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To cite this article: Şule Toktaş & Ümit Kurt (2010) The Turkish Military's Autonomy, JDP Rule and the EU Reform Process in the 2000s: An Assessment of the Turkish Version of Democratic Control of Armed Forces (DECAF), *Turkish Studies*, 11:3, 387-403, DOI: [10.1080/14683849.2010.506737](https://doi.org/10.1080/14683849.2010.506737)

To link to this article: <https://doi.org/10.1080/14683849.2010.506737>



Published online: 21 Sep 2010.



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The Turkish Military's Autonomy, JDP Rule and the EU Reform Process in the 2000s: An Assessment of the Turkish Version of Democratic Control of Armed Forces (DECAF)

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ABSTRACT *This article tackles the question of Europeanization in Turkey's civil-military relations and the extent to which the EU has served as an anchor in the civilian control over the Turkish Armed Forces. We argue that the EU membership process has necessitated democratization in civil-military relations; EU support was not sufficient for fully integrated democratic control of the armed forces (DECAF) as there are still problems in the democratization of civil-military relations. Since the 2000s, there has been a DECAF reform process taking place but due to historical deficiencies in Turkish polity, like the civilian incapacity to change the priority given to the military's role in the making of the security culture, the European norms of DECAF, such as a constitutional division between the civilian and military authorities, political neutrality of the military and parliamentary control of the defense budget, is formal. In the first part, we aim to give background information to DECAF reforms in Turkey. The second part discusses Justice and Development Party (JDP)–Turkish General Staff (TGS) relations between 2002 and 2007. The third part assesses civil-military relations in the period since 2007. The last section pays special attention to the significance of the question of a Turkish way to Europeanization especially in the field of civil-military relations.*

Introduction

The armed forces have always occupied a central place in Turkey's political agenda. The military has long enjoyed the privilege of an autonomous position because of its role as the guardian of Kemalism, secularism, and national unity. The Turkish Armed Forces (TAF) have performed their guardianship mission through securitizing the political problems of Turkey. On the basis of its definition of "national security" and "threats," the Turkish military sets the agenda of security, and manages internal and

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external mechanisms to support that agenda.¹ The conventional themes of securitization in the Turkish case have been political Islam and Kurdish nationalism, which indirectly pushed the military to become involved in Turkish politics. If the governments did not take sufficient measures to deal with these issues of national security, the military threatened to take action; and, on certain occasions forced governments to resign.² Thus, the military has intervened in politics several times either by way of traditional and direct methods such as a coup d'état (i.e. the interventions of 1960, 1971 and 1980) or new, indirect and “postmodern” methods, such as posting digital memorandums and seeking civil society support in the last decades. For example, on February 28, 1997, the military pressured the Islamist-led government (the coalition of the Welfare Party and the Truth Path Party) to resign and allowed another civilian government to take power. On April 27, 2007, the official website of the Turkish General Staff released a memorandum reminding its guardian role against Islamist threats, which, in the midst of the presidential elections, was another example of military involvement in politics.

During all interventions, the Turkish military has adopted a profile for itself of being above “politics”—that is of being distant to fractional sectarian demands but certainly in defense of state interests. This is an illustration of a hegemony construction in Gramscian terms where the military disperses its values to the society by making them dominant and hegemonic. Despite the “impartial” image, Turkish military is listed among the political armies of the world. The involvement of the Turkish military in civilian affairs or, from a reverse angle, the civilian incapacity to develop a “military free” political habitus has been one of the marking characteristics of Turkish politics and a bottleneck in the country’s process of democratization. The military’s guardianship role has restricted Turkey’s foreign policy options and weakened Turkey’s bargaining position in its EU bid. The official policy of Turkey has been to represent the military as a strength in international organizations such as NATO. Yet in the EU accession process, a political military has come to be considered a weakness.³ The questionable democratic “control” of the armed forces (DECAF) in Turkey has received criticism from European circles; and the military sphere has become a domain where action must be taken as part of EU membership conditionality.

After Turkey’s accession to candidacy status at the European Council’s Helsinki Summit in 1999, the country faced the need to restructure its democracy. In terms of fulfilling Copenhagen political criteria, one particular EU requirement for Turkey was the elimination of the involvement of the military in civilian affairs and politics that would put Turkey in the same DECAF standards as those other EU member states. Ameliorating Turkey’s domestic political system to comply with the Union’s demands, particularly in regard to DECAF became an immediate task. DECAF as an EU precondition requires that there should be a clear-cut legal and constitutional separation of authority and jurisdiction between the civil and military spheres, parliamentary supervision of the defense budget and, in order to guarantee its politically neutral stance, it should be essential to carry out governmental discretion over the professional, institutional and political activities of the military.⁴ As for concrete

