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Access details: Access Details: [subscription number 938810471]

Publisher Routledge

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## South European Society and Politics

Publication details, including instructions for authors and subscription information:

<http://www.informaworld.com/smpp/title~content=t713636479>

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Online publication date: 20 June 2011

**To cite this Article** Gürsoy, Yaprak(2011) 'The Impact of EU-Driven Reforms on the Political Autonomy of the Turkish Military', South European Society and Politics, 16: 2, 293 – 308

**To link to this Article:** DOI: 10.1080/13608746.2011.577950

**URL:** <http://dx.doi.org/10.1080/13608746.2011.577950>

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# The Impact of EU-Driven Reforms on the Political Autonomy of the Turkish Military

Yaprak Gürsoy

*Turkish civil–military relations entered a new phase starting with the first European-Union-induced reforms in 1999, and have gained a new momentum since 2007. This article first introduces the amendments to Turkish civil–military relations, then asks how much the constitutional and legal amendments have affected the political autonomy of the military. The article takes the indicators of military autonomy into consideration as a whole and argues that legal amendments have not introduced any changes to one-third of the military prerogatives. In those areas where some adjustments have been made, either more reforms must follow or democratic practices must endure the test of time.*

*Keywords: Turkey; Civil–Military Relations; Ergenekon; Democratic Control of the Armed Forces; Reforms*

Democratic reforms have been introduced in Turkey since 1999 as a result of the European Union (EU) accession process, and these amendments have also included changes in the area of civil–military relations. The Turkish military has had political autonomy since the establishment of the Turkish Republic in 1923, and with each military coup after 1960 the privileges of the armed forces were further increased. In contrast with previous Turkish political history, the reforms that have been carried out in accordance with the Copenhagen criteria of the EU appear to have challenged the prerogatives of the military. However, in reality, how much influence have the EU reforms had on the powers and autonomy of the Turkish military? This paper will argue that even though the reforms are positive steps in the right direction, they have not altered the political autonomy of the military in important respects. Despite the reforms, the armed forces have retained important privileges and spheres of autonomy.

In the first section of this article, developments in civil–military relations since 1999 will be examined in two different phases. The first period will cover the EU

reform process and the legal amendments to the autonomy of the military until 2007. The following section will examine the changing balance of power in civil–military relations after 2007, and reforms that have taken place in practice and in terms of laws that have been enacted. The third section will elucidate the main arguments of the paper and address the following questions: Has the Turkish military come under civilian control as a consequence of the reforms that have been carried out since 1999? What are the remaining areas where the military retains autonomy? The article will attempt to respond to these questions by employing the indicators of military prerogatives that Stepan (1988), Pion-Berlin (1992) and others have used for Latin American cases and which Cizre-Sakallıoğlu (1997) first adapted to the Turkish case (see also Gürsoy 2009). Methodologically, this section focuses on the outcomes of the reforms, and not on the process of enacting these amendments or the reasons for their shortcomings. This is a worthwhile endeavour because such an outcome-oriented analysis can determine the areas that need further amendments in civil–military relations. The political autonomy of the military historically provided the legal right to the Turkish armed forces to veto policies and restrict the areas in which democratically elected civilian governments could make decisions. ‘Political autonomy’ refers to the military ‘act[ing] as if it were above and beyond the constitutional authority of the government’ (Pion Berlin 1992, pp. 85). Highly autonomous militaries defy the civilian government’s control and authority over the armed forces, and in some cases even have more decision-making powers than the civilian government (Pion Berlin 1992, pp. 84–85). Thus, the question of how much political autonomy, prerogative and privilege<sup>1</sup> the military has so far retained in Turkey is an important question for Turkish democracy in general, and civil–military relations in particular.

