

THE PATTERNS OF CIVIL-MILITARY RELATIONS: THE WESTERN STANDARDS AND TURKEY'S EXPERIENCE

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Introduction

The western-centered international society operates with fundamental norms such as respect for human dignity and human rights, freedom, democracy, equality, and the rule of law. These are the norms that, not expressing "what is" in the global system; however, constitute the keywords of the league to which the actors belong to. Today, almost all states form their own western-centered leagues by reproducing discourses and actions in line with the aforementioned principles, whether they believe or not.

Among all these values, democracy is the cornerstone of the international society, which according to a short definition of Abraham Lincoln is the government of the people, by the people, for the

people. Democracy can be defined as the ability of people to choose their political leaders in one of its simplest forms in the context of civil-military relations. However, the history shows that the military actors could always intervene with the people's choice without any legal justification.

The tensions in civil-military relations cause a paradox. This paradox starts with the possibility of the armed forces obliged to protect the society to turn into a threat for the same society when they are overpowered. So how will the coup, causing the collapse of the legitimate political power be prevented? In other words, as the Roman poet Juvenyan said, who will guard the guardians?

The military may be the best actor to identify threats and give appropriate responses to that threat for a given risk level. But only a civil actor can describe and declare the acceptable risk level for a certain society. The military can request for the level of armaments to defend successfully against the enemies, but just the civilians can decide what the probability of a successful society is willing to pay for. The military can make warnings about the nature of the threat, but only a civilian actor can settle on whether to feel threatened and beyond how to respond. The military measures the risk, the civilian actor judges it. All in all, the civilians have the right to be wrong.¹ Because the elected civilian power has the responsibility to be accountable for its voters. These aforementioned assumptions are the reference points of civil-military relations in a democratic state, which are approved by the international society.

Military Interventions in the West

The US and Europe, the paper figures of the West, have been the main source of the current assumptions of the civil-military relations in the international system. Although the West have the determinants of civil-military relations, it also faces the coups in certain periods. In Europe, for example, Italy, Spain, Portugal, and Greece have witnessed military coups that have led to the overthrow elected governments. In France, four generals attempted a coup against Charles De Gaulle on 21 April 1961 and two of them were arrested as a result of this unsuccessful attempt. There were 11 military coups in Greece between 1831 and 1967. Greece was also ruled by the military junta between 1967-74. General Franco in Spain and the Salazar government in Portugal remained in power for years after the military coup. Besides, Italian Colonel Junio Borghese attempted a failed coup against his government in 1964 as well.

While Europe is struggling with the military coups within its borders, the US not having faced a military coup for 100 years took an active role in

many cross-border military coups. According to William Bum, the US has attempted to overthrow more than fifty governments, most of which were democratically elected, and grossly interfered in democratic elections in at least thirty countries since 1945.²

The western norms claim that “the quality of international society depends on the quality of the governments.” According to European Security Strategy declaration, having been adopted by the European Council in 2003, the best protection for European security is a world of well-governed democratic states. Spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order.³

Besides, the National Security Strategy document of the USA clearly emphasizes that “the USA will advance its influence, because a world to support the American interests and reflect its values makes America more secure and prosperous.” According to National Security Strategy, America’s commitment to liberty, democracy, and the rule of law serves as an inspiration for those living under tyranny.⁴ The US encourages those who want to join their community of like-minded democratic states and improve the condition of their peoples.⁵

Although the discourses of Europe and the US on consolidation and promotion of democracy are similar; their behavior patterns are different. While the US does not hesitate to use the option of military power for the democracy promotion as we have observed in the case of Iraq in 2003, the EU conditions democratic institutions on the candidates and recommends specially for the ‘periphery’ countries.

Although the EU does not have a formal criteria for the civil-military relations, the Union declares that stability of institutions guaranteeing democracy is one of the main criteria for the full membership in the European integration.⁶ Therefore, establishing



civilian control over the military is considered essential for the political stability of the EU members as a whole. The Copenhagen Criteria simply expresses some basic principles of democracy for the accession and obliges the adoption of the EU's *acquis communautaire* which consists of EU rules and regulations.⁷ EU adoption process led to a western model of civil-military relations, under which the armed forces are subjected to full civilian control. At this point, the democracy pressure of the European Union has accelerated the constitutional transformation of the candidate countries, especially in civilian military relations.

