

Governance and the Military:  
Perspectives for Change in Turkey

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Turkish Civil-Military Relations and the EU:  
Preparation for Continuing Convergence



# **TURKISH CIVIL-MILITARY RELATIONS AND THE EU: PREPARATION FOR CONTINUING CONVERGENCE**

## **Final Expert Report**

of a Task Force convened under the aegis of a project on *Governance and the Military* organised by the Centre for European Security Studies (CESS), in association with the Istanbul Policy Center (IPC)

Chairman: Wim van Eekelen

Rapporteur: David Greenwood

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## **CHAIRMAN'S PREFACE**

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

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

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

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

Unfortunately, not all members of the group share this view. As a result, on 29 April 2005, my Turkish co-chairman Major-General (retired) Armağan Kuloğlu announced that he and his institute (ASAM) no longer wished to be associated with the work, and on 2 May 2005, another highly respected Task Force member, General (retired) Edip Başer, withdrew. "For nearly one-and-a-half years," Mr Kuloğlu wrote, "we have worked in a fruitful manner on the adjustment to the EU practices of the civil-military relationship in Turkey. We believe that the talks held in the framework of the Task Force have contributed to the two sides understanding one another." However, he took the position that the Report "was not satisfactory from our point of view and

that it did not reflect our sensitivities and the truths adequately.” We deeply regret these losses to the exercise.

The aforementioned withdrawals led to some premature publicity about the tone and content of the present submission. By focusing on its alleged inadequacies, many press stories in my opinion failed to do justice to our Rapporteur’s work. I hope that the appearance of the Report now, in English and in Turkish, will enable a balanced view to be taken.

I look forward to the next phase of the overall project: a programme of Seminars in 2005/2006 designed to allow dissemination of, and debate on, the material in this text as well as development of its recommendations. To support this effort, CESS is also compiling an edited volume of papers written for the Task Force which will be published in the Centre’s *Harmonie Papers* series. Both this Report and the edited volume will be posted on the website [www.cess.org](http://www.cess.org).

Wim van Eekelen  
Chairman of the Task Force

## Members of the Task Force

1. **Dr. Wim van Eekelen**, former Minister of Defence, former Secretary-General of the WEU and former Senator, Member of the CESS Board, the Netherlands; *Chairman of the Task Force*
2. **Maj. Gen. (ret.) Armağan Kuloğlu**, former Deputy Chairman of the Center for Eurasian Strategic Studies (ASAM), Turkey; *Co-chairman of the Task Force*. Withdrew from the Task Force on 29 April 2005
3. **Prof. Dr. Peter Volten**, Director, Centre for European Security Studies, the Netherlands; *Co-chairman of the Task Force*
4. **Prof. Dr. Ali İhsan Bağış**, Director, Water Policy and Strategic Research Center, Turkey. Dr. Bağış was an active member of the Task Force until his untimely and tragic (accidental) death in August 2004
5. **Gen. (ret.) Edip Başer**, former Deputy Chief of the General Staff and former Commander of the 2nd Army, Turkey. Withdrew from the Task Force on 2 May 2005
6. **Jan Dirk Blaauw**, former Member of Parliament and former President of the WEU Assembly, the Netherlands
7. **Prof. Dr. Ahmet Evîn**, Member, Executive Committee, Istanbul Policy Center, Turkey
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## CONTENTS

Chairman's Preface .....	iii
I Introduction .....	1
II Towards Continuing Convergence.....	7
III Defence Organisation .....	25
IV Oversight: Accountability and Transparency .....	31
V Developing a Prospectus.....	39
<i>List of Working Papers .....</i>	<i>45</i>



## **I – INTRODUCTION**

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

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

### **The Turkish Candidacy**

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

For present purposes, the final phrase here is important. The Commission's Recommendation says, cryptically, that civil-military relations 'are evolving *towards* European standards' (p.3). The 2004 Regular Report notes that

'civilian control of the military has been strengthened', but adds that 'the process of aligning civil-military relations with EU practice is *underway*' – implying a continuing process. It then refers specifically to the fact that 'the Armed Forces in Turkey continue to exercise influence through a series of informal channels' – implying inappropriate influence (p.15, repeated at p.53 and p.165). Particular points of concern are mentioned later in the text. They include 'provisions on the basis of which the military continues to enjoy a degree of autonomy' and 'legal and administrative structures which are not accountable to civilian structures' plus what are now called 'informal mechanisms' (p.23). The Regular Report also says that 'it is important that the civilian authorities fully exercise their supervisory functions in practice' (p.23 again) and that 'civilian control...needs to be asserted' (p.55).

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

## **The Present Report**

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

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

The essential conclusion is that there is indeed further work to be done on Turkey's alignment agenda. Of course, a lot has already been achieved. There is important work-in-progress, which we will discuss in later Chapters. However, in the areas of defence organisation and oversight the country could make more changes to advance democratic governance and efficient resource management.

