The Role of the EU in Changing the Role of the Military in Turkish Politics

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Democracy as EU Conditionality

The end of the Cold War marked the beginning of a major effort on the part of the older democracies of the world to engage in intense efforts at democracy promotion. The EU, home of some of the major European democracies, was no exception. From its more modest beginnings as an economic community, over time, the EU has instituted being a functioning political democracy as a basic condition to be achieved before accession to membership. If a European country wants to join the EU, in addition to being a state with laws respectful of human rights and possessing a working market economy, a country had to be a democracy. While strategies of democracy promotion pursued by other countries have included such forms as control (e.g. building democracies in Iraq and Afghanistan by the United States and its allies) and incentives (e.g. financial assistance for voter registration or the administration of elections), the EU strategy regarding prospective members has been one of conditionality. Political conditionality means that a political actor that has the authority to grant a status, an advantage or a resource to another actor who desires it will not do so until the latter achieves some condition(s) that the former demands. In the case of the EU, being an operating democracy is the condition to be achieved in order to be considered for membership.

The EU, as it has developed into an organisation that aims in the long run to achieve the political union of its member states, has specified more precisely what the conditionalities are for joining it. While the level of strictness in judging whether a country or a group of countries have conformed with the conditionalities has varied over time and the country(ies) in question, some review of democratic structures

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1 These are referred to collectively as the Copenhagen criteria.
and performance has always been a salient aspect of both being invited to become a member and then the process of accession negotiations.

Democratic conditionality has provided an impetus and a source of legitimization to governments that are asked to bring about democratic change in order to join the EU. Yet, this external impetus, however powerful it may be, is but one of the many forces that affect the democratisation processes of countries aspiring to membership. There may be major domestic forces that are opposed to democratic change whose resistance may be difficult and sometimes impossible to overcome. Furthermore, even those governments that are oriented towards implementing democratic change may entertain apprehensions regarding the problematical outcomes of democratisation such as the breakdown of domestic peace or the appearance of secessionist claims. In other words, the positing of democratic conditionality by an external actor such as the EU to a government, may encourage it to register progress in the direction of democracy but whether it can meet the conditionality is determined not only by the prevailing “transnational structures of power”\(^3\) that may favour democratisation but also by the domestic balances of power and the prevailing political conditions at a given time.

In the democratisation of societies, establishing civilian control of the military poses a particularly intricate problem. In contradistinction to other organised forces in society, the military possesses the organisational capability (that is the organisational hierarchy, the command structure and possession of the means of coercion) to maintain its autonomy vis-à-vis governments, democratically elected as the latter may be. Unless the military already has a tradition of being politically neutral, extricating the military from politics and redefining a politically passive role for it in an operating democracy is a daunting challenge. Yet without establishing the civilian control of the military, it is clear that the democratic conditionality of the EU cannot be met.

In systems in which the elected politicians find it difficult to exercise control of the military, the political weight of the armed forces may become manifest in three major ways: ruling, guardian and veto group. The first refers to a situation in which the military takes over and rules indefinitely. The second describes a framework in which the soldiers initiate a temporary intervention mainly to clear the mess which they allege elected governments have created. Thirdly, the military may simply raise the spectre of an intervention if the government pursues or fails to pursue particular courses of action, i.e. act as a veto group.\(^4\) Sometimes, the political role of the military as a veto group may be inscribed in the constitution and laws, which elected governments are either afraid or unable to change.

Understandably, in political systems in which governments are elected through a competitive election, there are always forces that have an interest in reducing the political weight of the military. Furthermore, processes that undermine the superior position of the military over elected politicians may often be at work. However, to bring about actual change requires the coming together of strong domestic and international support such that the military comes to feel that avenues through which

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3 The expression was offered by Dietrich Rueschemeyer, Evelyne Huber Stephens and John D. Stephens in their Capitalist Development and Democracy (Chicago: University of Chicago Press, 1992), p. 69 and passim.

it exercises political control are either no longer available or the costs of employing them are unacceptably high.

