are available) money could easily be wasted. Moreover, a lack of integrated controlling mechanisms could even result in an increase of corruption. Again, co-operation in different committees could improve planning and budgeting and eventually save money on defence without decreasing capabilities.

### ***3. A civilian and knowledgeable defence minister at the top of the defence organisation improves contact with society***

A Minister of Defence in an integrated MoD is not only responsible for political direction of the military and running day-to-day business at the Ministry, but is also a member of the Cabinet which brings along responsibilities. On the one hand there is a responsibility towards the state and the society while on the other hand he has concerns for the wellbeing of the Armed Forces. Although this contradiction could be regarded as a burden there are certainly great advantages for the military. In most cases the civilian minister is knowledgeable about the society or the economy. He or she is better able to promote the interests of the military among the population due to a background in civilian life. Often the Minister is also a good manager who is knowledgeable about commercial networks and bargaining processes.

### ***4. Knowledgeable civilians add value***

Well educated, specialised and informed civilians will always be of added value to a defence organisation. Although the Armed Forces offer good education themselves they can never compete with the vast variety of knowledge civilian

universities and other higher education facilities offer. Today's defence organisations need to be knowledgeable about emergency services, environmental issues, international law and education itself just to name a few. An efficient defence organisation incorporates all these different specialities – from lawyers to chemists. There is more to security than military aspects; an integrated MoD where knowledgeable civilians work in every department and also within the GS is a prerequisite nowadays for effective policy.

#### ***5. An integrated MoD stimulates inter-departmental co-operation and broad knowledge***

A strictly hierarchical approach – both in the GS and the MoD – hinders the transfer and free flow of (non-secret) information. Moreover, the lack of internal communication and open criticism reduces the quality of the final result. In an integrated MoD there is a committee system where military officers, civilian officials and politicians meet on a regular basis. For all three groups it is possible to sit on different committees which boost the flow of information and knowledge. Employees of an integrated MoD are often not restricted to one area; wherever possible or useful they have the opportunity to speak their mind in different in-house committees. In short the integrated MoD stimulates horizontal instead of vertical processes of deliberation and finally decision-making.

#### ***6. An integrated MoD results in improved co-ordination with other key ministries***

The threat of terrorism – along with many other 'new' threats – make intensive co-operation between different national ministries indispensable and vital. In the case of the threat of terrorism there is a need for daily communication between the Ministries of Defence, Internal Affairs, Foreign Affairs, Justice and probably other Ministries and departments. A well equipped, effective and integrated MoD is certainly the best counterpart in dealing with a variety of security threats such as environmental disasters, epidemics, economic crisis's and so on. It is not so much inter-ministerial co-operation to deal with the crisis itself that is at stake here but the preparations to act swiftly (or even the prevention) in the case of disaster.

For these reasons the level of integration of a MoD is more than the number of civilians it employs. It comes down to the degree that the Armed Forces feel that they belong in the defence organisation together with civilians, the intensity of co-operation between both, the extent to which civilians can contribute to

military expertise, and finally the extent to which the formulation of defence policy and security becomes the responsibility of the country as a whole.<sup>84</sup>

## 10. Conclusion – A Way Forward for Turkey?

In the first part of this paper six European countries (four of them EU members) were briefly compared. The conclusion of this analysis was that the examined states had all developed their defence arrangements and structures in different ways and under varying circumstances. Furthermore the analysis showed that in some countries it is possible for the GS to have direct access to the President or Prime-Minister (the United Kingdom, France, Macedonia, Turkey), while in other countries such a provision is absent (the Netherlands and Germany). The vast difference in development of systems leads to the conclusion that there are no ready-made blueprints that Turkey might want to copy. On the other hand it is clear that should Turkey decide to change its current structure, it would be well advised to arrange for unambiguous legal provisions that are crystal-clear on 'who is accountable to whom' and 'who decides about what'. In that sense it is not so much the line of communication between the GS and the President / Prime-Minister that is problematic in civilian control. Rather it is the exclusiveness of a GS that is only accountable to the highest authority in the country (and Parliament), reducing the Minister of Defence to the role of advisory or support staff.

The comparison between the six states showed that while there are many differences there is also one commonality in all countries but one: an MoD with the GS integrated into this defence organisation. From a theoretical perspective of civilian control a separation between the GS and the MoD, with only co-ordination as a binding factor, is unacceptable. In a mature democracy the defence establishment (including the Armed Forces) are not only controlled by an 'outside' Parliament and President, but are also managed and even controlled from the 'inside' through an organisational set-up that brings uniformed officers, civil servants and politicians together within all departments and at different levels. The reasons for setting up such an integrated defence organisation are not only related to aligning with EU practice or increasing the democratic legitimacy of the country. There is more to it than reasons of conformity. As was shown above there are several arguments of effectiveness and efficiency. One of them is the argument that an integrated organisation tends to make better decisions and produces better results.

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<sup>84</sup> James Sherr, 'NATO's new members: A model for Ukraine? The example of Hungary', *Conflict Studies Research Centre*, September 2000, p. 4.

So, what then could Turkey do to reorganise the GS and MoND into one defence organisation? The country might want to consider conducting a review to work out how an integrated defence organisation might best be created in national circumstances. Naturally, the defence and security of the Republic should at all times be guaranteed. The basic idea would be to find a way in which the MoND is transformed from a support apparatus into an organisation that covers all aspects of defence and in which the Turkish GS would feel comfortable.

With regard to the latter it would probably be important for the GS to have the possibility to communicate with the Prime-Minister directly (if necessary). Moreover, it would certainly be important that in the new organisation (i) military advice is used and above all respected by civilians; and that (ii) civilians are intensively trained and educated to work in such an organisation, able to ask the right questions and to make good decisions. After such a review has been conducted – in which Turkey could assess what is necessary, appropriate and possible – the country might design a transitional plan with clear time frames in order to establish a fully integrated MoND. The implementation of such a plan should be well considered and have the approval of the military and civilians alike. Also this undertaking should be made realistic with a time frame of for instance 10 to 15 years. Changing laws and setting up the framework of an integrated MoND do not necessarily have to take very long. However, changing the hearts and minds of the military and civilians that have to work together in such an integrated defence organisation will take time.



## **Chapter Five**

### **TRANSPARENCY-BUILDING IN THE DEFENCE SECTOR AND THE EU REFORMS IN TURKEY**

**Nilüfer Narlı**



## 1. Introduction

The paper aims to examine the changes in the civil-military relations in Turkey by relating them to transparency-building in the defence sector and changes in the policy of accountability. The paper undertakes two tasks: First, to provide background information on the civil-military relation and on the modality of accountability of the military to the civilian authority. It is important to understand from what type of the civil-military relations model Turkey has been moving toward a new model in the course of constitutional changes and political reforms required to meet the political criteria of the EU. The second task is to understand to what extent Turkey has been able to meet the requirement of the EU laid down in Accession Partnership Document and the expectations voiced in the regular reports of the European Commission since 2000. This is done by analysing the institutional modifications taking place as a result of constitutional changes and reform packages. Here the analysis has two dimensions: cultural and structural/institutional.

## 2. Drifting Away from the Concordance Model and Its Mindset

The traditional organisation of civil-military relations differs from the Huntingtonian model of the separation of civil military relations. Despite their formal separation, military and civilian authorities have forged a partnership based on an imperfect concordance among the military, political elites, and the citizenry.<sup>85</sup> This ruling style is the product of Turkey's specific cultural, social, and institutional context, featuring a stratified society and political culture as well as historic conflicts with neighbouring states and the constant fear of losing territorial integrity that is synonymous with national integrity. Moreover, the three major convictions in the political culture, which are internalised in the course of primary and secondary socialisation, enhance the tendency to deny the separation of civilian and military spheres and sustain the military's influence in the civilian political decision-making process. They provide support for the constitutional tools that enabled the military to intervene in the legislative

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<sup>85</sup> For further information on concordance model and civil-military relations in Turkey, see Nilüfer Narlı (2000). "Civil-Military Relations in Turkey", *Turkish Studies*. Vol.1, No.1 (Spring 2000): 107-127. London: Frank Cass. This article modifies Schiff's concordance models and applies it to the Turkish civil-military relations. For the theory of concordance, see Rebecca L. Schiff. 1995. "Civil-Military Relations Reconsidered: A Theory of Concordance". *Armed Forces and Society*. Vol. 22 (Fall) No. 1: 7-24.

process.<sup>86</sup> These convictions are: Turks have been known as a military nation throughout history<sup>87</sup>; every male Turk is born a soldier; and the military do not only protect Turkey against internal and external enemies, but also ensure secularism and democracy in Turkey. Such conditions significantly influence the military's role in the nation and the citizen's perception of military expenses and transparency-building in defence budgeting.

With the far-reaching institutional and constitutional reforms (mentioned below), which separate the civilian and military spheres and increase the parliamentary and civil control of the armed forces, the partnership/concordance model has been going through a transformation. The change is not only in the context of the concordance model. There is also a change in the political culture that sustained the model. The change is twofold: in the mindset of the citizens and in the socialisation and perceptions of the officer corps. Indicators of change in the political culture include frequent complaints in the media about the lack of transparency (see below) and the increased number of academic studies on civil-military relations and military budgeting within the last five years. Secondly, the idea of being a conscientious objector, a person who, on the grounds of conscience, resists the authority of the state to impose military service, is pronounced. It is a challenge to the idea that every male Turk is born a soldier.<sup>88</sup> Thirdly, a new conviction is evolving: the time has come for regular

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<sup>86</sup> Prior to the amendment, one such constitutional tool was Article 118 of the 1982 Constitution. According to this article, Turkey's Council of Ministers must consider, "with priority, the decisions of the National Security Council concerning necessary measures for the protection and independence of the state, the unity and indivisibility of the country, and the peace and security of society." The NSC was created by the 1961 Constitution, and its status was enhanced by the 1982 Constitution. Article 118 of the 1982 Constitution establishes the NSC as a body with 10 members, evenly divided between civilians (the president, prime minister, and ministers of defence, internal affairs, and foreign affairs), and military officers (the chief of the general staff, the commanders of the army, navy, and air force, and the general commander of the gendarmerie). The amendment to Article 118 changed the composition and functions of the NSC, as is mentioned later in the paper.

<sup>87</sup> See Ayşe Gül Altınay. 2001. *Making Citizens, Making Soldiers: Military Service, Gender and National Identity in Turkey*. PhD Dissertation, Department of Cultural Anthropology in Graduate School of Duke University.

<sup>88</sup> Mehmet Bal is one of the conscientious objectors in Turkey. For information on Bal and his 2002 trial, see [www.ainfos.ca/02/nov/ainfos00067.html](http://www.ainfos.ca/02/nov/ainfos00067.html). His trial received some coverage in the press. In 2005, there was greater media attention for Mehmet Tarhan, who is an anarchist total objector—against all wars and any alternative to military service. He was sentenced to four years by a military court for "refusing orders". However, in March 2006, the Military Court of Appeal reversed this order and released him. Osman Murat Ülke, who is a conscientious objector, appealed to the European Court of Human Rights. The Court passed judgement on 24 January 2006, ruling that the trial, arrest, conviction and prosecution of persons using their right to conscientious objection, that has turned into a vicious cycle in domestic law, is "degrading treatment" under article 3 of the Convention. The same ruling noted that there is no law regarding the use of the right to conscientious objection. For information on Mehmet Tarhan and Osman Murat Ülke, see <http://www.wri-irg.org/pubs/upd-0602.htm>

civilian institutions to assume the responsibility of protecting democracy and secularism rather than calling the military to put domestic affairs in order.

Manifestations of the change in the mindset of the officer corps are not observable directly. However, the changes in the curriculum of secondary and tertiary military education and the increased number of officers attending graduate study programmes at various universities imply changes in their perception of the role of military. This change has critical importance for the military to resolve its own paradox: the dilemma of being at the same time the pioneer of westernisation and modernisation since the 18th century and the occasional opponent of any change in the organisation of civil-military relations that would bring them in line with the contemporary standards of the European countries. However, in the year of 2004, the military was more co-operative in executing the reforms re-structuring civil-military relations.

### **3. Culture: New Political Cultural Environment**

While it still has some way to go, Turkey has begun making substantial progress on 'the road to transparency' in the conduct of its defence affairs. This is the result of two factors and their interaction: an internal impetus that is the growing desire of the citizens for transparency in military budgeting and expenses; and an external impetus, that is the EU harmonisation reforms that aim to increase the civilian control of the armed forces and to enhance transparency of military spending.

The urge for transparency first came from radical political groups, more frequently from the left and the Kurdish nationalists, in the late 1990's. Then it went beyond these radical circles. In 2000, even before the severe fiscal crisis of 2001 that led many to think about the proportion of the military expenses and the lack of civil control over the military budget, the economist and columnist Osman Ulugay, talking to Neşe Düzel in an interview, criticised the lower level of spending on health and education and contrasted it with high defence spending. He also mentioned the need for accountability and transparency. Ulugay said:

"Military expenses must be subject to inspection like other expenses. I do not agree with the statement that every cent spent on defence is for the well-being of the Motherland. We should discuss whether these defence expenses are rational or whether there are alternatives to them. I do not trust the publicly announced figures for military spending. Because not all military expenses are transparent. Nobody knows the accurate amount of the money spent on the

military. Military expenses cause higher public spending that is detrimental to anti-inflation policy".<sup>89</sup>

Like Osman Ulugay, the university professor and columnist Ahmet İnel underlined the importance of transparency in public spending and viewed it as an imperative of a democratic society. In discussing the importance of accountability of the state institutions to the public, he highlighted the problem of lacking transparency in military budgeting and in the expenditure of the Directorate of Religious Affairs, a state institute that oversees religious affairs.<sup>90</sup>

The 2001 crisis motivated think tanks, intellectuals and labour unions to raise the question of military expenditures and the issue of transparency. For example, the retired ambassador and former minister, İlder Türkmen wrote an article in the nation-wide circulated *Hürriyet* daily on the lack of transparency in military spending.<sup>91</sup> The aforementioned professor Ahmet İnel wrote another article on the need for transparency in military expenditure and democratic control of the military budget.<sup>92</sup> Hasan Cemal, a leading columnist, also joined these voices and wrote an article asking "the military to be under the civilian control".<sup>93</sup> Then in 2004, the leading trade union KESK (*Kamu Emekçileri Sendikası*, the Union of Public Workers) published a report criticising the 2004 budget by pointing out the problem of the lack of transparency in military budgeting and the lack of parliamentary control of defence budgeting in practice. The second point it made was the contrast between lower education and health expenses and higher military expenses.<sup>94</sup>

The external impetus, i.e. the necessity to make reforms to meet the Copenhagen criteria and the EU standards for a democratic country, has fed the internal stimulus. It has encouraged those in the media and the academic world who were asking critical questions about military expenditures. After Turkey became a candidate for accession at the EU Summit in Helsinki in 1999, the European Commission added detail to the broad principles outlined in the Copenhagen criteria by issuing an Accession Partnership Document for Turkey detailing the reforms Turkey would need to implement before the start of accession negotiations. In addition to improvements in the human rights regime and expanded civil liberties, they required the government to reform the

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<sup>89</sup> See the interview titled "Yine Askeri Harcamalar" ("Military Expenses Again"), Neşe Düzel, *Radikal*, July 10, 2000.

<sup>90</sup> See Ahmet İnel, "Askeri ve Dini Harcamalar" ("Military and Religious Expenses"), *Radikal*, April 30, 2000.

<sup>91</sup> See "İlder Türkmen, "Türkiye'de Savunma Harcamaları" ("Military Expenses in Turkey"), *Hürriyet*, December 23, 2002.

<sup>92</sup> See Ahmet İnel, "Askeri Harcamada Gerçek Tasarruf" ("The Real Saving in Military Expenses"), *Radikal*, December 2, 2001.

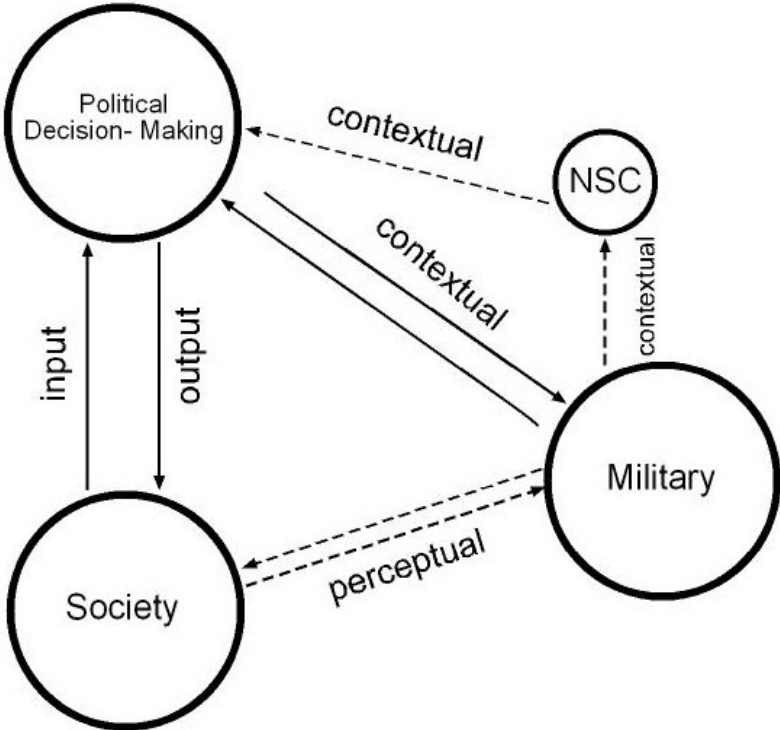
<sup>93</sup> See Hasan Cemal, "Askerin Sivile tabii olması" (the Military under civilian control), *Milliyet*, June 18, 2003.