There are differences of opinion, though, about whether what would please the EU would necessarily be in Turkey's own interest. Both parties must work at resolving these, preferably through dialogue. Those in Turkey who think that reform in the civil-military area has gone far enough need to show that their position is not a reflex defence of the *status quo* but a reflection of real concerns. For its part, the Union could put more effort into explaining precisely what aspects of the candidate's arrangements still cause disquiet, while ensuring that the 'specificity of the Turkish context' is given due recognition.<sup>1</sup>

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

## **On Civil-Military Relations**

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

Of interest, first, is the relationship between *the military and the state*. The European norm here is that armed forces are unambiguously subordinate to

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

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

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

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

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

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

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

## **Conclusion**

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





## II – TOWARDS CONTINUING CONVERGENCE

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

There has, though, been notable convergence of late. On taking office at the end of 2002 the government of the Justice and Development Party (*Adalet ve Kalkınma Partisi* – AKP) stepped up the tempo of the comprehensive reform process begun by its predecessor and introduced 'harmonisation packages' incorporating, among many other things, measures expressly designed to limit the military's influence on domestic policy, to make the armed forces and defence-related industry more accountable for the funds they get, and to redefine the role of the National Security Council (NSC).

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

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

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

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

### **The European Union's Expectations and Requirements**

While our main concern is what *more* the EU may want Turkey to do in our area of interest, it is instructive first to take a broad and thorough look at how the Union has communicated what it expects and requires, initially regarding

proof of eligibility for membership and readiness for entry negotiations, in late-2004 statements regarding further change.<sup>2</sup>

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

For individual membership aspirants, however, the formulation has been elaborated. In Turkey's case specific prerequisites were incorporated in an Accession Partnership agreement concluded with the EU in March 2001. After reaching this accord Ankara announced a *National Programme of Adoption of the Acquis* (NPAA), initiating a comprehensive reform process that delivered the aforementioned preparatory 'harmonisation packages'. (They were preparatory in the sense that they incorporated measures to be taken in advance of formal negotiations based on the *acquis communautaire* itself.)

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

### *Reports (and Responses)*

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

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

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<sup>2</sup> The following paragraphs draw on material prepared for the present exercise by Margriet Drent (see her *EU Conditionality concerning Turkish Civil-Military Relations*, Task Force Working Paper No. 1 (revised July 2004), copies of which are available from the Secretariat) and an analysis by Mustafa Şahin of documents that appeared later in 2004 (which was made available to the Task Force at its November 2004 meeting in Istanbul).

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

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

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

(5) The European Commission's 2001 Regular Report noted this response plus measures taken to change the composition of the NSC and clarify the status of its recommendations. However, the Report also said that the extent to which these steps would 'enhance *de facto* civilian control' would have to be monitored.

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

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

strictures – and to make the armed forces more accountable and their affairs more transparent.

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

(9) Turkey responded to these latest observations, and a few earlier ones, through a raft of measures adopted in 2003/4. For example, in December 2003 the Law on Public Financial Management and Control was amended to provide for inclusion of hitherto extra-budgetary funds in the defence ministry's budget (from 1 January 2005) and for the eventual dissolution of these funds (by the end of 2007). In January 2004 a key Regulation was adopted redefining the duties, functioning and composition of the NSC (implementing earlier legislative changes). In May the defence secrecy clause was struck from the constitutional provisions governing the work of the Court of Audit, and the General Staff lost the right to select a member of the High Education Board. In mid-June legislation was passed abolishing the system of State Security Courts. In August a senior diplomat was appointed as the first civilian Secretary-General of the NSC.

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

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

## *Comment*

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

No less important, in the Union’s communications there are few (if any) signs that the authors appreciate why many institutional arrangements in Turkey are as they are, which is to provide solid underpinning for ‘a particular interpretation of the Kemalist nation-state’ which in turn reflects ‘a specific understanding of the past and a deep-rooted desire to create a viable political entity within a hostile and unstable environment.’<sup>3</sup>

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

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

- a clear division of authority between the Head of State, the Head of Government and the latter’s security-sector ministers, enshrined in a written constitution or public law, and unambiguously ascribing roles and responsibilities concerning control of the military (including *inter alia* who provides executive direction, who makes top appointments, who has emergency powers in crises, and who has the authority to declare war);

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<sup>3</sup> Further quotations from N. Tocci, *op. cit.* (at note 1).

- peacetime governmental (executive) direction of the general staff and commanders through a defence minister and ministry, with that department ultimately responsible for all key choices about the size, shape, equipment and deployment of the armed forces (and with accountable civilian officials having the decisive voice);
- effective legislative oversight of the defence organisation – exercised primarily, though not exclusively, through ‘the power of the purse’ – which (a) goes beyond perfunctory scrutiny and more or less automatic (rubber-stamp) approval of what the executive proposes, (b) engages, through committees, the main opposition parties, and (c) is supported by knowledgeable parliamentary staff and ‘outside’ expertise;
- wider democratic oversight – involving analysts, academics, interest groups, the media and other civil society bodies – that complements elected representatives’ supervision;
- and, last but not least,
- a popular perception that there *is* civilian and democratic ‘control’ of the armed forces with military staffs clearly answerable to civilian office-holders who are themselves clearly accountable to the legislature and society-at-large.