In this context, the issue of Turkey's EU membership has been the motivation and justification for breaking the military's political autonomy. Turkey has carried out remarkable legal reforms in civil-military relations after 1999 which can be divided into "EU-motivated" and "self-motivated" periods.

A Brief History of Civil-Military Relations in Turkey

In Anatolia, the tension between civilian powers and military bureaucracy has a long history from Ottoman Empire to the present. At least twelve of the thirty-six Ottoman sultans were replaced by military intervention. In the period of the Republic of Turkey, the civil power has been exposed to four military coups and at least two coup attempts. After each coup, the military consolidated its political autonomy and built autonomous areas within politics.

For example, after the coup of 12 September 1980, 669 new laws were enacted in many areas such as political parties, judiciary system, state of emergency law, local governments, universities, TRT, associations, trade unions, professional organizations, freedom of press, and right to collective bargaining.⁸ Turkey's constitutional system was restructured with the aforementioned rules within a strict approach. The military coups in Turkey have caused a serious socio-psychological impact on young generations and demolished the image of Turkey in international society.

Because of the military hegemony, the governments in Turkey had to constantly pay regard to the political autonomy of the military in their decision making process, especially after the coups in 1960 and 1980. For this reason, the political elite who wanted to get rid of the political autonomy of the military, struggled to reorganize the legal regulations accordingly in 2000's.

This struggle can handle the wave of reforms undertaken by the civil power in three periods. Turkey's first initiative has been with the motivation of the EU membership in 1999 and 2005.

Coups in Turkey

- 1960**
 May 27
The first coup in the history of the Republic of Turkey.
 The president, the Prime Minister and his close team were arrested and tried for treason.
- 1971**
 March 12
Interim intervention
 After the military intervention, the Prime Minister resigned and said, "This memorandum was against me."
- 1980**
 September 12
Conflicts between right and left groups increased
 The military intervened, and thousands were arrested after the coup. Dozens of people were executed.
- 1997**
 February 28
The military authorities put pressure on the Prime Minister at the National Security Council.
 Prime Minister Necmettin Erbakan resigned after the pressure.

Intervention Attempts in the 2000s

- 2007**
 April 27
E-memorandum
 The General Staff issued an e-memorandum from its website against the government. The government opposed the e-memorandum and declared this declaration is unacceptable in a democratic state.
- 2016**
 July 15
July 15, coup d'état attempt
 A group of staff in the armed forces attempted a coup in Istanbul and Ankara. The Turkish people pushed the coup attempt with great resistance. 249 people have been martyred in the coup attempt.

The second wave of reforms have been carried out by Turkey's self-proclaimed dynamics after 2007 against e-memorandum. And the third one came after the July 15 coup attempt in the context of civil-military relations.

EU-Motivated Reforms in Turkey's Civil-Military Relations between 1999 and 2005

Turkey initiated an EU-norms-centered reform dynamism both to reduce military pressure on political area and to be participated in the West's so-called democratic league. During this period, the EU's "open-ended" accession process has ensured a new orientation of the Turkish foreign policy beyond the borders and also established legitimacy of the political power.

First Wave of the Reforms

With the first wave reforms carried out in 1999-2005, the composition of the National State Council (NSC), which played a key role in the military intervention in politics, was changed in favor of civilians. By this way, a civilian-centered NSC was formed and tasks of NSC were redetermined in accordance with the democratic criteria. The military judge in the State Security Court was terminated, and the arrangement led to the establishment of a civilian state security court.⁹ In addition, the military courts' ability to judge civilians has been restricted with the the Seventh Harmonization Package in 2003. In this period, it can be said that the Justice and Development Party (AK Party) has maintained its successors EU motivation and believed the possibility of a EU membership if Turkey could bear EU's political reforms.¹⁰

Self-Proclaimed Reforms in Turkey's Civil-Military Relations from 2005 to Present