This article proposes to examine the extent to which EU conditionality has played a role in establishing civilian control of the military in Turkey, an EU candidate country, where in the past the military has established guardian regimes and, until recently, has continued to act as a veto group defining the limits within which civilian politics could be conducted.

The Turkish Military as a Political Actor

Historically, the Turkish military has been a major actor in Turkish politics. After Turkey’s transition to competitive politics, twice in 1960 and 1980, it has taken over power even if for limited periods of time; it has also staged several indirect political interventions. During the periods when electoral politics have prevailed, it has often defined the limits within which civilian politics could occur.

The prominent role the Turkish military has played in politics is rooted in the experience of Turco-Ottoman modernisation which was stimulated by experiencing persistent defeat at the hands of the Western Powers. Not unlike the Russian experience, modernisation was a state decision to transform society, a process that led to the growth of state elites who saw their job as managing change in what was a backward society in need of modernisation. The state elites, of which the military was the most significant component, did not have the skills or the means to mobilise the masses. Their links to society were weak; they rather expected society to yield to their directives. To meet the challenges they were facing, they were inclined to use the coercive powers of the state, which often led to their identification of societal responses to government policies as matters of security.

The advent of political competition after the Second World War, in some ways a product of security needs,\(^5\) constituted the basis of a problematical relationship between elected governments and the state elites nested in the military, the bureaucracy, the judiciary, the universities and quasi-public organisations like the bar associations. The state elites distrusted elected politicians, fearing that they would compromise the secular values and modernisation achievements of the republic. The proclivity of the Democratic Party government (1950–1960) to violate the rules of

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\(^5\) For a brief analysis of the political role of the military and its history of interventions, see Ilter Turan, ‘The Military in Turkish Politics’, *Mediterranean Politics*, Vol. 2, No. 2 (1997), pp. 123–135. Depending on what is meant by indirect intervention, the numbers may vary. In 1971, for example, the military leadership called for the establishment of a government of national unity that would enact legislation to limit excessive liberties that they considered was hampering the ability of the state to bring civil strife under control. The government and the parliament obliged. In 1997, again, the military leaders handed the government a set of policy demands, insinuating that a more active intervention would come if these were not heeded. Reluctantly the government yielded, starting a process that culminated in the resignation of the government a year later. These are seen as cases of indirect intervention. Other instances where the government has responded to the military’s less comprehensive policy expectations are usually not characterised as indirect interventions but as an exercise of power in policy making or sometimes vetoing proposed actions of government.

\(^6\) One of the major forces leading the single party Turkish government to open the system to political competition was to create the conditions for joining the emerging Western Bloc after the Second World War in order to bolster the country’s defence against the Soviet Bloc. For a persuasive argument, see Hakan Yılmaz, ‘Democratization from Above in Response to the International Context in Turkey, 1945–1950’, *New Perspectives on Turkey*, No. 17 (1997), pp. 1–37.
democratic competition provided the opening for them to enhance their power status and institutionalise their political role. A coup in May 1960 mainly by junior officers produced a constitution and a set of laws that established the military as the ultimate guardian of the republic and the overseer of the competitive political process. This role was further consolidated by a direct intervention in 1980–1983 as well as by a series of indirect interventions beginning with 1971–1973 and continuing to 1997–1998 which were justified either by the failure of governments to bring to an end continual public violence or later by civilian activities undermining the fundamental values of the republic.

While the military worked to consolidate its political position, over the years, the power of the pillars of the state elites other than the military grew weaker. By promoting more cooperative bureaucrats to the top and recruiting new cadres whose thinking was more in line with theirs, elected politicians were able to neutralise many segments of the bureaucracy. The expansion of the university system which was secured by opening new universities in provincial centres where the faculty and students often held ideas and attitudes in greater harmony with political elites undermined the political clout of the academia. A similar process occurred with regard to quasi-public organisations. The courts and the military with their tightly regulated system of entry, on the other hand, remained as pillars of the state elite. They often initiated political action aiming ostensibly to preserve the basic values of the republic, most notably secularism.