<sup>94</sup> See the article titled "Yoksulluk ve Faiz Bütçesi 2004'te Sırtımızda" ("Poverty and Interest Budget is on Our Shoulder"). KESK, December 2003. [www.sendika.org/belgeler/keskbutce\\_aralik-2004.html](http://www.sendika.org/belgeler/keskbutce_aralik-2004.html).

constitutional role of the National Security Council as an advisory body to the government and to build constitutional mechanisms of transparency into military budgeting in accordance with the practice of EU member states. The change in the functions of the NSC was one of the intended mid-term changes that would be made to meet the 'Copenhagen criteria', as stated in the Accession Partnership Document issued by the EU Commission and in the National Programme for the Adoption of the Acquis (Political Criteria Section) prepared by the Democratic Left Party-led coalition government that lasted until November 2002.<sup>95</sup>

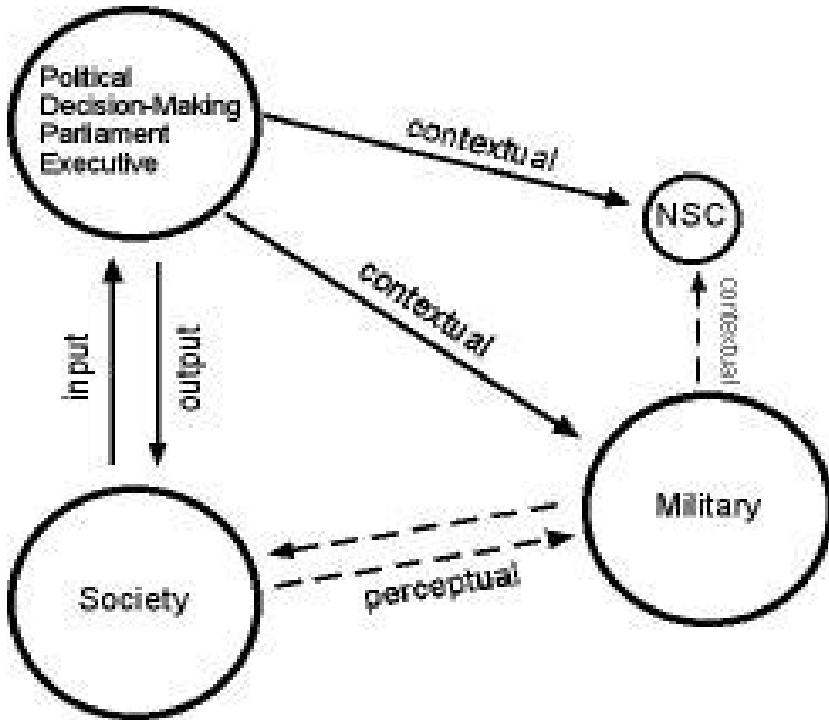
In order to realise the reforms envisaged in the National Programme, the AKP government introduced EU harmonisation packages (numbers 6 to 9) and obtained parliamentary support for them in 2003 and 2004. Their content and their impact on the formulation and financial accountability of defence policy are discussed below.

Figure 1: The Concordance Model



<sup>95</sup> For the National Programme, see <http://www.abgs.gov.tr/>.

Figure 2: The Drift from the Concordance Model



In this model, the NSC is dominated by the civilians.

#### 4. Changes in the Policy of Accountability and the EU Harmonisation Reform Packages

##### 4.1 Policy Accountability

In order to analyse policy accountability, it is important to examine the political reforms that are contained in two major constitutional reforms of 2001 and 2004, and four major packages of political reform adopted by Parliament between February 2002 and July 2004. They introduced changes to various areas of legislation and carried out the four major institutional changes required by the EU:



- Transformation of the role of the National Security Council (NSC) and the NSC General Secretariat
- Accountability of the military to the elected representatives and full parliamentary control of the defence budget
- Withdrawal of military representatives from civilian boards
- Limitation of the Competency of Military Courts

#### **4.2 Transformation of the Role of the NSC and its General Secretariat**

The AKP government was able to obtain parliamentary support for two EU harmonisation reform packages that brought changes in the structure of the NSC and its General Secretariat in 2003. These were the 6th and 7th reform packages. A number of fundamental changes were made to the legal framework of the National Security Council with a view to aligning relations between civil and military authorities with EU practice.

First, the advisory nature of the NSC was confirmed in a law implementing the amendment of October 2001 relating to article 118 of the Constitution, which also increased the number of civilians in the NSC. The 7th Harmonisation package brought amendments to the Law on the National Security Council (Law No: 2945, 1983). It re-defined the functions of the NSC in an amendment to Article 4. Accordingly, the scope of the NSC's involvement in political affairs is confined to national security issues: the NSC is to determine the national security concept, develop ideas about security in accordance with the state's security approach and submit these views to the Council of Ministers. Another amendment to the Law on the National Security Council, the provision that "the NSC will report to the Council of Ministers the view it has reached and its suggestions," was abrogated.<sup>96</sup> Consequently, the NSC was transformed into an advisory body with no executive powers and with a majority of civilians.

Second, the representative of the NSC General Secretariat in the Supervision Board of Cinema, Video and Music has been removed by an amendment to the Law No: 3257. The Sixth Clause in Paragraph Six of Law 3257, that is, "The National Security Council General Secretariat" was deleted from the paragraph.<sup>97</sup> However, there remained a representative of the National Security Council on other civilian boards such as the High Audio-Visual Board (RTÜK) and the High Education Board (YOK).

Third, later in the year 2004, a package of ten constitutional amendments eliminated the military influence in the decision-making of these two boards. In May 2004, with the adoption of an amendment to Article 131 that

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<sup>96</sup> For more information on the 7<sup>th</sup> Harmonisation Package and changes in the Law defining the function of the NSC, see [http://www.belgenet.com/yasa/ab\\_uyum7-1.html](http://www.belgenet.com/yasa/ab_uyum7-1.html).

<sup>97</sup> See *Resmi Gazete*, 19.07.2003-25173, Law No: 49228. The date of approval: 15.07.2003.

previously authorised a military representative to sit on the High Education Board, the military representative was removed. With the 8th EU Harmonisation package, various amendments to the Constitution were approved. Among them was the removal of the military representatives the High Audio-Visual Board (RTÜK) and the High Education Board (YOK).<sup>98</sup>

Fourth, the 7th Reform Package adopted in July 2003 brought changes in the functions of the NSC General Secretariat that previously functioned as an executive organ. The package introduced fundamental changes to the duties, functioning and composition of the NSC General Secretariat. An amendment to the National Security Council Law (of 1983, see below) abolished the extended executive and supervisory powers of the General Secretariat of the National Security Council. In particular, by deleting Provision 9, it abrogates the far-reaching executive powers of the Secretariat of the National Security Council to follow up, on behalf of the President and the Prime Minister, any recommendation made by this body. Other provisions authorising unlimited access of the NSC to any civilian agency have also been removed. In particular, the regulation deleted the following provision: "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."

A new regulation is to be enacted to define the new tasks of the Office of National Security Council's General Secretariat. Another amendment stipulates that the position of NSC Secretary General will no longer be reserved for a military person. In August 2003, it was decided to appoint a military candidate to replace the outgoing Secretary General for one year. In early July 2004, the names of civilian candidates for the post appeared in the press,<sup>99</sup> and in September, Mr Yiğit Alpogan, an official of the Ministry of Foreign Affairs, was appointed to the post.<sup>100</sup>

The frequency of the meetings of the NSC has been reduced from once a month to once every two months. It will not engage in discussions on security in the broad sense of the term, but will confine itself to national security issues. This means that it will no longer function as a co-ordinating organ, as it did previously.

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<sup>98</sup> Other amendment approved were the auditing of military expenses, the abolition of State Security Courts (DGMs), and the abolition of the death penalty. See *Turkish Daily News*, June 2, 2004.

<sup>99</sup> According to a newspaper report, the government will select a potential appointee for the National Security Council General Secretariat from among the officials of the Ministry of Foreign Affairs. See *Hürriyet*, July 6, 2004. Two names were mentioned in *Hürriyet*: Ümit Pamir and Osman Korutürk, both have served in the Ministry of Foreign Affairs.

<sup>100</sup> It was reported in August that Mr Yiğit Alpogan, who as the ambassador to Greece had made contributions to Turkish-Greek relations had been selected for the post of Secretary General. *Sabah*, August 10, 2004.

In addition to transforming the functions and composition of the NSC, a number of reforms were proposed to increase transparency of defence budgeting and expenditures. The first was the amendment to the Law of the Court of Audit (see below), included in the 7<sup>th</sup> Reform package. Despite a few objections from the army<sup>101</sup>, the government went ahead with the reforms to increase parliamentary oversight. The second was the Law on Public Financial Management and Control (Law No: 5018; enacted on 10/12/2003) that brings extra-budgetary funds into the overall state budget and requires more detailed information and documents to be attached to budget proposals, including those on the defence budget. This is critically important to improve transparency and parliamentary oversight. The third, a Constitutional amendment package, adopted by Parliament in May 2004, gave the Court of Audit a wider mandate to inspect accounts and state property owned by the Armed Forces without any exemptions on the grounds of secrecy.

Now we will examine these three changes in detail.

The 7th Reform Package (article 7) amended the Law on the Court of Audit to enlarge the mandate of the Court of Audit to have wider mandate to inspect the military expenses.<sup>102</sup>

**Article 7-** The following article has been added to the Law on the Court of Audit No. 832 dated 21.2.1967:<sup>103</sup>

“Additional Article 12- Upon the request of the Presidency of the Turkish Grand National Assembly, based on the decisions of Parliamentary committees of inquiry, investigative committees and specialized committees, the Court of Audit may, within the limits of the matter requested, audit the accounts and transactions of all public bodies and institutions, including privatisation, incentives, loan and credit practices, and with the same procedure audit all types of institutions and organizations, funds, establishments, companies, cooperatives, unions, foundations and associations and similar entities with regard to use of public means and resources, regardless of whether or not they are subject to the auditing of the Court of Audit. The results of the audits

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<sup>101</sup> For the objections, see the article titled "TSK objects to the 7<sup>th</sup> package", *Turkish Daily News*, July 19, 2003.

<sup>102</sup> See the article titled "Anayasa Paketi Imzaya Açılıyor" (the constitution package is ready for signing)", *Hürriyet*, April 16, 2004.

<sup>103</sup> Before, the amendment, the Law on Court of Audit: Functions and Powers of the Court of Audit read: Section 1—The Court of Accounts shall be charged with auditing, on behalf of the Turkish Grand National Assembly, the revenues, expenditures and property of the government offices financed by the general and annexed budgets; taking final decision by examining the accounts and acts of the responsible officials; and performing other tasks conferred on it by various laws in matters related to examining, auditing and passing judgement. (Law No: 832 Enacted on 21/2/1967; Published in *Official Gazette (Resmi Gazete)* on 27/2/1967 # 12 538).

are submitted to the Presidency of the Turkish Grand National Assembly to be evaluated by the relevant commissions.

Audits of state property in the hands of the Armed Forces shall be conducted in line with the principles of confidentiality as required by the national defence services. The principles and procedures for this auditing shall be regulated by a bylaw classified "SECRET" which shall be prepared by the Ministry of National Defence, in consultation with the General Staff and the Court of Audit and approved by the Council of Ministers. When it is deemed necessary, the First President of the Court of Audit shall have the authority to employ experts from outside the Court of Audit to work together with its members in audits made according to the Law on the Court of Audit.

The audit requests from the Turkish Grand National Assembly shall be given priority by the Court of Audit. The rules and procedures on how to meet these requests and the use of experts from outside the Court of Audit by the First President shall be regulated by a bylaw to be issued. The Presidency of the Republic shall be outside the scope of this article."

After amendment, this Additional Article 12 authorises the Court of Audit, on behalf of the Turkish Grand National Assembly and its inspection committees, to scrutinise all types of public expenditure, the revenues, expenditures, and property of institutions without any exception or exemption. Subsequently, the Court of Audit reports to the Parliamentary committees involved.<sup>104</sup>

The second legal modification was the Law on Public Financial Management and Control (Law No. 5018) that brought all extra-budgetary funds into the budget. Therefore, extra-budgetary defence industry funds<sup>105</sup>, used for defence procurement and related expenses, were brought into the national defence budget (Ministry of Defence Budget). The law introduced the following changes that the European Commission had demanded in its Regular Reports on Turkey, especially the section on public finance and transparency.

- With the Law on Public Financial Management and Control (Law No. 5018)<sup>106</sup> which entered into force on 1 January 2005, extra-budgetary

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<sup>104</sup> See the Amendments in the Law under the 7<sup>th</sup> EU Harmonisation Package: Law no: 4963. *Resmi Gazete*, 7 August 2003-25192.

<sup>105</sup> These funds are: the Defence Industry Support Fund (DISF) and the Turkish Armed Forces Strengthening Foundation (TAFSF).

<sup>106</sup> The Law on Public Financial Management and Control introduced the following improvements in the governance of public finance:

- Roles and responsibilities of Ministry of Finance and line ministries are defined clearly in the budget preparation and implementation process.

funds<sup>107</sup> and defence funds were brought into the defence budget and the overall state budget. Therefore, these funds are now subject to auditing not only by the Directorate General of Foundations<sup>108</sup> and the Court of Audit (this was already the case), but also by the Parliament.

- The Law on Public Financial Management and Control also requires more detailed information and documents to be provided in the budget proposals (which used to be no longer than 4-5 pages) that are submitted to parliamentary committees and to Parliament itself (article 18). It also requires a longer period of debate and negotiation on the defence budget proposals. This will enable Parliament to have an increased voice and greater accountability, both *ex ante* and *ex-post*.
- The Law brings a change in the method of budgeting. It requires a performance report for efficiency audit to be submitted to the Parliament and to the related institutions (article 17). This enables Parliament to obtain information about the outcome of defence spending and to have a voice on the outcome and process side of the budgetary process.
- The law expands the scope of control beyond budgeting or resource allocation and budget execution (the traditional audit function). It now

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- Responsibilities and authorities related to financial management will be delegated to spending agencies.
  - The Ministry of Finance shall be a central governmental unit in setting standards and monitoring implementation in general government.
  - All financial transactions will be included in related budgets.
  - Tax expenditures will be reported.
  - Accountability and transparency will be main values in public financial management system.
  - All financial activities will be subjected to external and parliamentary control.  
See: [www.muhasabat.gov.tr/yayinlar/IMF-Viyana.ppt](http://www.muhasabat.gov.tr/yayinlar/IMF-Viyana.ppt).

<sup>107</sup> Minimising extra-budget activities was one of the requirements for transparency of public expenses. Extra-budget activities were very common until 2001. There were almost 80 extra-budgetary funds managed by related administrations, not subject to parliamentary control, using different accounting and reporting systems, using procedures that differed from regular governmental procedures. Extra Budgetary Funds (EBFs) obtained most of their revenues from related sources, but some received transfers from the general budget. Their activities were not reported for public, but were audited by the High Audit Board and Ministry of Finance. Under the Law on Public Financial Management and Control, all extra-budgetary funds have been abolished. See: [www.muhasabat.gov.tr/yayinlar/IMF-Viyana.ppt](http://www.muhasabat.gov.tr/yayinlar/IMF-Viyana.ppt).

<sup>108</sup> For information on the funds and the Directorate General of Foundations, see Appendix of the report: Nilüfer Narlı. 2004. "Governance and the Military: Perspectives for Change in Turkey", Working Paper No.4 Second draft (10 July, 2004), Prepared for the second meeting of the Task Force formed for the project on Governance and the Military, organised by the Centre for European Security Studies, Groningen, in association with IPC (Istanbul) and ASAM, Ankara

enables the Court to make value-for-money inquiries and to involve itself in resources management issues on behalf of the Parliament.<sup>109</sup>

- The Law improves the mechanisms of internal control and provides better tools for scrutinising the defence budget bills and the expenses.

The third major legal amendment of 2004 altered article 160 of the Constitution, which lists the duties of Court of Audit. This resulted in significant changes that the European Commission had called for in its Regular Reports Turkey. The amendment:

- Repealed the last paragraph of article 160, which restricted the authority of the Court of Audit to inspect the accounts of the Armed Forces by exempting military-owned state property from being audited by the Court of Audit.<sup>110</sup> Now, the Court has a full mandate to audit all the accounts of the armed forces.
- Repealed the secrecy clause regarding state property owned by the Armed Forces. Now, the Court of Audit has the constitutional right to audit accounts and transactions of all types of organisations including state property owned by the armed forces. It shall inspect the revenues and property of the armed forces on behalf of the Turkish Grand National Assembly.

These new laws and constitutional amendments are sure to have an impact on the modalities of defence budgeting. Now, there is a much stronger constitutional basis for parliamentary control of the defence budget, a much stronger obligation for the executive to *reveal, explain and justify* policy and plans in the realm of defence. Parliamentarians will have more detailed information and more time to review and debate defence budget proposals and other defence bills. The Court of Audit, on behalf of Parliament, has the mandate to require the government to *reveal, explain and justify* policy and plans in the defence domain. The defence committee and sub-committees of the budget committee are empowered to scrutinise the actions of the executive in the defence and security arena.

The sources of these powers are the Constitution (the amended article 160), the amended Law of the Court of Audit (Law No: 4963) and the Law on

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<sup>109</sup> The consequences of the Law on Public Financial Management and Control were discussed in an interview with Dr Bülent Gedikli, who is an MP and the member of the Budget Committee. The interview was conducted by Dr Mustafa Şahin of ASAM in June 2004.

<sup>110</sup> See the article titled "Değişiklik paketi Anayasa Komisyonu'ndan geçti" (The Amendment package was approved by the Constitution Commission"), *Radikal*, April 30, 2004.

Public Financial Management and Control (Law No: 5018). There are additional laws on inspection of the budget, which were in force before the introduction of the EU harmonisation reforms. In the past, the executive was nominally required to oversee the budgeting process. The defence budget (we mean the budget of the Ministry of Defence) has always required *explicit formal approval* of the Grand Turkish National Assembly within the overall state budget.

The Court of Audit (*Sayıştay*) is an independent court, which is now fully authorised to inspect the revenues and property of the Armed Forces, the defence budget and defence spending. In the field of defence spending, the court has tended to confine itself to the traditional audit function (the legality and propriety of spending) rather than valuing for money inquiries (looking at the economy, efficiency and effectiveness with which the taxpayers' money is used). This is likely to change after the implementation of the Law on Public Financial Management and Control in 2005. The change in the mindset of the citizens, who now publicly insist on assurances regarding value for money before allocating resources for defence purpose, will compel institutions to inquire whether financial outlays are justified by the benefits they produce.

Although the Court has tended to confine itself to traditional audit functions, there have been occasional critical notes, particularly on 'undocumented' defence spending since 2001. For example, in 2001, the Court's Annual Report pointed out that a loan of 834,752,840 million old Turkish Liras (over 500 million euros) taken out by the Ministry of Defence for a foreign project was not documented in the defence budget.<sup>111</sup>

### **4.3 Financial Accountability**

#### ***Defence Budgeting, Expenditure and Procurement in the Previous Model***

Parliament has always controlled government expenditures as major policy items, and the five-year plan always required explicit parliamentary approval. The budget of the Ministry of Defence has been subject to parliamentary control and auditing even before the amendments brought by the 7th EU Harmonisation Package, the Constitutional Amendment Package of May 2004 and the Law on Public Financial Management and Control. However, the defence budgeting and procurement in the previous model (explained below) was largely exempt from accountability to the elected representatives.

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<sup>111</sup> The Court's Report noted this inappropriate budgeting in its report: 2001 *Yılı Genel Bütçe Uygunluk Bildirimi Raporu*, p. 72-73. This was quoted in the article titled "14 milyar dolarlık savunma fonu" (The 14 billion US \$ Defence Fund", in Medyakooop on May 23, 2003, available at [www.medyakooop.org](http://www.medyakooop.org).