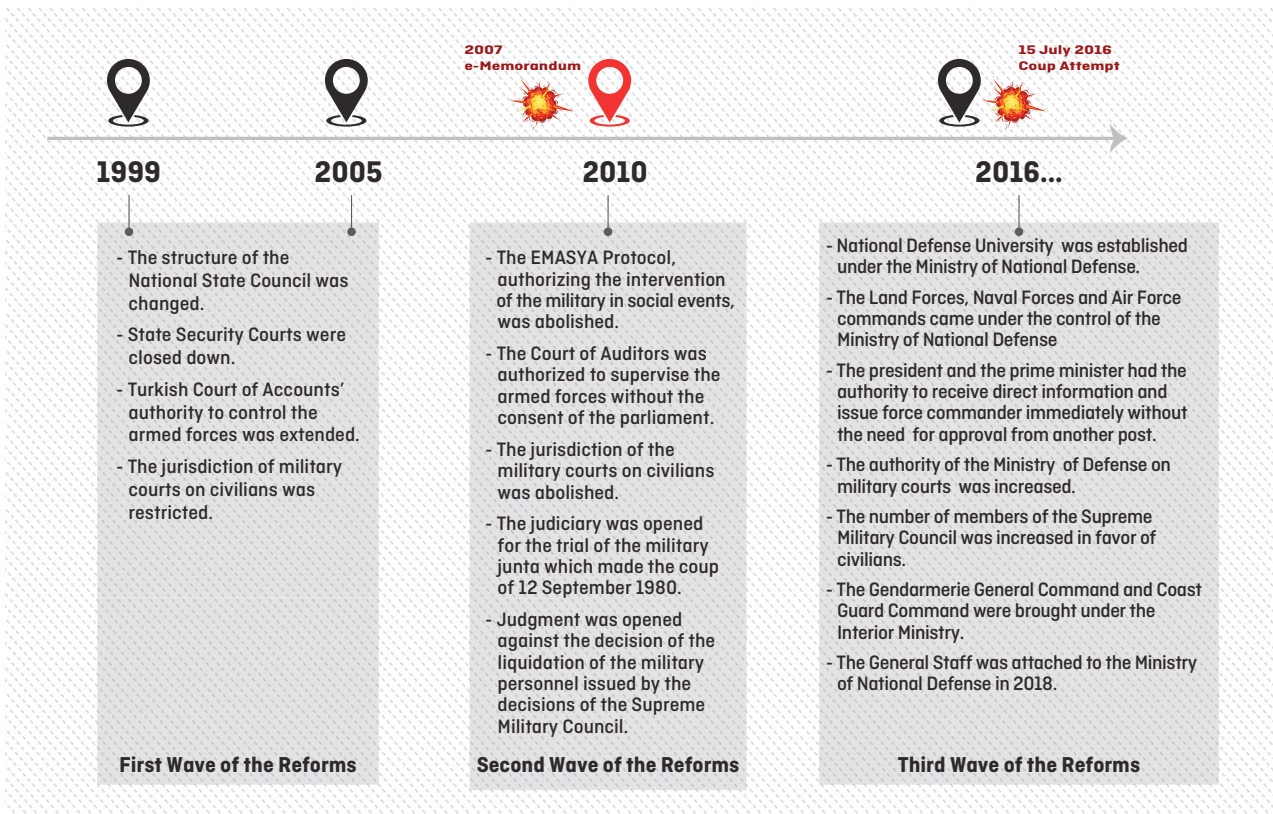
The relations between the EU and Turkey have gradually deteriorated due to the EU's concerns after 2006. Particularly, the possibility of Turkey's EU membership has alarmed Turcophobic anxi-

eties and some leading EU countries like France and Germany have started to block Turkey's membership process by offering alternative models and obstructing *acquis communautaire*. All these conditions have enabled Turkey to actualize some constitutional reforms with its own dynamics regarding the civilian and military relations.