steps for a Turkish DECAF roadmap, the EU challenge focuses on the influence of the National Security Council (NSC)⁵ on day-to-day politics, and the absence of effective legal, political or administrative mechanisms to sustain DECAF. The EU has demanded various reforms, such as changes in the position of the chief of staff (who currently reports to the ministry of defense rather than the prime minister);⁶ the NSC (a more civilian outlook, an increase in the number of civilian members, a secondary role in security affairs after the civilian government); abolition of the State Security Courts and limitations on the law regarding "state of emergency" (the longstanding state of emergency in southeastern Turkey has brought excessive authority to the military in that region) and the absence of an effective civilian control or parliamentary control over the military budget.⁷ In response to the EU challenge, Turkey followed an ongoing and unprecedented process of domestic political reform. The most extensive "Europeanization" program in the Turkish history, which also included DECAF measures, had begun.

Since 2005, there had been a slow-down in the negotiation process and the Justice and Development Party-led government has weakened the momentum of the EU reform process. With respect to civil-military relations, although there had been serious reforms for democratization and civilianization of the Republican regime that paved the ground for DECAF in European standards in the aftermath of the 1980 coup as well as the militaristic 1982 Constitution, on the civilian level, the political elite did not give priority to DECAF. In other words, whether from the ruling party or opposition parties, further reformation in civil-military relations that would inhibit military's involvement in politics had been neither on the party agenda nor in public discourse. In other words, the political and the bureaucratic elite as well as the Turkish society culturally, from time to time, illustrate resistance to a full reformation towards DECAF.

This article tackles the question of Europeanization in Turkey's civil-military relations and the extent and content of democratization that the EU membership process brings by in the civilian control over the Turkish Armed Forces. We argue that the EU membership process has necessitated a DECAF reform and has served as an external stimulus in empowering the civilian voices for the civilianization of the 1982 Constitution and the political elite's standing vis-à-vis the military elite. However, this external support was not sufficient for a fully integrated DECAF as there are still problems in the democratization of civil-military relations. Since the 2000s, there has been an ongoing DECAF reform process, but due to historical deficiencies in Turkish polity, like the civilian incapacity to change the priority given to the military's role in the making of the security culture, the European norms of DECAF have not been fully adopted. The article reviews the recent developments after the Justice and Development Party (JDP) gained power in 2002. The rule of the JDP creates an interesting situation as it is a party with Islamist tendencies and therefore has legitimacy problems in the eyes of certain segments in the society and the bureaucracy, including the military. The terms of the JDP government, between 2002 and 2007 and since the general elections of 2007 until today, are the categories used to analyze the extent and the content of DECAF in contemporary Turkey.

In the first part, we aim to give background information on DECAF reforms in Turkey. We focus on the harmonization packages that Turkey has adopted as part of the requirements for EU membership which pinpoint how close Turkey gets to the norms and values of the EU. This simultaneously demonstrates in a similar vein how far Turkey deviates from general understandings of DECAF as there are still issues awaiting Turkey's Europeanization. The second part discusses JDP–Turkish General Staff (TGS) relations between 2002 and 2007. The first JDP governmental term is significant for DECAF as most of the reforms were implemented in this period. Yet, it is the same period when the tension between the JDP and the TGS reached levels that were hard to handle for politicians. The third part assesses civil-military relations in the period since 2007. This part is a political mapping of the contemporary situation and clarifies the key issues that have recently dominated the agenda of Turkish politics. In light of the discussions developed through out the article, the last section draws a conclusion and identifies the boundaries as well as the shortcomings of DECAF in Turkey. The concluding remarks pay special attention to the significance of the question of a Turkish way to Europeanization especially in the field of civil- military relations.

Europeanization/EU-ization of Civil-Military Relations in Turkey: The Reform Packages

Europeanization has become a widespread political term since the European integration process in Central and Eastern European states began in the 1990s. It refers to the development of a new paradigm for “ways of doing things” in accordance with global EU decisions.⁸ Therefore, Europeanization is at the same time a process of EU-ization taking place in the framework of European integration, i.e., the adoption of the *acquis communautaire*, implementation of particular policies, decisions and actions, all of which refer to domestic changes in the political and legal structures of the candidate state.⁹ Therefore, Turkey's Europeanization process can only be thoroughly understood as Turkey's response to the policies of the EU regarding the changes and transformations of its domestic structure and public policy instruments. DECAF is one of the areas where an immense process of Europeanization is taking place. The “road map” for Turkey's EU accession provided by the European Commission put forth democratization in civil-military relations as one of the top priorities.