## ***Analysis of Defence Budgeting in the Previous Model According to the Ministry of National Defence White Book***

The defence budget process described in the Ministry of National Defence (MSB) *White Paper 2000*<sup>112</sup> gives detailed information on the defence budget method and process. This underwent a fundamental change in 2005 with the implementation of the new Law on Public Financial Management and Control (Law No: 5018) that brings important changes in the public finance control, as discussed earlier. It is worth noting that the structure of the defence budget process (explained in the MSB *White Paper 2000*) is not expected to change. But the method of budgeting, the auditing and the documents provided in defence budget proposals are to change in the direction of increased transparency, parliamentary oversight, and value-for-money inquiries.<sup>113</sup>

My analysis of the defence budget method and process described in the MSB *White Paper 2000* shows that in theory, any money spent on defence is subject to strict administrative and parliamentary controls and to auditing. In practice, the military has exercised almost total control in defence budgeting and particularly in defence procurement, as many of the functions of budgeting are the responsibility of the General Staff. The Turkish General Staff has also had almost complete freedom to decide how the funds<sup>114</sup> are spent. Until 2001, when the government presented its budgetary proposals to Parliament, defence spending was traditionally the one item that even the opposition did not dare to challenge.

The exercise of parliamentary oversight over the military was not sufficient prior to the EU Harmonisation reforms that have been taking place since 2001. Prior to these reforms, the parliamentary input at the ex-ante stage was limited. Members of parliament were generally content to let the government and the General Staff exercise the initiative in military matters. The parliamentary role was chiefly that of setting the organisational outline of the armed forces, providing appropriations to fund their operations, and re-affirming policies and practices established by the General Staff and the Ministry of National Defence.

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<sup>112</sup> See Beyaz Kitap 2000 (MSB White Book 2000), Chapter Nine. Available at [www.msb.gov.tr/Birimler/GnPPD/GnPPDBeyazKitap.htm#WHITEPAPER](http://www.msb.gov.tr/Birimler/GnPPD/GnPPDBeyazKitap.htm#WHITEPAPER)

<sup>113</sup> This is opinion of Mr Özdemir, Head of the Budget and Planning Committee, 1995-1999

<sup>114</sup> The resources for defence expenditure (including defence funds) are: allocated resources of the National Defence Budget; resources from the Defence Industry Support Funds (DISF); resources from the Turkish Armed Forces Strengthening Foundation (TAFSF); budgets of the Gendarmerie General Command and Coast Guard Command; foreign state and company loans repaid from the budget of the Undersecretary of the Treasury and revenues based on the special laws of the Ministry of National Defence. See Ali Karaosmanoğlu. 2002. "Defence Reforms in Turkey" in *Post-Cold War Defence Reform*, Istvan Gyarmati and Theodor Winkler (eds), Washington D.C: Brassey's Inc. pp. 135-184., p. 152 and Table 2.



Defence procurement has been handled by the domestic and foreign procurement departments in the Ministry of National Defence and by the civilian Under-secretariat for Defence Industries (UDI).<sup>115</sup> Procurement is overseen by the Defence Industry Executive Committee (DIEC), which is chaired by the prime minister and also includes the defence minister, the UDI undersecretary and the Chief of Defence Staff; although in practice the DIEC is dominated by the military.<sup>116</sup> Similarly, the defence minister is in theory responsible for approving the military's assessment of its procurement needs. In practice, the force commanders submit their requirements to the Turkish General Staff (TGS), which formulates proposals, which are then signed by the defence minister and forwarded to the UDI or the procurement departments in the MND. The domestic and foreign procurement departments in the MND are headed by serving military officers, usually one-star generals, while a civilian heads the UDI.<sup>117</sup>

The immense control of the military over planning defence resources and budget was related to its influence on the political decision-making in the previous model. Its political influence, in turn, enhanced its high degree of autonomy vis-à-vis civilian control in planning defence resources and budget.<sup>118</sup> The Chief of Defence Staff, who acts as commander in chief during wartime,<sup>119</sup>

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<sup>115</sup>The Defence Industries Development and Support Administration (DIDA, or UDI) was formed at the end of 1985 to administer the 10 year, \$10 million modernisation program. "The DIDA was transformed into the Undersecretariat for National Defence Industries (UDI) under the auspices of the Ministry of National Defence in 1989." See Gülay Günlük-Şenesen. 1993. "Turkey: the arms industry modernisation program", in *Arms Industry Limited*, 1993, Herbert Wulf, ed., pp: 251-267, p. 252, footnote 4.

<sup>116</sup>The military dominance of the DIEC (Defence Industry Executive Committee) was clearly demonstrated in 1998 when the civilian government abolished a defence fund levy on petroleum products. The DIEC, which is headed by the prime minister, protested against the decision, arguing that it would restrict funds and could delay several important defence programmes. But the civilian government, also headed by the prime minister, defended it on the grounds that it needed to stabilise petrol pump prices and reduce inflationary pressures. For the details, see Gareth Jenkins. 2001. *Context and Circumstance: The Turkish Military and Politics*. Adelphi Paper, 337. Published by Oxford University press for International Institute for Strategic Studies, February 2001

<sup>117</sup> During the late 1990s, the military also began to dominate the UDI, successfully lobbying for the appointment of retired senior generals as deputy under-secretaries.

<sup>118</sup> For the autonomy of the military in Turkey, also see Ümit Cizre Sakallıoğlu. 1997. "The Anatomy of the Turkish Military's Political Autonomy", *Comparative Politics*. Vol. 29, No. 2: 151-166. p.154.

<sup>119</sup> Article 117 of the Constitution stipulates that the office of the Commander-in-Chief is inseparable from the Turkish Grand National Assembly and that the President of the Republic holds it. According to the same article of the Constitution, the Council of Ministers are responsible to the Turkish Grand National Assembly for national security and for the preparation of the Armed Forces for the defence of the country. The article says, "The Chief of the General Staff is the commander of the Armed Forces, and, in time of war, exercises the duties of the Commander-in-Chief on behalf of the President of the Republic." See [www.mfa.gov.tr/b6.htm](http://www.mfa.gov.tr/b6.htm).

does not fall under the aegis of the minister of defence<sup>120</sup>, and he has tended to conduct military affairs independent of the cabinet. His office is largely responsible for drawing up all programmes, principles, and priorities related to personnel, operations, intelligence, training, and education and logistic services, preparing the armed forces for war, and co-ordinating among the ground, naval, and air force commands, as well as other institutions attached to the general staff. The office also used to present its views on the military aspects of international treaties and agreements, and if necessary, participate in meetings regarding such agreements.<sup>121</sup>

The previous model of defence budgeting lacked adequate parliamentary oversight and auditing since the Court of Audit was subject to certain restrictions in auditing and scrutinizing military expenses. This was changed by the reforms of the Law of Court of Audit. Parliamentary oversight will expand as a result of the implementation of the Law on Public Financial Management and Control and the constitutional amendments discussed above.

Now, thanks to contextual changes and institutional reforms, the model is evolving towards the following: there is a clear requirement for the government-in-office to *reveal, explain and justify* its expenditures for defence purposes. The parliament has the defence committee, budget committee and sub-committees of the budget committee that will scrutinise the defence expenditure proposals on behalf of the parliament. Under the new constitutional arrangements and the new laws mentioned above, the parliamentary Defence Committee and Budget and Planning Committee are very likely to have the authority to send for people and papers to facilitate discussion of defence expenditure proposals. All this is likely to role of Parliamentary in exercising ex-ante and ex-post accountability with respect to the budget in the coming years.

More importantly, there are also observable changes in the implementation and in the planning of the 2005 budget, as discussed below.

### ***Changes in the Policy of Accountability and Their Implementation***

#### ***1) Procurement in a New Context***

Procurement is overseen by the Defence Industry Executive Committee (DIEC), which is chaired by the prime minister and also includes the defence minister, the UDI undersecretary and the Chief of Defence Staff. Previously, the prime

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<sup>120</sup>The Turkish General Staff is not subordinated to the Ministry of National Defence, but to the Prime Ministry as under the current constitution. Article 117 of the 1982 constitution, which closely resembles Articles 40 and 110 of the 1924 and 1961 constitutions respectively, states that the Chief of the General Staff is 'appointed by the President of the Republic on the proposal of the Council of Ministers' and is 'responsible to the Prime Minister in the exercise of his duties and powers'

<sup>121</sup>General Directorate of Press and Information. 1990. *Turkey: An Official Handbook*, p. 60

minister hardly made a substantial change in the procurement proposals made by the MND and the chief of the staff. In mid-May 2004, at the DIEC meeting, Prime Minister Erdoğan asked for changes in the defence procurement proposals and the defence tenders submitted. Erdoğan also made a critical statement at the meeting: "What is important is to value the money and spend it in a wise (or rational) way."<sup>122</sup>

Consequently, the members of the DIEC agreed to cut down the proposed total amount of US \$12 billion by half. They also agreed to cancel three tenders including the tank and helicopter tenders.<sup>123</sup>

This story suggests a new mode of implementation, more consistent with the need for the military to be accountable to the Executive and the Legislative.

## *2) Reduction of the Defence Budget by the Parliamentary Committee*

The need to reduce defence spending<sup>124</sup> was broached by Defence Minister Vecdi Gönül a few times in 2003. Mr Gönül also raised the issue of the use of extra-budgetary funds to finance defence expenses.<sup>125</sup> Talking to *Hürriyet* during the NATO Summit of June 2003, Mr Gönül discussed the defence budget and what the government and parliament were doing to reduce defence spending. He said:

"The defence budget was reduced by 4 quadrillion TL [about 2.4 billion euros] this year and our defence budget fell to the second rank after education, for the first time."<sup>126</sup>

This must be due, at least in part, to the introduction of value-for-money considerations in the planning of the defence budget and increased parliamentary control at the *ex-ante* stage.

Mr Gönül related this reduction to the cancellation of the three military tenders. According to the expert Mr Özdemir this saving was made in the defence budget item "Other Current Expenses". It is not likely to lead to a major reduction in personnel expenses. However, in the same interview, Mr Gönül said that the government is also preparing to reduce the number of soldiers.

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<sup>122</sup> For the statement and details of the tenders, see article titled, "Return to National Production in Defence" *Yeni Safak*, May 15, 2004.

<sup>123</sup> For more on the cancellation of the tenders and the controversy it provoked, see *Cumhuriyet* and *Sabah* of 15 and 16 May, 2004; and Tercüman of 18 May 2004.

<sup>124</sup> For example, a newspaper said: "Turkey ranks very high in defence spending". "Savunmaya 11 Katrilyon" (11 Quadrillion TL for the Defence"), *Yeni Mesaj*, 5 December 2003.

<sup>125</sup> See the article titled "14 milyar dolarlık savunma fonu" (The 14 billion US \$ Defence Fund", in *Medyakoop* on May 23, 2003, available at [www.medyakoop.org](http://www.medyakoop.org).

<sup>126</sup> *Hürriyet*, 1 July 2004.

When asked which units would be abolished, he said that the Turkish Armed Forces (TSK) themselves were making the plan and would release it when it was decided.

## 5. Transparency in Policy-Making and Planning

The government has not provided much information on defence policy options and choices to Parliament, the media and the public. Nevertheless, transparency has been increasing since 2001 as a result of the transparency standards required by IMF and by the European Union. Occasional voices of intellectuals and civil society heard since the early 2000's also made a contribution to improvements in accountability.

Legislators have always had access to defence budget proposals. Now they will have more detailed information, as the new law on public finance control requires more detailed information about the budget proposals and more complicated and longer procedures for debating defence bills. Legislators will also have access to comprehensive reports on activities and government performance after the passing of the budget.

However, the public does not receive much information at the stage of *ex-ante* accountability or at the policy-making and planning stage of the budget.

This is now likely to change too. One of the indicators of the likely change is the fact that in 2001, for the first time, more detailed information on the defence budget was given to the public in a publication of the Ministry of Finance called *Kamu Hesapları Bulteni*, available at Ministry's web site. Rather than putting defence expenses under "Other Current Expenses", the Bulletin provided detailed information on the expenses of the Ministry of National Defence, the Gendermarie and the 'Security', and the money allocated to the 'Turkish Republic of North Cyprus' and to 'intelligence and personnel'.<sup>127</sup> Now the Bulletin regularly provides information on military expenses.

Moreover, information on military tenders is available to the public since the passing of the law on public tenders, as will be explained below.

Two legal arrangements aiming to increase transparency in public expenses in general will also enable the public to have information on defence budgeting. One of them is the new Public Tender Law No. 4734 (Law No. 4734).<sup>128</sup> It was enacted on 4 January 2002 and entered into force on 1 January

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<sup>127</sup> "Bütçe Seffalastı" ("The Budget became transparent"), *Habertürk*, May 23, 2001. (available at [www.haberturk.com](http://www.haberturk.com)).

<sup>128</sup> Law No. 4734, which has been enacted as a part of the approximation efforts of Turkish legislation to European Union Law, mainly establishes the principles and procedures to be applied in tenders held by all public entities and institutions governed

2003. Another is the Right to Information Law<sup>129</sup> in October 2003, have widened the access to information on public policy and public expenses.

## 6. Transparency in Programming and Budgeting

As mentioned above, parliamentarians were not very enthusiastic to have detailed information and to make input into the planning of the budget due to their lack of expertise and "political tradition of understanding the sensitivity of national defence".

An interview with Dr Bülent Gedikli, a member of the parliamentary budget committee, underlined that the reforms and new legal arrangements will enable the members of parliament to have more information and greater input at the planning and policy-making stage of defence budgeting.

There is growing demand, expressed in the media, for more information on defence expenses. Likely improvements in policy accountability and transparency could indeed provide more information to the public.

### 6.1 Domestic Transparency in General

Transparency is the guarantor of accountability; and publications are its lifeblood. There is an annual exposition of the defence budget in the *Annual White Paper* published by the Ministry of Defence (as mentioned above). Also, the *National Gazette* publishes a detailed budget bill of around 300 pages. However, there were complaints from civil society organisations in 2001 that in general 4-5 pages were devoted to the details of the budget of Ministry of

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by public law or under public control or using public funds. Law No. 4734 mainly aims to provide for transparency, competition and fairness in public tenders. One of the most important features of Law No. 4734 is the establishment of the Public Tender Authority ("Authority") as a public legal entity that is administratively and financially autonomous. The Authority is charged with the effective execution of Law No. 4734 and for the accurate application of the principles, procedures and transactions specified therein. The Authority is independent in its actions relating to the fulfillment of its duties, and no organ, office, entity or person can issue orders or instructions for the purpose of influencing the decisions of the Authority. The most important powers and duties of the Authority are to evaluate and conclude any complaints claiming that the transactions carried out by the contracting entity are in violation of Law No. 4734 and the related legislative provisions; and to prepare, develop and guide the implementation of all the legislation concerning Law No. 4734 and the standard tender documents.

<sup>129</sup> Turkey joined the more than 50 countries with statutory rights of access to government information when the Turkish parliament voted unanimously on 9 October 2003 to enact a Right to Information Law. It was published on 24 October 2003.

Defence, while 8-10 pages were given to the items of the budget of the Ministry of Culture.<sup>130</sup> Researchers studying military budget mention the measurement problems.

One of the public sources of information is the *Annual White Paper* that provides information on the budget of the Ministry of Defence. It indicates the share of the Ministry of Defence in the gross national product, defence expenses and financial resources. It also details how much money is allocated for personnel expenses, other current expenses that include special defence expenses, investment, consumption, investments, transfers, etc.

The second public source of information is provided by the Court of Audit, which publishes a report of auditing (*Genel Bütçe Uygunluk Bildirimi Raporu*), called the Report of General Appropriateness of the Budget, where there is a section on the defence budget.

Third, the Public Accounts Bulletin (PAB) (*Kamu Hesapları Bülteni*) published by the General Directorate of Public Accounts that operates under the Ministry of Finance, and the Budget Bill published by the Ministry of Finance provide information on current, past and future targets and realisations.

Fourth, the *National Gazette* is one of the regular publications that contain information on the defence budget and defence budget bills.

Fifth, web pages of the Turkish General Staff, the Ministry of National Defence and the Ministry of Finance provide information on defence budget.

There is a regular compendium of defence statistics in the MSB (Ministry of National Defence) *Annual White Books*. Here we find limited information on defence figures incorporating key manpower data (recruitment, retention, retirement), materiel and equipment data (purchases, inventories, disposals), plus information on other matters (from aircraft accident rates to welfare provision).

## 6.2 International transparency

Turkey regularly exchanges data on military spending with the NATO and OSCE member states under the information exchange arrangements managed by the OSCE, currently based on the Vienna Document 1999 (VD99). That document has many provisions about notification—and observation—of troop movements and military exercises, ‘Open Skies’ agreements, routine and ‘challenge’ inspections, and so on. It also places a politically binding obligation on member-states to exchange data on military spending.

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<sup>130</sup> This was discussed by Nevzat Onaran in the article titled, "Bilgilenme Hakkı ve Askeri Harcamalar" ("The Right to Have Information on Military Expenses", *Sosyal Araştırmalar Vakfı*, June 3, 2001. [www.sav.org.tr/vergi\\_askeri2.htm](http://www.sav.org.tr/vergi_askeri2.htm)).

## 7. Conclusion

There has been parliamentary oversight of defence in Turkey, but not enough by EU standards. This was partly due to the lack of military expertise of the members of parliament and the political tradition of letting the military handle its own budget formulation with the co-operation of the Ministry of Defence. Besides, the constitutional tools of full parliamentary oversight and auditing were limited before the far-reaching institutional reforms executed within the last three years.

Structural reforms required by the EU's regular reports on Turkey and also by the IMF have resulted in a new modality of accountability in defence budgeting. These reforms have transformed the functions and composition of the military-dominated National Security Council, which acted as a board of directors, setting the parameters of policy making, particularly in security matters, for elected governments. The recent reforms have changed the character of the NSC. The body now has a civilian secretary-general, and military members are in the minority. Besides, the reforms focussing on transparency-building aim to unify the budget processes, to bring all extra-budgetary activities under full auditing and parliamentary control, and to provide an institutional framework for transparency and internal control.

The AKP government enjoyed unprecedented support and very vocal encouragement from the public in its pursuit of the reform process. The rising demand of intellectuals and opinion leaders for wider civilian control of defence expenses and the determination of the AKP government to execute reforms required by the EU have all contributed to the evolving of a new model of accountability in defence budgeting.

The top military leadership also played a positive role in supporting the EU-friendly reforms. The Chief of General Staff, Mr Özkök has handled the transition with skill. The presence of the pro-EU Özkök in the top military post helped the cause of reform substantially.

