

PILDAT

**International Conference
Civil-Military Relations**

October 21-22, 2008
Hotel Avari, Lahore, Pakistan

**CIVIL MILITARY RELATIONS
IN TURKEY:
A QUIET ACCEPTANCE,
A QUIET CHALLENGE**



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Preface

Civil Military Relations in Turkey: A Quiet Acceptance, A Quiet Challenge is a paper presented by **Dr. Volkan Aytar**, Programme Officer, Turkish Economic and Social Studies Foundation (TESEV), at the **PILDAT International Conference on Civil-Military Relations**: October 21-22, 2008, Lahore, Pakistan.

PILDAT International Conference on Civil-Military Relations was held from October 21-22, 2008, at Lahore, Pakistan. The objective of the Conference was to showcase international and regional experiences and best practices in improving civil-military relations. Experts on civil-military relations from India, Turkey, Indonesia & Europe were part of the conference to present case studies and best practices on how to maintain and manage civil-military relations within an established constitutional and legal framework and move towards democratic consolidation. Pakistani Experts and academics, representatives of political parties and a large number of young professionals and students also participated in the two-day conference to discuss and brainstorm issues affecting civil-military relations in Pakistan and to reiterate the parameters of exclusive domains, as well as the overlapping and shared areas, of the civil and the military in Pakistan as a way forward for the country.

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Profile of the Author

Dr. Volkan Aytar

Dr. Volkan Aytar holds a B.A. degree in Political Science (Bilkent University, Ankara, Turkey), M.A. degree in Sociology while he is a doctoral candidate at the State University of New York. Since 2004, he is a researcher and administrator at TESEV's Democratization Programme, with a particular emphasis on Security Sector Reform, including Civil-Military Relations, Police Reform and Empowerment of the Civil Society and the Media. He also directs DCAF-TESEV Book Series in Security Sector Studies. He is the editor of *Democratic Oversight of the Security Sector: Turkey & the World* (2005), and author of *Metropol* (2005). He is an Editorial Board member of *Istanbul Journal of Urban Culture* and teaches sociology classes at Istanbul Bahçeşehir University's Faculty of Communications. His co-edited book (with Jan Rath) entitled *Gateways to the Urban Economy: Ethnic Neighborhoods as Places of Leisure and Consumption* will be published in 2009.

A Highly Personal 'Preface'

"*Jive Pakistan!*" As a nine year old kid in the year 1980, this was among the most familiar sentences I kept hearing on TRT, Turkey's state-owned and the only television channel back then. We heard these sentences very frequently at the songs of children's shows, documentaries and other programming. We were told that it meant "Pakistan the beautiful!" (or perhaps, "Long Live Pakistan," we were not too sure, really) in this beautiful country's 'local' language. At the primary school, in the years 1980, 1981 -and even until 1987- we continued hearing from our teachers how Pakistan was a beloved, "friendly and brotherly country". So, most Turkish kids of my age espoused a very Pakistan-friendly attitude: we all loved "*Jive Pakistan!*" Yes, we loved Pakistan, we did not know why, but we did it anyway -but probably for the wrong reasons!

Of course, as kids, we did not know -nor would we have cared much, even if we knew- that this mutual friendship promoted on airwaves and by our teachers were strangely coming out of the blue. Although documentaries and so-called 'cultural' programmes kept insisting on "long, historical ties" between Turkey and Pakistan, it was a little strange that these ties were only discovered starting from September 1980. Yes, Pakistan, just like Turkey, was a Muslim country but it was a little wierd to keep hearing "*Jive Pakistan,*" but not, for example, "Bahrain the beautiful," or Iraq, Iran, Indonesia, or Algeria being beautiful, in their own ways, perhaps...

Later, it became clearer to some of us that this 'friendship' had more to do with 'brotherly,' or even 'manly' interpersonal relations between the two heads of the military juntas in Turkey and in Pakistan, Generals Kenan Evren and Muhammad Zia ul-Haq, respectively, who had apparently and rather strongly felt that Turkish and Pakistani kids (and the rest of the TV audiences) had to be 'instructed' to love one another. As Evren's Turkey was becoming 'lonelier' in international relations following the military coup d'état on September 12, 1980, brotherly and friendly warmth of Zia-ul-Haq's Pakistan was certainly more than welcome.