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

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

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

## **The Military's Role in Turkey – Past and Present<sup>4</sup>**

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

### *Guardianship and Interventions*

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

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

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

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<sup>4</sup> This section draws on, first, a paper specially prepared for the Task Force – Major-General (Retd.) Armağan Kuloğlu and Mustafa Şahin, *The Past and Future of Civil-Military Relations in Turkey*, Task Force Working Paper No. 2 (revised July 2004) – copies of which are available from the Secretariat; and, secondly, material written by academic member Metin Heper and kindly put at the group's disposal by the author.

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

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

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

### *Image and Self-Image*

Though thus indirect, this 1997 'intervention' none the less brought about a change of leadership. Against the background of earlier interventions – and the institutionalisation of the military's guardianship role following the first of them – it is hardly surprising that the EU's first communications on the Turkish bid for Union membership voiced concern about 'the major role played by the army in political life'. The EU's early declaration, and



subsequent reiteration, of reservations about the role of the NSC is easily explicable also. Following the 1960 coup the Council was created to offer 'information' to the government. Following the 1971-73 intervention it was empowered to 'recommend' measures. Following the 1980-83 action the government was to 'give priority' to whatever the NSC advised. Finally, in 1997 the body had been instrumental in changing an administration.

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

One approach to dispelling the image might be promotion of a Turkish perspective on the second half of the twentieth century's events and the military's role in them. This would stress that, while officers were on occasion impelled to act 'to save democracy from itself', civilian rule was invariably restored within a relatively short time. It would register also that the high command's responses to the threats of political Islam and Kurdish separatism were carefully calibrated. Whenever the generals concluded that (civilian) governments were not acting or were unable to act appropriately, they proposed whatever measures appeared necessary (in their professional judgement). If adequate measures were not taken they warned ministers. On a few occasions they took power into their own hands temporarily; or, as in 1997, they effectively forced a government to resign. In every instance, though, the action taken had broad societal support. In other words, despite undemocratic appearances, neither the TAF nor the Turkish electorate regarded any of this as fundamentally anti-democratic behaviour but, rather, as extraordinary action fully necessary to safeguard democracy in the country.<sup>5</sup>

### *Transformation Underway (But Uncompleted)*

In the public information arena today [2005], however, much the most important accompaniment to practical 'next steps' on Turkey's alignment agenda would be more patient explanation of just how far the country has

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<sup>5</sup> Although introduced here as 'a Turkish perspective' on events, this account is one that most scholars would endorse. See, for example, Andrew Mango, *The Turks Today*, London: John Murray, 2004, pp. 134-139. Relevant also is the final chapter of the same author's definitive (English-language) biography of Mustafa Kemal (*Atatürk*, London: John Murray, 1999, Chapter 29).

already progressed towards putting the relationship between civil and military power on a new footing, and rendering the 'old' image invalid.

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

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

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

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

On the religious issue, the *modus vivendi* has already been tested – in the affair of the Prayer Leader and Preacher Schools (Imam-Hatip Liseleri – IHL)

of May 2004 – and will doubtless be tested again. However, the IHL episode did not result in an acrimonious civil-military confrontation. Nor are 'repeat performances' likely, at least in the AKP government's lifetime, for at least three reasons. First, Chief of General Staff Özkök has openly questioned the wisdom and utility of military interventions in politics, hinting at a preference for entrusting defence of the secular state to the democratic process (meaning the popularly-elected political leadership). Secondly, Prime Minister Erdoğan's disposition is to avoid situations where the military might feel duty bound to challenge the government; and he chose not to press the IHL issue (on their graduates' rights in competition for university education). Thirdly, there was in any case a whiff of 'gesture politics' about this particular affair. The AKP's promise to end discrimination against IHL graduates was given to silence a vociferous lobby. The response of the Chief of General Staff's office may have been motivated more by a felt need to appease those in the TAF who saw sinister motives in the 'equalisation' measure than by any deep conviction that it violated the secular premises of the Republic.<sup>6</sup>

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

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

Sustaining the evolution towards European standards and practice may also require a couple of other changes that even the Erdoğan government has thus far not placed on its reform agenda. One is reconsideration of an arrangement widely regarded as indicative of the special status that has long been accorded the military in Turkey, namely the Chief of General Staff answering directly to the Prime Minister rather than through the defence

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<sup>6</sup> This is not to deny that there are those in Turkey who view 'continuing convergence' – and the *modus vivendi* under discussion here – with the deepest suspicion, believing that the country has already 'compromised' its security.

ministry. Another is a restructuring of the latter department from the support apparatus for the TAF which it is at present to a ministry with full responsibility for policy-making, planning, programming, budgeting and budget execution. (Clearly these are related questions.)