In order to assess the outcomes of the reforms, the analysis implicitly uses comparative tools. It contrasts the legal framework that was established after 1999 with the institutional structure of the previous era, founded during the 1980 coup. This type of analysis results in the conclusion that positive steps have been taken in the right direction as a result of the EU reform process. The article also intrinsically compares Turkish civil–military relations with ideal-type democracies, where all the indicators of military prerogatives are low, and this second comparison leads to the conclusion that the EU-induced reforms must continue, since there are remaining spheres of autonomy that have not been amended by the reform process. When the indicators of military autonomy are taken into consideration as a whole, it becomes clear that legal amendments have not introduced any changes to one-third of the military prerogatives. In those areas where some adjustments have been made, either more reforms must follow or democratic practices must endure the test of time. Thus, the reforms that have been introduced since 1999 are still short of elevating Turkish civil–military relations to the level of ideal-type democracies. However, if the pace of reforms continues and the civilian supervision of the military increases in practice in the coming years, there is room for optimism that Turkey will bring to completion the democratic control of the armed forces.

### **The First Phase of Changing Civil–Military Relations (1999–2007)**

The political system and the constitution that were created in Turkey after the 12 September 1980 coup provided important spheres of political autonomy to the military. However, the fact that the Turkish Armed Forces have enjoyed prerogatives does not fit with the preconditions of EU accession. As a result, the first impetus for reforms in the area of civil–military relations came after the 1999 Helsinki summit of the EU, which recognised Turkey as a candidate country. During the reform period induced by the EU's Copenhagen criteria, some of the powers of the Turkish military were reduced by parliament.

Most of the amendments focused on the National Security Council (NSC), which was first established after the 1960 coup and which functioned as an institution that facilitated communication between the chief of the General Staff, commanders of the armed forces and cabinet ministers. In the 1961 constitution, the NSC was envisioned as an advisory body, but after the 1980 coup the powers of the NSC vis-à-vis the government were increased, and with the 1982 constitution the cabinet was required to give precedence to the NSC's decisions. Until the early 2000s, the armed forces functioned almost as a second pillar of the executive through the NSC, especially in matters of external and internal security (Cizre-Sakallıoğlu 1997, p. 158).

The EU-induced reform process has changed the powers, functions and composition of the NSC. In 2001, an amendment was made to Article 118 of the constitution, increasing the number of civilians participating in the NSC meetings. The seventh harmonisation package, which was enacted in July 2003, changed the function of the NSC and, similarly to the 1961 constitution, turned it into a body that only advises the cabinet (Michaud-Emin 2007). The new law of the NSC stipulates that the meetings of the NSC will take place once every two months, rather than once every month as used to be the case. The secretary general of the council is now selected by the prime minister and approved by the president. As a result, it has become possible to appoint civilians to the position, and the first civilian secretary general started in his post in 2004 (Cizre 2008, p. 137; Özcan 2006, pp. 39–40).

Some of the powers of the general secretariat were abolished, such as requesting information from civilian institutions, running national security inspections and supervising the implementation of NSC decisions by the government. Other specific duties of the NSC secretariat were also terminated by closing down the relevant departments in the secretariat: for instance, the community relations presidency was abolished, eradicating the legal authority to conduct 'psychological operations' (Cizre 2008, p. 138; Özcan 2006, pp. 47–50). The clause in the NSC law which stated that appointments to the secretariat shall not be disclosed to the public was removed, and, as a result, members of the military are not predominantly represented in the secretariat any more (Jenkins 2007, pp. 346–347). The increasing number of civilians, in turn, has led to their ascendancy in preparing the briefing documents and a decrease in the military's control over the agenda.

In May 2004, the eighth harmonisation package was approved in parliament, and this new package brought increased civilian supervision of defence expenditures by expanding the right of the Court of Auditors to oversee the budget, including what was previously considered confidential property. The same package also removed the remaining seats of the military on civilian boards. In 2003, the seat of the NSC on the Board of Inspection of Cinema, Video and Musical Works was abolished, and in 2004 the representation of the military in the Radio and Television Supreme Council, the Council of Higher Education and the Supreme Communication Board was eliminated (Ünlü Bilgiç 2009, pp. 805-806).

Various reform packages also restricted the role of the military in the judiciary. In 1999, the seats of the military judges were removed from the state security courts and in 2004 the courts were abolished altogether. Whereas, in the past, military courts could hear cases against civilians, several amendments 'gradually restricted the military courts' jurisdiction, and in 2006, finally ended the trials of civilians by these courts during peacetime' (Ünlü Bilgiç 2009, p. 806).