The main obstacle in Turkey's DECAF has been the constitutionally legalized institution of the National Security Council (NSC). Article 118 of the 1982 Constitution organizes the functions of the NSC. The Article 19 of the Law No. 2945 on NSC stated 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 Secretary General of the NSC.” This clause gave the NSC unlimited access to civilian agencies. NSC decisions have encompassed a wide variety of issues such as designating the curriculum in schools; adjusting the broadcasting hours of television stations; lifting the penal immunity of members of parliament from the (Kurdish) Democracy Party; closing down

television stations; appointing bureaucrats to the Ministry of Public Works in the southeast although such an authority rests on the Ministry itself; deferring the expiration date of military service for recent conscripts; commending the configuration of electoral collaborations between political parties before the local elections in 1994 which signify the NSC as a power player of civilian and democratic party politics; and declaring the spirit and the intent of the laws on the fight against terror and capital punishment especially during the trial of the leader of the Kurdish PKK Abdullah Öcalan after his capture in 1999.¹⁰ There was a military judge in the State Security Courts, which dealt with cases related to security matters, primarily those related to terror and “political crimes”. The chief of staff was able to speak with the prime minister and the president about military’s concerns at his weekly meetings. In addition to these formal platforms, there have been other informal mechanisms in which the military was able to monitor the civilian authorities such as the public speeches and comments to the media which were usually interpreted as sending message to the civilian authority.¹¹ Economic links—i.e., OYAK¹²—of the military are also accepted as another example of informal military influence on the civil society.¹³

Turkey has adopted nine EU harmonization packages and the tenth one is under way. Although the wide-ranging reform package—the first one—that covered a wider range of issues was taken by the coalition government in 2001, the JDP when it came to power in 2002 as the single majority party, carried out the subsequent reform packages and brought a new momentum to the Europeanization process.

As part of EU-ization, a new penal code that revised the Anti-Terror Law was adopted in 2005 and this code abolished the State Security Courts. These institutions deemed to be incompatible with the notion of rule of law had been introduced by the military rule following the 1980 coup and both institutions were symbols of the shadow of the military authority over the civilian agencies.¹⁴ Therefore, the abolition of the State Security Courts in 2004 can be considered as one of the basic tenets of DECAF in Turkey. By doing so, legislative changes were able to bring about a reduction in the powers of the NSC and thus parliamentary and civilian control over the military was upgraded. With an amendment to the Constitutional Article 118, the role of the NSC was limited to develop recommendations. The government became only responsible for evaluating the recommendations rather than giving them priority consideration as had been dictated previously. With this amendment, the role of the NSC was reduced to that of an advisory/consultative body.¹⁵ In addition to these changes regarding the role of the NSC, more amendments were adopted to make NSC civilian members the majority in the body. While the number of military members remained five, the number of civilian members of the NSC increased from five to nine. The third reform package was introduced with the amendment to Articles 9 and 14 of the Law on the NSC in 2003 that brought an end to the extended executive and advisory powers of the Secretary General of the NSC. In particular, the provision which “empowered the Secretary General of the NSC to follow up, on behalf of the president and the prime minister, the implementation of any recommendation made by the NSC” was abolished. In addition to these

changes, it was decided that the post of NSC Secretary General would no longer be reserved exclusively for a military person. Consequently, in August 2004, Mehmet Yiğit Alpogan, a career diplomat who had served as Turkish ambassador to Greece, was appointed as the first civilian Secretary General of the NSC. The frequency of NSC meetings was reduced to once every two months, instead of once per month. In order to enhance the transparency of defense expenditures, a court of auditors was chosen to audit the accounts and transactions of all types of organizations, including the state properties owned by the TAF. This allowed for supervision over the military budget. Military spending was placed under parliamentary control. The provision in the law on higher education, which allowed the general staff to appoint one member of the Higher Education Council, was annulled. In consequence, military representatives were removed from the board of the Council. Moreover, with amendments to the laws on the Establishment of, and Broadcasting by Radio and Television Corporations, Wireless Communication, the Protection of Minors from Harmful Publications, the provisions of which gave the NSC authority to nominate one member to each competent board, was cancelled.

Regarding the jurisdiction of military courts over civilians, with the amendment to Article 11 of the Law on the Establishment and Trial Procedures of Military Courts criminal offense cases, such as inciting soldiers to mutiny and disobedience, discouraging the public from military duty and undermining national resistance, were removed from the jurisdiction of military courts as long as these offenses were committed by civilians. Several laws on political parties, associations, pious foundations, meetings and demonstration marches, civil servants, and the press were amended. Additional amendments engendered significant changes in relevant codes in order to curb torture and ill treatment. The death penalty was abolished. New provisional acts safeguarding just treatment, the right to life, the right to retrial, and the rights of prisoners were passed.

