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Reforming Civil-Military Relations in New Democracies

Democratic Control and Military Effectiveness in Comparative Perspectives

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Chapter 9
Democratic Control and Military Effectiveness of the Turkish Armed Forces

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9.1 Introduction

Turkey, a "second-wave" democracy, made the transition to competitive politics in 1946. While demonstrating a long history of competitive multi-party politics, Turkey's regime at the beginning of the twenty-first century has been described as "contradictory" and "uncertain" (Clarke 2000, pp. 168, 170), and has been labeled conceptually as an "imperfect democracy" (Larrabee and Lesser 2003, p. 26), a "pseudo-democracy" (Frank 2002, p. 66), and an "ambiguous regime" (Diamond 2002, p. 26). The ambiguous nature of Turkey's political regime derives from the predominant role of the Turkish military. Enjoying a high degree of autonomy, the Turkish Armed Forces (TAF) has functioned not only as the defender of the country's external borders, but also as "a core element of Turkey's political system" (Kramer 2000, p. 30; Sakallıoğlu 1997; Demirel 2004; Hale 1994).

Democracy in Turkey has been interrupted by two coup d'états, in 1960 and 1980, both of which installed military-led regimes, lasting for nearly one-and-a-half and three years respectively, while the military-led *National Security Council* (NSC) staged two indirect interventions by memorandum in 1971 and 1997. The first of these resulted in nearly 2 years of technocratic rule under military supervision, while the second brought about a change of government. Following each intervention, the TAF gained important tutelary powers and exit guarantees, extended its autonomy in its internal administration and defense organization, and consolidated its role in the nation's foreign and security policy-making. This has led Turkey to be characterized as a "military democracy" (Salt 1999).

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Quite unexpectedly from a historical institutionalist point of view, which would expect incremental and path-dependent change, Turkey's civil-military relations (CMR) have undergone a paradigmatic transformation over the last decade. The military's political influence has been eroded, its role in extra-military areas of the state apparatus and national security policy-making have been weakened, and its professional autonomy, particularly in terms of promotion and appointments, has been de facto circumscribed. A series of controversial coup conspiracy cases between 2008 and 2012 put hundreds of active-duty and retired military officers on trial, costing not only the military public legitimacy and weakening its ability to exert influence, but also putting military effectiveness and cohesion in jeopardy.

This chapter, which adopts a strategic-relational approach, argues that the structural shifts resulting from the recognition of Turkey's European Union (EU) membership candidacy at the Helsinki Summit of December 1999 and the required alignment of Turkey's CMR with EU best practices opened a "window of opportunity" to transform the military's political role by providing civilians with additional resources to exert influence. The civilians' ability to capitalize on this window of opportunity was enhanced by 13 uninterrupted years of single-party government with a strong will to change the domestic balance of power in its favor. Having successfully defanged the Turkish military and consolidated its hold on power, government interest in defense reforms has, however, faded over the last few years. In addition to second-generation problems (Cottey et al. 2002) such as building effective civilian-led defense-policy making structures, strengthening legislative oversight and developing wider civil-society input into defense security debates, Turkey today also faces the twin challenges of restoring command hierarchy, cohesion, morale and the corporate esteem of the officers as well as rebuilding a working relationship between the military and political leaders based on mutual trust.

The first part of this chapter details how the Turkish army's contribution to the Turkish revolution during the nation-state building period and the subsequent institutionalization of the military's guardianship role led to a "self-reinforcing, path-dependent" development of military autonomy. The second section shows that despite the unfavorable initial conditions rising out of the military-controlled re-transition to democracy (1980–1983) and the existence of military prerogatives, civilian control over military and defense policy was strengthened in the first ten years after the transition thanks to strong political leadership, but that it re-deteriorated under the weak political leadership of coalition governments in the immediate post-Cold War era. The third section shows how the "unequal civilian accommodation" (Stepan 1988) of the 1990s ended a decade later when a pro-change majority government, empowered first by the EU conditionality of military reform and then by the creation of informal anti-coup coalitions, eroded the military's political clout and weakened its institutional autonomy. The final section discusses the shortcomings of the democratic governance of the military and the defense sector, as well as military effectiveness. Although the abortive and unanticipated coup attempt of June 2016 conducted outside of military hierarchy is not included in the analysis due to the lack of reliable data, the final section briefly

discusses its implications on the Turkish Armed Forces' (TAF) effectiveness. The chapter concludes that the coup attempt and ensuing structural reforms further damaged the TAF's institutional legitimacy and effectiveness, which could take generations to overcome.

9.2 Emergence of TAF's Professional Autonomy and Political Guardianship

The TAF's institutional autonomy and historical role beliefs of defending not only the nation but also the republican regime were formed during the nation-building process under the single-party regime of the Republican People's Party (CHP) (1923–1946). The top-down Turkish revolution and the establishment of the modern Turkish Republic after the War of Independence (1919–1922) were undertaken by military bureaucrats who had been trained in the newly-founded Western military academies in the second half of the nineteenth century (Trimberger 1978; Akmeşe 2005; Hale 1994). With 56 seats, constituting 15% of the elected deputies, the military was the single largest occupational/interest group elected to the First General National Assembly (GNA) of 1920 (Frey 1965, p. 181). From the Second through the Seventh Assemblies, a period of some 30 years, retired military officers consistently held 20% of the seats (Ibid), and the military was, in most cases, the largest occupational group at the top leadership level (Ibid, p. 261).