The direct accountability of the Chief of General Staff to the Prime Minister was pin-pointed by the EU as an anomaly in 2000, in that year's Regular Report on Turkey's candidacy (the first post-Helsinki 1999 Bulletin). Ankara took no notice and has not done so since. In fact, so as not to prejudice harmonious relations with the high command, at the end of 2002 the incoming AKP government's Defence Minister Vecdi Gönül made it known immediately that the arrangement would continue. This is in line with the view – introduced to Task Force discussions more than once – that subordination of the General Staff to the Head of Government 'provides sufficient democratic commitment by Turkey' and subordination to the Defence Ministry would not 'conform to the present needs of Turkey' (having been tried in the past with unsatisfactory results). However, it will take more than repeated assertion of this conviction to make the issue go away.<sup>7</sup>

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

## **Next Steps**

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

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

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<sup>7</sup> Among other things this is because the European Parliament takes the matter seriously. In a Resolution drafted following publication of the European Commission's Recommendation on Turkey (October 2004) it 'Calls on the Turkish government to limit the political power of the army further ..., for instance requiring the Chief of Staff to report to the Minister of Defence'. In an earlier general clause it argues that 'that the Turkish authorities still have to adopt and implement further reforms and put current reforms into practice in order to fulfil the [Copenhagen] political criteria'. (See Mustafa Şahin's analysis cited at footnote 1 above.)

Even top politicians have been unclear on this point. For example, in a mid-February 2005 interview with *Hürriyet*, Defence Minister Gönül insisted that, since there is 'nothing related to civil-military relations' in the 31 chapters of the *acquis*, the topic is 'off the agenda' unless 'it appears as a detail under any chapter'. In fact, of course, the subject is still a live one but in the context of the monitoring exercise.<sup>8</sup>

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

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

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

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<sup>8</sup> See *Hürriyet*, 15 February 2005. In the interview Mr Gönül was also dismissive of EU comments on the armed forces' exercise of influence by 'informal mechanisms'; and, when tackled on the subject of the Chief of the General Staff answering to his own office rather than directly to that of the Prime Minister, he responded by saying that 'Turkey does not need to do work on something which is not on the common agenda'.

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

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

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

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

### *Communication*

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

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

### *Caution and Consolidation*

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

First, there have been notable headline changes. Most obviously, the NSC – the EU's long-time *bête noire* – has been thoroughly tamed, and placed in the charge of a responsible civilian keeper. Second, the military has acquiesced in many other curtailments of its power and influence, sometimes suppressing profound reservations. Third, the high command has kept a low profile on political issues where once the top brass might have acted, or at least pronounced. A good illustration is the recent 'letters' affair. In June 2004 the Nationalist Action Party wrote to 313 Turkish generals and admirals – some on active service, others retired – complaining about the government's 'passive attitude regarding some provocative Kurdish initiatives by leading members of a Kurdish-oriented political party'. On the instructions of the CGS, all recipients returned the letters without comment.<sup>9</sup>

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

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

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

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<sup>9</sup> It remains to be seen, of course, whether the present Chief will be succeeded by individuals who approach issues in civil-military relations as he does and similarly respect the primacy of politics.

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

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

### *Towards Continuing Convergence*

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

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

- Defence Organisation. Turkish military experts tell us that current security structures have served the nation-state well and should be kept for the time being. We respect this view. In the context of continued monitoring of the relationship between civil and military power in the country, however, it will take more than assertion of the point to convince the Brussels institutions, EU member-states and European publics that their remaining reservations about present 'arrangements' lack substance. To deal with this problem, most members of the Task Force think that the authorities in Ankara should express their willingness to conduct a thorough-going appraisal of the strengths and weaknesses of the existing organisation. Among other things, this would involve a careful look at the merits and demerits of structural reform based on an expanded and remodelled defence ministry incorporating some key General Staff functions, i.e. in line with practice across Europe. The question of the best form of provision for (civilian) executive direction of an integrated bureaucracy could be considered in the exercise also, addressing the European Parliament's specific concern (see note 7 on p.18 of this Report) while duly recognising the view that subordination of the General Staff to the



Prime Ministry 'provides sufficient democratic commitment by Turkey' (also p. 17 above).

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

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

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

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

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

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

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

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

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

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

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

If this were better understood by Turkey's monitors they might perhaps be inclined to view 'informal channels' with less suspicion.<sup>10</sup>

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<sup>10</sup> The four inset quotations in this paragraph and the preceding one are from the section of *The Turks Today* cited at note 5 above (on pages 138, 136, 134 and 139 respectively).

### III – DEFENCE ORGANISATION<sup>11</sup>

Turkish military experts are steadfast in their conviction that it is unnecessary, and it would probably be unwise, to change either the country's defence organisation or arrangements for the executive direction of defence. Current security structures work well, they say, and subordination of the high command to the Head of Government represents sufficient provision for the democratic control of the Republic's armed forces.