All these reforms challenged the status quo under which the military had occupied a privileged position and consolidated its hegemony over Turkey's civilian governments. Turkey's EU candidacy and the subsequent emphasis on enhancing democracy paved the way for putting pressure on the military to become more transparent and accountable to the public. Yet, the EU did not call for reforms that would exclude internal security from the military's domain or subjecting the National Intelligence Organization to democratic control. It did not seek to abolish the military's responsibility to protect the Kemalist regime or to curtail its role as guardian of the unitary, indivisible and secularist character of the state. The EU also refrained from provoking any tension between secularism and democracy. The military does not oppose the reforms undertaken in the name of the EU conditionality, while making clear that it would not compromise when it comes to defending Kemalism.¹⁶ The military articulated its full commitment to further integration with the EU on several occasions. In order to avoid any accusation by the civilian actors for blocking EU-led democratization process, the military did not use its veto power.¹⁷ Moreover, if the military were to oppose further democratization by means of rejecting the Europeanization process, this would result in the weakening of the

military's legitimacy and credibility since the military has historically pledged to Westernize the nation as dictated by Kemalism.¹⁸

All in all, the Europeanization process, on the basis of political conditions enforced by the EU, is an external factor which has disturbed the balance of power between the military and civilians. Indeed, constitutional and legislative reforms, catalyzed by the EU, have resulted in serious repercussions with respect to Turkish civil-military relations. The period from the beginning of 2000 onwards could be described as a period of profound and momentous change in Turkish history enhancing the power of the civilians at the expense of the military's power. Thus, the EU complicated the power structures between the elected political authority and the appointed bureaucrats and undermined the privileged position of the military-security establishment. The EU reforms, which aimed at the consolidation of democracy and creation of a more liberal political environment, brought about opportunities for those who were in favour of a more civilian-oriented political system by pushing the armed forces back to barracks. Therefore, the EU came to the forefront as an important external agent, which initiated the process for change in the allocation of power among the political actors.

The First JDP Government: JDP-TGS Relations 2002–07

The first JDP government (2002–07) strongly supported Turkey's EU bid; kept a distance from political Islam; and refrained from any confrontation with the military on critical issues. In a way, the commitment to the ideal of EU membership provided legitimacy to the ruling party, which had been under scrutiny due to the party's Islamist tendencies and indirectly served to diminish the military's political power. Both the JDP and the military tried to accomplish a *modus vivendi* with each other. In the words of an analyst, there was a working relationship between the JDP government and the military, which "came closer to the liberal model of civil-military relations than ever before".¹⁹ The traditional perception of the role of the Turkish military—that is, dominating the national security agenda by way of securitization, especially on issues like political Islam and Kurdish nationalism—continued.

Despite the deep-rooted involvement of the Turkish military in civilian affairs due to institutional background and historical experience, another important factor that shapes this relationship is the personality of the individual in the position of the chief of staff. For example, during General Hilmi Özkök's term of office as the chief of staff between the years 2002 and 2006, TGS had a relatively low political profile. The military respected the JDP's election victory in 2002. Özkök did not force the JDP leaders and the political elite to come to terms with the military's opinions on security issues but opted for methods of negotiation and persuasion instead. Özkök was a person in favor of a more democratic solution as he questioned the understanding and rationale of direct or indirect involvement of the military into the political scene.²⁰ It is claimed in the files of the continuing case of Ergenekon, which will be discussed below, that Özkök tried to abolish military intervention

attempts by high-ranking military staff. In line with the conventional TGS's ideal of Westernization, General Özkök also supported Turkey's EU membership. As a result of all these factors mentioned above, TGS under the leadership of General Özkök stayed away from the political sphere.²¹

After the smooth period of Hilmi Özkök, JDP-TGS relations severed in the subsequent period when Chief of General Staff Yaşar Büyükanıt was appointed in 2006 and remained in office until 2008. It is interesting to note that from 2005, Turkey slowed down the EU reform process and Turkey's EU bid lost its positive momentum. The tension between the civilian government and the military increased during the period of presidential elections in 2007. The military tried to change the JDP's decision to nominate the minister of foreign affairs, Abdullah Gül, as its presidential candidate. The military's actions before and during the presidential elections process recalled previous military maneuvers following the transition to multi-party politics in 1945.²² During a conference on April 12, 2007, Chief of General Staff Yaşar Büyükanıt remarked that the military must concern itself with the presidential elections as the president of the Republic was also the Commander in Chief of the Turkish Armed Forces. He also stated that, "as a citizen and as a member of the armed forces, I hope someone who is loyal to the main principles of the republic and committed to the secular, unitary structure of the state—not just in words, but in essence—will be the president."²³ A day later, on the April 13, 2007, a weekly magazine, *Nokta*, which had published the diaries of a retired admiral revealing how senior officers in the army had wanted to seize power almost from the moment the JDP had come to office, was raided by police and closed down.²⁴ The raid was interpreted as a message to all media to refrain from publishing articles critical of the military.