Soon after his rise to the presidency in October 1923, Mustafa Kemal, who had commanded the National War of Independence, took off his military uniform, renounced his military entitlements, and proposed a law to Parliament that banned soldiers from participating in politics, in the belief that active political involvement would corrupt the military as an institution. Nevertheless, he granted full autonomy to the military in the defense and military sector to avert its counter-revolutionary potential and to co-opt it to his radical reform agenda (Bayramoğlu 2004; Eldem 2013; Harris 1965; Özdağ 1991; Rustow 1964). The removal of the Chief of the General Staff (CGS) from the Cabinet to become head of an *autonomous* General Directorate, answerable directly to the president, not only signified the military's acceptance of the Republican Westernization project and Kemal's leadership, but also constituted the first step in establishing military autonomy in the defense sector (Law No. 429, dated March 3, 1924). The creation of the military-dominated Supreme Military Council (SMC) in 1925, which was authorized to amend any defense and military legislation before being sent to Parliament, reinforced the military leadership's control over its internal affairs and its role in defense and security policies. Most importantly, the Internal Service Law (ISL), adopted in 1935, institutionalized the military's guardianship role by giving the TAF the specific responsibility of defending not only the country, but also the republican regime (Article 34). The article, which was also included in the new ISL in 1961 (Article 35), is regarded as the core legitimization of the military's political

guardianship role. When the military seized power in 1960 and 1980, it cited these articles as the legal basis for its interventions.

Turkey's 1946 transition from a single to a multi-party regime and the 1949 defense reform were undertaken in order for the country to become fully integrated into the newly emerging US-led Western alliance. Soviet demands for the joint defense of the Turkish Straits, and the resulting constant war of nerves with the prospect of outright Soviet aggression, raised significantly Turkish leaders' expectations concerning the benefits of an alliance with the United States (Yılmaz 1997). The establishment of the North Atlantic Treaty Organization (NATO) on April 4, 1949 without Turkey and the Turkish government's quest for NATO membership triggered the first set of defense and military reforms aimed at harmonizing Turkey's defense organization with NATO. Law No: 5398 on the Establishment and Duties of the Ministry of National Defense (MoND), adopted on May 31, 1949, less than 2 months after the establishment of NATO, subordinated the CGS to the MoND and authorized the Ministry to carry out all army business. The military's autonomy in defense matters was further restrained by the establishment of the civilian-dominated National Defense Supreme Council (Decree No. 5399, dated June 3, 1949), which was designed after the U.S. National Security Council as a coordinating platform for all defense-related matters. The Council was headed by the Prime Minister and was composed of 11 civilian ministers, along with the CGS as the sole military representative.

The establishment of these civilian institutions, however, failed to constrain the military's political involvement. Increasing intrusions of the Democrat Party government (1950–1960) into the military's promotion and appointment procedures, the deterioration of the working conditions and prestige of the officer corps, and the government's attempts to use the military for political purposes damaged the military's internal hierarchy and discipline, and paved the way for the young officers' coup of 1960, which was conducted without the consent of the military high command (Karpat 1970). Strong public support and a lack of international sanctions for or criticisms of the 1960 military coup strengthened the involvement of military officers in politics, enabling them to repeatedly interrupt Turkey's democracy in roughly 10-year intervals (1971–1972, 1980–1983). After each intervention, the TAF's autonomy in defense organization and its role in broadly defined national-security policy were enhanced.

The 1961 Constitution, prepared under the military regime (May 1960–1961), removed ministerial control and subordinated the CGS to the Prime Ministry (Article 110). Law No: 1324 on the Duties and Organization of the General Staff and Law No: 1325 on the Duties and Organization of the MoND, both enacted on July 31, 1970, granted the CGS significant political autonomy in determining defense plans and strategies, military promotions and appointments, the defense budget as well as weapons procurement, while reducing the MoND to the level of a CGS support apparatus, charged with carrying out administrative, financial, and procurement services. The military's judicial autonomy in its internal administration and military policy were enhanced by the constitutional and legal changes made during the military-led interim regime (1971–1973). Military-owned state

property was exempted from audit by the Court of Accounts (CoA), and administrative disputes concerning military authorities or military matters were exempted from civilian review with the establishment of the Supreme Military Administrative Court (Özbudun 2000, 111). Law No. 1612, dated July 26, 1972, established a military-dominated SMC as the organ responsible for military promotions, appointments, and disciplinary measures. The SMC was headed by the Prime Minister and comprised the Minister of National Defense and 15 four-star admirals/generals, and was also responsible for reviewing the military's strategic concept, as well as the main programs and any legislations and regulations concerning the armed forces. Although the council was chaired by the Prime Minister, the promotions and appointments were decided by military high command, while military programs and strategic planning were subject to only cursory civilian review. Attempts of civilian policy-makers to influence the military's monopoly on promotions backfired twice in the second half of the 1970s, and the military's autonomy in deciding on personnel further increased with the exemption of SMC decisions from judicial review under the 1982 Constitution (Özbudun and Yazıcı 2004, pp. 36–37).

In addition to its enhanced institutional autonomy, the 1961 Constitution defined the NSC, comprised of leading members of the government and the high command, as an advisory body to the cabinet "in the making of decisions related to national security and coordination". The 1982 Constitution further increased the number of military members at the expense of civilians, and strengthened the authority of the NSC in national security policy making, stipulating that the Council of Ministers is required to prioritize the recommendations of the NSC (Article 118). The Law on the NSC and NSC General Secretariat No: 2945 of September 9, 1983 further extended military power in national security policy making by establishing a military-dominated permanent secretariat to develop and monitor security policy (Article 4). The General Secretariat, headed by a general/admiral and composed predominantly of military officers, was given important executive and supervisory functions, being authorized to pool all intelligence and conduct research, to develop plans for determining national security policy, and to monitor the implementation of NSC decisions by directly requesting information from relevant ministries, as well as state and private institutions. Such broad functions, combined with a broadly-defined concept of national security that included the "protection and maintenance of the state's constitutional order, national presence, integrity, its political, social, cultural and economic interests on an international level against any kind of internal and foreign threat" (Article 2), enabled the military to use the NSC and its secretariat general as a platform for putting forward its own political agenda in post-transition Turkey (Ahmad 1993; Sakallıoğlu 1997).