Second Wave of the Reforms

The e-memorandum crisis has been an important breaking point for the second wave reforms. On 27 April 2007, General Staff statement released on its website which sent a harsh warning to the government about the presidential elections. In response to these statements, government spokesman Cemil Çiçek said that "It is unthinkable for the General Staff to publish a statement against the government in a democratic state."¹¹ Following the e-memorandum crisis in 2007, "the second wave" reforms was carried out with the referendum held on 12 September 2010. The referendum paved the way for a constitutional amendment abolishing the amnesty article. This in turn led to the trial of two of the 1980 coup leaders in 2012.¹² By this way, one of the most significant and contentious amendments of referendum was the abolishment of Article 15¹³ from the constitution, which banned the prosecution of the 1980 coup leaders, and thus had served as an exit guarantee in the form of an amnesty law for the military. For many years, Article 15 was a symbol of the political immunity of the military, and the resilience of military preferences in national policy.¹⁴ Besides the EMASYA Protocol, which authorized the intervention of the military in social events, was abolished. The constitutional amendment of 2010 allowed military officers to face trials in civilian courts for criminal offenses against state security.

In democratic regimes, parliaments control oversight of the budget after its adoption by taking help from independent institutions such as the Court of Accounts. The Constitution of the Republic of Turkey makes the Court of Accounts (CoA) responsible for auditing, on behalf of parliament,



all the accounts relating to the revenue, expenditure and property of state institutions. However, in practice, the CoA had been exempted from auditing the military's assets for many years because of adopted the CoA Law in 1960. With the referendum, The new CoA Law (No. 6085) abolished the CoA's obligation to get parliament's request before auditing state institutions.¹⁵ Thus, the CoA was given authority to start its investigations without seeking parliament's permission. The amendment have given the Court of Accounts to monitor budget of the armed forces in 2010.

Besides, in 2010, the referendum allowed the officers to be tried in civilian instead of military courts for criminal offenses against state security and the constitutional order. Thus, military jurisdiction was only obliged to proceed of the crimes committed by the military.

According to the Paragraph 2 of Article 125 of the Constitution: "The acts of the President of the Republic on his or her own competence, and the decisions of the Supreme Military Council

are outside the scope of judicial review." The referendum has changed this judicial immunity and opened the decisions of the Supreme Military Council regarding expulsion from the Armed Forces to judicial review.¹⁶

Third Wave of the Reforms

The coup attempt on July 15, 2016 has compelled the third wave of reforms in the field of civil-military relations in Turkey. According to Muhittin Ataman, who is one of the Turkish political science scholars, "July 15" was different in many aspects from previous coup attempts. The reason behind the above mentioned coups (i.e. 1960, 1971, 1980 and 1997) was always related with the "protection of the secular principles" of the Turkish Republic. The agents that undertook the coup attempt of July 15 were different; it was masterminded by a civil group. The tools used and the targets of the plotters were also divergent when compared with the earlier coups. The coup plotters of July 15 not only targeted the politicians and the governmental institutions, but they also did not

even spare the life of the innocent civilians who took to the streets to protect their democratically elected government.¹⁷ Unlike other coups, the July 15 coup attempt was unsuccessful thanks to the resistance of the Turkish people. A total of 249 people were martyred and 2.195 were wounded in the bloodiest attempt. The failure of the coup proved two important dynamics of Turkey. One of them is the existence of the Turkish society as a prohibiting power against the coups anymore. And the second one is that the Turkish people can unite under a single flag, leaving aside their differences. The July 15 has been a rare case that the people can push down bottom-up a military coup attempt.

After the July 15 coup attempt, the civilian political authority declared a state of emergency on 20 July 2016 and introduced various legal arrangements in civil-military relations. The amendments that have been carried out within Turkish Military Force (TSK) following coup attempt, emphasis on the meeting of Supreme Military Council (Yüksek Askeri Şura) on 28 July 2016 and the Degrees (KHK's) of 27 July, 31 July, 2 September, 7 September, and 6 January 2017 have been the government's largest legal action against the military uprising.¹⁸

With the state of emergency decree laws, the Turkish army will be subjected to a series of changes in a number of fields, including military education, structure of Supreme Military Council (YAŞ), health institutions, services commands, and reforms in the military-government relationship.