These amendments were significant turning points in Turkish civil–military relations as the events of 2007 highlighted. When President Ahmet Necdet Sezer's term in office was about to end, a fierce discussion among the public started over who should be his successor. Since the Justice and Development Party (AKP) controlled the majority of the seats in parliament, it was expected that the party would elect its chairman, Prime Minister Tayyip Erdoğan, to the presidency. Some of the military officers perceived the possibility of the AKP controlling both the parliament and the presidency as a threat to secularism in Turkey. After considerable pressure from both civilian and military circles, the AKP partially backed down and nominated Foreign Minister Abdullah Gül to the presidency. However, before the parliamentary session that would vote for the new president, the General Staff issued an announcement on its website. The declaration stated that the Turkish Armed Forces had 'observed the situation with anxiety' and that they were 'taking part in these disputes' as 'the certain defenders of secularism', who would also 'openly and clearly put forward their attitudes and behaviour when necessary' (Hürriyet 2007). Shortly thereafter, the Constitutional Court decided that the presidential elections were null and void because the parliamentary session had failed to reach the necessary quorum of deputies. In response, the AKP called for a new general election to resolve the impasse, and, after renewing its mandate in parliament, the party elected Gül to the presidency (Kaya 2009, pp. 391–392).

The 2007 website declaration of the General Staff is significant because it displays the existence of a degree of continuity between the period before and after the first reforms. The announcement was a clear indication that legal amendments of the NSC or institutional reforms alone were not enough to reduce the generals' willingness to influence Turkish politics (Aydın-Düzgüt & Çarkoğlu 2009, p. 141). Despite this continuity, however, the 2007 declaration is also important for starting the second phase of reforms in civil–military relations. The declaration was made on the General Staff's website and it did not succeed, partly because the military had lost the NSC as an important instrument of intervention in politics due to the EU reforms. The EU

provided a positive context in which civilian actors in Turkey felt empowered. Because the civilians increased their powers vis-à-vis the military, the armed forces could not prevent the AKP government—strengthened by a victory at the ballot box—from electing its candidate to the presidency. This marked the failure of the General Staff's attempt to apply pressure on the AKP, and hence resulted in the military's further loss of power relative to the government.

### **The Second Phase of Changing Civil–Military Relations in Turkey (2007 onwards)**

Even though the pace of legal amendments in the area of civil–military relations somewhat declined after 2005, it picked up again after 2010. Apart from the failed 2007 website declaration, two other interrelated developments preceded this new wave of reforms. The first important factor was the split among members of the armed forces on the role of the military in Turkish politics and on the strategies that needed to be followed when dealing with civilians (Aydınlı 2009; Demirel 2010). When the AKP came to power in 2002, some groups among the public and factions within the military regarded a cabinet with Islamist roots as a threat. The electoral success of the AKP and the difference of opinion on whether this was a threat to the secular Republic contributed to the disunity of the armed forces. Moreover, the constitutional changes and the legal amendments in accordance with the EU's Copenhagen criteria were perceived as a mistake by some of the generals, who were quite vocal in their criticism of the reforms and in their condemnation of the more dovish Chief of Staff, Hilmi Özkök (Heper 2005, pp. 37–42). Yet, the option for these officers of staging a coup was closed, since public opinion at the time was pro-EU and supported the reforms (Gürsoy 2010). Indirectly, the EU-induced reforms of 1999 and 2005 contributed to the split in the military and the weakening of the armed forces, which was further accentuated with the failure of the website declaration of the General Staff in 2007.