9.3 Civil-Military Relations After the 1983 Transition

The military-led re-transition to competitive politics in October 1983 was, according to Ergun Özbudun (2000), "almost a textbook example of the degree to which a departing military regime can dictate the conditions of its departure" (p. 117). In addition to its enhanced role in national security policy making, the 1982 Constitution also granted the military important tutelary powers and exit guarantees, and banned all officials who had belonged to a political party prior to the September 1980 coup from active engagement in politics for a period of 10 years.

Despite the initial unfavorable conditions rising out of the military's extended role, Turgut Özal, demonstrating strong leadership as Prime Minister (1983–1989) and then as President (1989–1993), was able to establish civilian supremacy in security and defense policy-making in the first decade of post-transition politics. Özal's successful economic reforms, his high political capacity, arising out of his strong leadership skills and parliamentary majority, and his willingness to take the lead in determining security and defense policy contributed to his success in establishing de facto civilian control over the armed forces (Kuloğlu and Şahin 2006; Aknur 2005). Özal's formation of a civilian-led procurement agency—the Undersecretariat for Defense Industries (UDI)—in 1985, the bypassing of the military's preferred candidate and appointment of the president's own candidate, Necip Torumtay, to the CGS in 1987, and Özal's election to the presidency in 1989 were milestones in the process of establishing civilian supremacy over the military. Özal also took the lead in a growing number of decisions related to security and foreign affairs, in particular, his active (albeit unconstitutional) role in formulating foreign and security policy during the Persian Gulf Crisis of 1990/1991 (Özbudun 1996, p. 131; Hale 1994). His unilateral handling of this affair led CGS Torumtay to resign, indicating, in President Özal's words, "the distance Turkey has traveled along this road since 1980" (Hale 1994, p. 293).

A number of structural developments in the 1990s, including the higher external uncertainty and the rise of internal threat perceptions in the post-Cold War era due to armed ethnic separatism and political Islam as well as the increased fragmentation of party politics in the wake of Özal's death in 1993, created the opportunity for the Turkish military to extend its institutional and political autonomy once again. In leading weak coalition governments, politicians committed to policies that increased military leverage to advance their own political interests. In the face of formidable political opposition to her government, Prime Minister Tansu Çiller (1993–1995) gave the military "virtually a free hand in dealing with the Kurdistan separatist movement" (Demirel 2004, p. 135). Along with the escalation of the Kurdish insurgency, Islamist political parties also began to demonstrate greater strength in elections in the 1990s. Under Necmettin Erbakan's leadership, the Islamist Welfare Party (RP) won 8% of the vote in 1987, 16% in 1991, and garnered the plurality of votes in the late 1995 elections (21%).

Under the unstable coalition of Erbakan's Welfare Party and Ciller's True Path party (1996–1998), the Turkish military extended its role in nation's security and defense policy. Adopting the so called "two and half war doctrine", the Turkish military launched an effective deterrence policy and in 1996 put heavy pressure on Damascus to end its support of the PKK (Özcan 2010). The ultimatum given by 1st Army Commander Atilla Ateş to Syria in September 1998 resulted in Syria's deportation of PKK leader Abdullah Öcalan a month later and his eventual arrest in 1998. To deter Syria, the Turkish military also played a key role in forging an intimate military cooperation with the Israeli Defense Forces in 1996, despite the different foreign policy preferences of the Islamist Welfare Party-led coalition government. Without any civilian input, the Turkish military also adopted a new National Military Strategic Concept (*Milli Askeri Strateji Konsepti*—MASK) in 1997, which shifted military doctrine from strategic defensive to strategic assertive, and defined "reactionary Islam" as the number one threat. The NSC adopted a new National Security Policy Document (*Milli Guvenlik Siyaseti Belgesi*—NSPD) in April 1997 that identified, in order of priority, reactionary Islam and separatist terror as the primary security threats to the country. The "threats to Turkey's unitary state quality" and "threats to the principle of secularism" stipulated in Articles 2 and 44 of the Constitution were identified as the most important internal threats in MoND's White Papers (1998, 2000).

The opposition parties, as well as much of civil society, hardly objected when the generals requested, during a regular NSC meeting on February 28, 1997, to implement a list of 18 specific measures to tackle reactionary Islamism. As a result of an unprecedented public campaign led by the military and its civilian allies, including business associations, workers' unions, the mainstream media and the higher judiciary, the Erbakan government was forced to resign in June 1997. The Welfare Party was dissolved in 1998, and Erbakan and five other leadership figures were banned from politics for 5 years for "using religion as a tool" in the political arena. Istanbul's popular mayor from the Welfare Party, Recep Tayyip Erdoğan, was imprisoned for "inciting people to hatred and enmity on the basis of religious differences", and an investigation was opened against popular preacher Fethullah Gülen for systematically trying to penetrate the "most vital points" of the secular state, including the army, resulting in him fleeing to the United States. More than 700 officers—most perceived to be Gülen sympathizers—were dismissed from the armed forces on charges of involvement in reactionary Islamism in the second half of the 1990s (Hürriyet 2009).

A decade later, however, the positions of power and influence in the Turkish political system have been almost completely reversed, with the alliance formed by Erdoğan's ruling Justice and Development Party (*Adalet ve Kalkinma Partisi*—AKP) and the Gülen movement succeeding in subordinating the armed forces to civilian control.