Now, the constitutional and legislative authorities have the necessary constitutional tools to establish control over the defence budget process at the ex-ante and ex-post stages. With several the EU harmonisation packages and constitutional amendments, new provisions were adopted concerning the *ex post* audit of military and defence expenditure. A regulation was adopted in February 2004 enabling the Court of Audit, at the request of the President of Parliament, to audit military and defence expenditures. The parliamentarians will have more detailed information and more time to *reveal, explain and justify* policy and plans in the defence. The Court of Audit, on behalf of Parliament, has the full mandate to require the government to *reveal, explain and justify* policy and plans in the defence domain. The defence committee and sub-committees of the 'budget' commission *are* empowered to scrutinise the actions of the

executive in the defence and security arena. Operational spending is to be under full scrutiny after repealing the secrecy clause from the law and enabling the Court of Audit to control all types of expenses and transactions. And other sophisticated mechanisms of internal control are likely to follow.

The reforms have implications for the allocation of the resources in the direction of reduced defence expenditure and higher education spending. According to recent data, education spending is for the first time higher than defence spending. The 2004 budget figures indicate that, while defence spending is US\$ 5.6 billion, or 2.59 per cent of GNP, education spending is US\$ 6.7 billion, or 3.06 per cent of GNP.

The number of regular publications listed above and the web pages providing information to the public on public expenses and particularly on defence expenses has been increasing since 2001. However, the information is not systematic; it is disorderly and scattered over various publications.

What is the response of the EU to the far-reaching reforms increasing the democratic civilian control of the armed forces and transparency building in the defence budgeting? The 2004 EU Regular Turkey Report praises all these reforms. Yet the Report shows that the European Commission is not fully satisfied with the changes in civil-military relations. As regards the institutional framework, the Report points out that "there are legal and administrative structures which are not accountable to the civilian structures. Civilians can be tried before military courts for certain crimes."<sup>131</sup> The report makes a reference to laws and provisions that could be a tool to intervene in domestic politics:

"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."<sup>132</sup>

This means that the EU requires Turkey to abolish all legal provisions that could be instrumental to the military's intervention in politics.

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<sup>131</sup> See Turkey Regular Report 2004. *Regular Report 2004 on Turkey's Progress Towards Accession*, The European Commission., p. 23. The report was released on 6 October 2004.

<sup>132</sup> Ibidem



**TABLE: Constitutional Amendments and Changes in the Laws for Aligning Civil-Military Relations with EU Practices**

<b>Requirement by the EU</b>	<b>Constitutional Amendment and Changes in the Laws</b>	<b>Date and Reform Package</b>
<b>The Role of the National Security Council (NSC)</b>	Changing the nature of the NSC and making it an advisory organ by an amendment to Article 118 of the Constitution, which also increases the number of civilians in the NSC.	<i>3 October 2001 Constitutional Amendments</i>
	Abrogation of the provision of the Law on the NSC that 'the NSC will report to the Council of Ministers the views it has reached and its suggestions'.	<i>3 October 2001 Constitutional Amendments</i>
	Removal of articles 9 and 14 of the Law on the NSC and the Secretariat General of the NSC which empowered the Secretariat General to follow up, on behalf of the President and the PM, the implementation of any recommendation made by the NSC; amendment of article 13 limiting the competencies of the Secretariat General to the functions of a secretariat of the NSC; amendment of article 5 to increase the time period between regular NSC meetings from one to two months; cancellation of the prerogative of the Chief of General Staff to convene a meeting; amendment of article 15 to revise the appointment procedure of the Secretary General of the NSC; the Secretariat General is to be appointed upon the proposal of the PM and the approval of the President, allowing a civilian to serve in this office; removal of article 19, which provided that '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'; abrogation of the confidentiality of the staff of the Secretariat General of the NSC.	<i>7 August 2003, 7th harmonisation package</i>
<b>Competency of Military Courts</b>	Abolish the trial of citizens by military courts by amending the Turkish Penal Code and the Law on the Establishment and Trial Procedures of Military Courts  The amendment to the Military Criminal Code and the Law on the Establishment and Trial Procedures of Military Courts in January 2004 aligned the detention procedures of the military courts with those of other courts.	<i>7 August 2003, 7th harmonisation package  30 July 2003, The amendment to the Military Criminal Code</i>

		<i>and the Law on the Establishment and Trial Procedures of Military Courts</i>
<b>Full Parliamentary Control of the Defence Budget</b>	Addition to the Law on the Court of Audit to audit accounts and transactions upon the request of Parliament in all areas where public means are used. Introduction of a bylaw to establish the principles and procedures to be observed when auditing state property used by the armed forces.	<i>7 August 2003, 7th harmonisation package</i>
	Law on Public Financial Management and Control brings extra-budgetary funds into the overall state budget.	<i>Law enacted on 10 December 2003</i>
	The last paragraph of article 160 of the Constitution on the Court of Audit is deleted. This constitutional amendment deletes the exemption of "state property in the possession of the Armed Forces in accordance with the principles of secrecy necessitated by national defence" from the control of the Court of Audit ( <i>Sayıştay</i> ).	<i>7 May 2004 Constitutional amendments</i>
<b>Withdrawal of Military Representatives on Civilian Boards</b>	<p>The representative of the NSC General Secretariat in the Supervision Board of Cinema, Video and Music has been removed by an amendment to the Law on Cinema, Video and Music (Law No: 3257). An amendment to Article 6 deletes the clause: "the NSC General Secretariat".</p> <p>The member of the Higher Education Board (YÖK), who was selected by the Chief of General Staff, was removed.</p> <p>Similarly, a member appointed by the Secretary General of the National Security Council has been removed from the High Audio-Visual Board (RTÜK).</p>	<p><i>19 July 2003, 6th harmonisation package</i></p> <p><i>30 June 2004 9th harmonisation package</i></p>
	The right of the Chief of General Staff to appoint a member of the High-Education Board and the High Audio-Visual board is eliminated	<i>30 June 2004 9th harmonisation package</i>

## Chapter Six

### THE ROLE OF THE MILITARY IN TURKISH POLITICS: AN ANALYSIS OF PUBLIC STATEMENTS MADE BY THE TURKISH GENERAL STAFF

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## 1. Introduction

On 17 December 2004 the European Council finally decided that formal accession talks with Turkey would start on 3 October 2005. The Council made it clear that Turkey sufficiently fulfilled the Copenhagen political criteria to open accession negotiations.<sup>134</sup> Furthermore, the European Council welcomed the decisive progress made by Turkey in its far-reaching reform process in several areas.

Also inside the realm of civil-military relations, the government of Prime Minister Recep Tayyip Erdoğan has made some important and far-reaching formal, legal-institutional reforms to tackle the formal powers of the Turkish Armed Forces (TAF). The reforms incorporated changing the National Security Council (NSC) to an advisory body with a majority of civilians, removal of the NSC representatives from the boards of civilian organisations, power decrease of the NSC Secretariat General, more transparency of defence expenditures and decreased jurisdiction of the military courts.

However, this meant only a partial reduction of the military's influence in Turkish politics and society. The European Commission wrote in the 2004 Regular Report that the civil-military relations are evolving towards European standards, but added that the process of aligning civil-military relations with European Union (EU) practice is underway.<sup>135</sup> Later the EC mentioned that "*The armed forces in Turkey continue to exercise influence through a series of informal channels. On various occasions, military members of NSC expressed their opinion on political, social and foreign policy matters in public speeches, briefings or statements to the media and declarations.*"<sup>136</sup>

According to EU practice, the armed forces should be fully and unambiguously subordinated to the government and the leader of the armed forces is only allowed to speak in public within his professional domain. Furthermore, senior military officers may only make public statements with the authorisation of the Minister of Defence. In a democracy, the military should act as an executive instrument of the state instead of an autonomous actor within politics and society.

However, it is difficult to say if the TAF still continue to exercise influence through informal mechanisms. It so happens that the extent of influence is hard to measure and difficult to prove. Nevertheless, it is possible to analyse the

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<sup>134</sup> European Council, 'European Council Presidency Conclusions 16/17 December 2004', [http://ue.eu.int/ueDoc/cms\\_Data/docs/pressData/en/ec/83201.pdf](http://ue.eu.int/ueDoc/cms_Data/docs/pressData/en/ec/83201.pdf), p. 7.

<sup>135</sup> European Commission, 'Regular Report 2004 on Turkey's Progress Towards Accession', [http://europa.eu.int/comm/enlargement/report\\_2004/pdf/rr\\_tr\\_2004\\_en.pdf](http://europa.eu.int/comm/enlargement/report_2004/pdf/rr_tr_2004_en.pdf), p. 23.

<sup>136</sup> Ibidem.

public statements of both the Turkish General Staff (TGS) and the government with regard to specific cases. Accordingly, one can draw conclusions about the positions of the TGS, how these points of view relate to governmental policy and which inferences can be made.

Unfortunately until now, no scholar has comprehensively studied all the speeches, public statements and press releases made by the TGS over a considerable amount of time. The current paper will discuss a limited number of such TGS pronouncements. In this way one can compare the positions of the TGS and the government, which are sometimes similar, and sometimes not. Conclusions will be drawn about how the military conceives its role and how it behaves in Turkish politics.

So the research question will be: What can be inferred from the informal mechanisms used by the TGS about its role in Turkish politics? The period of analysis will be October 7, 2004 until October 3, 2005. October 6 was the last time the EC referred to the continuing informal influence of the military and October 3 was the starting date of the negotiations between the EU and Turkey. The TGS is the leading player in the Turkish military and will therefore reflect the positions of the Turkish military in this research.

First, there will be a short explanation about informal mechanisms and how and when they are used by the TGS. Second, the military's unique role within Turkish society will be explained. From this perspective one can understand the impact of its public statements. Third, speeches, press briefings and other declarations made by the General Staff will be examined to analyse the points of view of the TGS. Finally, conclusions will be drawn concerning the role of the TGS in Turkish politics.

For the purpose of analysing the military's statements, qualitative and quantitative assessment will be used. Press briefings and speeches have been obtained from the website of the TGS. Among others, two main Turkish newspapers, Turkey's best-selling *Hürriyet* and the conservative *Zaman*, and a foreign website on Turkey, [www.turkishpress.com](http://www.turkishpress.com), have been used.

Due to time restrictions during the internship and lack of knowledge of the Turkish language it was impossible to analyse all public statements and relevant Turkish articles. However, the author's supervisor helped to translate several important speeches and fortunately the main Turkish newspapers maintain Turkish/English websites. Therefore it can be said that the selection of articles, speeches, press briefings and other public statements is comprehensive enough to allow for some interesting suggestions and conclusions.

## 2. Informal Mechanisms

Informal mechanisms range from public pronouncements and press briefings by the TGS to informal contacts with bureaucrats and politicians. Public statements by leading members of the TGS, which will be used for this paper, usually do not reflect a general's personal opinion, but instead an expression of concern or commitment by the military.<sup>137</sup> Statements are aimed at warning, galvanizing and/or informing the government, public and those who pose a specific threat to Turkey.<sup>138</sup> So informal mechanisms are the main channels the TGS uses to express its opinion on issues of 'internal security' and Kemalist principles.

The method used by the TGS depends on the policy area, the nature of the perceived threat and the response of the civilian authorities.<sup>139</sup> Usually, leading members of the TGS address important points of concern, like Islamic radicalism or Kurdish separatism, on behalf of the TAF during press conferences or on official occasions like commemorations, anniversaries or ceremonies at military academies.

At these meetings three people have the authority to speak on behalf of the TAF: the Chief of General Staff, the Deputy Chief of General Staff and the General Secretary. The Land Forces, Naval Forces and Air Forces commanders are only allowed to speak on issues which are related to their field of command. Moreover, they have to report directly to the Chief of General Staff.

The Chief of General Staff has a great influence on the military's policy, strategy and accordingly on the TGS's statements. The current Chief of Staff is the 65-year old general Hilmi Özkök who became the 24<sup>th</sup> Commander of the TAF on 28 August 2002. He is known as a moderate, diplomatic general and held in high esteem. In August 2004 during the annual Higher Military Council meeting Mr Özkök took the opportunity to replace several hard-line commanders by more moderate generals. So the moderate general Yasar Büyükanıt became the Land Forces Commander which is an important function, since normally the Land Forces Commander succeeds the Chief of TGS. General Başbuğ, the current Deputy Chief of Staff, is expected to become the Chief of Staff in 2008, following Mr Büyükanıt's retirement.<sup>140</sup>

There are different factors which may affect the content and the frequency of statements made by the TGS. These factors include the vested interests of the military, the personality of the Chief of General Staff, the government's policy, internal and external threat perception and the perception of

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<sup>137</sup> Gareth Jenkins, *Context and Circumstance: The Turkish Military in Politics*. Adelphi Paper, No. 337 (London: International Institute for Strategic Studies, 2001), p. 53.

<sup>138</sup> Ibidem.

<sup>139</sup> Ibidem.

<sup>140</sup> 'Moderates take upper hand in Turkish army reshuffle', [www.civilitasresearch.org/press/view\\_citation.cfm?press\\_id=197](http://www.civilitasresearch.org/press/view_citation.cfm?press_id=197), August 11, 2004.

the EU. For example, when there is an increase in terrorist activities by the Kurdish Workers Party (PKK), the internal threat perception of the TGS will grow, and this will likely result in more public statements on this specific issue. As the TAF enjoy a high degree of public prestige, speeches and press briefings are the most effective way to share information and possibly influence the public, certain groups and/or government. Therefore and because the effect of informal contacts with bureaucrats and politicians is hard to measure, this paper concentrates on analysing speeches, press briefings and other public declarations made by the TGS.

### 3. A Military Like No Other

To understand the military's unique and complex role in Turkish society one should analyse Turkish historical, social, cultural, political and security context. The military has a special and unusual relation with both politicians and society. As the Chief of Staff General Hilmi Özkök said in August 2005: "*the relationship between the Turkish military and Turkey's civilian authorities may be an exception to the standardized civil-military relationship, but every country has different needs, conditions, values, histories, societal concerns, and dynamics.*"<sup>141</sup>

In a historical sense the military has always played a central role in Turkish society and politics. In other words, Turkey has been known as a military nation throughout history. The Turks first appeared in history as a fighting force rather than a nation. During the Ottoman years the Turkish military was a progressive, modern actor responsible for dramatic changes in the field of technology, education and politics. In 1908 Ottoman military officers constructed the democratic foundations of modern Turkey by forcing the Sultan to introduce constitutional rule.

After World War 1, General Mustafa Kemal (later known as Atatürk) drove out the Greeks and founded the Republic of Turkey. During his 15-year presidency, he was seen as a war hero, he was able to push through a series of dramatic reforms which transformed the Ottoman empire into a modern, democratic, Western state. He died in 1938. During the second half of the century, in 1960, 1971 and 1980, the Turkish military staged three coups to re-establish order, peace and stability. These events heightened the already great prestige of the Turkish military.

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<sup>141</sup> Ersel Aydınli, Nibat Özcan, Doğan Akyaz, 'The Turkish military's march toward Europe', *Foreign Affairs*, Vol. 85, Jan/Febr 2006, p.1.



Seen from a social and cultural perspective, Turkish society emphasizes collective rather than individual rights and values.<sup>142</sup> The majority of the Turks attach more value to the family, local community and/or the nation than to the individual. These mindsets are reinforced by the education system, which teaches Turkish children to love the motherland, 'to be a Turk' and that the military is the ideal embodiment of Turkishness. Children are told in schools and by their parents that all heroes in Turkish society are warriors, that the military is the symbol of national unity and that 'every Turk is born as a soldier'.<sup>143</sup> The strong relationship between the military and public is reinforced by compulsory service, as this is considered by most Turks as a holy duty.<sup>144</sup>

In a political sense, most Turks do not trust their politicians. Turkey's politics is based on a system of clientelism, and its political parties are based on charismatic individuals rather than on ideological convictions or common goals. Party leaders appoint the candidates for national elections and the delegates to the party congresses, which elect the party leaders. In general, politicians are seen as corrupt and nepotistic and therefore do not enjoy a high level of respect and confidence.<sup>145</sup> The poor reputation of politicians is further reinforced by the failure of successive governments to provide stability or prosperity. As the public trusts the military, it expects the military to expand its role to the political domain.

According to an opinion poll published in September 2005 in the Turkish daily *Hürriyet*, the military is still Turkey's most trusted institution. Turks see the military as a traditional father figure who protects them.<sup>146</sup> Probably the best way to explain the military's special status is by quoting Atatürk's biographer: "*The military institution remains an important pressure group, whose power derives from the support extended to it by society rather than from legal arrangements. The Turkish military serve the state, and their service is appreciated by the public.*"<sup>147</sup>

Overwhelming support for the military is further reinforced by the public perception of the security environment. Turks believe that their country is under continual external and internal threat, since throughout years Turkey has been endangered by neighbouring countries, Islamic radicalism and Kurdish separatism. Therefore, Turks trust and expect their military to protect them against internal and external threats, safeguard the Kemalist principles of secularism, nationalism and democracy, check corrupt or incapable governments, and so on.

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<sup>142</sup> Gareth Jenkins, *Context and Circumstance: The Turkish Military in Politics*. Adelphi Paper, No. 337 (London: International Institute for Strategic Studies, 2001), p.11.

<sup>143</sup> *Ibidem*, p. 13.

<sup>144</sup> *Ibidem*, p. 12.

<sup>145</sup> *Ibidem*, p. 15.

<sup>146</sup> Unpublished article by Nuran Yıldız, 'The representation of the TAF in the press during the process of Turkey's membership to the EU', p. 4.

<sup>147</sup> Andrew Mango, *The Turks Today* (London: John Murray, 2004), p. 139.

If one adds up the great public prestige of the military, the lack of confidence by the public in politicians and public perceptions of threats to the country's security, one begins to understand why the military has expanded its role from the security field into the political arena. This is what the public expects from the military. This should not be interpreted as widespread public enthusiasm for military rule. Rather, it is an informal popular mandate to intervene in politics if necessary.<sup>148</sup>

It is interesting to analyse the role the military played in the political arena from October 2004 until October 2005, a period in which the European Union was calling on Turkey to strengthen the democratic oversight of the military. Did the TGS make policy statements outside the realm of security and defence? Did it comment on government policy without explicitly stating that these comments were made under the authority of the Prime Minister or the Minister of Defence? Did the TGS make statements which were not congruent with the government's position? In a more general sense: What do its public policy statements tell us about the behaviour of the military in Turkish politics on the eve of negotiations on EU accession?

#### **4. The Military's Role, 7 October 2004 – 3 October 2005**

For the purpose of analysing the role of the military in Turkish politics, a great number of speeches, press releases and other statements have been thoroughly examined. Since the military's contacts with bureaucrats or politicians are hard to measure, this paper only concentrates on the military's public statements on policy matters, which reflect the most utilized and effective informal mechanism by the TGS.<sup>149</sup>

Among all the issues to which the military drew attention, there are seven main topics which are of great importance for both the military officers and the politicians. These subjects are Cyprus, the Turkish-Armenian relationship and the genocide allegations, Turkey's bid for EU membership, secularism, the Kurdish issue, the war against the PKK, and Northern Iraq. Each topic will be discussed by giving the positions of the TGS and the politicians. This paper will compare their positions and establish whether they coincide or differ.