Beyond children's shows and so-called 'cultural' programming, audiences in Turkey were told at serious news programming that the government in Pakistan was considering recognizing Turkish Republic of Northern

Cyprus (*Kuzey Kıbrıs Türk Cumhuriyeti*, KKTC) as an independent country. Although this never actually materialized, it felt good for a while to hear that there would be a second country outside of Turkey, in the entire globe, to recognize KKTC and end this international isolation and loneliness. Indeed, Pakistan made us feel less lonely in lonely times, when no one apparently liked us, and even wanted to 'destroy,' 'split up' or 'attack' our beloved country, for one reason or the other. Against all these insidious, conspiratorial forces, Pakistan was a true friend, a brotherly nation, making us feel less lonely.

It took us a while to realize that Pakistan's jails were full of 'regime opponents' and 'internal enemies,' just like Turkish prisons, which included thousands of tortured 'political criminals,' 'anarchists' and 'terrorists.' As kids we were oblivious to these, obviously, but our parents may have known it better. That is why my late father, for example, did not share my naïve enthusiasm for "*Jive Pakistan*" and did not speak highly of either Evren or ul-Haq. Still, my father and mother -both still loyal to their left-of-centre convictions- voted "Yes" in the constitutional referendum of 1982, together with the 82 per cent of the electorate.

The junta was pleased to see their draconian constitution popularly approved and General Evren installed as the President of the Republic for the next seven years. I overheard my parents trying to defend their vote to my angry brother and sister: "we don't like to generals either, but they at least stopped the ideological, sectarian violence. In the referendum they [junta] left us no other choice. We either had to vote 'Yes,' and hope to have civilians re-assume power in a few years' time, or vote 'No' and let the junta rule forever. So this is the best choice in these circumstances." Indeed, in the campaigning, it was practically impossible to promote a 'No' vote. The junta even had the ballot envelopes made out of very thin paper material which made them almost see-through. A mix of fear, quiet subordination and a hope for the future seemed to underline the choices of the many, including my parents.

Indeed, the general legislative elections in 1983 and local elections in 1984 dispelled the myth that the Turkish people were completely supporting the junta, as Turgut Özal's Motherland Party (*Anavatan Partisi*, ANAP) emerged as the ruling party, with landslide victories. While the Nationalist Democratic Party (*Milliyetçi Demokrasi Partisi*, MDP) led

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by a retired General Turgut Sunalp was clearly the junta's preferred choice, Özal's ANAP survived the coup period as one of the strongest centre-right-wing ruling party in modern Turkish history. MDP had to shut itself down as early as in 1986.

Electorate's seemingly contradictory choices in the constitutional referendum and two subsequent elections could be seen as simple events, but I would claim in this paper, that, they are more symbolically indicative of a more general mood in Turkey, deeply ingrained in the citizenry's psyche: A quiet attitude symptomatic of both a 'militarist' attitude, and emergent tendencies of pro-civilian, pro-democratisation and pro-reform positions. Turkish society respects the military, but does not usually do what the military tells them to do. In this paper, I will analyze the basic parameters of this situation to comprehend the army's longitudinal political and social role in Turkey.

As the heir of a dismantling world Empire, the Republic of Turkey was established amidst a chaotic intermingling of new hopes and longitudinal fears. Facing the double impact of the rise of ethnic nationalisms, and changing dynamics, norms and applications of the world diplomacy, the reformist state elites of the late Ottoman period had tried to walk on a thin line of having to balance the requirements of an emerging and increasingly consolidating world order, with that of keeping what is left of an once glorious empire.

The 'Baggage' of History: Bargain between the State and Society on Security and Rights

Constant population movements, most chiefly of Muslim groups away from the newly established Christian nation-states towards the heart of the shrinking Empire may be said to have contributed to the development of a new type of 'bargain' between the state and the imperial subjects. This bargain was based on an allegiance to a protective state apparatus and passive subjection to its rules, thus an exchange of rights and liberties with defence and security.

Established on this very bargain, and faced with new threats of unfriendly intrusion, the new republic tried to sustain the territorial congruity and social homogeneity of the country through a mixture of administrative/coercive fiat and mass political socialisation. Sensing the need to construct allegiance in a country populated by migrants and battle sick groups, the new republican elite took the previous bargain at a different and higher level by instituting republican citizenship as a concrete implementation of the exchange of rights and liberties with defence and security.