9.4 Defanged Military Under the AKP Government (2002–2016)

This paradigmatic shift was triggered by the EU's demands of military reform during Turkey's membership application process (Eldem 2013; Bilgiç-Ünlü 2009; Tsarouhas and Duman 2006; Güney and Karatekelioğlu 2005; Heper 2005; Sarıgil 2007). The recognition of Turkey's EU membership candidacy at the Helsinki Summit in December 1999 and the required alignment of Turkey's CMR with that of EU best practices changed the domestic opportunity structure in favor of civilian governments. External benefits tied to specific EU conditionality not only increased the cost of maintaining the institutional status quo, but also empowered civilians by putting the removal of the military's institutional prerogatives high on the domestic agenda, providing negative feedback to the military's observed behavior and offering civilians "rhetorical use" of EU norms as strategic resources (Sarıgil 2007; Eldem 2013). After winning the November 2002 national elections, the AKP capitalized on this external opportunity by radically altering its previously anti-West, anti-EU position. This newfound pro-EU identity not only increased its domestic and international legitimacy, but also its political capacity by permitting it to utilize the EU accession process as a shield against the military, as a legitimization resource in policy-making, and as a focal point in political coalition-building. The AKP's informal alliance with pro-EU groups and its effective framing of reforms targeting the military's prerogatives as requirements for Turkey's Europeanization constrained the military's veto power during the AKP's first term in office, as military commanders had previously issued several statements supporting the membership bid. Turkey's commitment to full EU membership was upheld in the official declaration of the NSC's historic February 28, 1997 meeting and in the national security policy papers of 1997 and 2002. For most commanders, Turkey's EU accession would not only bolster Turkey's security and economic prosperity, but would also prove Turkey's European and civilized identity, marking the successful completion of Atatürk's revolution. Turkey's deteriorating relationship with the United States in March 2003 at the start of the Iraq War and its decreasing ability to rely on U.S. support made the EU "the only game in town" in the eyes of most officers. When the AKP government initiated the seventh EU harmonization package in August 2003, which included the reform of the NSC and its Secretariat General, two crucial institutions through which the military shaped Turkey's broadly defined national security policy, the military high command remained compliant (Eldem 2013).

The amendments to the Law on the NSC and NSC General Secretariat No: 2945, adopted as part of the Seventh Harmonization Package, defined the duties of the organizations in a more specific and limited way. They reduced them to advisory institutions, increased the period between NSC meetings from 1 to 2 months, and revoked the authority of the CGS to convene meetings. The General Secretariat's authority to follow up—on behalf of the president and the Prime Minister—on the implementation of any recommendation made by the NSC was transferred to the

Deputy Prime Minister (Article 19), and the requirement that the Secretary General of the NSC to be a full serving general/vice admiral was amended, allowing civilians to serve in this office. Yiğit Alpogan, a career Turkish diplomat, was appointed as the first civilian Secretary General, and quickly opened the Secretariat's doors for the first time to members of the domestic and international media, civil society organizations, and embassy press secretaries (Hürriyet 2004). Despite the internal disputes within the military, the General Staff complied without contestation when the civilians pursued foreign and security policies that conflicted with its own, such as Parliament's refusal to join the American-led coalition forces in the 2003 Iraq War and the government's support of UN Secretary General Kofi Annan's peace plan for the resolution of the Cyprus dispute in 2004.

Although references to the EU's reform priorities in the Accession Partnership Document were included in the constitutional referendum process of 2010, CMR in the second (2007–2011) and third (2011–2015) terms of AKP rule, were, in fact, largely driven by domestic factors. The party's consolidation of power in state structures, as well as the weakened credibility of Turkey's membership perspective following the freezing of the accession process in 2006, reduced the impact of the EU and its democratization agenda. Civilian control over the military was, however, further entrenched thanks to some effective strategies of the AKP governments. These included a call for early elections following the military's failed attempt to prevent the government's presidential candidate in April 2007 via an e-statement published on the TGS' website, the effective strategy of victimization based on the unjust treatment by state elites used during the election campaign, and the AKP's ability to garner mass support during the July 2007 elections (an increase from 34% of votes in 2002 to 47% in 2007), all of which enhanced the political capacity of the government.

The 2007 military e-memorandum against AKP candidate Abdullah Gül and the Constitutional Court lawsuit against the governing AKP in 2008 aimed at closing down the party brought the AKP and the Gülen movement, both of which had grievances against the Kemalist state establishment, even closer together. This alliance would have very concrete results in the following years, with AKP-appointed Gülen sympathizers in the judiciary and police force largely shaping and controlling the controversial "Ergenekon" and "Balyoz (Sledgehammer)" coup conspiracy trials (Eldem 2013; Faltas 2012; Jenkins 2009, 2011; Rodrik 2011; Rodrik and Doğan 2010). This, in turn, triggered the AKP's call for a referendum to amend the 1982 Constitution to limit the military's remaining privileges in the legal system. The 2010 constitutional amendments limited the jurisdiction of military courts to strictly military offences, and authorized civilian courts to prosecute military officers for crimes against the state (Article 145). The amendments also removed the controversial Article 15, which had prevented the prosecution of officials involved in the military coup of 1980, and opened the decisions of the SMC regarding the discharge of military personnel to judicial review (Article 125).

The constitutional changes allowed active-duty officers to be put on trial in civilian-led specially authorized courts, thus clearing the way for the "Sledgehammer" case to proceed. After years of detention, a total of 331 serving and retired

military personnel in September 2012 were convicted of plotting a coup in 2003—allegedly codenamed "Sledgehammer"; while in a separate case in August 2013, 254 suspects, including several active-duty military officers as well as a former CGS, Ilker Başbuğ, were given lengthy or life sentences on charges of attempting to overthrow the government through an illegal organization called "Ergenekon". The sham trials and the TGS' weak performance in holding accountable those responsible for the leaks and fabricated evidence not only tarnished the public image of the armed forces and shattered military morale but also exacerbated the division within the army, seeding a climate of fear and suspicion among the officer corps.