That will tell us something about the political role of the TAF. If the military adopt a position on a policy issue which is not in accordance with the government's position, then this is not consistent with EU practice. In principle

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<sup>148</sup> Among others, Gareth Jenkins, *Context and Circumstance: The Turkish Military in Politics*. Adelphi Paper, No. 337 (London: International Institute for Strategic Studies, 2001), p. 14.

<sup>149</sup> See Chapter Two

and in practice, the military in EU member states carries out national policy. It may not and does not behave like an autonomous political actor. If the positions of the government and the TGS on a policy issue coincide, this is not in itself problematic. It could mean that the military has conformed itself to the government position, which is consistent with the democratic control of the armed forces. This is not problematic from an EU point of view. Alternatively, it could mean that the government conformed to a position advocated by the military. Depending on how this happened, it might be considered problematic. However, it is very difficult to study and assess such a process in detail and with reasonable certainty.

However, two important and relevant factors are open to scrutiny, namely the timing and the wording of public policy statements made by the General Staff and the government. We will examine them. An overview of the speeches by the General Staff is provided in a table included in the appendix. Unfortunately, due to a language barrier, we were unable to study all policy statements made by the TGS in the period under review, but it was not possible to cover the most striking and important pronouncements made in speeches and press releases.

## **4.1 Cyprus**

Cyprus is a hotly debated subject and the most controversial issue in Turkey. During several years, Greece and the EU pressured Ankara to withdraw its soldiers from the Turkish Republic of Northern Cyprus (TRNC), stationed there since the 1974 Turkish invasion of Cyprus. Furthermore Turkey has been pressured to recognize Greek Cyprus, especially by the EU on the road to the start of negotiations. From a Turkish point of view, the troops are stationed there due to the violation of international agreements by the Greek Cypriots.

Again and again, the TGS and the government stressed that recognition is only possible and durable if a fair, definitive and permanent solution for the Cyprus issue has been found. A comprehensive settlement plan was proposed by United Nations (UN) Secretary-General Kofi Annan and supported by the Turkish Cypriots, as well as the TGS. Nonetheless it was rejected by the Greek Cypriotes in a referendum held on 24 April 2004. This led the Turkish government to say it had taken all the required steps on the Cyprus issue.

Cyprus reflects one of the primary security concerns of both the military and the government. Two main reasons can be given regarding the importance of Cyprus. First, the TGS and the government feel responsible for the security of their citizens in the northern part of Cyprus. They want to ensure the rights of their kinsmen. Second, Cyprus is seen as a strategic factor in terms of Turkish security.

## Cyprus and the Military

In a message marking the 21st anniversary of the Turkish Republic of Northern Cyprus (TRNC), the Chief of General Staff, General Hilmi Özkök, stated on 17 November 2004 that the TGS will continue to guarantee the security of the Turkish Cypriots. Mr Özkök further urged that the isolation of the TRNC should be brought to an end.<sup>150</sup> He emphasized the importance of Cyprus and made it clear that he did not intend to give in.

During a visit to the TRNC on 25 January 2005 Turkish Land Forces Commander General Yaşar Büyükanıt emphasized the words of Mr Özkök and added that “*not a single Turkish soldier will leave Cyprus unless a final and lasting agreement is signed.*”<sup>151</sup> He furthermore argued that the stationing of Turkish soldiers on the island is based on international agreements to ensure the rights of Turkish Cypriot citizens. He added that the isolation of the TRNC, especially by the EU, is both unfair and illegal.

A day later, the Deputy Chief of TGS General İlker Başbuğ publicly supported the words of General Büyükanıt. Although Mr Büyükanıt spoke outside the scope of his field, Mr Başbuğ said his statements also reflect the views of the TGS and the government. “*We view any call for the withdrawal of the Turkish troops from Cyprus, in any amount, numbers are not important, as a great injustice done to Turkey. As I said already, the withdrawal of troops from Cyprus is not on Turkey's agenda.*”<sup>152</sup> This indicates that the military may support a peaceful solution, but not by withdrawing soldiers.

On 20 April 2005, the Chief of General Staff, General Özkök, made his annual evaluation speech, probably one of his most important pronouncements on the Cyprus issue. He said that Cyprus represents one of the TGS's main issues, and the TGS's concern regarding it will never decrease. Moreover, Mr Özkök argued that the TAF has always been in favour of a just and lasting solution to the Cyprus issue. However, he continued, it is not possible to recognize the Greek Cypriot administration as the representative of the whole island. “*Turkey can recognize a new order which would come out as a result of a negotiations process to be made among parties with equal political status on the island.*”<sup>153</sup>

Thus he did not explicitly endorse earlier statements about ‘not withdrawing one Turkish soldier’, but emphasized that Cyprus is still one of Turkey's crucial security concerns and recognition is only possible with a fair and lasting solution. He warned the Greek-Cypriot government for misusing Turkey's bid to EU membership to extract concessions on Cyprus.<sup>154</sup> What is interesting to

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<sup>150</sup> ‘Özkök issues message marking TRNC's 21<sup>st</sup> anniversary’, *Star*, November 17, 2004.

<sup>151</sup> ‘General Büyükanıt: “Without a settlement, Turkey will not withdraw its soldiers from the TRNC”, *Star*, January 26, 2005.

<sup>152</sup> ‘Başbuğ's comments on Büyükanıt's statements’, *Zaman*, January 26, 2005.

<sup>153</sup> ‘Annual evaluation speech’, [www.tsk.mil.tr](http://www.tsk.mil.tr), April 20, 2005.

<sup>154</sup> *Ibidem*.

note here is that Mr Özkök did not explicitly or implicitly say troop withdrawal is not on Turkey's agenda. His overall assessment was made up of warnings, but it seems that the TGS softened its position on Cyprus, maybe in response to EU pressure.

During the following months similar statements were made.

### ***Cyprus and the Government***

Several speeches and press releases made by the government suggest that it held the same line as the military. Turkey will not recognize Cyprus unless the island's issues have been solved. Turkey's government resisted EU pressure to recognize the Greek-Cypriot side prior to the critical December 17 summit. Prime Minister Erdoğan said it is not a precondition for EU membership. Furthermore the Greek Cypriots should also make efforts to achieve a solution for the Cyprus issue.

Thus, in regard to the fundamental approach of the Cyprus issue, the policy positions of the government and the military coincided. However, what was the government's position with regard to troop withdrawal from Cyprus? The Foreign Ministry was asked if it agreed with General Büyükanıt's statements, but avoided the question. Foreign Ministry spokesman, Namık Tan, said that Turkey maintained its peace vision for Cyprus.<sup>155</sup> On 28 January 2005, Istanbul NTV broadcast a statement saying that Prime Minister Erdoğan expressed support for Büyükanıt's statement, adding that this statement did not constitute a new evaluation of the situation.<sup>156</sup> However, if you analyse precisely earlier statements made by the government, it is the first time it explicitly said troop withdrawal is impossible before a settlement is made.

In March 2005, the then President of the TRNC, Rauf Denktaş, declared not to seek a next term due to disagreements with the ruling Justice and Development Party (JDP) on the Cyprus issue. Foreign Minister Abdullah Gül and Prime Minister Erdoğan rejected this criticism and said they did not have any problems with him.<sup>157</sup> Mr Erdoğan added that the people of Northern-Cyprus showed in a referendum last year they were in favour of a solution. Although the Prime Minister denied the allegations, he confirmed the differences of opinion implicitly between the government and Mr Denktaş. Since the JDP took office in 2002, there was irritation because of the obstructionist attitude of Mr Denktaş.

In contrast to the government, General Özkök praised Mr Denktaş, saying he "*was a great leader and devoted his eight-plus decades to the Turkish*

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<sup>155</sup> 'Foreign ministry spokesman supports Büyükanıt's remarks on Cyprus', <http://www.hri.org/news/cyprus/tcpr/2005/05-01-27.tcpr.html#03>, January 27, 2005.

<sup>156</sup> 'Erdoğan: sensitivities on the Cyprus issue to continue in future', <http://www.hri.org/news/cyprus/tcpr/2005/05-01-28.tcpr.html#03>, January 28, 2005.

<sup>157</sup> 'Erdoğan and Gül defend AKP against Denktaş', *Zaman*, March 24, 2005.

*Cypriot's just cause*".<sup>158</sup> This is an indication of the different course the government and military followed. On the one hand there is the military which favoured a solution, but only when national interests are preserved. On the other hand there is the government which was more cooperative because of EU's pressure to recognize Cyprus.

In the following months the Turkish government urged the EU, the UN and Greek Cyprus to take steps towards a resolution, and also declared itself a great proponent of a settlement. It also signed the additional protocol of the Ankara Agreement, which extended the Customs Union to all 25 EU member states, including Cyprus. However, the government rushed to declare that the signing of the protocol did not imply the official recognition of Cyprus. In this sense, the government does not contravene the military's point of view. Bold statements about 'no troop withdrawal' were not repeated by the government. Instead, Messrs Erdoğan and Gül concentrated on resolving the conflict by speaking with UN Secretary General Kofi Annan and the Greek Cypriot representatives.

### ***Cyprus: Some Convergence***

Taking all these statements into consideration, it is fair to say that there was a general agreement between the government and the military. Both declared they could recognize Cyprus if a durable and fair solution for the decades-old problem was found. This would necessarily include an equal political status for Greek and Turkish Cypriot citizens. However, it seems that the military followed a harder, more conservative policy in which concessions are more difficult to make and troop withdrawal will only take place after a fair solution has been found. Moreover, Cyprus reflects one of the primary security concerns about which military's concern will never decrease.

It is interesting to note that the TGS made a detailed statement about 'no troop withdrawal' before the government had made its position clear. Furthermore, the TGS did not state it was speaking on behalf of the government. Although at first the Ministry of Foreign Affairs avoided responding to the statement made by General Büyükanıt, Mr Erdoğan expressed his support reluctantly. This suggests the government has been influenced by the independent position of the TGS regarding a crucial point within the Cyprus issue.

## **4.2 Relations between Turkey and Armenia, and Genocide Allegations**

A second controversial issue in 2005 was the tense relationship with neighbouring Armenia and the related allegations of genocide. In 1915, during

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<sup>158</sup> 'Denктаş devoted a lifetime to the Turkish Cypriots', <http://www.byegm.gov.tr/YAYINLARIMIZ/CHR/ING2005/04/05x04x25.HTM#%203>, April 25, 2005.

World War 1, the Armenians revolted against their Ottoman rulers, with the support of Russia. During and after the revolt, thousands of Turks and Armenians were killed. The Ottoman government deported a large part of the Armenian population. Now the government of independent Armenia claims that the Ottoman administration murdered up to 1.5 million Armenians, and that this constituted genocide. Turkey denies the charge of genocide and says it was an unfortunate turmoil which resulted in the death of 300,000 Armenians and as least as many Turks.<sup>159</sup> For years the subject has been kept relatively quiet in Turkey's public debate until several countries<sup>160</sup> and the EU pressured Turkey to recognize the 1915 massacre as genocide. The genocide allegations are still a taboo in Turkey and for that reason hard to discuss.

### ***Relations between Turkey and Armenia, Genocide Allegations and the Military***

The TGS has made very few statements regarding the Turkish-Armenian relationship and the allegations of genocide. However, during his annual evaluation speech, General Özkök made a clear assessment on the troublesome relationship with Armenia. *"Turkey wishes to normalize her relations with Armenia. However, Armenia has to obey fundamental international rules of law and to meet the requirements of good neighbourly relations. Armenia does not recognize the territorial integrity of Turkey. Moreover she takes steps for the recognition of the alleged Armenian genocide on the international fora and keeps a significant part of Azerbaijan territories (Nagorno-Karabakh) under occupation.."*<sup>161</sup>

Mr Özkök denies the genocide allegations which have been made frequently against Turkey and described during his annual evaluation speech what happened in 1915. *"...some Armenian organizations started an armed revolt against the state, cooperated with the occupying forces killing hundreds of thousands of innocent Turkish citizens. In response, the Ottoman State started the process of relocation in May 1915 in order to protect the Armenian society from the retaliation of the Turkish society. The Ottoman State took all possible measures for the successful accomplishment of the relocation process despite all the difficulties of the time."*<sup>162</sup> This, as far as the Turkish military is concerned, is the end of the discussion. The military fears that a public discussion about the Armenian genocide allegations may revive the issue of oppressed nationalities, which can undermine Atatürk's principle of nationalism.

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<sup>159</sup> 'Turkish army urges Armenia to drop genocide claims, work for good ties', <http://www.asbarez.com/aol/2005/050422.htm#n3>, April 22, 2005.

<sup>160</sup> Several countries like Poland, Canada, Germany, France and the US passed a law stating that the events of 1915 constitute a genocide.

<sup>161</sup> 'Annual evaluation speech', [www.tsk.mil.tr](http://www.tsk.mil.tr), April 20, 2005

<sup>162</sup> Ibidem.

General Özkök, speaking on behalf of the General Staff and the military, warned Armenia that she has to recognize her borders with Turkey, give up the occupied Azerbaijan territories and stop misusing the genocide allegations to attract attention. Only then can bilateral relations between Turkey and Armenia be developed. He considers the genocide allegations irrelevant, as all political and legal aspects of the alleged genocide have been finalized with the Lausanne Treaty.<sup>163</sup> Chief Deputy General Başbuğ echoed Mr Özkök's statement on 7 June 2005: "*Turkey desires normal relations with Armenia. But for this to happen, Armenia should follow international law, and should do everything it can to bring about good neighbourly relations.*"<sup>164</sup>

### ***Relations between Turkey and Armenia, Genocide Allegations and the Government***

Whereas Turkey's government also denies the genocide allegations and officially emphasizes that Armenia first has to recognize Turkish-Armenian borders before enhancing bilateral relations, the government approached the issue differently. The most important aspect of this issue is the alleged genocide, which according to the military never occurred and was definitively dealt with the Lausanne Treaty. Discussion about this is not considered feasible and suitable. However, on 25 October 2004 Prime Minister Erdoğan announced that Turkey for the first time will discuss the genocide allegations internationally.<sup>165</sup> During the Turkey-Armenia historical meeting in the first half of 2005, academicians would argue on the basis of relevant documents.

Furthermore on 13 April 2005 Prime Minister Erdoğan wrote a letter to Armenian president Robert Kocharian, in which he proposed to establish a joint commission of historians and experts of both countries to look into the claim of the alleged genocide in order to find out the 'historical truth'. The same day, the Turkish government issued a declaration that called for cooperation with Armenia to "*eradicate hate that could be left behind for further generations*".<sup>166</sup> In addition the declaration stated that "*it is reasonable for Turkey and Armenia to end taboos with a joint initiative, clarify all sides of what they had experienced, and be ready to settle old scores with their history*". At first, President Kocharian turned the invitation down, but several weeks later he changed his mind.<sup>167</sup> On 26 April 2005, he sent a letter to Ankara saying that Armenia supported the initiative without any pre-conditions.<sup>168</sup> Thus the research by experts and historians could begin, after both countries opened their archives in late April.

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<sup>163</sup> Ibidem.

<sup>164</sup> 'Yerevan should follow the law', *Hürriyet*, June 8, 2005

<sup>165</sup> 'Turkish, Armenian scholar to discuss Armenian problem', *Hürriyet*, 26 October, 2005.

<sup>166</sup> 'Turkey takes concrete steps towards peace with Armenia', *Hürriyet*, 14 April 2005.

<sup>167</sup> 'An ugly 'no' from Yerevan', *Hürriyet*, April 14, 2005.

<sup>168</sup> 'Armenia consents to negotiate without pre-condition', *Zaman*, April 27, 2005.



The fact that the Turkish government openly spoke about the genocide allegations and created an international stage for discussing this sensitive issue is totally at odds with the military's point of view. According to General Özkök, the genocide allegations discussion ended with the Lausanne Treaty. Now the Turkish government is the initiator of this renewed discussion. It is interesting to note that the military did not publicly challenge the government's proposal to establish a research committee and after a while even implicitly supported the initiative. Land Forces Commander General Büyükanıt stated on 19 May 2005 that Armenia should open its archives: "*Turkey is in the wrestling area waiting for the Armenian wrestler. Turkey is ready for the fight but the wrestler is afraid to come to the arena*".<sup>169</sup> This suggests, if he spoke in name of the TGS, that the military adapted its policy to the government's with regard to the research proposal, but only with reluctance.

It is obvious that Turkey's government is seeking a dialogue with Armenia. In early May 2005 Prime Minister Erdoğan indicated that political relations with Armenia could be established regardless of the work of a historians' commission.<sup>170</sup> This course seems to differ from Mr Özkök's hard line. Furthermore, after rumours were spread, Turkey's Foreign Office confirmed that in a European city in July 2005 secret diplomatic talks had taken place between Turkey and Armenia.<sup>171</sup> During this meeting Turkey presented its proposals for normalizing the bilateral relations. A plausible explanation for this secrecy is that the TGS strongly opposes diplomatic and political relations with Armenia. This was more or less confirmed on 7 June 2005 when General Başbuğ repeated General Özkök's words by saying that normalization of bilateral relations was only possible if Armenia would follow international law and the requirements of good-neighbourly relations.<sup>172</sup>

In addition, Turkey's government undertook several other steps in order to repair relations with Armenia. On 5 December 2004, Prime Minister Erdoğan officially opened an Armenian Museum in Istanbul.<sup>173</sup> In April 2005, the Turkish Parliament discussed for the first time in history the Armenian question. On 18 May 2005, Turkey's Prime Minister gave orders to the Ministry of Culture that the Armenian church in Van Akdamar should be restored as soon as possible.<sup>174</sup> On 10 June 2005, the deputy leader of the ruling JDP, Turhan Çömez, made the first unofficial parliamentary visit from Turkey to Armenia. He said: "*I am here*

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<sup>169</sup> 'General Büyükanıt to Armenia: open your archives', <http://www.turkishpress.com/news.asp?id=48111>, May 19, 2005.

<sup>170</sup> 'Turkey: military's nationalist campaign conceals rapprochement with US', <http://www.wsws.org/articles/2005/may2005/turk-m18.shtml>, May 18, 2005.

<sup>171</sup> 'Closed talks between Turkey and Armenia confirmed', *Hürriyet*, July 13, 2005.

<sup>172</sup> 'General Basbuğ in DC: Secular and moderate Islamic models cannot co-exist', *Hürriyet*, June 8, 2005.