The courts, for example, interpreting laws devised under military rule, closed down a set of political parties, each a descendant of the other, for having used religion for political ends and trying to establish religion as a partial basis for government. They also confirmed the constitutionality of the headscarf ban for female university students. More broadly, the military was generally assured that the courts would be protective of the basic values of the republic as defined by the military.

Over time, the military had developed a legal basis for its own exercise of political power. An article in the Internal Services Law of 1961 authorised the military to protect the country, specified further in the bylaws as against “internal” as well as “external” enemies. The National Security Council (NSC) which brought together several ministers, security bureaucrats and the military leadership comprising the chief of staff and force commanders constituted a forum at which the generals indicated the limits of what the government could do and stated expectations about what it should do. The policy preferences of the commanders were usually implemented. The military had its representatives in the Council of Higher Education and the State Security Courts as well as in some other state agencies. The competence of military courts covered many cases that would be handled by civilian courts in democratic systems. With regularity, the commanders made remarks that criticised the government or challenged its policy preferences.

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7 Internal Service Law no. 211 dated 4 January 1961 Article 35 and Internal Service Bylaws, dated 6 September 1961, Article 85.
8 Initially established in the 1962 Constitution, the powers of the National Security Council were broadened in the Constitution of 1982.
EU Impetus for Restraining the Turkish Military

Turkey’s initial attempt to develop an association relationship with the EU, then the European Economic Community, was temporarily interrupted in 1960 by a military intervention. But particularly as the EEC developed into the EU aspiring to become a union of democracies, and as Turkey became more interested in becoming a member, the political role of the Turkish military became a critical impediment to the advancement of the relationship. The end of the Cold War and the incorporation of the East European countries into the Union had reduced the tolerance for military interventions and politically active militaries. Turkey was frequently reminded by its European friends that its military should come under civilian control.

Following the 1997 Luxemburg Summit of the European Council, which “decided to draw up a strategy to prepare Turkey for accession by bringing it closer to the European Union in every field,” the European Commission published its first regular report on Turkey’s progress towards accession to the EU. One of the main issues that the report addressed was the role of the military in Turkish politics and the judiciary. The report pointed out that “one in three [State Security Court] judges are military judges who… are serving military personnel and therefore subject to military discipline.” In the wake of the report and prior to the 1999 Helsinki Summit of the European Council, the Turkish coalition government of three parties took the first steps towards curbing the powers of the military. In accordance with the report, the military judge in the State Security Courts was removed by introducing amendments to the relevant laws. After this positive gesture and combined with other amendments, as well as changes in the attitudes of some EU members towards Turkish accession, Turkey was given candidate status.

Reforms in civil-military relations accelerated as a result of the 1999 commitment of the EU to future Turkish membership. The NSC was an institution that was particularly criticised by the European Union. In a typical progress report prepared by the Commission in 2000, it was pointed out that the NSC’s “conclusions, statements or recommendations … strongly influence the political process” and “it appears that … the views of the National Security Council in practice seriously limit the role played by the government.” In line with this criticism from the EU, the Turkish governments after 2000 began to reform the NSC, its membership, functions and political role in Turkey. In October 2001, Article 118 of the constitution was changed so that the number of civilians participating in the NSC meetings was increased relative to the military members. In August 2003, several articles of the Law of the NSC were changed so that the Council would only provide its recommendations to the government, without obliging the prime minister and the council of ministers to follow its policy suggestions. Moreover, the frequency of the NSC meetings was reduced; the task of NSC personnel to follow up and oversee the implementation of NSC decisions by civilian bodies was cancelled; the appointment procedures of the

10 Ibid., p. 13.
Secretary-General of the NSC were changed and the requirement that the Secretary-General must be a full general or admiral of the military was deleted; the duty of the secretariat was reduced to carrying out the secretarial functions of the NSC; and the obligation of all public and private legal entities to share information with the NSC whenever the Council requested was eliminated.  