Civil society organizations in Turkey staged a series of protests against the JDP government and the rise of Islamism within society. In the main cities of Turkey, such as Istanbul, Ankara and Izmir, millions of people committed to Kemalist principles came together and voiced their desire to have a president committed to values of Kemalism. Yet despite the protests and the military's other formal and informal mechanisms to influence the government, the JDP did not withdraw Abdullah Gül as its presidential candidate. In reaction, on April 27, 2007, the military introduced a new way of expressing its opinions about developments in the Turkish political system. The Turkish General Staff published a memorandum on its website warning of the danger to secularism.²⁵ It was the harshest statement by the military since the confrontation with the Welfare Party coalition in 1997—the February 28 intervention. The e-memorandum stated the following:²⁶

It is observed that some circles who have been carrying out endless efforts to disturb fundamental values of the Republic of Turkey, especially secularism, have escalated their efforts recently.... An important portion of these activities was carried out with the permission and the knowledge of administrative authorities, who were supposed to intervene and prevent such incidents, a fact which intensifies the gravity of the matter.²⁷

The text continued by stating that the military is the “definite defender of secularism” and “will show its stance clearly when needed.” This was the first time the military had used the Internet to influence the government. The memorandum warned that the military leaders were watching the process for election of the Presidency and could take action within it. In response to the memorandum, the JDP criticized the military’s guardianship role over politics. The following day, in an unexpected move, the government issued a counter-statement reminding the TGS that the JDP government was the civilian authority and that, in democracies, it is not acceptable for the armed forces to intervene in politics. The Minister of Justice and government spokesman Cemil Çiçek expressed his discontent by stating that:²⁸

The General Staff is an establishment under the Prime Minister’s Office. It would be inconceivable if the general staff in a democracy upholding the rule of law made a statement critical of the government about any issue. The General Staff is an establishment which is subject to the orders from the government and whose responsibilities are defined in the Constitution and laws. According to the Constitution, the Chief of the General Staff reports to the Prime Minister as part of his duties and responsibilities.

The military’s attempt to intervene in the presidential elections was met with criticism from the EU as well. The EU’s Commissioner for Enlargement, Olli Rehn, stated that while the EU respected the Turkish military, “the military should be aware that it should not interfere in the democratic process in a country which desires to become an EU member... It is important that the military respects the rules of democracy and its own role in that democratic regime.”²⁹ Faced with these criticisms, the military could not get popular support for its actions. Civil society organizations, the media, and business circles alike gave significant support to the JDP in its standoff with the military. Even participants in demonstrations against the JDP expressed their ambivalence towards the military with the slogan: “No Islamic government, but no coup either!” Thus the military did not achieve its main objective to organize public, press, and non-governmental organizations against the JDP government in order to overturn its decision to retain Abdullah Gül as its presidential candidate. Citizens, including both opponents and proponents of the JDP, sent the message that the military needed to keep out of this debate. This is a very important change, in the sense that the legitimacy of the military as an actor in the political realm was questioned by the public, giving credence to civilian rule rather than the guardianship role of the military.

The presidential elections in Turkey are regulated constitutionally and the political parties in the Parliament make the nominations, and the candidate who receives the qualified majority of the votes in the parliament becomes the President of the Republic. The Constitutional Court had validated a maneuver by the opposition, the Republican People’s Party, to block the nomination of the Minister of Foreign Affairs, Abdullah Gül, to accede to the Presidency. The Constitutional Court agreed with the opposition’s disagreement that the balloting was illegal—and thus null and

void. After the parliament tried and failed again to elect Gül president on May 6, 2007, Gül withdrew his candidacy. Yet, his election as president took place in August 2007 when the new parliament, predominated by the JDP majority, chose Gül as the eleventh President of the Turkish Republic after a constitutional amendment to the technicalities of presidential elections.

Gül's presidency can be considered as a victory of political authority over centric bureaucratic elite in Turkish polity. Yet, during the electoral process, one can easily speak of a civilian incapacity or some impotence on behalf of the JDP in managing the political crisis which, although for a short period, brought political and economic instability to the country. In sum, the civil-military relations in the JDP's first governmental term (2002–07) are marked by two completely contradictory phases. The first phase is the period up until 2006 when there was a strong motivation for EU membership by the government; a positive pro-Turkish climate amongst the political and bureaucratic elite of the EU and its member states; an immense legislative reform process that introduced DECAF principles to Turkish politics; Hilmi Özkök who as chief of staff adhered to democratic norms and values; and smooth relations between the JDP and the TGS. The second phase, however, is marked by a change of office in the TGS; a more vigorous Chief of Staff Yaşar Büyükanıt who recalled the military's guardianship role of the Turkish state frequently; chaos during the presidential elections, the military's involvement with the memorandum; civilian authority's response by making public speeches against the memorandum in favor of democracy instead of using executive power in appointing or resignation of the military cadres; political instability and civilian incapacity in the outbreak and later on in the management of the crisis in civil-military relations. The general elections in 2007 were timely for the civilian authority to stress the importance of parliamentary democratic politics.