<sup>173</sup> 'Erdoğan opens Armenian museum', <http://www.byegm.gov.tr/YAYINLARIMIZ/CHR/ING2004/12/04x12x06.HTM#%203>, December 6, 2004.

<sup>174</sup> 'Armenian church in Van to be restored', *Hürriyet*, May 19, 2005.

*because we need to take steps in order to develop relations between the two countries*".<sup>175</sup>

Then there was the controversial conference about the genocide allegations, titled 'Ottoman Armenians During the Decline of the Empire', which had been previously stopped twice by the Court. The conference finally took place at Bilgi University in Istanbul on 23-25 September, partly thanks to the active support of Prime Minister Erdoğan and Foreign Minister Gül. Mr Erdoğan emphasized that freedom of expression is one of the most important assets of a well-functioning democracy.

### ***Relations between Turkey and Armenia and Genocide Allegations: Strong Divergence***

There is a strong disparity between the policy positions of the Turkish military and government with regard to the Turkish-Armenian relationship and the genocide allegations. On the one hand, the military stated that to improve relations with Armenia, first concessions should be made by Armenia. In addition, the Turkish military claim that the genocide allegations are totally false and misused by the Armenian government to pressure Turkey. On the other hand, Turkey's government actively supported domestic debate and research on this matter. Moreover it started seeking dialogue with Armenia and tried to repair bilateral relations with Armenia.

Although the government was taking initiatives to discuss the genocide allegations publicly and approached Armenia in a peaceful matter, the TGS remained steadfast by saying that there had been no genocide and that normalization of bilateral relations is only possible if Armenia changes its behaviour. Thus the military adapted a totally different position than the government. It is also interesting to note that the military made statements outside its field of security and defence.

## **4.3 Turkey's EU Membership Bid**

Full membership of the EU has been an old dream for Turkey. In 1963, Turkey concluded an Association Agreement with the European Economic Community (EEC). In 1987, it applied to become member of the EEC, and in 1995 Turkey formed a Customs Union with the European Community. Four years later, Turkey received the candidate country status and finally started negotiations with the EU on 3 October 2005.

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<sup>175</sup> 'Armenians also complain about diaspora', *Zaman*, June 11, 2005.

### ***Turkey's EU Bid and the Military***

Some people believe that the military resists EU membership because it fears losing political power after the required civil-military reforms. Some Turkish officers are indeed sceptical, since EU membership will require radical reforms that will drastically alter the military's position within society and could harm several keystones of the Kemalist state. However, the high command and the majority of the officers are clearly in favour of Turkey's bid for EU membership, as this will mean the final achievement of Turkey's modernisation process started by Atatürk. Moreover, the military elite expects that EU integration will offer a way to respond to internal challenges like Kurdish separatism and Islamic radicalism. Wide and strong public support—most Turks want to join the EU—will help the military to deal with these internal threats.<sup>176</sup>

Especially Chief of Staff General Özkök and his deputy General Başbuğ have repeatedly stated the military's commitment to EU accession. In a press briefing, held on 2 November 2004, general Başbuğ said: "...we see membership to the EU as an important instrument that will help us take Turkey beyond the level of modern civilizations, a target that was set by Great Leader Atatürk."<sup>177</sup> Thus the TGS supports Turkey's bid, but not at any cost: "...We believe in the importance of firmly upholding our national interests in the negotiation process with the EU. It should not be forgotten that just as the EU will bring us benefits, Turkey's membership will also pave the way for the EU to become a global power."<sup>178</sup> The words 'firmly upholding our national interests' must be taken as a reference to issues like Cyprus and the war against the PKK. However, the general clarified that the military is actually the greatest proponent of Turkey's EU bid.

General Özkök underlined General Başbuğ's message in his speech of 20 April 2005. "*The EU is a great commercial, economic and military partner of Turkey. As a nation who regards the Western values as coinciding with ours, we have always wanted to be with them and act in accordance with the same values from the beginning. Turkey's interest lies in being a full member of this Union. However, it is really inappropriate to consider the membership as a favour done by the EU to us.*"<sup>179</sup> So the TGS supports Turkey's EU membership bid because this will fulfil Atatürk's ultimate dream of Turkey becoming a modern Western state and will furthermore integrate Turkey into Europe's arena of so-called 'perpetual peace'. This may have a positive effect on Turkey's internal dividing factors. However, in the view of the TGS, it is necessary that this be done with dignity and honour.

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<sup>176</sup> Ersel Aydınli, Nibat Özcan, Doğan Akyaz, 'The Turkish military's march toward Europe', *Foreign Affairs*, Vol. 85, Jan/Febr 2006, p 5.

<sup>177</sup> 'Press briefing by Deputy Chief of Staff General Başbuğ', www.tsk.mil.tr, November 2, 2004.

<sup>178</sup> Ibidem.

<sup>179</sup> 'Annual evaluation speech', www.tsk.mil.tr, April 20, 2005.

Nevertheless, the TGS mentioned several concerns about the views of the EU regarding minority rights, TAF's position within the state hierarchy, the definition of the TAF's mission, the ruling of the European Court of Human Rights (ECHR) that the trial of the former PKK leader Abdullah Öcalan was not fair, the support of several European countries for the PKK, the EU's failure to ease the international isolation of TRNC and the European Parliament's statement describing Turkey's fight against terrorism as 'aggressive military operations.'

Taking these statements into consideration, the military always supported Turkey's bid to enter the EU, in spite of several reservations and concerns. But while it is in favour of accession, it emphasises that it will not give in on fundamental national interests.

### ***Turkey's EU Bid and the Government***

Prime Minister Erdoğan's government has been working hard towards EU membership, since it took power early 2003. This has been the greatest driving force behind the impressive far-reaching legal and constitutional reforms which have been pushed through by Ankara. Turkey's leading politicians are convinced that EU membership will bring more stability, economic growth, improved living standards and so on. Most important of all, especially for Turkey's elite, is the symbolic meaning of Turkey's entrance into the EU, which would fulfil Atatürk's dream of reaching the contemporary level of civilisations.

On 21 October 2004 at a press conference during a meeting of the Organization of Economic Cooperation and Development (OECD), Prime Minister Erdoğan stressed the importance of Turkey's entry into the EU. *"We're aware of the fact that we can raise our standards within the EU... The decision on starting Ankara's EU talks at its December summit will be a turning point not only for Turkish-EU relations but also for the new world order."*<sup>180</sup> Two months later, on 17 December 2004, the European Council decided that negotiations with Turkey could start. Euphoria among the public was the result.

However, in the period that followed, several disputes and irritations troubled Turkey-EU relations. Among these issues, Cyprus and the genocide allegations were the most challenging. Other subjects include the call of the ECHR to retry former PKK leader Öcalan, the dispute between EU's Turkey representative Hansjörg Kretschmer and Foreign Minister Gül regarding the lack of action on Turkey's part since 17 December,<sup>181</sup> the imposed isolation of the TRNC, the prosecution of the Turkish novelist Orhan Pamuk,<sup>182</sup> and discussions

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<sup>180</sup> 'Erdoğan: we did our homework and now its time to test the EU', *Milliyet*, October 22, 2004.

<sup>181</sup> 'EU controversy exasperates Gül', *Zaman*, March 4, 2005.

<sup>182</sup> Brussels was upset because the first court hearing in Mr Pamuk's trial coincided with the opening day of the six-monthly EU summit on 16 December that implied a provocation. Turkey's well known novelist Orhan Pamuk was to be tried on the grounds of insulting the Turkish state with his statement that in Turkey one million Armenians and 30,000 Kurds had been killed. The EU considered this an infringement of freedom of speech.

about a possible alternative to full membership for Turkey. In response, Turkey took a tough stand on Cyprus, the genocide allegations and the negotiations framework. The government threatened several times that Turkey would go its 'own way' if anything besides full membership was offered.

Nevertheless, the government always remained positive and optimistic with regard to the start of the negotiations. After tough discussions among the Ministers of Foreign Affairs about the negotiations framework, they finally agreed on 3 October 2005 to start negotiations with Turkey. Prime Minister Erdoğan was relieved and spoke the following words: "*The common choice has been in favour of the alliance of civilizations. Turkey has taken another giant step in conformity with its historic progress.*"<sup>183</sup> Foreign Minister Gül called this achievement a 'historical point'.

### **Turkey's EU Bid: Strong Convergence**

There is widespread convergence among Turkey's military and government with regard to EU accession. Both are well aware of the economic, political and security advantages EU membership will bring to Turkey. In addition, their policies can be explained by means of Atatürk's goal of transforming Turkey into a modern, Western state. However, there were and still are some nonnegotiable, sensitive issues like Cyprus for both the military and the government.

Thus with regard to Turkey's EU bid, the military issued comparable statements like the government. Both institutions are working in harmony to achieve their goal. So the military plays a cooperative role in Turkey's policy-making aimed at joining the EU. Of course, from an EU point of view, it is strange and inappropriate that the military should make policy statements outside the scope of security and defence.

## **4.4 Secularism**

Secularism is the separation of religion and politics. It is one of the six principles laid down in the Turkish constitution by Atatürk. According to both the military and the government, the greatest threat to the secularist nature of Turkey's Republic is radical Islamism. Public support for radical Islamism increased dramatically during the 1980s and 1990s. This can be explained by the worldwide growth of radical Islamic movements, urbanisation, rising literacy rates, the introduction of compulsory religious education in schools, and so on.<sup>184</sup> Consequently, political Islam was also on the rise, and in 1997 the military felt obliged to intervene in politics by means of a 'soft coup.' In the following years

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<sup>183</sup> 'Erdoğan: our hopes for global peace reinforced', *Zaman*, October 4, 2005.

<sup>184</sup> Gareth Jenkins, *Context and Circumstance: The Turkish Military in Politics*. Adelphi Paper, No. 337 (London: International Institute for Strategic Studies, 2001), p.60.

the military fought the Islamic radicals. Although this threat has diminished, it still remains.

One of the most lively related issues to secularism is the headscarf ban which is tabled for discussion by several politicians. The wearing of headscarves for political purposes is rejected by the military. It is forbidden for Muslims to wear a headscarf in universities and state institutions since this is considered a symbol of political Islam. This was a heavily debated issue in 2005 and received much public attention. In May 2005, 20,000 people demonstrated in the streets of Ankara in support of the headscarf.

### ***Secularism and the Military***

Although the military did not frequently make explicit statements on the headscarf ban, it referred often to 'reactionary movements' or 'Islamic groups'. On 23 December 2004, Chief of General Staff General Özkök made a speech in which he said that Islamic groups continue to pose a threat to Turkey. *"There is no change in the TAF's known approach to fundamental religious trends which continue to be an important threat today."*<sup>185</sup> This statement was underlined by Deputy Chief of TGS General Başbuğ, who declared on 26 January 2005: *"As long as the reactionary and separatist movements continue to exist, it will always be the priority concern of the TAF to combat them."*<sup>186</sup>

Such statements were repeated again and again, warning reactionary movements not to challenge the TAF. On 20 April 2005, Mr Özkök referred to these groups by arguing: *"Recently, they recognized the fact that it would not be probable to change the basic features of the state directly or by means of terror and thus they started to pretend to seem in reconciliation with the public or the state. They have chosen the way of degenerating the concept of secularism by loading new definitions and interpretations for the concepts like secularism, nationalism, religion-state relations, religion-society relations, religion-individual relations and individual-state relations."*<sup>187</sup>

The harshest warning came on 19 September 2005 when Mr Özkök addressed Turkish war veterans, saying: *"The circles that place the unity and unitary state structure of the country up for discussion and the reactionary groups who profit from the latest developments and misuse Islam for their perverted goals—though they have no relation with Islam— in order to deceive our people, and who go still further and show themselves to be in direct challenge against the Turkish republic, will find all social forces and the TAF in front of them as always, and will never be able to achieve their evil goals."*<sup>188</sup>

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<sup>185</sup> 'Military warns Islamic groups threaten Turkey', [http://www.dailytimes.com.pk/default.asp?page=story\\_23-12-2004\\_pg4\\_7](http://www.dailytimes.com.pk/default.asp?page=story_23-12-2004_pg4_7), December 23, 2005.

<sup>186</sup> 'Press briefing Başbuğ', [www.tsk.mil.tr](http://www.tsk.mil.tr), January 26, 2005.

<sup>187</sup> 'Annual evaluation speech', [www.tsk.mil.tr](http://www.tsk.mil.tr), April 20, 2005.

<sup>188</sup> 'Speech Özkök given for war veterans', [www.tsk.mil.tr](http://www.tsk.mil.tr), September 19, 2005.

These statements reflect the military's sensitivity on this matter and the TGS's commitment to protect the secularist nature of the state. With regard to the headscarf issue, hardly any explicit statements have been made by the TGS. Nevertheless, it seems safe to presume that the military is a strong supporter of the headscarf ban, as the generals see it as a sign of political Islam which needs to be restricted.

### ***Secularism and the Government***

Prime Minister Erdoğan portrays his Justice and Development Party (AKP) as a centrist party which does not embrace any extremist political views.<sup>189</sup> He has had to defend his party ideology, programme and actions several times as critics argue that his party has a 'hidden extremist Islamic agenda', since Erdoğan is known for his pro-Islamist roots. His recent disavowal of Islamic symbolism is said to be only tactical while others say he became in recent years more moderate and knows the best way to reach the necessary reforms is to lead a democratic, secularist, nationalistic and pro-European course. To prevent a clash with the military, the government remained within its boundaries. Erdoğan for example proposed in 2003 a concrete plan to end the headscarf ban in state institutions, but backed off after heavy criticism from the generals.

Nevertheless, the government initiated a renewed discussion about the headscarf ban. Foreign Minister Gül said in October 2004 that Turkey will eventually abolish its ban on headscarves. Moreover he argued that the headscarf ban is not congruent with the human rights standards of the EU, so lifting the ban is a matter of time. *"We need to show respect for an individuals choice, religious or cultural. We believe that these problems and bans will be solved in an agreeable atmosphere."*<sup>190</sup> Mr Erdoğan said in January 2005 during an interview with a German newspaper that he is seeking ways for lifting the headscarf ban in universities. This statement has revived the debate in Turkey.

Although Mr Gül and Mr Erdoğan favour lifting the ban and want to remove all remaining legal, political and psychological barriers restricting women's participation in social and educational life, the general JDP approach seems to differ. JDP deputy leader Nihat Ergün said that legal or political changes are not necessary, since there are no hurdles in current Turkish laws and service codes. According to Mr Ergün, Turks should change their perception of the constitution.<sup>191</sup> However, JDP ministers and members agree that the most effective way to solve the problem is with social and institutional consensus.

Thus the government continued its approach of enforcing social consensus on this issue by making statements in favour of ending the ban. Part of the motivation of high-ranking JDP members like Gül is that their own daughters are not allowed to study, since the wearing of headscarves in

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<sup>189</sup> 'Erdoğan: the AKP does not embrace any extremist views', *Hürriyet*, March 14, 2005.

<sup>190</sup> 'Gül: ban of headscarf will be abolished', *Zaman*, October 10, 2005.

<sup>191</sup> 'Headscarf is a fundamental right: cannot go to referendum', *Zaman*, June 27, 2005.

universities is forbidden. Moreover, the majority of the religious JDP politicians consider the wearing of a headscarf as a freedom of expression, which is vital for a democracy.

Then something awkward and contradictory happened: the Leyla Şahin trial. Şahin was a student in Istanbul University, but could not finish her study as she was suspended from education due to the headscarf. She applied to the European Court of Human Rights (ECHR) in 1998, claiming a violation of article 9 of the ECHR Convention concerning freedom of religion and conscience. Her trial finally took place in May 2005. Then the JDP government asked the ECHR to approve the ban on headscarves, which was and is totally in contrast with the government's approach. Gül defended this inconsequent strategy by saying that the defence of the headscarf ban was not his personal view, but it was the view of the Turkish Republic.<sup>192</sup> Among others, President Sezer, the Republican Peoples Party (RPP) and the military are opposed to lifting the headscarf ban.

In the end of May another incident took place as a mother was not allowed to attend the graduating ceremony of her child in Erzurum due to the headscarf. Everyone reacted to the incident, even the military. Land Forces Commander Büyükanıt spoke out of the scope of his field by saying that he supported the university's policy. Mr Gül and Mr Erdoğan were outraged about the incident and argued that this tragic incident was embarrassing and that *"imposing the headscarf ban in Turkey, which is not implemented anywhere in the world, is like making water flow uphill."*<sup>193</sup>

The government's also referred a few times to religious nationalism or Islamic radicalism which it disapproves. Mr Erdoğan said: *"We have three red lines. We are opposed to ethnic, regional and religious nationalism."*<sup>194</sup>

### **Secularism: Some Divergence**

With regard to secularism both divergence and convergence exist. The military and the government both oppose Islamic radicalism and political Islam and consider it a threat to the secularist, democratic nature of the state. This signifies a high degree of convergence. However, with regard to the headscarf ban, full divergence exists between the TAF and the government. According to the military the headscarf ban should continue to exist as this is a symbol of political Islam, whereas the government publicly announced it wants to lift the ban. At the moment, the JDP government does not want to change the legislation, but instead tries to seek social consensus.

Secularism is regarded by the military as one of the keystones of Turkish society. For that reason the TGS often warns against the extremist Islamic threat.

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<sup>192</sup> 'AKP government asked the ECHR to approve headscarf-ban', *Zaman*, May 19, 2005.

<sup>193</sup> 'Imposing a ban on headscarf is like making water flow uphill', <http://www.zaman.com/?hn=20828&bl=national>, date unknown.

<sup>194</sup> 'Erdoğan: Turkey cannot be divided', <http://www.byegm.gov.tr/YAYINLARIMIZ/CHR/ING2005/04/05x04x12.HTM#%201>, April 12, 2005.



General Büyükanıt even meddled with the Erzurum headscarf incident discussion. So the military intervened again outside the scope of security and defence. Moreover, it implicitly challenged the government's position on the headscarf ban, which means the military acted in this case as an autonomous political actor.

#### **4.5 The Kurdish Issue**

The Kurdish people make up to twenty percent of Turkey's population, approximately 14 million inhabitants. According to the Turkish constitution, Kurds do not constitute a minority in contrast to ethnic groups like Jews, Armenians and Greeks. The Kurdish issue is often brought up by the press and discussed by every segment of the public. Throughout the years, it has been called the 'South-eastern problem', the 'terror problem' and recently by Prime Minister Erdoğan the 'Kurdish problem'. Many Kurds are dissatisfied with their inferior position in society and the circumstances in which they live. The Kurds demand more rights and in some cases want to establish political parties. Some Kurds have a separatist, nationalist agenda and want to establish an independent Kurdistan. The terror problem has often been connected with the Kurdish issue, but they are in reality two separate issues.