The second event that contributed to the relative empowerment of civilians was the start of a controversial judicial investigation, known among the public as the 'Ergenekon' case. Shortly after the 2007 presidential crisis, conspiracies were uncovered revealing coups allegedly planned by civilians and military officers against the AKP government between the years 2003 and 2004. The coup plans with the code names 'Blonde Girl', 'Moonlight' and 'Phosphorescence' were first revealed with the publication of the diaries of a former navy commander in March 2007 by a weekly magazine (Nokta 2007). More plots entitled 'Action Plan to Combat Islamic Fundamentalism', 'Glove', 'Cage' and 'Sledgehammer' were also exposed between 2008 and 2010. These conspiracies allegedly planned to manipulate public opinion and the media by carrying out psychological warfare and false flag operations, such as attacking minority groups, provoking Greece into a war, organising anti-government rallies, planting bombs or assassinating political leaders and intellectuals. The aim of the plots was to provoke chaos in the country, which would create favourable conditions for the military to step in and stage a legitimate coup. Even though the connections between the conspiracies are not entirely clear, a clandestine organisation

called Ergenekon is suspected of being behind some of these plots. The trials that started in October 2008 and the ongoing investigations are firsts of their kind in Turkish history, since some of the suspected plotters are retired and active-duty military officers of higher and lower ranks, including several retired commanders of the armed forces and a former deputy chief of the General Staff (Yetkin 2009).

The arrests and trials of officers are also important because, simultaneously with these developments, public debate on the role of the military in politics has increased. Some secularist groups in Turkey have raised important questions regarding the evidence that has been provided in the indictments, the manner in which this evidence has been gathered and the detention periods and conditions (Jenkins 2009, pp. 78–83; Özel 2009, p. 2). It has been suggested that there are no indisputable facts supporting the existence of an organisation called Ergenekon and that the only common denominator that brings suspected individuals together is their opposition to the AKP government (Ünver 2009, pp. 12–14; for such a view see Çağaptay 2010). There is considerable worry among some segments of the public that the aim of the investigations is to eliminate the opposition and decrease the power of the secularist military in order to establish an Islamic state (Zaman 2009, p. 2). Such views are raised by the opposition, the Republican People's Party and the National Action Party, and by columnists in newspapers that are especially keen on defending the secular principles of the Republic, such as *Cumhuriyet*, *Vatan* and *Sözcü*. Certainly, if the suspicions of these groups are true, they raise a prospect that would damage Turkish democracy in the long run. In the short run, however, the affair seems to have given an opportunity to the government to increase the democratic control of the armed forces (Cizre & Walker 2010, pp. 92–95). Some columnists in pro-government dailies and/or newspapers with Islamist leanings, such as *Star*, *Yeni Şafak* and *Zaman*, welcome the investigations, and, likewise, liberal intellectuals writing most notably in *Taraf*—the newspaper that exposed some of the alleged plots—support reducing the role of the military in Turkish politics.

Indeed, the investigations have resulted in a new drive to introduce more amendments. In the wake of the coup investigations, the government has started a second wave of reform in Turkish civil–military relations. In January 2010, the Protocol on Cooperation for Security and Public Order (EMASYA) was abolished. This protocol was signed between the military and the government in 1997 and gave the military the right to gather intelligence and, if necessary, carry out operations against internal security threats without the authorisation of the civilian administration (Bayramoğlu 2009). The shelving of EMASYA can be interpreted as an important development in civil–military relations, since the protocol had justified the involvement of the military in providing internal security.

In May 2010, parliament passed a new constitutional package, which was approved by the majority of the Turkish electorate in the September 2010 referendum. The two following amendments came into force with the package: first, it became possible to subject to judicial review the decisions of the High Military Council (HMC) on discharges from the military; second, the military courts can now try officers only on

crimes committed against other officers and related to military service, while all other crimes, including those against the security of the state and the constitution, are now tried by civilian courts (Hürriyet 2010).

Another important change in Turkish civil–military relations came in August 2010, when at the meeting of the HMC the government intervened in the process of senior-level personnel promotions and appointments. In the past, the promotions of officers were decided strictly by the military, and the procedure was almost automatic in the case of the chief of staff: the HMC selected the commander of the army, who then became the chief of staff when the term of the incumbent came to an end. This procedure almost always received the rubber-stamp approval of the prime minister and the president, who officially appointed the new chief of staff. Only in one instance in the post-1980 era—in 1987—did Prime Minister Turgut Özal refuse to promote the chief of staff suggested by the officer corps, but after this incident the practice of leaving the matter in the hands of the military hierarchy continued. In what seems a radical break from the past, before the HMC meeting in August 2010 the criminal court that tried the Sledgehammer plot case ordered the arrest of around 100 officers, including several generals who were expected to be promoted. In the following HMC meeting, the government insisted on delaying the promotions of these officers and vetoed the general who was expected to become the new commander of the army. Such a showdown in the HMC, where civilians exerted influence on senior-level personnel decisions, is an important deviation from normal practices (Yetkin 2010). However, it remains to be seen whether this will be a one-off incident similar to the one in 1987, or if civilians will continue to be involved in military promotions.