In 2004 and 2005, several changes in the legal framework removed the seats of the NSC representatives and the military in several state institutions regulating such diverse matters as higher education, television, or musical works. In a similar vein to these reforms, in 2010, the responsibility of identifying internal and external threats were handed to the civilians instead of the military personnel of the NSC. Thereafter, the government began to define the main dangers to national security in the “red book” – a document, which had been claimed to have such significant force that it was even dubbed the “secret constitution” of the country.

Aside from the NSC, another important area of change in civil-military relations pertained to the judicial functions of the military. Gradually the jurisdiction of the military courts was reduced so that they could only try armed forces personnel on matters related to military discipline. Correspondingly, in December 2004, the State Security Courts, whose military judge had already been removed, were closed down for good. In another set of amendments up to 2010, the constitution and the relevant laws were rewritten, making it possible for the Court of Auditors to audit and oversee the military assets, properties and budget. Finally, the role of the military in providing internal security was curtailed by additional measures, such as the abrogation of the infamous 1997 Protocol that had given the armed forces the privilege of taking action against social events and collecting intelligence without consulting civilians.

Symbolically, in 2011, providing security at the entrance of the national parliament was given to the police forces instead of the military.

Altogether these changes brought Turkey on a par with European member states in terms of civil-military relations. Reflecting the positive developments, the European Commission progress reports also mentioned the positive steps taken in the civilian control of the armed forces. For instance, in 2012, the Commission noted that “the General Staff generally refrained from exerting direct or indirect pressure on political issues” and “several symbolic steps have been taken towards further democratisation of civil-military relations.” Although there are still areas that could benefit from further reform, such as the military justice system or parliamentary oversight of the defence budget, Turkey more or less met the Copenhagen criteria in democratically controlling the armed forces and abolishing the military’s guardian and veto roles.

14 For a summary of the EU reforms on civil-military relations in Turkey, see the following document prepared by the Ministry of the European Union: Siyasi Reformlar-I (Ankara: T.C. Avrupa Birliği Bakanlığı, n.d.), p. 16–20.
Support for EU Membership among the Public and Domestic Impetus for Restraining the Turkish Military

The convergence of EU expectations with the emergence of a domestic supportive environment was critical in defining a role for the EU in assisting Turkey to achieve civilian control of the military. Even though the EU impetus had been important especially at the beginning stages of the reform process, domestic support for EU membership in the early 2000s and demands for changes in civil-military relations among the public combined to create the current positive state of affairs.

The ascent to power of the moderately religious Justice and Development Party (JDP) whose founders came from the tradition of religious parties that had been closed by the Constitutional Court, added an important actor to the scene, who anticipated that meeting EU conditionalities would serve its own political ends. The state elites, as well as certain segments of the public, were anxious that the JDP might work against the secular principles of the Republic after it came to power with the 2002 general elections. The prospect that the JDP government could be forced to comply with the wishes of the military had already given enough reason for the cabinet to continue with the changes in civil-military relations begun by the previous coalition government. The EU conditionality on civil-military relations corresponded well with the interests of the government. Therefore, more ground was covered in this area relative to other areas of democratic reform, such as human rights or freedom of press.

Public opinion in general also grew supportive of carrying out reforms for EU membership. The transformation of the Turkish economy as a result of the adoption of a policy of export led growth in 1980 and the increase in material wealth it had produced, had led to the emergence of new centres of power and the strengthening of civil society. Emphasis on greater prosperity and the recognition that advancing the EU connection would enhance it, had created a political atmosphere supportive of accommodating European expectations. This pro-EU stance at the beginning of the 2000s coincided and reinforced a “less politically involved military” attitude among civil society groups. The shift in public opinion became evident especially with the April 2007 presidential crisis. The JDP nominated Foreign Minister Abdullah Gül to the presidency to replace the secularist president when his term concluded. This move resulted in the fear in the military that the JDP would control both the parliament and the presidency. The general staff implicitly threatened to stage a coup by making a declaration on its website and warned the JDP against insisting on a party member as a presidential candidate. Simultaneously, thousands of people in major cities around the country began to hold rallies against the JDP. These demonstrations were perhaps expected given the secular versus Islamist rift in Turkish politics since the transition to democracy in 1950. What came as a surprise, however, was how the rallies turned into a common objection to military interventions in general and the website declaration of the general staff in particular. Previous secularist groups had supported the guardian and veto roles of the military as an assurance against those political forces that were suspected of eschewing Republican principles. But