The Second JDP Government: Civil-Military Relations in 2007–09

The JDP gained its second electoral victory in the general elections on July 22, 2007 by increasing its share of the national vote from 34.3 percent in the 2002 general elections to 46.7 percent. The JDP wanted to exploit its majority by introducing a new constitution which would be more liberal, democratic and civilian. The draft constitution prepared by a group of academics upon the request of the JDP introduced substantial changes to the concepts of sovereignty, fundamental rights and the functions of state organs.³⁰ The debate over the constitution, however, was shadowed by the headscarf controversy. Within this framework, the wearing of headscarf was considered as a liberty. The draft received serious criticism from the opposition parties, such as the Republican People's Party, for weakening the principle of secularism. In this context, the JDP made huge efforts to convince the opposition, and, more importantly, the military, that their true aim was to make secularism stronger.³¹ It is in this context that the JDP government agreed to defer, or even give up, other important human rights reforms. It is perhaps no accident, for instance, that the JDP's promise to lift the notorious Article 301 of the penal code, which

allows citizens to be prosecuted for “insulting Turkishness”—a claim or offense usually used for violation of “national security” or for purposes of nationalism—has disappeared from the party’s agenda. Alongside the public debate on a new constitution, the JDP and the Nationalist Action Party, the third largest party in the Parliament, together decided to abolish the ban on wearing a headscarf in universities via constitutional amendments to the bills on the right to education and to equality. The amendment passed in the parliament but was taken to the Constitutional Court by the RPP, which found the amendments unconstitutional and nullified them.

The crisis over the headscarf was accompanied by another crisis over the JDP closure case. The chief prosecutor of the Court of Appeals asked the Constitutional Court to close down the JDP and ban Prime Minister Erdoğan and his top 69 party elite, including President Abdullah Gül, from politics on the grounds that it had become a center of anti-secular activities. The case against the ruling party received international criticism, particularly from the EU. EU Commission officials warned that closure of the JDP could create problems for accession negotiations with Turkey. On March 31, 2008, the Constitutional Court agreed to hear the case. The JDP submitted its defense and rejected the charge of being anti-secular or anti-democratic. At the end, on July 30, 2008, the Court decided to not close down the JDP, but deprived the party of treasury aid on the grounds that the party had indeed become a focal point for anti-secular activities. It seemed that the JDP had adopted a strategy of restraint and it paid off. Both the headscarf and closure case rulings are widely accepted as the drawing of red lines for the JDP, suggesting that crossing them would create problems.³²

Although these incidents listed above seem to be civilian issues involving the affairs of the political elite, they also have had repercussions for civil-military relations and the realization of DECAF norms; in particular, one prosecutors’ case against the so-called “Ergenekon gang” that still dominates the agenda. The Ergenekon case started with the discovery of 27 hand grenades in a house in Istanbul in 2007. More than 100 people were subsequently charged with forming an illegal organization to provoke a series of incidents that would pave the way for a military coup. The organization is also alleged to have plotted the extra-judicial murders of Kurdish dissidents in the early 1990s. In general, the Ergenekon group is accused of forming a “deep state”—a nexus of elites and of far-right nationalists—which is ready to force their own vision of what Turkey should be on to others by violent means.³³ The trial of suspects charged in the case started in October 2008, as prosecutors came under fire for the delayed process in preparing the indictment. The indictment came more than a year after the operation started.

The Ergenekon case has divided the public opinion within the country as there are different approaches to the case.³⁴ One group of analysts argues that the operation is an important step to enhance Turkey’s democracy and to bring an end to the tradition of military coups in Turkish politics. They state that the Ergenekon case is an important opportunity for pro-reform initiatives which aim to mount a new democratic model based on civilian supremacy and international DECAF norms. Another group of analysts sees the JDP government of using the case to suppress and to

silence opposition, given that those detained are known opponents of the ruling party and strong proponents of Kemalism and secularism.