The government-Gülen alliance, on the other hand, effectively used these operations to reshape the top echelons of the military. In 2009, breaking a 33 year-long tradition, a deputy chief of naval forces was appointed as commander of the Northeastern Sea Area after General Öğütcü was forced to retire due to his alleged participation in the Ergenekon plot (Hasan 2009). In the following year, CGS Ilker Başbuğ's recommendation of promoting 1st Army commander Hasan Iğsız as the next commander of the Land Forces was vetoed, and all of the officers allegedly involved in the Ergenekon and Sledgehammer conspiracies were denied the right to promotion. Following the resignation of the TAF High Command in July 2011 in protest over the loss of promotion rights of hundreds of detained military officers, Prime Minister Erdoğan consolidated his supremacy over the promotion and appointment of top-commanders. The 69 admirals and generals that had been detained pending trial were all forced to retire between 2012 and 2014, and at an August 2013 SMC meeting Erdoğan appointed new force commanders and the commander of the gendarmerie. In the 2014 SMC meeting, 13 generals and admirals convicted in Sledgehammer—despite the charges having been overruled by the Constitutional Court—were forced to retire (Hürriyet 2014). The status of 46 colonels whose promotions had been suspended due to the Sledgehammer coup plot, came to the SMC agenda in August 2015, as the defendants were acquitted after retrial in March. Only three of the 46 colonels were promoted to a higher rank. Overall, since their beginning in 2008 these operations targeting military officers effectively enabled civilians to establish their supremacy over senior promotions, though at the expense of weakening the military's merit-based promotion system, cohesiveness and unity.

The de facto strengthening of civilian control over the military organization was followed by formal changes restricting the military's role in internal security. The TAF's role was redefined in late July 2013 amid a spate of anti-government protests related to the Gezi Park unrest—and shortly after the Egyptian military's overthrow of President Mohamed Morsi. Article 35 of the ISL was amended, removing the military's responsibilities for "protecting the Republic" and defining the TAF's duty as "to protect the Turkish homeland against threats and dangers to come from abroad". Article 2 of the same law, which previously defined military service as the "responsibility to learn and conduct the art of war in order to protect the Turkish homeland, independence and republic" was also amended, defining military service as simply the "responsibility to learn and conduct the art of war".

The General Staff's role in military intelligence and internal security were also restrained. Turkey's highest capacity electronic military intelligence base, including high-tech wiretapping facilities, known as the General Staff Electronic Systems Command (GES), was in January 2012 placed under control of the civilian National Intelligence Organization (MIT), subordinated directly to the Prime Ministry. In early 2010, the Protocol on Cooperation for Security and Public Order (EMASYA), which, under specific conditions, permitted the implementation of military operations without prior authorization from civilian authorities, was abolished, and with a series of amendments made in 2009 and 2015, civilian oversight over the gendarmerie's law enforcement activities were broadened. The authority to appoint, suspend, and supervise gendarmerie personnel in the provinces was transferred from the military's Gendarmerie General Command to the Ministry of Interior in mid-2015.

Government-military relations have, however, improved considerably following the power struggle between Erdoğan and his former ally Gülen in late 2013. In December 2013, corruption probes concerning four then-cabinet ministers were dropped as the AKP accused the "Fetullahist Terror Organization" (FETÖ) or the "Parallel State Structure" of illegal wiretapping and for establishing a "parallel" organization with the goal of overthrowing the government. Needing the army as a new partner in its power struggle, the government singled out the Gülen movement in its the crackdown on the military, accusing its followers in the police and judiciary of having conspired against the armed forces. Following the government's declaration of a "plot", the CGS filed a criminal complaint in December 2013 that suggested the evidence against serving and retired officers had been manipulated and fabricated, an argument confirmed by the independent forensic analysts hired by the defendants of the Ergenekon and Sledgehammer cases (Milliyet 2014). The fifth judicial reform package adopted in March 2014 abolished the specially authorized courts that oversaw these cases and reduced the maximum period of pretrial detention from 10 to 5 years, thus enabling the release of those convicted in the Ergenekon trial who had already spent more than 5 years in prison (Jenkins 2014). In April 2016, the Supreme Court of Appeals overturned their convictions, ruling that the existence of the "Ergenekon Terror Organization" was unproven (BBC 2016). Those convicted for the "Sledgehammer" conspiracy were also released pending trial in June 2014 after the Constitutional Court concluded that the defendants' rights to a fair trial had been violated (HDN 2014) and in March 2015, the whole case was dismissed in the retrial because the presented evidence was deemed "fabricated" (Hürriyet 2015a; HDN 2015).

The end of the peace process with the PKK in the summer of 2015 paved the way for the resumption of military operations against PKK targets both inside and outside the country, and strengthened the cooperation and collaboration between military and political leaders. The Turkish military strategy against the PKK shifted from a defensive to a "preventative strike" approach in 2016, targeting camps with strategic value for the PKK inside Turkey (Selvi 2016). A bill providing a legal shield to senior members of the Turkish Armed Forces (TSK) involved in anti-terror operations was approved by President Erdoğan on July 13, which can be

considered as part of the growing detente between the government and the military (Hürriyet 2016a).

This alliance of convenience, however, has limitations. As of early 2016, democratic control of defense and military policy still lacks institutionalization. More than existing institutions and oversight instruments, it was the widespread coup conspiracy cases that were used as a means of controlling the TAF. These policies, however, not only put military effectiveness at risk, but also impeded the development of a stable and institutionalized defense decision-making mechanism. The following section outlines the problems concerning effective civilian control instruments over defense and military policy and the effects of the coup-proofing policies on military effectiveness.