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

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

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

More to the point is the fact that, as things stand today, the EU's favoured – and the normal – formula for arranging political direction of defence affairs would not work in Turkey. This is because the Defence Minister heads a

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<sup>11</sup> This Chapter makes use of material written for the Task Force by Peter Volten and Jos Boonstra (the Netherlands) and by Mustafa Şahin (Turkey), as cited below at notes 12 and 13. It also draws on the record of deliberations at several of the group's meetings, including that in Groningen (July 2004), where there was discussion prompted by a presentation on the Dutch Ministry of Defence by General (Retd.) Arie van der Vlis (a former Chief of Defence), and that in Ankara (February 2005) where Jos Boonstra presented a paper reviewing the higher organisation of defence in a number of EU member-states (cited at note 13). In addition, account has been taken of comments on a first draft of the Chapter – and this Final Report as a whole – by ASAM and others.

department which does not incorporate the General Staff, does not fulfil the full range of functions usually associated with a defence ministry, and does not *control* the armed forces. What it does do is *support* the TAF in a variety of ways.

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

### **The Existing Set-Up**

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

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

So far as manning the organisation is concerned, the uniformed military dominate. In the GS headquarters and at the Force Commands – and also at the MND (see below) – 'civilian personnel are employed [only] in social services and technical fields....*to provide continuity in the places of duty not requiring the wearing of uniforms*'.<sup>12</sup>

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<sup>12</sup> The quoted language here and in later paragraphs of this section is from Mustafa Şahin *The Role of the Turkish Ministry of Defence in the Turkish Security Sector and How the Ministry Relates to the General Staff*, Task Force Working Paper No. 3 (part), May 2004, a text which is available from the Secretariat. (Emphasis added in this instance.)

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

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

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

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

Organisation theorists would say that in a set-up like this there is obvious potential for "co-ordination and co-operation" to shade into collusion (or worse). For this reason, among others, most countries have opted to order

things differently. If Turkey does decide on institutional change in the near future, following the review that we recommend, this is an aspect that would obviously call for careful thought.

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

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

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

This is, of course, because of the sheer diversity of factors that must enter the calculus these days. To policy-making and planning, programming and budgeting for defence the military's contribution is of central importance and always will be. However, though indisputably necessary, it is manifestly not now sufficient. The idea that military competence extends to cover more or less the whole spectrum of national and international security affairs is an anachronism. Time has overtaken this notion because a career in uniform cannot produce individuals with all the relevant expertise for dealing with all that must enter the reckoning. On top of that, neither in Turkey nor anywhere else can even the best military professionals claim a unique talent for complex problem-solving or total immunity from the pressures of their own institutional priorities and vested interests.<sup>13</sup>

This is not the place for going into the practicalities of possible reorganisation, speculating on precisely how and when a unifocal and integrated MND might be put in place, or how best to set about raising the number of civil servants qualified to contribute to such a department's work. It must suffice to repeat

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<sup>13</sup> There is more on this, and on the subject-matter of this section generally, in Peter Volten and Jos Boonstra, *Harmonising Defence Arrangements in Turkey*, Task Force Working Paper no. 3 (part), May 2004 and in Jos Boonstra's *Higher Organisation of Defence: a comparative overview of six European states*, Task Force Working Paper no. 8, February 2005 (both available from the Secretariat).

that we think the appropriate initial 'next step' in this direction would be a critical examination of the existing structure(s) and connections, leading to the development of concrete proposals for whatever emerges – *all* things considered – as desirable change in the set-up and the staffing.

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

However, that is an issue best dealt with as part of the critical examination we propose. In such an exercise, important 'socio-cultural explanations about the popular acceptance of the TAF's influence over politics [and] the security discrepancies between Europe and Turkey' would, naturally, be taken fully into consideration.<sup>14</sup> In the opinion of most Task Force members, though, it would be unfortunate if factors like these were given disproportionate weight to the obvious detriment of what would otherwise be desirable defence reorganisation; and we are confident that the envisaged inquiry would reveal that practical benefits would indeed accrue to Turkey if the higher management of the country's defences could become the responsibility of a strong department of state in which, throughout the bureaucracy, military expertise and civilian insights were judiciously integrated. It would be unfortunate also if such 'explanations' and 'discrepancies' were to impede assertion of the primacy of politics in the security domain as elsewhere, especially since fulfilment of the European vocation could well depend on this.

We do recognise, though, that, even if general functional restructuring finds favour, in the matter of top-level executive direction many in Turkey would oppose ending the direct Chief of General Staff/Prime Minister connection. What the EU sees as an anomaly, they see as a positive strength of the system, principally because it provides insurance against the politicisation of defence management. That was the original rationale of the arrangement; and it remains valid, they say.<sup>15</sup>

We realise also that there are those in Turkey who have additional questions. Are these issues all that important anyway? Could success in the quest for

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<sup>14</sup> A Kuloğlu and M. Şahin, *op.cit.* (at note 2), p.6.