Similar to changing practices in the HMC, amendments were made in the writing of the National Security Policy Document (NSPD) in October 2010. The NSPD identifies the internal and external threats facing the country and has such significance in determining policy that it is sometimes even referred to as the ‘secret constitution’ of the Republic (Aydıntaşbaşı 2010). While in the past the NSPD was formulated by the military, in 2010 the document was rewritten by the government and accepted by the NSC. The AKP government, in fact, had played a more active role in the preparation of the previous NSPD in 2005 as well, but the final document was not significantly different from the previous ones. In particular, the 2005 document included reactionary Islam as an internal threat, indicating the continued influence of the military in the final draft (Cizre 2008, p. 139; Özcan 2006, pp. 44–45). However, the 2010 NSPD was reformulated by civilians, and as a result it includes significant changes from the previous versions of the document. Reactionary activities are not regarded as a threat any more, although organisations that take advantage of religion are still listed as a domestic danger (Radikal 2010). Such changes in the NSPD and the ascendancy of civilians in the preparation of the document are important reductions of the political autonomy of the military.

Thus, after 2007, important amendments were made in Turkish civil–military relations both in practice and also in legal texts. At the time of writing, it appears that more reforms in civil–military relations in the future will follow. For instance, the Republican People’s Party leadership proposed—and the AKP government in principle

agreed—to change Article 35 of the Internal Service Act of the military, which gives the armed forces the responsibility to protect the country from internal threats (HaberTürk 2010). The current climate gives reason to believe that the reform process will forge ahead, but it remains to be seen whether the new suggestions of the government and opposition will be carried out.

### **The Effects of the Reforms on the Political Autonomy of the Military**

The reforms seem to have reduced the prerogatives of the military in Turkish politics, but the question remains: How much have they really altered the overall autonomy of the military? In order to answer this question, it is important first to identify the indicators of the military's political autonomy. Scholars of civil–military relations have established several measures to evaluate the degree of political autonomy that interventionist armed forces maintained in Latin American and South European countries after their transitions to democracy. Taking these indicators as the basic criteria, it is possible to measure how much political autonomy a military has. The indicators could be classified in two extreme variations of autonomy, such as 'high' and 'low', as Table 1 does for reasons of simplicity. However, the political autonomy of a military at a given time could be judged to be somewhere within this range, and therefore also as 'moderate' (see for instance Stepan 1988, pp. 94–97).

In Turkey, the reform process has introduced changes in the first four indicators but has not altered the remaining two prerogatives, which may still be classified as 'high'. One of the most important areas of neglect in the amendments has been the reorganisation of the defence sector. In neither of the reform waves was this reorganisation seriously suggested by the government or opposition parties. As a result, the armed forces are still responsible to the prime minister and not to the minister of defence (indicator five).

Similarly, there have been no improvements with regard to the intelligence activities of the gendarmerie (indicator six). The gendarmerie, which is controlled by the General Staff in its organisational system, promotions and training, is partly responsible for providing security in regions that do not fall under the jurisdiction of the police forces, i.e. mainly rural areas. In the past two decades, there have been accusations that the gendarmerie regularly exceeds its authority and operates in areas that are under the authority of the police. Moreover, there has been information circulating in the media which indicates the existence of an intelligence organisation in the gendarmerie called the Gendarmerie Intelligence and Counter-Terrorism Organisation (JİTEM). Since the early 1990s it has been alleged that JİTEM units have engaged in unlawful activities, including bombings, murders, extortions and abductions. It is suspected that JİTEM is especially active in the southeast and was first established to combat activities of the Kurdish terrorist organisation *Partiya Karkeren Kurdistan* (PKK) in the region. Military officers and civilians, including former PKK members who have confessed their association with the organisation, are thought to comprise the JİTEM units (Beşe 2006, p. 183).