17 For the fluctuation in the level of EU support among the Turkish public, see Ali Çarkoğlu and Ersin Kalaycıoğlu, The Rising Tide of Conservatism in Turkey (New York: Palgrave Macmillan, 2009), pp. 122-129.
economic liberalisation since the 1980s, possible EU membership in the early 2000s, and economic stability during the JDP era culminated in the evolution of a different attitude even among the civil society groups that shared the military’s secular ideology. While these groups believed that the JDP’s threatening policies should be fiercely opposed, they also stressed that a military solution would not be accepted.  

The response of the JDP government to the military declaration was quite strong. Perhaps aware of the general support it gathered among the public on this issue, the government released a harsh reply, stressing that the military was responsible to the civilians, and decided to hold early elections. Shortly after the elections, which led to another JDP victory, the party’s candidate Abdullah Gül was elected as the eleventh president of the Republic. The secularist and anti-military rallies, JDP’s response to the website declaration, and the party’s success at the ballot box resulted in the further weakening of the military vis-à-vis the civilians. In the aftermath of the elections, several coup allegations that were grouped into two main court cases were revealed. These trials, which are currently taking place, accuse hundreds of retired and current military officers and civilians with preparing coups to overthrow the JDP government in the early 2000s. There is also currently a process of reckoning with the past. While the perpetrators of the 1980 coup and 1997 intervention are being tried, the parliament set up a Committee for the Investigation of Military Coups and Memorandums in May 2012, which prepared a report in November 2012 after listening to the witnesses of the 1960, 1971, 1980 and 1997 interventions.

Conclusion

The Turkish military had a special role in politics since the modernisation efforts of the Ottoman Empire, through the foundation of the Turkish Republic and its main principles, and in the democracy years that followed the transition to multi-party politics after the Second World War. The military, in cooperation with the secular state elites, became a guardian, when it deemed necessary to restrict the political forces, and staged coups. At other times, it functioned as a veto group, controlling the decisions of the elected politicians.

Given the Turkish political past and the role of the military in it, one of the biggest challenges in Turkish democratisation was how to control the armed forces. EU conditionality became an important trigger that initiated change in this direction. Beginning from 1999 to the 2010s, in a drastic effort, Turkey brought many of the relevant articles in the constitution and laws into harmony with EU conditionality.

The harmonisation process, however, was not done solely by the EU impetus. The EU legitimised the efforts of the coalition government and especially the JDP, whose intentions the state elites doubted. In other words, the EU changed the domestic balances of power in favour of the pro-reform groups. The liberalisation of the 1980s and the emergence of new civil society groups also altered the balance of

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power. In time the military stood alone, not in terms of the importance of secular principles which it had protected for decades, but in terms of the use of coercive methods it had resorted to at times.

As the reforms progressed in the second half of the 2000s, they began to take on a life of their own and grew apart from the EU impetus of the initial phases. The current efforts of bringing coup-plotters to justice, for example, have less to do with EU conditionality than the culmination of several favourable domestic stimuli into making pro-coup attitudes a crime against the regime. Yet, it should not be forgotten that the EU had been the first push towards eliminating the political role of the military along with the domestic currents supportive of EU reforms. The experience of reforms in civil-military relations is an important reminder that meeting EU conditionalities will be possible in other areas of democratisation only when the EU commitment to Turkish membership and domestic forces combine to create the right circumstances.