9.5 The Problems of Democratic Control of Defense and Military Policy

9.5.1 Low Political Control Over Defense Organization

Military power remains centralized in the CGS, which has a high level of vertical authority over the separate service branches. The civilian-led MoND is not part of the chain of operational command and does not incorporate the CGS. Since the 1960s, the CGS has been positioned one step below the Prime Minister in state protocol, and is subordinated directly to the Prime Minister. The CGS establishes the main programs, principles, and priorities in personnel, intelligence, operation, organization, training, education, and logistical services; and prepares the armed forces for war in coordination with the Land, Naval, and Air Force Commands, as well as other departments under the office of the CGS. The MoND is responsible for the recruitment of soldiers, securing funds and implementing military procurement, and domestic arms production, in accordance with the CGS's long-term needs and operational requirements.

Military appointees dominate the Undersecretariat of the MoND (UMoND), which is headed by a lieutenant general. The UMoND has administrative and financial functions, including logistics, personnel services, budgeting, and procurement of off-the-shelf requirements. Military personnel, including the vice undersecretaries and heads of departments, are appointed based not on their experience and specialization, but in line with the appointment regulations of the Land, Air, and Naval Forces Commands. Short-term appointments, which are 2–3 years for staff officers, lead to ineffectiveness in the defense organization. With the amendments made to the MoND Law in 2011, UMoND recruited more civilian defense policy advisors (Sabah 2012); yet the lack of civilian experts in defense and military policy remains a problem and a barrier to effective civilian input and oversight.

Defense procurements are undertaken by the UDI, which was established by the Özal administration in 1985 as a civilian procurement agency. The UDI,

responsible for developing a modern national defense industry and achieving the modernization of the TAF, is headed by a civilian undersecretary and is composed of civilian personnel. The Defense Industry Executive Committee, chaired by the Prime Minister and composed of the Minister of National Defense, the CGS, and the civilian undersecretary of UDI, is designated as the main decision-maker in the system. The Defense Industry Support Fund (DISF) was founded as an extra-budgetary financial resource to provide the organization with a stable source of income for modernization projects. Over the years however, it has become an important financial resource of military expenditures free from parliamentary control, covering approximately 15% of total defense expenditure and 44% of arms procurement and production in Turkey (Günlük-Şenesen 2002, pp. 70, 74). The Law on Public Financial Management and Control No: 5018, adopted in December 2003 as part of EU harmonization reforms, placed the UDI under the external auditing of the CoA. The accounts related to the revenues and expenditures of the DISF started to be audited following the General Assembly of CoA with Decision No: 5225/1, adopted on June 24, 2008. The CoA's ability to conduct effective performance audits of the UDI and DISF, however, remains quite restricted due to the limited information provided by the UDI.

In the last decade there have also been a number of reforms enhancing civilian decision-making power and centralizing arms procurements under the UDI. Amendments to Public Procurement Law No. 4734 in 2009 and 2012 placed the UDI in charge of all new procurements for the TAF, aside from those related to logistics and some particular projects handled by the UMoND, such as purchasing U.S.-produced F-16 fighter jets. Despite the empowerment of the UDI, duplications of procurement efforts continue to prevent the effective management of the defense sector, in that there are still several units in the UMoND and UDI working on military equipment procurement, logistic support, and technology and R&D activities. The concentration of these functions under a single agency would minimize costs.

9.5.2 Low Legislative Oversight Over Defense and Military Policy

The Turkish Constitution (Article 92) requires prior parliamentary authorization to send troops abroad or to permit the stationing of foreign troops on Turkish soil, except in cases covered by international treaties to which Turkey is a party or by international rules of courtesy. Despite its war powers, the Turkish Parliament has limited to no formal oversight powers of defense and security policy, or in monitoring military personnel policy. The top-secret NSPD, which contains the National Military Defense Concept as well as the essentials of the security and defense policies, is kept from legislative oversight and public debate. While the Turkish Parliament has a National Defense Committee, its powers are highly circumscribed

and it can only examine draft bills submitted by the parliamentary presidency. These limited powers have been further undermined by the lack of expertise and resources to carry out the oversight function to any great effect. Very few Committee members have done related coursework, possess a degree, or have any relevant job experience in the realm of defense or security, and there is very little stability in its membership, which hinders the ability of the committee members to develop expertise. This problem is compounded by a lack of expert research personnel to assist the members of the Commission in carrying out effective parliamentary control, as the Commission only has four personnel—an expert, a secretary, a clerk, and an assistant (Eldem 2013, p. 356).

Legislative oversight of the military budget also remains ineffective. Although military institutions, like other public institutions, inform the Ministry of Finance and Parliament about their annual budget requirements each year, the MoND's budget requirement is 2.5 pages long, limited to very broad categories of expenditure, and lacks sufficient information for effective ex ante oversight (Yentürk 2014, p. 16). Despite some legal regulations enhancing ex post oversight of military expenditures, actual legislative control over military assets exists only in a limited sense. The seventh EU harmonization package (Law No: 4963) adopted on July 30, 2003 and coming into effect in 2006, enabled the CoA to inspect military-owned state property on behalf of Parliament. In May 2004, Article 160 of the Constitution was repealed, giving the CoA the constitutional right to inspect military-owned state property on behalf of Parliament, although the new law was adopted only in 2010, after a six-and-a-half-year delay. The new CoA Law (No: 6085) adopted in 2010, however, failed to improve the CoA's ability to conduct effective performance audits of military institutions and the transparency of its reports on military assets (Yentürk 2014, p. 8; Kemal 2012). Given this lack of transparency and oversight, Turkey's defense sector was categorized by Transparency International UK in 2015 as having a "high risk of corruption".