The TGS, in the second governmental term of the JDP, started to change its communication strategy. After İlker Başbuğ replaced Yaşar Büyükanıt as the Chief of General Staff in 2008, Turkish military initiated a new communication strategy to inform the public about security matters. The TGS extended the accreditation list to include new media outlets, which were not invited to their events before. In this new approach, high-ranking generals give explanations about military operations and answer questions in press conferences. The new General Staff General Başbuğ has a reputation of being respectful of civilian authority, of not being in an open dispute with the JDP government, and of being open to discussing security matters with the public. Yet, the TGS still makes public declarations, which are out of its sphere of authority and what's more it still defines the parameters of security whereas in democracies they are considered to be fully in the domain of civil government. For instance, in his speech at the War Academies Command in Istanbul on April 14, 2009, General Başbuğ expressed the military's position vis-à-vis the main internal political issues, such as the Kurdish question, the Ergenekon case and political Islam. Although form and style of his speech seemed softer compared to previous speeches by former general staff, the content of his speech indicated that civil-military relations were still not in line with DECAF. What this speech implies is that the army still exerts its influence on politics and that the military's involvement in political and public affairs still continues.

The newly established Secretariat for combating terrorism called "Secretariat for Public Order and Security", in the ministry of internal affairs in 2009 is another sign of the shift in security culture. The new Secretariat's aims include the recruitment of civilian security specialists to develop strategies to fight terrorism and to coordinate intelligence services of the state. One of the problems in the democratic control of the military has been the Turkish National Intelligence Organization. It is currently a semi-independent organization under military dominance, whereas constitutionally, it is an office under the prime minister. The ministry of internal affairs has an intelligence organization under the General Directorate of Security. The TGS has its own intelligence organization. The new Secretariat aims to "civilianize" these different units of surveillance by way of creating a coordination center at the Ministry of Internal Affairs. The new Secretariat is a DECAF measure which would contribute to Europeanize security affairs.

The recent developments regarding ethnic conflict have also contributed to an environment for norm-building over DECAF. On October 19, 2009, 26 members of the PKK from the United Nations' Mahmour Refugee Camp and another eight from the PKK's Kandil camps surrendered through the Habur border gate along with crowded welcoming demonstrations organized by the pro-Kurdish Democratic Society Party (DSP). All returnees were released as part of the rapprochement and reconciliation initiative of the JDP. Prime Minister Erdoğan said that he is "considering far-reaching steps to resolve the conflict".³⁵ Indeed this year, Turkish state TV launched a ground-breaking channel in Kurdish. The opposition parties, the

Nationalist Action Party and the Republican People's Party, reacted strongly against the reception and the release of the PKK members without penalty.³⁶ The families, veterans and friends of martyrs protested against the celebratory events welcoming PKK members.³⁷ The military also reacted. The Secretary General of the General Staff Major General Ferit Güler said in a weekly press conference that "the developments which took place on October 19 and the following days are unacceptable."³⁸ Government officials shared a similar criticism by saying "excessive celebration will have negative repercussions for the Kurdish rapprochement".³⁹

Historically, in military discourse, practice and mindset, the Kurdish question was provoked by PKK terrorism. Accordingly, there was no need for a political solution but a fight against terror. The JDP's recent Kurdish rapprochement project, which is likely to result in the purge of the PKK in the long run, has been purely a civilian initiative. It was met with a relative silence by the military reflecting the military's confirmation of the ongoing process. The rapprochement process, despite its shortcomings and drawbacks, contributes to the process of desecuritization, demilitarization and civilianization in the Turkish polity. However, one should also keep in mind that such an attitude of the military to be silent can be interpreted as a silent acceptance of the ensuing process, thus to approve the ensuing process in a tacit manner, is limited by the conventional position of the Turkish military on the Kurdish question. There still remains the question over the degree of mindset change in the military regarding the democratic expansion process.

An Assessment of the Turkish Version of DECAF: Concluding Remarks

As has been discussed above, it is clear that the EU reform process is contributing to a more democratic framework of civil-military relations in Turkey.⁴⁰ Nevertheless, although Turkey follows DECAF, the military still influences civilian governments by various and innovative means. Namely, we see a Turkish version of DECAF that grants a privileged position to the military in the making of security policy. Despite all the changes that have taken place, the military's intervention in Turkish politics continues with new techniques but still within the framework of legality. Today, the military usually opts for making recommendations and convincing civilian governments to implement policies in line with its main security concerns. In areas where the military plays a key role in the formulation of policy, i.e., the Kurdish issue and political Islam, the military tends to use both official instruments like the NSC, and informal channels such as behind the scenes influence on politicians and bureaucrats. These informal mechanisms range from public statements and briefings to journalists, to informal contacts with bureaucrats and politicians. Public statements are usually given by members of the Turkish General Staff at official, public occasions like commemorations, anniversaries or graduations where the military expresses its concerns about domestic issues in general. Statements by the military are perceived as warnings to the civilian government; as such, they pressure the public to take necessary action against the government.