As part of the passed decree law the Land Forces, Naval Forces and Air Force commands came under the control of the Ministry of National Defense, while the president and the prime minister will have the authority to receive direct information and issue force commanders direct orders that will be executed immediately without the need for approval from another post. Besides, the Defense Ministry has been tasked with executing all administrative aspects of the institutions.¹⁹ The military promotion and appointment system have

changed with the executive decree of No. 681 and officers' promotion starting from the rank of lieutenant submitted under the authority of the Defense Minister which had been done by the Turkish General Staff. With the Decree Law No. 668, the authorization to establish and remove the Military Courts was granted to the Ministry of National Defense.²⁰ The Gendarmerie General Command and Coast Guard Command were also brought under the Interior Ministry.

The structure of YAŞ was changed in favour of civilians and several top cabinet ministers have had seats according to the decree law. The amendment meant that a number of military officers could no longer sit on the council, including some generals and admirals.²¹ The defense minister also replaced the deputy chief of the general staff as the council's secretary-general.

Military schools had closed down and National Defense University established which was expected to become an umbrella body encompassing all other educational institutions of the Turkish Army. Within the formation of the university, all current military academies closed and all military education administered through the newly formed institution.²² Thus, it was aimed to establish more civilian education at the undergraduate and graduate level with a new curriculum.²³

As part of the decree law No. 669, the Gülhane Military Medical Academy (GATA) and other military hospitals brought under the control of the Health Ministry. Accordingly, GATA-linked teaching hospitals, Turkish Armed Forces Rehabilitation Care Center, military hospitals, dispensaries and similar health service units and health institutions belonging to the Gendarmerie General Command were transferred to the Health Ministry along with their rights and obligations, dues and debts, and contracts and commitments.

After the reforms conducted by the government in February 2017, the ban on female army officers in Turkey wearing Muslim headscarf has been lifted and women could wear the headscarf

underneath their cap or beret as long as it is the same colour as their uniform. Women soldiers in Turkey could be able to wear a headscarf as part of their uniforms.²⁴

Conclusion and Suggestions

In this new speed era where all concepts are revised, there are certain constants such as the ideal of democracy. The democracy is not only a concept or a method for governing, but it is also a declaration of a league in the international system today. However, there are certain principles for a sustainable democracy, one of which is the superiority of civilian in civil-military relations and the army's loyalty to the elected political decision-maker.

The main objective in civil-military relations is to capture a "golden ratio" between maintaining a strong army, capable of defending the country against external threats, and establishing the sustainable democratic institutions. Narcís Serra, one of the leading thinkers of the civil-military relations literature, defines three important axes for transition periods of democratic consolidation. According to Serra, the military reform cannot be isolated from democratic reform, society should operate as a third front in legitimate transition, and military's political autonomy should be restricted especially on legal grounds. Serra underlines that efforts must be made in both civil and military arenas simultaneously.²⁵ Democratization process should not be exclusively for military reforms, but must have a holistic approach. This means that a reform process only focusing on civilian-military

relations would fail. In addition, Serra emphasizes the Ministry of Defense should have a broad authority and civilian defence ministers must have mandates that are as extended as possible. The short-lived nature of ministerial post is the biggest obstacle to execute major reforms.²⁶

Besides, as Rebecca Schiff points out, the relationship between civil and military institutions is not enough to explain the dynamic interactions between the political, military and social sectors of society. The policy-makers should take the indigenous conditions and complexities of different nations into account. According to her theory, the mutual accommodation and communication channels between the army, civilian elite and society must be constantly open. The Condordance theory highlights that dialogue, accommodation, and shared values have key role in context of objectives between the military, the political elites, and society. According to the Schiff, if the civilian elite, army, and the society are able to achieve a strong concordance about the role of the armed forces, then, the domestic military intervention is less likely to occur in a particular state.²⁷ Therefore, the sources of military coups should also be examined in the cultural codes of a given society. Because of the periodic coups and coup attempts, it is not possible to say that there is no coup in Turkey any longer. In this context, it is possible to say that the asymmetric hierarchy between the army and the people in a country is one of the main causes of the military coup. Therefore, reducing the distance between society and army might have a key role for Turkey's civil-military relations.

Endnotes

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