##### ***The Kurdish Issue and the Military***

The military perceives Kurdish nationalism as the primary threat to the national unity and integrity of the Republic of Turkey. Generals do not want to negotiate with Kurdish nationalism, as Kurds request political rights and a certain level of independence. The military fears that the discussion about Kurdish rights will open a Pandora's box, revive the question of oppressed nationalities, undermine the nationalist state ideology of Kemalism and destabilise the Turkish state. So the military defines the issue as the 'South-eastern problem' and only speaks about it in relation to the domestic war against terror.

On 2 November 2004, Deputy Chief of Staff Başbuğ made an important implicit assessment with regard to the Kurdish issue. He replied to comments of the EU and said that the Republic of Turkey is a unitary state, which means that there is one country, one sovereignty, and one nation. *"In this respect, TAF cannot approve opening to debate the unitary structure of Turkey."* General Başbuğ later added: *"But today, through some debates on the concepts and definition of a nation, they try to distort the monist quality of the concept. However the concept of a nation is not separating, but unifying. A nation is a whole, and it cannot be considered in parts. If it is considered so, each of the parts will show the tendency to claim parts of the land. And this would pave the*

way to the division of the State.”<sup>195</sup> Among other things, this meant that discussion about additional Kurdish rights is out of the question.

General Chief of Staff Özkök reiterated Başbuğ’s remarks five months later. *“..the singularity of the concept of nation is tried to be destroyed by some discussions and actions on the concept and definition of nation. However, the concept of nation is not a decomposing<sup>196</sup> but an integrating aspect. Nation is a whole and cannot be regarded as an entity consisting of parts. If not seen like this, each part would display a tendency to possess one part of the country. And this would pave the way to the disintegration of the country and state.”*<sup>197</sup>

A fundamental difference between the government and the military is that the TGS makes no distinction between the Kurdish question and the PKK. This became crystal clear during the annual evaluation speech by General Özkök on 20 April 2004: *“...the terror organization that aims at damaging the unitary structure of the Turkish Republic started to look for other ways to reach its aim along with armed struggle....they exploited the favourable atmosphere created by the democratic steps taken by our country in the process of EU accession and carried the issue, which they defined as Kurdish question, to the EU platform. As a result of these initiatives, the organization tries to impose its demands on Turkey as cultural rights via EU.”*<sup>198</sup> So the military’s view is that the PKK misuses the Kurdish question in order to reach its goals.

The military’s critical attitude towards the Kurds again became manifest in several serious events that followed. During celebrations of the Kurdish New year on 21 March 2005 in the southern city of Mersin, Kurdish children tried to burn the Turkish flag. The event went largely unnoticed until the TGS issued a strong statement. The TGS said: *“...a group of people who have no respect to values, have gone too far by desecrating the Turkish flag, the symbol of great Turkish nation. Such a desecration against the Turkish flag of so-called citizens in its country is totally unexplainable and unjustifiable. It is nothing, but treason.”*<sup>199</sup> If necessary, the army would fight until the last drop of blood to protect the country and its flag. This statement triggered a set of nationalist, extremist reactions within the country. President Ahmet Necet Sezer, the leadership of the University of Istanbul and some Kurdish nationalist politicians distanced themselves from the attempted flag burning. The media created a nationalist hysteria against Kurds.<sup>200</sup> Hundred of thousands of Turks protested on the streets. Several days later nationalism and anti-Kurdish feelings further increased after the ECHR decided that former PKK-leader Abdullah Öcalan

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<sup>195</sup> ‘Press briefing Başbuğ’, [www.tsk.mil.tr](http://www.tsk.mil.tr), November 2, 2004.

<sup>196</sup> The translator means that the concept of a nation is not a dividing aspect.

<sup>197</sup> ‘Annual evaluation speech’, [www.tsk.mil.tr](http://www.tsk.mil.tr), April 20, 2005.

<sup>198</sup> Ibidem.

<sup>199</sup> ‘General Staff: TSK is ready to protect its country and flag’, *Hürriyet*, March 22, 2005.

<sup>200</sup> Justus Leicht, ‘Turkey: military’s nationalist campaign conceals rapprochement with US’, [www.wsws.org/articles/2005/may2005/turk-m18.shtml](http://www.wsws.org/articles/2005/may2005/turk-m18.shtml), May 18, 2005.

should be retried as he had received an unfair trial. The country was virtually covered with Turkish flags.

### ***The Kurdish Issue and the Government***

The Turkish government approached the Kurdish issue in a fundamentally different fashion, which can be explained by the pressure of the EU to solve the problem and improve human rights standards. In August 2005, Prime Minister Erdoğan got together with 150 intellectuals to speak about the Kurdish issue and one week later made his long-awaited appearance in the city Diyarbakir, which has a large Kurdish population. In his speech he asserted that the “*Kurdish problem*’ should be solved by democracy, citizenship, law and welfare”. Erdoğan stressed that the Kurdish issue is a Turkish issue, which has to be solved by democratic means.<sup>201</sup> This is a historical statement, because it is the first time that a Turkish Prime Minister labelled the Kurdish issue as a problem of the entire nation.

Prime Minister Erdoğan’s use of the phrase ‘Kurdish problem’ caused several negative reactions from the public and the military. The Turkish press reported that following Mr Erdoğan’s statement the military started to prepare a report on the South-eastern situation in order to present the results at the TGS meeting on 23 August 2005. Apparently, the military wanted to emphasize that there is no ‘Kurdish problem’, but a terror problem.<sup>202</sup> One day after the meeting, Mr Erdoğan defended his choice of words by saying that his words were exploited by political opponents. At the same time he stressed that “*unity under one flag, one people and one government is essential.*”<sup>203</sup>

In addition, several days later Mr Erdoğan made a statement on Turkish state television in which he emphasized that the Kurdish problem and the PKK are two separate things. He stressed that Kurds are citizens of Turkey and that being a Kurd is a subidentity. Kurds should be viewed as citizens of the Republic of Turkey.<sup>204</sup> The de facto recognition of the distinct Kurdish culture is significant if you bear in mind that it is the first time a Turkish Prime Minister openly discussed the subject.

### ***The Kurdish issue: Strong Divergence***

In this area, there is a strong divergence between the views of the government and the military. The TGS considers the separatist/terrorist organisation PKK and the Kurdish question as the same threatening issue, whereas Prime Minister Erdoğan emphasized that the Kurdish problem and the PKK are two separate

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<sup>201</sup> ‘Erdoğan claims responsibility for Kurdish conflict’, *Hürriyet*, August 13, 2005.

<sup>202</sup> ‘Report on Turkey’s south-east forthcoming from the Armed Forces’, *Hürriyet*, August 16, 2005.

<sup>203</sup> ‘PM Erdoğan: they are exploiting my words’, *Hürriyet*, August 25, 2005.

<sup>204</sup> ‘Erdoğan: the Kurdish problem and the PKK terror are separate issues’, *Star*, August 22, 2005.

topics. On the one hand the military does not want to debate the Kurdish question, since it fears this could revive the question of oppressed nationalities, undermine the nationalist state ideology of Kemalism and destabilise the Turkish state. On the other hand the government approaches the Kurdish question with democracy and equality and stimulates public attention for the Kurds. So one can say that the TGS adopts a totally different position from that of the government and shares this with the public at large. Again, from an EU point of view this issue falls outside the military's scope. From an EU point of view, the military should either refrain from making policy statements on such an issue, or follow the government policy.

#### **4.6 The War against the PKK**

Turkey's most important security concern is the war against the separatist/terrorist Kurdish Workers Party (PKK). More than 30,000 people have been killed since 1984 when the PKK took up arms in its terrorist fight for independence. After its leader Abdullah Öcalan was captured by Turkish special forces in 1999, the PKK announced a unilateral ceasefire in its armed campaign for self rule. However, on 1 June 2004, the PKK renewed its struggle, which resulted in hundreds of casualties in South-east Turkey. The war against the PKK is of great importance since the military and the government are aware of the separatists' goal, i.e. to change the unitary structure of the Turkish Republic, which could lead to the disintegration of the country.

##### ***The Military and the War against the PKK***

In June 2004, the PKK ended its unilateral ceasefire and restarted its armed campaign for independence. The military reacted boldly by increasing the military pressure on the separatists. Obviously, the battle against the PKK is of great importance to the military. Chief of Staff Özkök said that "*terrorism is one of its chief concerns*".<sup>205</sup>

On 10 March 2005, Land Forces Commander General Büyükanıt announced that the number of terrorists now equalled the number at the time that PKK leader Mr Öcalan was captured in 1999.<sup>206</sup> "*The activities of the PKK had increased dramatically*", General Özkök said during his speech in April 2005 at the Turkish War Colleges in Istanbul. This is partly due to the fact that there is an estimated number of 3,500 up to 4,000 PKK separatists in Northern Iraq who plan terrorist attacks on Turkish soil.<sup>207</sup>

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<sup>205</sup> 'Özkök: the most serious threat to the international community is terrorism', *Milliyet*, November 12, 2004.

<sup>206</sup> 'Büyükanıt: there are still many terrorists in our South-east', *Star*, March 11, 2005.

<sup>207</sup> The US State Department estimated there are round 500 militants in Turkey and 3,500 up to 4,000 militants in Northern Iraq.

In April and June 2005, Mr Özkök called upon the government to take political and economic measures to solve the terror problem in the Eastern and South-eastern parts of Turkey.<sup>208</sup> The Western and Eastern regions should be taken together in order to decrease the tensions in especially the South-east of Turkey. During his annual evaluation speech, General Özkök explained the direct link between poverty and terrorism. *"Poverty and illiteracy are the most vulnerable elements for the internal threats in the strategic sense because those who are not satisfied with today and anxious about tomorrow, generally lean towards extremism and either rely on separatism or pursue happiness in heaven."*<sup>209</sup>

At the same time, General Büyükanıt said that the PKK poses a serious threat to the country's integrity. He also warned several European countries to stop supporting PKK by supplying them with shelters, arms, food, campsites, transport, etcetera.<sup>210</sup> The generals were frustrated about the little support they got from the EU and especially from the US in their fight against terror.

There was also irritation between the military and the Turkish government. On 5 August 2005 Mr Özkök remarked that *"despite reduced authority, the Turkish armed forces are continuing and will continue to fight."*<sup>211</sup> This statement raises questions about the extent of political autonomy the military enjoys. Later it became clear that General Özkök was referring to the amendments made to the Counter-Terror Act (CTA) that limited the authority of security forces and increased civilian control of the army.<sup>212</sup> Weeks later, Mr Özkök emphasized that the military received all the necessary support from the government for the war on terror, there is no conflict between the state and the military and 'some people' manipulated his remarks.<sup>213</sup>

Thus the military continues its fight against the PKK. Mr Özkök reinforced his earlier statements in a speech made to Turkey's war veterans on 19 September 2005, saying that *"separation can be accepted under no conditions or circumstances!"*<sup>214</sup> During 2005, several Turkish soldiers died during violent attacks. As the government focused on the Kurdish issue, the military complained about its restricted authority to fight the increasing concentrations of separatists in the South-east of Turkey and Northern Iraq. The TGS would not make any concessions and promised in August 2005 to strengthen the fight

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<sup>208</sup> 'Özkök to EU ambassadors: we cannot ignore terror', *Zaman*, June 25, 2005.

<sup>209</sup> 'Annual evaluation speech', [www.tsk.mil.tr](http://www.tsk.mil.tr), April 20, 2005.

<sup>210</sup> 'Büyükanıt: some EU countries support the PKK', *Sabah*, July 1, 2005.

<sup>211</sup> 'Statements of General Özkök', [www.turkishpress.com/news.asp?id=64541](http://www.turkishpress.com/news.asp?id=64541), August 8, 2005.

<sup>212</sup> Evren Ballta-Paker, 'The ceasefire this time', [www.merip.org/mero/mero083105.html](http://www.merip.org/mero/mero083105.html), August 31, 2005.

<sup>213</sup> 'Özkök refuses OHAL speculations: we had no such demand', *Zaman*, September 25, 2005.

<sup>214</sup> 'Turkish Armed Forces solemnly protects unitary structure', *Zaman*, September 20, 2005.

against terrorism, which is labelled by the European Parliament as 'aggressive military operations'. The TGS considers PKK militants the biggest threat to the unity of the Turkish state.

### ***The Government and the War against the PKK***

*It seems that the government is also trying to tackle the increasing activities of the PKK with all necessary means, including military action. This implies that it shares the military's point of view. Prime Minister Erdoğan said that operations will continue as long as the PKK threatens peace and security in Turkey. "Operations are not only held for peace. Operations will continue when there is a doubt or denunciation. Not providing any opportunity for terrorism is the main goal. We should work side by side to end this process completely."*<sup>215</sup>

In contrast to the TGS, the Turkish government stressed during the second half of 2005 that the PKK and the Kurdish issue are two separate matters. The PKK does not represent the Kurds, but rather exploits them. Mr Erdoğan said he will not allow any discrimination to occur regarding the Kurdish minority. At the same time he emphasized that Turkey's red lines are clearly drawn, and the government will not allow Turkey to disintegrate.<sup>216</sup> Again and again he emphasized his firm stand against the PKK and added that the terrorist group could never be tolerated.

Furthermore, Prime Minister Erdoğan said that security measures alone are not enough to solve the terror problem. *"In fighting terrorism, measures are needed economically, socially and culturally. We're trying to embrace the region's citizens by creating job opportunities for them."*<sup>217</sup> The Prime Minister is clearly under pressure from the military who implies he is not making sufficient progress in fighting terrorism. The Chief of General Staff, General Özkök, already demanded in April 2005 that the government should take economic and social measures in order to bring the Western and Eastern parts of Turkey together. Whereas the government concentrated on the Kurdish issue, it did not pay attention to the poor regional conditions (at least according to the military). On 5 August 2005, the TGS reiterated its request for political and economic measures and complained about restricted authority to fight terror. However, it has been said that the government and the military are co-operating well in the war against the PKK. Mr Özkök announced in his speech on Victory Day that the military works in harmony with the government. For his part, Mr Erdogan stressed during

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<sup>215</sup> 'Erdoğan: cross-border operation our legitimate right', *Zaman*, July 20, 2005.

<sup>216</sup> *Ibidem*.

<sup>217</sup> 'Erdoğan: Turkey has the right to conduct cross-border operations against the PKK', [www.byegm.gov.tr/YAYINLARIMIZ/CHR/ING2005/07/05x07x20.HTM#%202](http://www.byegm.gov.tr/YAYINLARIMIZ/CHR/ING2005/07/05x07x20.HTM#%202), July 20, 2005.

a Supreme Military Council Meeting that the TAF are the safeguard of the Turkish nation.<sup>218</sup>

### ***The War against the PKK: Advanced Convergence***

At first sight, there seems to be complete convergence between the government's and the military's stance regarding the fight against the PKK. Both believe that this separatist movement constitutes a big threat to nationalism and the territorial integrity of Turkey. This problem should be tackled with all necessary means, including military power if necessary. Nevertheless, a difference of opinion seems to exist regarding the extent of military power which is used to combat the PKK. General Özkök complained in August 2005 about restricted powers to fight the PKK effectively, what he later on minimized.

Like the military, the government does not tolerate separatism and wants to combat it with all necessary means. This was already the case from early 2003 onwards, when the ruling JDP took power. The military shares the government's position and accordingly they are working very closely. It is interesting to note, however, the TGS statement that the military had to fight the separatists despite 'restricted powers'. This suggests the General Staff openly questioned the government's policy with regard to the extent of violence used to combat Kurdish separatists. This is not in line with EU practice in which generals should not publicly question government policy.

## **4.7 Northern Iraq**

Most public policy statements by the military in the first half of 2005 were concerned with Northern Iraq. Northern Iraq is of essential importance for Turkey's security and foreign policy for two reasons. First, 3,500 to 4,000 PKK militants are hiding in Northern Iraq from where they support PKK attacks on Turkish soil. Second, artificial demographic changes took place in the Northern Iraqi city of Kirkuk ahead of Iraqi national elections. In January 2005, shortly before the Iraqi national elections 350,000 Kurds were said to have been registered.<sup>219</sup> Kirkuk is of vital importance for both Turkey's government and the military, because of its strategic location and oil reserves. According to both the government and the military, it shows the nationalistic ambitions of the Kurds.

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<sup>218</sup> 'Erdoğan: the TSF is our safeguard', [www.byegm.gov.tr/YAYINLARIMIZ/CHR/ING/2005/08/05x08x02.HTM#%200](http://www.byegm.gov.tr/YAYINLARIMIZ/CHR/ING/2005/08/05x08x02.HTM#%200), August 2, 2005.

<sup>219</sup> The Provisional Article of the Iraqi Interim Constitution enables Kurds and Turkmen, who were expelled by former Iraqi President Saddam Hussein, to return to Kirkuk. According to American institutions an estimated number of 100,000 Kurds were forced to leave the city between 1991 and 2000. According to the Iraqi Trade Ministry an estimated number of 350,000 Kurds moved to Kirkuk until January 2005, which amounts to artificial demographic change.

Kirkuk could be transformed into the capital of an independent Kurdistan, which would have a dramatic separatist effect on the Kurdish population living in Turkey.

### ***The Military and the PKK Presence in Northern Iraq***

From June 2004 onwards, the TGS have pointed to the presence of PKK militants in Northern Iraq. The generals made several harsh statements on the US and the Iraqi interim government in which they demanded action against the PKK. During his press briefing on 26 January 2005, Deputy Chief of Staff Başbuğ said that *“the US had not the political will to take action against PKK in Iraq. After the second Iraqi war the situation changed....The TAF is capable of implementing any decision to be taken by the State in security”*.<sup>220</sup> His last words can and should be explained in the sense that, if necessary, Turkey would undertake a crossborder operation to wipe out the PKK. This was the first implicit threat made by the TGS.

On 23 March 2005, during a reception for Pakistani National Day, General Özkök stressed the close cooperation between the General Staff and the Foreign Ministry. He added: *“Turkey has a state policy on Iraq, and within this framework all related state institutions are working in cooperation to carry out that policy”*.<sup>221</sup> It is not usual, and from an EU point of view somewhat unsettling, for a Chief of General Staff to publicly praise the harmonious cooperation between the military and the government.

In his annual evaluation speech on 20 April 2005, Mr Özkök hit out at Washington for failing to prevent Turkish Kurdish rebels from hiding in Northern Iraq and demanded that action be taken: *“The US has not shown the required sensitivity in dismantling the terrorist organization in the North of Iraq....Moreover, certain groups in the north of Iraq provide various forms of support to PKK. Meanwhile, the number of PKK terrorists who have left the north of Iraq and infiltrated into our country has increased within the last year...it is quite puzzling that an active measure has not been taken against this organization by now”*.<sup>222</sup>

The PKK presence in Northern Iraq and several terrorist attacks on Turkish soil, which were initiated out of Iraq, remained a fact. Deputy Chief Başbuğ made warnings to the US during each of the subsequent months and said in July 2005 explicitly that *“a cross-border operation is our last resort to fight the PKK”*.<sup>223</sup> The Turkish military tried to solve the problem diplomatically because of Western pressure, but it was really frustrated about the lack of action by the US. A cross-border operation has so far not taken place, while Turkey's frustrations kept dominating US-Turkey relations.