<sup>15</sup> On this point it is interesting that in its 2004 report the distinguished panel led by former Finnish President Martti Ahtisaari alluded – in a generally upbeat assessment of the Turkish candidacy – to the still-present 'risk of radical groups misusing the Turkish democratic process'. (*International Herald Tribune*, 7 September 2004.)

EU membership really hinge on whether or not there is institutional reform in this area? Does the country have to respond to every critical comment on the civil-military relationship, including those in which 'the specificity of the Turkish context' has clearly not been fully taken into account?

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

'Turkey has to persuade the EU member-states that it is like them. Turkey will not be allowed to join unless all the member-states are convinced that the Turks share European values. That is why political issues – like...*the role of the army* – are so crucial: they determine how the EU's political élites and media view Turkey. These issues are bound to arise again and again, and the way the Turks respond will strongly affect EU perceptions of their country. They need to meet criticism not with prickliness and nationalist rhetoric, but with moderation and coolness.'<sup>16</sup>

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

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<sup>16</sup> Quoted, with added emphasis, from Heather Grabbe's essay *When negotiations begin: the next phase in EU-Turkey relations* (London: Centre for European Reform, November 2004), p.3. (The passage was brought to the group's notice at the conclusion of its February 2005 meeting in Ankara.)



## IV – OVERSIGHT: ACCOUNTABILITY AND TRANSPARENCY

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

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

It is true that Turkey's armed forces have always been formally accountable to the legislature for what they do and what they spend. It is true also that what has been announced (or foreshadowed) in the last couple of years offers the prospect of a new openness, especially about the TAF's finances, plus opportunities for more diligent oversight all round. (A key prerequisite here, though, is that the country's elected representatives and civil-society institutions should be able to rise to the occasion, a point taken up later.)

Implementation of reforms already enacted is obviously of the highest importance. Turkey should not be content with this, however, but should consider overhauling structures and processes in this part of the machinery of government as in the defence organisation, similarly following good practice in advanced democracies. Not only is this what the EU is looking for, it is also what élite opinion in Turkey itself has been demanding lately.<sup>17</sup>

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<sup>17</sup> See several quotations in Nilüfer Narlı, *Country Transparency Profiling*, Task Force Working Paper No. 4, revised July 2004, pp.4-5. This paper is much more comprehensive than its (working) title suggests. It ranges over the whole of the subject-matter of this Chapter. So too does Professor Narlı's second contribution to the Task Force's work – *Parliamentary Control and Oversight of the Security Sector*, Working Paper no. 7, February 2005. Indeed, these pieces form the basis of the Chapter. They are also the source of all quoted passages here not otherwise attributed. Relevant, too, is former Dutch parliamentarian Jan Dirk

## Authority and Autonomy

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

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

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

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

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

As for the military's autonomy, for the time being this too remains largely unimpaired. Accountability to the *legislature* is not an onerous obligation (if indeed it is considered much of an obligation at all). In processing the annual budget for the TAF the parliamentary Budget and Planning Committee has the power to scrutinise, review and propose changes to the submission. The budget requires the approval of the Turkish Grand National Assembly. However, elected representatives say that members of the Committee and the Assembly 'bear in mind the sensitivity of national defence; thus they do not tend to be highly enthusiastic to review and to make changes in the

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Blaauw's paper *The Limits and Constraints of Transparency in the EU*, Working Paper no. 6, November 2004.

defence budget proposals'. More generally, we understand that over the years the typical parliamentarian has been prepared 'to let the government and the General Staff...exercise the initiative in military matters'. In short, legislators have been content to play a "rubber stamp" role.

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

### **Oversight of Spending**

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

(1) In the seventh 'harmonisation package' (August 2003) an amendment to the 1967 Law on the national audit bureau was introduced, despite objections from the TAF. This empowered the Court of Audit – acting 'on behalf of the Turkish Grand Assembly and its inspection committees' – to scrutinise the revenues, expenditures and property of all public sector institutions '*without any exception and without exempting any institute from being accountable*'. The Court is also required to report as appropriate to the relevant parliamentary committees.

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

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

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

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

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

In the first place there is fragmentary evidence that the Turkish legislature is already becoming less inhibited than it used to be about questioning the military's bids for funds. For example, in an interview with the daily *Hürriyet* in July 2004 Defence Minister Gönül said that it was as a result of 'the parliamentary review of the proposal' that the 2005 budget had been sharply cut back, to the point where for the first time the amount allocated to defence dropped below that allotted to education. (On the other hand, during the same interview, speaking about manpower reductions, he said that the armed forces themselves were 'making the plan' and they would 'declare it when it was decided'.)