Addressing this bargain from a different yet related angle, Aydın argues, the "fact that Ottoman Empire/Republic of Turkey is demographically shaped by complex, interwoven and successive waves of migration and their associated traumas is one of the main shaping factors of the state-citizen asymmetry."¹ Aydın also claims that "the relationship between the citizen and the state is one determined by the dual expectations/requirements of fear and security whereby the state is perceived and conceptualized as a body mimicking the role of the patriarch."² The sheer value of citizenship rights has not yet been ingrained in Turkish popular mentality as well as prolonged bureaucratic perceptions. Longitudinal attitudes still lend support to an asymmetrical model of an all-powerful state and passive citizen.³ Thus, the particular loci for the citizenry were strictly defined according to the needs and expectations of the state, and citizenship rights were "granted" in a top-down manner.

Securitization of the State and Society

The unbalanced relationship between the state and the citizen was also superimposed on geopolitical as well as internal political developments that further exacerbated the erosion of citizens' rights, and that created conditions for an asymmetrical type of relation between the civilians and the military by placing extreme emphasis on a discourse of the security of the state, thus effectively 'securitizing' the state and the society as a whole. Helped by a permissive international atmosphere marked most chiefly by the Cold

1 See, S. Aydın, "Amacımız Devletin Bekası": Demokratikleşme Sürecinde Devlet ve Yurttaşlar, TESEV Publications: Istanbul, 2005, p.8. For an English-language summary, see, http://www.tesev.org.tr/eng/events/ndemoc_axis_state.php.

2 Aydın, *ibid.*, p. 8.

3 However, it should be noted that this powerful mental model greatly overshadows the richness of social realities in Turkey. Aydın, for example, argues against such "simplified assumptions pitting powerless citizens against an oppressive state" by showing that "in a far complex reality, administratively constructed mentalities are highly internalized, functionalized and operationalised by individuals". Aydın, *ibid.*, p. 8.

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War (whereby pro-western 'authoritarianism' was preferable than pro-Soviet 'totalitarianism,' and citizens' rights could easily be abandoned and/or abridged for the sake of state's and its allies' security); Turkey became a NATO member with a strong and socially popular army. In this particular regard, the bearing and prolonged impact of the Turkish Armed Forces (*Türk Silahlı Kuvvetleri* – TSK) has been critical.

In its self-defined role as the 'protector of the republic,' TSK wielded significant power to define the strict contours of the security and defence requirements of the state, that were seen as being 'naturally' above politics, thus as 'higher' issues that could not be discussed or altered by the elected governments, let alone by individual citizens. Reminding Aydın's notion of the separation between the state and government, the former sphere was the domain of the military and bureaucratic elites deciding on the security and defence agenda, while the latter sphere was seen to be peopled by 'unreliable' (and mostly 'corrupt') civilian politicians that need to be directed to rubber stamp pre-made decisions.

In this context, the experience with multiparty democracy was marred by four military interventions (those overt or nearly overt military coup d'états in 1960, 1971 and 1980; and the "post-modern" coup in 1997), as well as the constant mobilization of an overbearing political discourse of security and defence. The discourse of security and defence, which was to a great extent adopted by majority of the masses, and left rather unquestioned in the world system of states, provided little room for the development of genuine citizenship consciousness, let alone constitutional guarantees for the defence of citizenship rights.

Shifting Ground: A Changing Environment of Rights and Security

With the end of the Cold War since the mid-to-late-1980s, and through Turkey's latest experience with pluralistic democracy since 1980, the security and defence

environment, as well as the discourse and implementations of citizens' rights have changed considerably. Firstly, Turkey lost its former position of a bulwark against the communist pact, and found itself in an increasingly complex and chaotic world and regional environment that was further underlined because of the flaring up of the social unrest and violent conflict in the south-eastern and eastern Anatolia.

Secondly, again at the international plane, the classic separation between defence and security or between external security and internal security quickly faded. Third, since the attacks of September 11, 2001, international terrorism gained a new and more threatening face, which, coupled with the Allied invasion of Iraq, added even more complex and chaotic dimensions to the conceptions and perceptions of, and solutions to the security problems.

Fourth, in Turkey, the double impacts of increasing social demands towards more democratisation and the country's European Union membership bid paved way to numerous democratic reforms and changes, including important changes in legislation and administrative practices, as well as the widening of the discourse of democratic citizenship. Turkey's European Union membership bid has been greatly helped by a sustained political will, as well as increasing social demands towards democratisation.