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<sup>220</sup> 'Warning in uniform', *Hürriyet*, January 27, 2005.

<sup>221</sup> 'General Özkök stressed governmental-military cooperation over Iraq', [www.hri.org/news/turkey/trkpr/2005/05-03-24.trkpr.html#01](http://www.hri.org/news/turkey/trkpr/2005/05-03-24.trkpr.html#01), March 24, 2005.

<sup>222</sup> 'Annual evaluation speech', [www.tsk.mil.tr](http://www.tsk.mil.tr), April 20, 2005.

<sup>223</sup> 'General Başbuğ: a cross-border operation is one of our last resorts', *Aksam*, July 20, 2005.



### ***Kirkuk and the Military***

The military felt threatened by the demographic changes in the Northern Iraqi city of Kirkuk. At least 350,000 Kurds are said to have migrated to Kirkuk. The city holds up to 25 percent of Iraq's oil and is of vital strategic importance. In addition, thousands of Turkmen<sup>224</sup> live in the area and their political rights should be protected.

On 26 January 2005, Deputy Chief of Staff General Başbuğ made an important statement with regard to Kirkuk, saying that *"Turkey attaches great importance to the affiliation of Kirkuk to Baghdad. Kirkuk has never been affiliated to Kurdistan. I can say that turning Kirkuk into a Kurd city is much more unacceptable for Turkey than an independent Kurdistan. Because its economic importance is great. Kurdistan means nothing without Kirkuk"*.<sup>225</sup> This was the first time that Mr Başbuğ held a press release live on Turkish television, explaining the national interests and concerns on this issue.

In April 2005, General Özkök demanded action with regard to Kirkuk. According to him, *"...our policy on this issue from the beginning is that Kirkuk and its rich oil resources belong to all Iraqis not to a certain group of people. It is very important for Kirkuk to have a special status. In case this issue is forced, Kirkuk would be an problem ready to explode at any time and that it will effect the whole area.."*.<sup>226</sup> So the TGS made clear warnings to the US and the Iraqi Kurds by threatening with the use of force in order to prevent a Kurdish take-over of the city.

Thus the TGS fears that the oil-rich city of Kirkuk will be turned into a Kurdish settlement, meaning the beginning of an autonomous or independent Kurdish state. Consequently, the rights of Iraqi Turkmen could be violated. Even worse, civil war may be triggered, resulting in a dramatic security problem for Turkey and the rest of the region.<sup>227</sup> Since June 2004 the Turkish military conveyed its concerns to the US without result.

### ***The PKK Presence in Northern Iraq and the Government***

*Between January and October 2005 Prime Minister Erdoğan and Foreign Minister Gül reiterated time and time again Turkey's disappointment in the passive American attitude with regard to the PKK presence in Northern Iraq. Turkey's government criticized the US for not acting against the militants. In an interview on 31 January 2005, Mr Erdoğan stressed the sensitivity of the*

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<sup>224</sup> Turkmen are people who speak a Turkic language. About 6,4 million Turkmen live in Iraq, Iran, Afghanistan, Pakistan, Turkmenistan, Russia, Turkey and so on.

<sup>225</sup> 'If Kirkuk goes, Kurdistan comes', *Hürriyet*, January 28, 2005.

<sup>226</sup> 'Annual evaluation speech', [www.tsk.mil.tr](http://www.tsk.mil.tr), April 20, 2005.

<sup>227</sup> 'Warning in uniform', *Hürriyet*, January 27, 2005

*Turkish nation on this matter, saying that the PKK is responsible for 40,000<sup>228</sup> deaths in Turkey. He underlined that Turkey will take its own measures if it feels it is appropriate to do so.<sup>229</sup>*

In the beginning of June 2005, Mr Erdoğan travelled to Washington to talk, among other things, about this issue with President Bush. The US promised to take measures; but unfortunately support from Northern Iraqi Kurds for violent attacks on Turkish soil remained a problem. Then on 19 July 2005, Mr Erdoğan explicitly threatened to conduct a cross-border operation if necessary. *“If cross-border camps try to threaten our borders, country and people, an operation becomes a legitimate right for us at an international level. We can use this right if necessary. If an operation is required than we will launch it.”<sup>230</sup>* This did not happen, so the government continued to exercise diplomatic and political pressure, which has not resulted in the elimination of the PKK threat in Northern Iraq.

### ***Kirkuk and the Government***

Like the military, the government is really anxious about the demographic change of Kirkuk into a Kurdish settlement. Especially between November 2004 and March 2005, the Prime Minister and the Foreign Minister expressed their concerns to the US, the UN and the international community by means of correspondence, speeches and public statements. Mr Gül had already pointed to the worrying situation in Kirkuk in November 2004 and set forth his view in a letter which was sent to UN Secretary General Kofi Annan. Mr Gül explained Turkey’s anxiety about the artificial population shifts towards the strategic Northern Iraqi city of Kirkuk in the run-up to the elections. These activities could change the goal and structure of an independent Kirkuk and Iraq. Actually, both the government and the military are afraid of a strong, oil-rich Kurdish Kirkuk which could enforce an independent Kurdistan. Moreover, the rights of Turkmen living there should be preserved.

On 26 January 2005, the same day when General Başbuğ made his press statement, Mr Erdoğan said to reporters that *“the United States will bear the consequences of ethnic turmoil in Kirkuk if it fails to prevent the oil-rich city from falling under Kurdish control.”<sup>231</sup>* He was particularly concerned about Kurdish attempts to take control of the oil reserves. Several days later Foreign Minister Gül added a warning: *“If the Turkmen groups are not treated well, if*

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<sup>228</sup> The number of people who have been killed by the PKK range between the 30,000 and 40,000.

<sup>229</sup> ‘Erdoğan: Turkey will take its own measures against PKK terrorism’, *Cumhuriyet*, February 2, 2005.

<sup>230</sup> ‘Erdoğan: cross-border operation our legitimate right’, *Zaman*, July 20, 2005.

<sup>231</sup> ‘Erdoğan: US will pay the price if Kirkuk plunges into turmoil’, *Zaman*, January 27, 2005.

*they are subjected to oppression, Ankara cannot remain indifferent, or merely spectators, to such developments.”<sup>232</sup>*

Afterwards statements by the government concentrated more on the PKK presence in Northern Iraq and its danger for Turkey's security. Actions to prevent Kurdish concentrations in Kirkuk have not been taken.

### ***The PKK Presence and Kirkuk: Strong Convergence***

With regard to the PKK presence in Northern Iraq and the precarious situation in Kirkuk there is a complete convergence between the positions of the TGS and the government. Both military and government are aware of the danger of PKK militants in a neighbouring country, fuelling terror in the South-east region of Turkey. On the same day, 19 July 2005, both the TGS and the government explicitly threatened for the first time to use force to eliminate the terrorist threat in Northern Iraq. Moreover, the generals and politicians consider the demographic change of Kirkuk a very dangerous attempt to transform it into a Kurdish settlement. Since July 2004, both warned the USA and the UN to stop this from happening.

During a press conference on 26 January 2005, Deputy Chief of the TGS General Başbuğ expressed the government's concerns, which was unusual, and perhaps unique. This implies that the TGS was making statements on defence and security under the authority of the government. Both the military and the government have worked together to pressure the USA to take appropriate action and each has publicly supported the other. So the military plays a cooperative role with regard to Northern Iraq.

## **5. Conclusion**

In its Regular Reports of 2003 and 2004, the European Commission wrote that *“the armed forces in Turkey continue to exercise influence through a series of informal channels”*. If the TAF try to influence society and government through informal mechanisms, this is cause for concern. However, in a general sense the extent of such influence cannot be proven. For this reason, this paper has only concentrated on the military's positions with regard to seven important topics and how these points of view relate to government policy. In a more general sense: What inferences can be made from the informal mechanisms used by the TGS about its positions and accordingly about its role in Turkish politics?

This research only concentrated on informal mechanisms like speeches, press briefings and other public declarations, since public statements are a visible and highly effective means for the military to exercise influence. In addition, the effect of informal mechanisms like informal contacts with politicians

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<sup>232</sup> ‘Gül slams US failure to halt Kurdish designs on Kirkuk’, *Hürriyet*, February 1, 2005.

is difficult to measure. This research has given a comprehensive view of all public statements of the military from 7 October 2004 until 3 October 2005.

For this purpose qualitative and quantitative assessment has been used to compare public statements made by both the military and the government. If one views the content of the speeches and press briefings and the total number of public statements, it is clear that the TGS still uses informal mechanisms to inform and warn society about worrying matters. Deputy Chief of Staff Başbuğ confirmed this, as he stated during a press briefing in response to the European Commission's criticism that "*the TAF, as an institution, are going to continue to inform the media and the public.*"<sup>233</sup> What is interesting to note is that the relative number of public statements made by the TGS increased in 2005 in comparison with 2004.<sup>234</sup> This may suggest that there was a growing internal or external threat(s) or discontent with the government's policy.<sup>235</sup>

This paper has analysed the convergences and divergences in opinion between the TGS and the government in order to draw conclusions and suggestions regarding the military's role in politics. In a few cases, the evidence suggests there exists some extent of convergence in the views of the military and the government. In two cases, respectively Turkey's EU bid and Northern Iraq *strong convergence* has been traced. With regard to both topics, the TGS and the government co-operate as they pursue the same goal. The TGS plays a co-operative role, speaks now and then on behalf of the government and gives the government all the necessary support.

In two other cases, Cyprus and the war against the PKK, *some convergence* has been traced. The military as well as the government support a fair and durable settlement for the Cyprus conflict, whereas both want to uphold Turkey's national interests. It is intriguing to note that the statement by the TGS that there would be no troop withdrawal came before the government had clarified its stance on the matter, and that the military spoke without the authorisation of the government. With regard to the war against the PKK, the military played a slightly different role in the political process. The military also considers this matter as a key security issue, but Chief of General Staff Özkök had to ask the government for more authority. This is remarkable since the General Staff openly questioned the government's policy line with regard to the extent of violence used to combat Kurdish separatists.

Then there are also three points of divergence: secularism, Armenian-Turkish relations and the genocide allegations, and the Kurdish issue. *Some divergence* exists between the statements of the military and the government on the topic of secularism. Although both the government and the military agree that Islamic radicalism is one of the biggest threats to the secular nature of Turkish

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<sup>233</sup> Press Briefing Deputy Chief of Staff Başbuğ, [www.tsk.mil.tr](http://www.tsk.mil.tr), November 2, 2005.

<sup>234</sup> See Appendix; the TGS made 13 speeches in 2004, whereas it made 13 speeches in the period January until October 2005.

<sup>235</sup> See Chapter 2.

society, their opinions differ on how to define secularism and more specifically on the headscarf ban. The military advocated its own policy on lifting the headscarf ban, which is totally at odds with government's policy. Moreover, in this matter the General Staff spoke about a cultural and societal issue which has nothing to do with security or defence issues.

In the case of the two other topics, the relationship between Armenia and Turkey and the genocide allegations, and the Kurdish issue, *strong divergence* exists between the government's and military's opinion. Although the military denies the genocide allegations and demands concessions from Armenia before relations can be improved, Mr Erdoğan and his government launched a policy aimed at improving Turkey's relationship with Armenia. Thus the military adopted again a position which is not in accordance with the government's position. The same applies for the Kurdish issue.

Concluding, we can say that the TGS still uses informal mechanisms to explain its positions to the government, bureaucracy, radical groups and the public at large. The review of speeches, press releases and other public statements by the TGS provides evidence on several important and problematic points. First, the TGS often adopts positions on national policy issues which are not in accordance with the position of the government. This was especially the case for the Armenian-Turkish relationship and the genocide allegations, the Kurdish issue and secularism. To a lesser extent, it also applies to Cyprus and the war against the PKK. Second, the TGS has on some occasions made detailed statements on policy issues before the government had made its position clear. General Büyükanıt's statement about 'no troop withdrawal' is a good example. Third, the TGS frequently made statements on matters outside the realm of defence and security. Secularism, Turkey's EU bid, the Armenian-Turkish relationship and the genocide allegations, and the Kurdish issue are matters which fall largely or entirely outside the scope of defence and security. Fourth, when making statements, the TGS normally does not state that it is acting under the authority of the government.

It is striking and intriguing that in contrast to EU practice, it is conceived acceptable in Turkey for the military to advocate policies which are not the government's. The TGS seems to feel free to publicly state its opinions, it is able and willing to advocate a policy different from the government's, and it does this without the explicit permission of the government. This means that the TGS is acting as an autonomous actor in Turkish politics. Not *de iure*, but *de facto*. That is how the military sees itself, that is how others perceive it, and that is how it behaves. All this will have to change if civil-military relations in Turkey are to be aligned with EU practice.

## 6. Appendix

### 6.1 Speeches by the Turkish General Staff in 2004

<b>Date</b>	<b>Subject</b>
27-28 May 2004	Opening and closing speeches given by the Second Army Commander General İlker Başbuğ for the Symposium on “Analyzing the Crisis Regions according to Turkey, NATO and EU perspective and the impacts to the Turkish Security”
14 June 2004	Congratulatory message given by the Commander of the Turkish Armed Forces General Hilmi Özkök on the 165 <sup>th</sup> Foundation day of the General Command of the Gendarmerie
16 June 2004	Opening speech given by the Commander of the Turkish Armed Forces General Hilmi Özkök at the 2004 Eurasian Star Exercise.
28 June 2004	Congratulatory message given by the Commander of the Turkish Armed Forces General Hilmi Özkök on the 2213 <sup>th</sup> Foundation day of Turkish Land Forces Command
30 August 2004	Congratulatory message given by the Commander of the Turkish Armed Forces General Hilmi Özkök on the National day of Victory (30 August)
19 September 2004	Message given by the Commander of the Turkish Armed Forces General Hilmi Özkök on War Veterans’ day.
4 October 2004	Speech given by the Commander of the Turkish Armed Forces General Hilmi Özkök for the Opening Ceremony of the Turkish War College’s New Academic Year
28 October 2004	Congratulatory message given by the Commander of the Turkish Armed Forces General Hilmi Özkök on Republican day
10 November 2004	Message given by the Commander of the Turkish Armed Forces General Hilmi Özkök on 10 <sup>th</sup> of November to the Turkish Armed Forces
11 November 2004	Speech given by the Commander of the Turkish Armed Forces General Hilmi Özkök for the SEESIM-04 Exercise

23 December 2004	Memorial message given by the Commander of the Turkish Armed Forces General Hilmi Özkök on Memorial Day of martyr Kubilay
25 December 2004	Memorial message given by the Commander of the Turkish Armed Forces General Hilmi Özkök on the 90 <sup>th</sup> of the Sarıkamış Memorial Day.
31 December 2004	New Year's Message given by the Commander of the Turkish Armed Forces General Hilmi Özkök

## 6.2 Speeches by the Turkish General Staff in 2005

<b><i>Date</i></b>	<b><i>Subject</i></b>
14 January 2005	Speech given by the Commander of the Turkish Armed Forces General Hilmi Özkök at the farewell ceremony for the Afghanistan International Security Assistance Force (UGYK-ISAF) Turkish Duty Group
17 March 2005	Congratulatory and Memorial Day message given by the Commander of the Turkish Armed Forces General Hilmi Özkök on the 90 <sup>th</sup> Victory of Çanakkale
20 April 2005	Annual evaluation speech given by the Commander of the Turkish Armed Forces General Hilmi Özkök for the Turkish War Colleges
12 May 2005	Opening speech given by the Second Army Commander General İlker Başbuğ for the "In the light of Information Age and Technological Changes, the Society, Leadership, Leader and manager approaches"
13 May 2005	Closing speech given by the Second Army Commander General İlker Başbuğ for the "In the light of Information Age and Technological Changes, the Society, Leadership, Leader and manager approaches"
6 June 2005	Speech given by the Second Army Commander General İlker Başbuğ for 24 <sup>th</sup> Annual Meeting of American Turkish Council
24 June 2005	Speech given by the Commander of the Turkish Armed Forces General Hilmi Özkök for the ceremony of awarding the Fair Play competition for successful sportsman and the most successful person in science, culture and education and the trainers/ educators of them.

- 28 June 2005 Speech given by the Commander of the Turkish Armed Forces General Hilmi Özkök for the opening ceremony of Centre of Excellence-Defence Against Terrorism
- 5 August 2005 Speech given by the Commander of the Turkish Armed Forces General Hilmi Özkök at the welcoming ceremony to Afghanistan International Security Assistance Force (UGYK-ISAF) Turkish Duty Group
- 24 August 2005 Speech given by the Commander of the Turkish Armed Forces General Hilmi Özkök for the conferring ceremony of Turkish Armed Forces' congressional medal and eminent services medal.
- 30 August 2005 Congratulatory message given the Commander of the Turkish Armed Forces General Hilmi Özkök for the National day of Victory (30 August)
- 19 September 2005 Message given by the Commander of the Turkish Armed Forces General Hilmi Özkök for war veterans



### 6.3 Table of Public Policy Statements by the Military

	Cyprus	Armenia	EU Bid	Secularism	Kurdish issue	PKK	N.Iraq
<b>2004</b>							
<b>Oct.</b>							
<b>Nov.</b>	16, Oz		02, Ba		02, Ba	02, Ba; 11, Oz	02, Ba
<b>Dec.</b>				23, Oz			
<b>2005</b>							
<b>Jan.</b>	25, Bu 26, Ba		25, Bu	26, Ba		26, Ba	26, Ba
<b>Feb.</b>							
<b>March</b>						10, Bu; 14, Bu 24, Bu	14, Bu 23, Oz
<b>April</b>	20, Oz 24, Oz	20, Oz	20, Oz	20, Oz	20, Oz	20, Oz	20, Oz
<b>May</b>		08, Bu	02, Oz; 12, Ba 30, Oz				
<b>June</b>	07, Ba	07, Ba	30, Bu	07, Ba 13, Bu		24, Oz 30, Bu	06, Ba 07, Ba
<b>July</b>						04, Bu 19, Ba	19, Ba
<b>Aug.</b>			26, Oz			05, Oz; 24, Oz 30, Bu	
<b>Sept.</b>			25, Bu	19, Oz 26, Bu		19, Oz; 24, Oz 26, Bu	
<b>Total of statements</b>	6	3	3	9	7	2	17

Only statements in which the TGS explicitly referred to one of the 7 topics are included

Ba = Deputy Chief of General Staff, General İlker Başbuğ

Bu = Land Forces Commander, General Yasar Büyükanıt

Oz = Chief of General Staff, General Hilmi Özkök

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