The degree of the military's influence in politics has never been constant but has varied according to changes in the current domestic political conditions. If there is an efficient civilian government, which provides political stability, a healthy civil-military balance can be attained. But if there is political instability and inefficiency, the military becomes involved in the civilian sphere.⁴¹ It is in this context that the failure of civilian forces to question the military's autonomy surfaces as one of the obstacles in establishing civilian control over the military.⁴² The painful memories of the previous coup d'état have led a continuing sense of powerlessness among civilians. This sense of powerlessness among the political elite is accompanied by little demand for diminishing military autonomy at societal level.⁴³

It is only recently that resistance to the regime guardianship role of the military has emerged with the JDP government. Historically, the civilian actors of Turkish politics were weak to question outright the existing power structure in civil-military relations and it was difficult to establish civilian control over the military. Recently, the EU, as an external stimulus, played the role of legitimizer in domestic politics and this role reinforced civilian rhetoric and civil actors in discussing the agenda of civilian and democratic control of security sector and civil-military relations.⁴⁴ A wide DECAF reform is not planned in detail nor is it intended within the party programme of the JDP. A new National Program for the Adoption of the Acquis was drafted by the JDP government in mid-2008. The clause which allows the consolidation of the supervision of the court of auditors over the military budget is positive for DECAF. However, the draft includes vague expressions of civil-military relations and necessitates more concrete steps and visible action plans.⁴⁵

Democratic consolidation in Turkey has gained significant momentum since the elections of November 2002, but still encounters obstacles to inhibiting the military's propensity to interfere in politics.⁴⁶ Although the number of civilian members has increased vis-à-vis military members in the NSC through the EU-led institutional reforms, the military is still powerful and there is still an unequal power relationship in favor of the military in the NSC. Transforming the NSC into an advisory body to the government in accordance with the practice of EU member states is an example of Turkish DECAF. Yet, it is not sufficient for DECAF by European standards. For example, any opposition to or critique of the army's budget from the government authorities is met with surprise not only in military circles but also by the public.⁴⁷ Also, the Turkish military exerts a high degree of autonomy vis-à-vis civilian authorities and has "qualitative superiority"⁴⁸ in the NSC.

The status of the chief of staff is also problematic. The chief of staff still does not fall under the domain of the minister of defense, and the TGS directs military affairs independently of the cabinet. The chief of staff makes decisions on nominations and promotions within the armed forces and constitutes defense policy. Even if the prime minister comes before the chief of staff in order of protocol, in fact the chief of staff has more power and authority to wield in "the most sensitive areas of the state" such as internal and external security of the country as well as the intelligence agencies.⁴⁹

DECAF requires a new military culture that would breed respect for civilian control.⁵⁰ The Turkish version of DECAF refers to a listing of institutional reforms and amendments to existing laws. In a broader sense what the EU reforms have asked for regarding to the military is that there should be a fundamental revolution of the military's mindset, which requires that the military's historical and conventional role to protect the country and the expansive interpretation of its mission should be redefined more narrowly.⁵¹ Moreover, EU harmonization reforms will function if and when the overall evolutionary process of cultural change takes place in the mindset of Turkish society.⁵² EU requirements and conditions also mean an opening in the recruitment of the military that would eventually bring by a diversity in the religious, ethnic, and sectarian make-up of its ranks.

The two governmental terms of the JDP, 2002–07 and the term since 2007, clearly illustrate a civilianization in Turkish polity and democratic consolidation in terms of civil-military relations. Yet, it is clear that the “mindset” transformation for the aims of DECAF in Turkey should be accompanied by necessary legislation in EU membership negotiations. The discourse appropriated by the military that emphasizes “conditions peculiar to Turkey” contributes to securitization and militarization. Universal norms of DECAF should be recalled. The discourse on the “Turkish version” of DECAF should be counterbalanced with alternative discourses. The civilianization process should be disseminated to every possible area, from the elimination of “securitized” discourse in children's books, to the termination of the primacy given to the military in the use of forestry and natural resources. More civilians should take a role in security policy-making. To this end, the number of civilian security specialists should be increased and the think-tank sector should be broadened. New legislation that provides a specific ground for the establishment of think-tanks (other than the existing laws on associations and foundations) should be introduced.

Notes

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6. The Chief of General Staff has been responsible to the prime minister since 1961.
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23. *Milliyet*, April 12, 2007.
24. *Milliyet*, April 13, 2007.
25. The April 27, 2007 memorandum of the Turkish General Staff (TGS) was released on the official website of the General Staff, <http://www.tsk.mil.tr>.
26. *Milliyet*, April 28, 2007.
27. In a well-known TV news program called "32. Gun" broadcast on Channel D on May 5, 2009, the former General Staff of the Turkish Armed Forces Yaşar Büyükanıt declared that he wrote the text of the e-memorandum himself in response to a question directed by Mehmet Ali Birand who is one of the important journalists in Turkey.
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