The Development of Civil Society since 1980

One could argue that Turkey's state-centred polity has significantly weakened the development of civil society. In this sense, the role of the military coups deserves notice. Ünlü argues that, "(a)long with the 27 May 1960 military coup d'état and the 12 March 1971 military 'Memorandum' [*muhtıra*], the coup of 12 September 1980—which rendered organisations, foundations and civil society formations, as well as the more institutional and organised structures of democracy, such as the media and the parliament dysfunctional—continued to make itself felt through its traumatic effect on the civil society consciousness and the 1982 Constitution."⁴ With the coup of 12 September all NGOs as well as political parties were shut down and their property seized. A total of 23,667

4 F. Ünlü, "Non Governmental Organisations", in Ü. Cizre (ed.) Almanac Turkey 2005: Security Sector and Democratic Oversight, DCAF-TESEV Series in Security Sector Studies, TESEV Publications: Istanbul, 2006, p. 190.

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organisations were shut down.⁵

With the coup, the social and organisational dynamism dating back to 1960s was harshly halted. One could claim that the primary aim of the junta was to atomize society by conducting a politics of “anti-politics,” whereby social debates and discussions as well as the diverse voices in society were muted. All in all, the coup of 12 September was among the highest points in securitization of state and society.

Notwithstanding its heavy toll, the coup of 12 September gave way to a social dynamism of a different type. Since the early 1980s, organisations bringing together the victims of the coup were established. Ünlü lists the Families of Prisoners Assistance Association (*Tutuklu Hükümlü Aileleri Yardımlaşma Derneği TAYAD*), founded in 1984, as well as the Federation of Families of Prisoners Assistance Associations (*Tutuklu Aileleri Dayanışma Dernekleri Federasyonu, TUHAD-FED*) and the Support to Families of Prisoners Association (*Tutuklu Aileleriyle Yardımlaşma Derneği, TAYDER*) among such organisations.⁶

Among other significant additions was the Human Rights Association (*Ynsan Hakları Derneği, YHD*) which has shown significant visibility, continuity and impact when compared with previous, less influential organisations except for the Saturday Mothers (*Cumartesi Anneleri*), an informal group of activists bringing together the victims of the coup as well as those relatives of the disappeared persons, political prisoners and others. The Saturday Mothers became emblematic with their nearly regular demonstrations on Saturdays in front of the *Galatasaray High School in Beyoğlu, İstanbul*.

While their protests were frequently and violently dispersed by the police, their creative and colourful style of activism sometimes likened to the Mothers of Plaza del Mayo in Buenos Aires, Argentina, became a model to be followed by

similar groups and even at times by groups that are opposed to their agenda. Not only Islamic women with headscarves, feminist, gay and lesbian, left-wing and Kurdish activists, but also nationalist groups espoused Saturday Mothers-type of activism to attract attention to their plight. Indeed a group calling themselves the Friday Mothers (*Cuma Anneleri*) bringing together nationalist relatives of the members of the Turkish security forces killed or wounded fighting the separatism of the Kurdistan Workers' Party (*Partiya Karkêren Kurdistan, PKK*) briefly took to the streets in a similar fashion.

Later, the establishment of the Association for Human Rights and Solidarity for Oppressed People (*Ynsan Hakları ve Mazlumlar için Dayanışma Derneği, Mazlum-Der*) signalled the introduction of a healthy diversity into the human rights advocacy scene, whereby YHD was positioned to the left of the spectrum, while the Mazlum-Der was known to be closer to 'religious' sensibilities. Notwithstanding their differences, YHD and Mazlum-Der managed to cooperate on a number of issues to resist encroachments over citizens' rights. Considering that such a tradition of cooperation is significantly lacking in Turkey, YHD and Mazlum-Der's work emerge as path-breaking. Indeed, the state and mainstream media discourse branded both organizations as 'dangerous,' even as legal fronts for separatism and insidious activities.