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

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

- Instructions to ensure that the Court of Audit actually exercises its powers to probe the affairs of all public sector bodies without exception or exemption *and* that it fulfils its obligation to report fully on its investigations. (See (1) above.) Those parts of the military's finances that have hitherto been 'No Go Areas' should not remain so by default. Irregularities exposed should not go uncorrected, nor should wrongdoers go unpunished.
- Measures to guarantee full implementation of the provisions of the 2003 Law on Public Finance (see (2) and (3) above). Until such time as they are wound up, the affairs of the MND's DISF and the TAFF should be made wholly transparent. It is important to ensure that

more budgetary information is indeed provided to the legislature, and that they get more time to digest it. Competence in 'value for money' auditing should be acquired, enabling a start to be made on some well-targeted inquiries.

- Procedural reforms in the legislature itself to ensure that the most effective use is made of more access, more information, and more time. It may be that a new specialist committee structure is desirable. There should certainly be a thorough review of existing commissions' remits, composition (with particular reference to opposition parties' representation), and staffing (with particular reference to the availability of full- or part-time expert staff plus access to 'outside' expertise).

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

- Provision for parliamentary staff training within Turkey itself or through Turkish participation in regional arrangements.
- Provision for elected representatives themselves to receive education and training in the exercise of legislative oversight and for members of specialist committees to meet and exchange views with their counterparts in other assemblies.

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

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

## **Policy Oversight**

What, though, of the promotion of transparency and accountability in defence policy-making and planning? Here Turkey has done a lot less, and there is

therefore much more to do. The explanation is straightforward: especially among elected representatives, the disposition “to let the government and the General Staff...exercise the initiative” in matters affecting national security remains well entrenched and inhibits searching legislative scrutiny of threat assessments, strategy choices, mission priorities and so on.

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

(1) It is no longer the case that the NSC effectively ‘sets [the boundaries of] the parliamentary agenda’ so far as security policy is concerned. This is a direct result of the steps taken recently to reduce its role ‘to what it should never have ceased to be, namely a purely consultative body’.<sup>18</sup>

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

(3) Transparency and accountability issues have also been aired in the media. In mid-2003 an academic drew attention to the absence of legislative oversight of policy concerning Northern Iraq. Over the turn of the year 2004/5 there were interesting exchanges prompted by the revelation in *Hürriyet* that the TAF/GS were planning to update their basic security assessment, viz. the ‘National Security Political Document’ or NSPD, for short (in Turkish *Milli Güvenlik Siyaset Belgesi*). Here the newspaper noted that no parliamentary input was envisaged. This drew the immediate response that it was none of the legislature’s business. That in turn prompted a questioning of the military’s dominant role in drafting such an important text accompanied by the observation that this was incompatible with European norms on the ‘democratic control’ of armed forces.<sup>19</sup>

(4) Most significant of all, probably, is the fact that some members of the ruling AKP – Prime Minister Erdoğan and Defence Minister Gönül among them – have become increasingly dissatisfied with the limited involvement of

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<sup>18</sup> The second of the quoted phrases here is from a February 2004 report on Turkey by the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) of that body’s Parliamentary Assembly. This document has a lot to say about the subject matter of the present Chapter. It was brought to the Task Force’s attention by an official of the European Commission’s Directorate-General for Enlargement who briefed the group at an Istanbul Roundtable in November 2004.

<sup>19</sup> See *Radikal Gazetesi*, 6 August 2003 (Baskın Oran) following an article in *Milliyet*, 22 July 2003 (Fikret Bila); and, on the revision of the NSPD, *Hürriyet*, 24 November 2004 (Sedat Ergin), the responses in *Milliyet*, 25 November 2004 (Bila again) and on the BIANET website, also 25 November 2004 (Ilyas Sezai Onder), and the riposte in *Milliyet*, 12 December 2004 (Hasan Cemal). (All references from Nilüfer Narlı’s 2005 paper cited earlier.)

politicians, including parliamentarians, in evaluating threats and formulating strategies and concepts of operations. Thus, on the NSPD, early in 2005 the Prime Minister sent the NSC General Secretariat a reminder that 'the Council of Ministers is responsible to the TGNA [Turkish Grand National Assembly] for providing national security'.<sup>20</sup>

These developments represent further advances towards assertion of the primacy of politics in the conduct of Turkey's national security affairs. In the opinion of the Task Force, they merit support in the form of institutional and individual capacity-building in the policy field similar to that which we have commended to improve financial oversight. (See the previous section of this Chapter, especially pp. 34-35.)

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

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<sup>20</sup> Reported by *Milliyet*, 11 January 2005 (another reference from Narlı, *loc. cit.*).





## V – DEVELOPING A PROSPECTUS

Negotiations on Turkey's accession to the EU will be conducted on the basis of the massive *acquis communautaire*<sup>21</sup> which embodies the obligations of EU membership as expressed in Treaties, secondary legislation and the (common) policies of the Union. The task is huge. The process will take years.