9.5.3 Weak Military Effectiveness

With 626,000 personnel, the majority of whom are conscripted, the TAF is the world's eighth largest, NATO's second largest, and Europe's largest military. In terms of conventional military power, Turkey ranked tenth in the 2015 Global Firepower ranking. Until the 2000s, defense received the greatest share of the national budget. Military spending began to increase in the early 1990s and reached a peak in the late 1990s, averaging 4% of the country's gross domestic product (GDP) (SIPRI 2016). Despite the absolute nominal increase in military spending, according to SIPRI data, Turkey's defense expenditures as percentage of GDP in the 2000s dropped from 3.9% in 2002 to 2.1% in 2015. The budget share of the Ministry of Defense fell from 11.4% in 2002 to 5.3% in 2014 (Günlük-Şenesen and Kırık 2016, p. 82). Nonetheless, with $22.6 million, Turkey is still on SIPRI's top military spenders list, ranking 15th in 2014. In addition to the NATO requirement

of an allocation of a minimum of 2% of GDP to defense, Turkey's ambitious force regeneration programs and defense self-sufficiency targets also necessitate higher spending. The list of ongoing and announced programs indicates nearly $70 billion worth of spending until 2023, excluding smaller programs and others the government may launch in the meantime (Bekdil 2014). The TAF's 2033 Strategic Plan—presented to the President and the government in 2014—aims to complete the modernization of military equipment and force structure by 2033, which will demand an increase in military spending over the next two decades (Hürriyet 2015b).

Turkey's significant military capabilities and its ability to use it to advance and protect its interests are under threat from the poor state of military cohesion, morale, and human capital resources. The allegations against military officers and the purge of a high number of senior military officers during the "Ergenekon" and "Sledgehammer" cases have not only demoralized the officer corps, but also resulted in a loss of human capital resources, leaving military proficiency in jeopardy. As a result of these operations, the TAF has lost 68 generals and admirals, which makes one fifth of total generals/admirals, as well as almost 200 military officers, mostly at the rank of staff colonel. The detention of such a high number of high-ranking personnel resulted in the cancellation of two major joint military exercises in 2011, Denizkurdu-2011 (Sea Wolf) and Efes-2011 (Ephesus). The most detrimental impact has been felt in the Turkish Naval Forces, which lost half of its admirals, including the Northern and Southern Sea Area Commanders, as well as more than 100 other officers. In an attempt to overcome complaints from the military about a shortage of generals and admirals, with so many in prison, the military service law was amended in February 2014 to include effectively reducing the period for promotion from 4 years to 3 for generals and from 5 years to 4 for colonels (Article 32, Law No. 6519, 2014).

The loss of prestige of the military profession has also impacted recruitment and retention. In 2012, an unprecedented number of 1067 officers asked for early retirement (Içgen 2012). Between 2010 and 2012, a total of 2119 commissioned and non-commissioned officers left the Turkish Air Forces voluntarily (Taraf, April 11, 2014). The operations and allegations against military officers have also been detrimental to the TAF's ability to recruit professional soldiers, with applications to military high schools in 2012 being 30% lower than in 2007. This has been matched by voluntary withdrawals from military schools, which have increased by 81.5% since 2007. A total of 1439 students left military schools between 2008 and 2012, compared to 325 from 2003 to 2007 (Sözcü, April 14, 2013).

TAF's problems are, however, not limited to a shortage of senior officers and low prestige. The most important problem jeopardizing military effectiveness concerns the lack of cohesion and unity among the officer corps, which has become apparent since 2007 in the leak of top-secret military documents, strategic antiterrorism plans, private medical files, personal diaries, and secretly recorded conversations of commanders as well as military personnel meetings. Most notable were the voice recordings of the former chiefs of general staff, Ilker Başbuğ and Işık Koşaner, in which they revealed their frustration with the military's state.

Referring to leaked documents, General Koşaner complained that the TAF had become an institution no longer in control of its own staff, unable to prevent an outflow of documents and helpless in the face of charges against its officers (Hürriyet 2011). Even after the overturning of the decisions by the Appeal Courts and despite the testimony of several victims of Ergenekon and Sledgehammer, the TAF failed to identify those responsible for the leaks and fabricated evidence that enabled the plots to proceed. General Bilgin Balanlı, the former commander of the War Academy and an ex-convict of the Sledgehammer conspiracy, noted in his petition to the Appeals court that "it would be naive not to believe that the 'parallel structure' [members of Gülen network] had also stationed its own people inside the army" (Çamlıbel 2015). The recovery of military effectiveness, thus, requires the identification and prosecution of those officers who were responsible for the leaks, as well as the rebuilding of institutional unity and mutual trust among the officer corps.

9.6 Conclusion

This article has shown that external factors as well as strong civilian leadership have affected the trajectory of defense and military policy in Turkey. The restructuring of defense organization in the late 1940s in line with democratic control standards was fostered by Turkey's accession to NATO. Although the new institutional framework did not last long, and military autonomy and influence in the defense and security structure was enhanced between 1960 and 1983, de facto civilian control over defense and security policy was established in the late 1980s under the strong leadership of Turgut Özal. Following a decade of extended military influence, largely a result of the weak coalition governments of the 1990s, the power structures reaffirmed during the post-modern coup of 1997 were successfully challenged and modified by a government with persistent and strong electoral support and international backing. EU membership prospects not only increased the costs of maintaining the institutional status quo, but also empowered civilians by directly defining their own parameters for military reform, and by providing negative feedback for unacceptable military behavior. Empowered by the EU, sustained electoral support and successful, albeit informal, counter-coup coalitions, the AKP government succeeded in establishing civilian control over security policy and limiting the military's political and judicial autonomy.