**Table 1** The Indicators of the Military's Political Autonomy

Selected indicators	Degree of military autonomy	
	Low	High
1. Role in internal security	The military engages in activities in order to provide internal security only in rare circumstances, with the authorisation of the executive and within limits envisioned by the legal framework.	The legal framework gives the military the duty to provide internal security and leaves it to the discretion of the military to decide when and how it will carry out its duties.
2. Role of executive, legislature and civilian courts	The executive, legislature, relevant parliamentary committees and civilian courts monitor and oversee the military budget and arms procurement.	The legislature approves the defence budget without much debate. The executive approves military's procurement requests. Civilian courts do not audit military budget and assets.
3. Role in legal system	The military has no legal jurisdiction except for cases against the discipline of the armed forces.	Military courts can try both civilians and officers. Military personnel are unlikely to be tried by civilian courts.
4. Role in senior-level personnel decisions	The military makes recommendations to the executive on promotions, retirements, appointments and purges. The executive is not constrained and can approve or disapprove the military's recommendations.	The military determines promotions, retirements, appointments and discharges on its own. The executive approves the military's decisions without changes.
5. Coordination of defence sector	The military is responsible to a defence ministry directed and controlled by civilians. Professional civil servants assist the government in designing and implementing defence and national security policies.	The military is not responsible to a civilian-controlled defence ministry. Designing and implementing defence and national security policies are directed and controlled by military officers.
6. Role in intelligence	All intelligence agencies are directed by civilians, subject to reviews of civilian-controlled boards.	Intelligence agencies are directed by military officers. The military is involved in both intelligence-gathering and carrying out operations, which are not subject to the review of civilian boards.

Source: Pion-Berlin, 1992; Stepan, 1988, pp. 94–97; Zaverucha, 1993.

A new law that went into effect in July 2005 formally established the department of intelligence controlled by the Gendarmerie General Command, and arguably this new law has brought some transparency to the intelligence activities of the gendarmerie. However, there have been no major amendments to the autonomy of the military in intelligence-gathering. Apart from the mostly civilian-controlled National Intelligence Organisation (MİT)<sup>2</sup> and the department of police intelligence, the General Staff also continues to have its own intelligence department, about which limited information is yet available. But it is still suspected that the gendarmerie and the military collect intelligence (including information on private lives) and also carry out operations without being subject to the review of civilian boards. Thus, with regard to the sixth indicator, there have been no changes in either period of the reform process, and military autonomy has remained high in intelligence-gathering.

The reforms enacted since 1999 have attempted to reduce the autonomy of the military, in particular by altering the first four indicators in Table 1, namely the internal security roles of the military, civilian supervision of the defence budget and arms procurement, functions of the military courts, and senior-level personnel decisions.

Until 2010, no changes had been made in the autonomy of the HMC, which decides on promotions, appointments and discharges. Thus, in the first phase of reforms, between 1999 and 2007, the military retained high levels of autonomy on this fourth indicator. However, the second phase of reforms introduced major changes, and, after the constitutional package was accepted in the September 2010 referendum, HMC decisions came under judicial oversight. If the practice of civilians being involved in decisions on military promotions continues in future HMC meetings like the one in August 2010, the military will lose an important prerogative and will have low levels of autonomy in this critical area.