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

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

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

For that reason, in the civil-military relations area that is the focus of attention in the present study, it is very much in Turkey's interest to acknowledge the European Council's notes of reservation, prioritise the implementation of reforms already enacted and begin thinking seriously about how to deal with the 'points of concern' that have been highlighted. It is not in the country's interest to treat these matters lightly. Moreover, Turkey would be most unwise to regard them as entirely negotiable. The EU may show a little flexibility in matters of timing when dealing with the political aspects of the country's candidacy – on the grounds that following recent legislation there is a danger of reform fatigue. It might moderate some of its

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<sup>21</sup> In 2001, it comprised 80,000 pages (Samual Brittan, "The Greatest Perversity of the European Union." *Financial Times*, 26 April 2001), but it has since grown. The draft negotiating framework for Turkish accession lists 35 chapters.

demands out of special consideration for all that Turkey, as a member, could contribute to development of the Union's security and defence policy and enhancement of its military capacity. It will not abandon its positions on what it regards as fundamental aspects of pluralistic democracy.<sup>22</sup>

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

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

## **Rationale**

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

In the present Report we have asked what 'continuing convergence' might require of Turkey, focusing on two questions: what more the EU might expect beyond the changes the country has already made of late; and what Ankara

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<sup>22</sup> Obviously Turkish membership would be much valued for the numerous reasons set out in A. Kuloğlu and M. Şahin, *Burden or Asset – The Likely Impact of Turkish EU Membership on European Defence and Security*, Working Paper no. 5 (revised), February 2005 (available from the Secretariat). The point here is that, while those responsible for monitoring the country's fulfilment of the political prerequisites for membership should certainly be aware of what Turkey has to offer, they have no licence to use that knowledge to 'bend the rules' in Ankara's favour. (See, however, remarks in the following paragraph about the need for enhanced Turkey-EU dialogue on this and other matters.)

might do in response, including – with the monitoring process in mind – whatever early ‘next steps’ might be feasible.

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

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

The second of our focal questions – what more can Turkey do in order to earn favourable ‘report cards’ in the post-December 2004 monitoring process – is less problematical. To be sure, if Ankara wants to make an immediate impact, time is short; and, if advocates of ‘caution and consolidation’ have their way, some of it will be used to provide an interlude in the civil-military reform process.

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

## Content

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

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

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

(3A) Under the defence organisation heading of this programme it would make sense, first, to appraise the existing set-up with a view to working out the benefits and costs of structural reform aimed at ending the artificial separation of the military-led GS and the civilian-headed MND by (i) bringing

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

(3B) Regarding oversight (accountability and transparency), steps have been taken lately that should make it possible for the legislature to probe the armed forces' finances to a greater extent than (ever?) before. There ought now to be institutional follow-ups to ensure that what has been invoiced is actually delivered; and there ought to be procedural reforms in the legislature itself to ensure that parliamentarians are able to make use of the fact that they are to be given more access, more information and more time to exercise oversight. Among other things, it would also make sense to look at the remits, composition, working methods and staffing of specialist committees. Such reforms, though, are a necessary but not a sufficient condition for improved financial accountability. In addition, attention ought to be paid to how individual legislators (and staffers) can acquire the knowledge and skills to perform professional in-depth scrutiny of military spending. As for policy accountability, there is a 'democratic deficit' here that is overdue for attention and clearly calls for similar action. There ought to be provision for much greater political input to threat assessments, strategy choices, mission priorities and so on, plus a larger role for parliament in the preparation of key policy documents. To summarise, *the second core element in the (further) reform programme would be a variety of measures aimed at institutional and individual capacity-building to ensure that Turkey's elected representatives can be genuinely effective in holding the country's armed forces to account.*

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

## Conclusion

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

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

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

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

## WORKING PAPERS

Margriet Drent, *EU Conditionality concerning Turkish Civil-Military Relations*, Task Force Working Paper No. 1 (revised July 2004)

Armağan Kuloğlu and Mustafa Şahin, *The Past and Future of Civil- Military Relations in Turkey*, Task Force Working Paper No. 2 (revised July 2004)

Mustafa Şahin *The Role of the Turkish Ministry of Defence in the Turkish Security Sector and How the Ministry Relates to the General Staff*, Task Force Working Paper No. 3 (part) (May 2004)

Peter Volten and Jos Boonstra, *Harmonising Defence Arrangements in Turkey*, Task Force Working Paper No. 3 (part) (May 2004)

Nilüfer Narlı, *Country Transparency Profiling*, Task Force Working Paper No. 4 (revised July 2004)

Armağan Kuloğlu and Mustafa Şahin, *Burden or Asset – The Likely Impact of Turkish EU Membership on European Defence and Security*, Task Force Working Paper No. 5 (revised February 2005)

Jan Dirk Blaauw, *The Limits and Constraints of Transparency in the EU*, Task Force Working Paper No. 6 (November 2004)

Nilüfer Narlı, *Parliamentary Control and Oversight of the Security Sector*, Task Force Working Paper No. 7 (February 2005)

Jos Boonstra, *Higher Organisation of Defence: a comparative overview of six European states*, Task Force Working Paper No. 8 (February 2005)