Existing civilian control over military and defense policy is, however, not firmly institutionalized, but based on the popularity of a strong leadership at a time of low military esteem. Coup-proofing initiatives, i.e. coup conspiracy operations and trials and other measures, such as sensationalist coverage of military leaks, wiretaps, and mistakes, have forced the military out of politics, but have also called into question the TAF's military effectiveness. Judicial prosecutions based on fabricated evidence have not only left the TAF short of hundreds of highly skilled and trained officers, including one-fifth of all generals and admirals, but also enabled civilians

to shape senior promotions at the expense of damaging the TAF's competitive and merit-based promotion system.

The abortive but bloody coup attempt on July 15, 2016, conducted outside of the military command hierarchy, suggests that the specific form of coup-proofing attempts pursued by the Turkish government, namely wide-sweeping military purges, failed to weaken the military's disposition to launch coup d'états. A cursory review of the failed coup attempt and the developments in its immediate aftermath reveal not only deep divisions within the military, but also the repercussions of outside interventions on the fractionalization of officer corps. Although only 1.5 percent of the military 1.5 participated in the coup, this included 152 (out of 356) generals/admirals, mostly lieutenant and major generals, making up around 40% of the TAF's total generals and admirals. Purging allegedly disloyal but qualified officers during the Ergenekon and Sledgehammer operations seems to open the way for the promotion of those that participated in the failed coup (Gürsel 2016; Ergin 2016; Hürriyet 2016b). Ironically, some of the officers who spent years behind bars in the sham trials were instrumental in halting the coup (HDN 2016), and most of those remaining in the TAF were promoted to a higher rank at the SMC meeting of July 28, 2016.

The government considers Fethullah Gülen, who is accused of a long-running campaign to undermine the state through supporters within Turkish institutions, as the mastermind of the July 2016 coup plot, a conviction shared by the acting chief of general staff, Hulusi Akar. In his testimony given to Ankara Chief Prosecutor on July 17, General Akar confirmed that the officers who detained him on the eve of June 15, "offered [him] to [be] put in touch with [their] opinion leader, Fethullah Gülen" (Cnnturk, June 25, 2016). The TGS called those involved in the coup attempt "terrorist traitors, established themselves in the Turkish armed forces as members of an illegal gang (FETO)", and condemned them for "defaming the Turkish state, its history, and its honorable armed forces" (July 19).

As of fall 2016, many questions about the coup attempt remain unclear and mysterious, and it is therefore difficult to reach a generalizable conclusion about the motivations and aims of the officers who participated in the coup. Undoubtedly, however, the bloody attempt that killed hundreds of civilians who took to the streets following Erdoğan's call not only caused a major blow to the TAF's institutional legitimacy and public trust, but also provided the incumbents an unprecedented opportunity to reshape Turkey's defense and military structure. Under a state of emergency, the cabinet bypassing the parliament overhauled the existing defense organization and adopted a series of coup-proofing measures to weaken the military's ability to act against the regime. These measures included the subordination of the gendarmerie and coast guard commands to the interior ministry and the empowerment of the police by allowing it to use military weapons and other assets belonging to the gendarmerie and the coast guard (The Decree Law No. 668 dated July 27). Interior Minister Efgan Ala vowed that the police would also acquire heavy weapons (Cumhuriyet 2016). The Decree Law No. 669 adopted on July 31 subordinated the force commanders directly to the Minister of Defense, detaching them from the command of the TGS (Article 33) and giving command

authority to the President and the Prime Minister over the force commanders as well as their subordinates (Article 36). President Erdoğan asked for a constitutional amendment to subordinate the Chief of General Staff directly under the Presidential Office, which would exacerbate the potential communication and coordination problems between the force commands and the TGS. Moreover, by annulling the necessity that the chief of the TGS must have "served as a force commander" (Article 27) and allowing the President to choose the chief of TGS from Turkey's remaining 14 four-star generals and admirals enhances the risk of politicization (AA 2016). The closure of all military schools and war academies, transfer of all the students to civilian schools and universities, and the dismissal of 3073 soldiers, including 158 admirals/generals, combined with the overall low morale of the officer corps, pose serious challenges for the TAF's operational ability and deterrence potential.

If the government's allegations concerning the existence of political faction within the military but outside of the official military hierarchy are true, their purge should help to reestablish the TAF's chain of command and cohesion. The haphazard and reactive reconstruction of Turkey's defense and military structure, however, poses critical challenges to TAF's military effectiveness that would take decades to overcome.

Coup-proofing measures, particularly counterbalancing and purging the officer corps, although considered an important deterrent of coup activity (Belkin and Schofer 2005; Powell 2012; Quinlivan 1999; Nassif 2015), are typically considered detrimental to military effectiveness. Cross-national research suggests that coup-proofing measures tend to weaken soldiers' leadership qualities, initiative skills, and the ability to coordinate military units, which in turn weaken performance on the battlefield (Pilster and Böhmelt 2011; Makara 2013; Biddle and Long 2004; Brooks 2006; Brooks and Stanley 2007). Notably, military ineffectiveness offers an environment suitable for civil conflict, as rebels are likely to seize upon the opportunity when they are in a position of strength relative to the regular army. Philip Roessler (2011), studying the effect of coup-proofing on internal conflict, demonstrates that coup-proofing increases the risk of civil war. In the face of growing prospects of an autonomous Kurdish region in northern Syria, or even an independent Kurdish State in the Middle East, Kurdish insurgency and secessionism remain the paramount security threat that Turkey faces, and the recent coup-proofing measures pose critical risks for the TAF to effectively counter such existential threats.

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