The biggest achievement in Turkish civil–military relations has been experienced on indicator three, with regard to the role of the military in the legal system. In the first phase of reforms, the trial of civilians by military courts during peacetime came to an end. Although this was a major reform, armed forces personnel were still subject to the authority of military courts not only for felonies against the discipline of the armed forces, but also for general offences. This continued to give the impression that officers were exempted from civil laws (Kardaş 2009). Thus, on this indicator, the political autonomy of the military was moved from high to only relatively moderate levels until 2007. However, with the approval of the 2010 constitutional package in the referendum, armed forces personnel have come under the authority of civilian courts for crimes against the security of the state and the constitutional order. In fact, with the Ergenekon trials, this condition had been fulfilled in practice even before the referendum, since suspected officers were tried by civilian courts instead of military tribunals. The only remaining question in this area is the jurisdiction of the Military Court of Appeals and the High Military Administrative Court, which reviews disputes over administrative decisions involving military personnel even when these decisions are made by civilian institutions. However, there are proposals by the AKP government

and the opposition to restrict the jurisdiction of these courts or to abolish them completely. If these proposals come to fruition, another important step will have been taken on the role of the military in the legal system.

With regard to the overview of the budget and military assets by civilians (the second indicator), the 2004 amendment to the constitution gave the Court of Auditors the authority to oversee the military budget. However, necessary amendments were not made in the Law on the Court of Auditors in the first phase of the reforms, and as a result, even though the court could 'carry out external ex-post audit of military expenditure ... based on accounting records', it could not audit some of the military assets or carry out 'on-the-spot checks' (European Commission 2009, p. 11). Moreover, one of the most important deficiencies of the first phase of reforms was that they did not cover off-budget defence expenses. For instance, neither the Court nor parliament reviewed the undersecretariat of the defence industry, which functions under the Ministry of Defence. The undersecretariat is financed by the off-budget Defence Industry Support Fund (DISF), which pays for the procurement projects of the military. The failure of the first wave of reforms to cover the DISF was detrimental to civilian oversight (Demirel 2010, p. 8; Karakaş 2009, pp. 176–177). However, the Law on the Court of Auditors, which reinforces the previous amendments, was enacted in December 2010 during the second phase of reforms. The new law enables the Court to audit military procurements, properties, assets, equipment and expenses, as well as the DISF. Yet, the overview of the Foundation of Strengthening the Armed Forces, which is responsible for the building and developing of defence industry companies, is not covered by the law and will not be subject to the Court's audit. Moreover, some of the auditing reports will not be disclosed to the public for security reasons.

The overall assessment of military autonomy on the second indicator must be considered 'moderate', additionally due to problems in implementation. Civilian oversight of the military budget is problematic partially because civilians are reluctant to exercise their legal rights. Decisions on arms procurement and production are made by the defence industry executive board, the undersecretariat of defence industry and the Ministry of Defence. Even though these institutions are controlled by civilians, 'in practice the General Staff [has been] responsible for making decisions about military needs' (Ünlü Bilgiç 2009, p. 805). Similarly, in parliament, deputies approve budgets without substantial deliberation, and the parliamentary planning and budget committee fails to review the programmes and projects of the Ministry of Defence and the military budget in a detailed manner. Deputies rarely make formal inquiries about issues relating to the Turkish armed forces and national security, and the government does not provide answers to any of the few questions that are asked by deputies (Akyeşilmen 2009, pp. 13–21). These types of behaviour can be explained by the deputies' limited knowledge and their self-restraint. Since the military has enjoyed authority and high degrees of autonomy on these issues for years, politicians deliberately refrain from questioning national security matters and lack the necessary expertise on budgetary and defence matters. In fact, the attitudes of politicians are

both an explanation and an expression of problematic civil–military relations in Turkey: high degrees of autonomy result in the timid behaviour of politicians, which in turn provides greater prerogative to the armed forces.

Important changes have been made in the internal security roles of the military (first indicator), but in this area as well the degree of autonomy must be classified as ‘moderate’. The first phase of reforms introduced changes in the NSC and abolished the seats of the military on civilian boards. In the second phase, the EMASYA protocol was abolished and changes in Article 35 of the Internal Service Act of the military were suggested by the opposition party. However, as of December 2010, there had been no proposals to change Article 85 of the Internal Service Regulations of the military, which states that ‘every soldier in the Turkish Armed Forces [has] the duty to protect the Turkish Homeland and Republic from internal and external threats, if necessary by force’ (Türk Silahlı Kuvvetleri İç Hizmet Yönetmeliği 1961). In fact, the General Staff has departments, such as Internal Security Operations, Special Forces and Psychological Operations, which are geared towards providing internal security (Akay 2010, p. 14). Article 2a of the Law of the National Security Council has not been changed by the reforms either: the law still defines national security in broad terms allowing security forces, including the military, ‘a wide margin of manoeuvre’ (European Commission 2007, p. 9).

Besides these legal and institutional remainders of autonomy, it must be emphasised that the military’s role in providing internal security is also a matter of implementation. As long as civilians use the military to fight what they believe to be internal threats and the military sees itself as having the duty to provide security at home, legal amendments may not change practices. This problem was evidenced after the first phase of reforms, as the military continued to show a willingness to treat security as its reserved domain. Some of the functions of the NSC were moved to the General Staff, and instead of the monthly meetings of the NSC the military started to conduct regular meetings with members of the media. Similarly, the HMC started to make declarations on political matters (Özcan 2006, p. 40). These practices allowed the high command to put across its views on security and political matters. The media broadcast its meetings with the General Staff to the public, as well as the various other declarations of the high command. The April 2007 website pronouncement of the General Staff is a final reminder that legal and institutional reforms do not necessarily translate into democratic practices. Even though such interventionist tendencies have decreased in the second phase of reforms, caution should still be exercised, since it remains to be seen if the attitudes of officers and the political elite towards the role of the military in providing internal security will continue to be relatively negative.

## **Conclusion**

Table 2 summarises the amendments that have been carried out in Turkish civil–military relations in the two phases of reform and the resulting degrees of autonomy. It is clear that any changes in the future should first focus on the last two spheres of

**Table 2** Summary of Reforms in Turkish Civil–Military Relations

Selected indicators	First phase (1999–2007)		Second phase (2007–)	
	Amendments	Degree of autonomy	Amendments and proposed change as of December 2010	Degree of autonomy (if all the legal proposals take place and democratic practices continue)
1. Role in internal security	Changes in the NSC were introduced; the seats of the military in civilian boards were removed	Moderate	Emasya protocol was abolished; Proposal to change Article 35 of the Internal Service Act	Moderate
2. Role of executive, legislature and civilian courts	Court of Auditors was given some authority to oversee the military budget	Moderate	The Law on the Court of Auditors was enacted	Moderate
3. Role in legal system	The law was changed so that military courts cannot try civilians in peacetime; State Security Courts were abolished	Moderate	Officers cannot be tried in military courts for offences against the security of the state and the constitutional order; proposal to restrict the jurisdiction of high military courts	Low
4. Role in senior-level personnel decisions	No amendments	High	HMC decisions on purges are subject to judicial review; civilian involvement in HMC decisions regarding promotions	Low
5. Coordination of defence sector	No amendments	High	No amendments	High
6. Role in intelligence	No amendments, but some increased transparency	High	No amendments	High

prerogatives, where no amendments have taken place and the autonomy of the military is still high. The defence sector must be reorganised by subjecting the armed forces to the authority of the Ministry of Defence and increasing the expertise of civilians working in the Ministry. In addition, attempts should be made to civilianise all internal intelligence activities and close down any organisations within the gendarmerie or other forces geared towards gathering internal intelligence.

Major changes have been carried out in the remaining spheres of autonomy, but there are still important steps that need to be taken. Civilian oversight of the military budget is still an issue that must be dealt with in practice. Similarly, the duty of the military in providing internal security must be abolished by amending and implementing the necessary laws and regulations. Moreover, and undoubtedly, important gains from the previous years, such as civilians taking part in senior-level promotions, must be protected from any future backlashes.

EU enforcement must also continue, since it was the pressure of the accession criteria that started the process of reform in the first phase. The second phase was triggered by these earlier reforms and the EU played an indirect role by empowering civilians against the generals who made the website announcement of April 2007. Such enduring support from the EU in the future may help elevate Turkish civil–military relations to the level of ideal-type democracies.

## Notes

- [1] For reasons of simplicity, in this article I use ‘political autonomy’, ‘prerogatives’ and ‘privileges’ interchangeably.
- [2] MİT used to be directed by military generals, but the practice of appointing a retired or active duty officer to the position of undersecretary of MİT came to an end in 1992.

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