The Susurluk 'Parenthesis': A Challenge to Shadowy 'Security' Apparatus

A car crash near Susurluk district of Balıkesir on 3 November 1996 signalled the beginning of a civil societal dynamism unparalleled in the history of the republic. In the accident, police chief Hüseyin Kocadağ, a convicted right-wing criminal on the run, Abdullah Çatlı and his girlfriend were killed, while the then ruling coalition partner, centre right True Path Party (*Doğru Yol Partisi, DYP*) deputy Sedat Bucak was wounded. In this 'strange' accident, it was

⁵ Ünlü provides below information to illustrate the social impact of the 12 September 1980 military coup:

“Number of people ‘tagged’: 1.683.000. Number of trials and people tried: 230.000 people in 210.000 trials. Number of death sentences and executions: 517 people were sentenced to death, 50 were executed. Number of people whose citizenship was revoked: 14.000. Number of recorded deaths through torture: 171 people.” Moreover, newspapers were not able to be published for 300 days, and many cases of torture and suspicious death were witnessed. F. Ünlü, “Non Governmental Organisations”, in Ü. Cizre (ed.) *Almanac Turkey 2005: Security Sector and Democratic Oversight*, DCAF-TESEV Series in Security Sector Studies, TESEV Publications : İstanbul, 2006, p. 190. See <<http://www.memursen.org.tr/haberoku.asp?kategori=1&id=173>>.

⁶ Ünlü, *ibid*, p. 191.

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discovered that Çatlı -who was convicted of the murders of eleven left-wing Turkish Labour Party (*Türkiye İşçi Partisi*, TYP) activists before the military coup- was carrying a Turkish diplomatic passport issued under a fake name and was travelling with an active duty police chief and an ethnic Kurd deputy (from the ruling coalition) known to be involved in anti-terrorism activities in the south-eastern Anatolia against the PKK as a pro-state tribal chieftain (*ağa*) and village guard (*köy korucusu*, a paramilitary security force established by the state in early 1980s)⁷ leader.

The accident started to unravel the networks and connections dubbed as the “deep state,” (*derin devlet*) namely those groups and individuals involved in shadowy activities partially supported by factions within the state bureaucracy and security apparatus. Those networks were allegedly involved in conducting an ‘informal war’ (illustrated by extra-judicial killings and series of assassinations) against the militants of the Armenian Secret Army for the Liberation of Armenia (ASALA) that was particularly active in the late 1970s and early 1980s (whereby they killed and wounded numerous Turkish diplomats in Europe, US and elsewhere to force Turkey accept the “Armenian Genocide” of 1915).

The “deep state” and its various operatives were also reportedly involved in conducting ‘informal’ fight against suspected PKK militants and sympathisers, and ethnic Kurdish drug lords, anti-state tribal chieftains and mafia leaders suspected of financially supporting the PKK. Some “deep state” formations were also allegedly working in tandem with the shadowy Gendarmerie Intelligence and Anti-Terror Organization (*Jandarma İstihbarat ve Terörle Mücadele Teşkilatı*, JYTEM), whose existence was vehemently denied by the government and the army.⁸ JYTEM was suspected of conducting ‘dirty’ methods to fight the PKK and its militants and sympathisers.

The Susurluk accident unleashed a civil societal dynamism aimed at completely unravelling the shadowy networks within the state and security apparatus while protesting the passivity and silence of the then ruling coalition that was

trying to belittle the significance of the accident. The post-Susurluk activism emerged as an important beginning of the civil societal challenge of the unchecked powers of the security sector in Turkey, and signalled the beginning of an advocacy wave underlining the need for civilian and democratic oversight and control mechanisms over the security sector. A “One Minute of Darkness to Bring Constant Daylight” campaign was supported by impressive numbers of citizens joining various and colourful protests.

However, post-Susurluk dynamism was soon to be diverted solely against the *Refahiyol* cabinet⁹ suspected of conducting an ‘insidious’ campaign to undermine the secular roots of the regime. Indeed, Refahiyol was forced out of power with what some call the “postmodern” military coup on 28 February 1997. By managing to divert attentions away from the shadowy networks within the state and security apparatus, the military and civilian bureaucracy successfully muted alternative voices and gathered popular support for the protection of the regime against a harshly criticised yet an elected government. While Islam-friendly NGOs were targeted and scrutinised heavily, secular and left-wing NGOs were either divided or enlisted against these former associations.

An Emerging New Path? Civil Societal Contributions since 2000

Susurluk event had nevertheless injected a healthy dose of ‘suspicion’ among the citizens whereby state and security forces lost their previously untainted image, and their hitherto unchallenged hegemonic status. While some took this suspicion to the extreme by producing and disseminating numerous “conspiracy theories,” (that usually scrutinise, demonise and criminalise certain individuals and groups rather than supporting a consistent politics of transparency and democratic oversight) many citizens came to believe that shadowy and dirty cliques indeed exist within the state and security forces. While post-Susurluk dynamism was muted and diverted to

7. For a documentation and discussion of the village guard system, see, E. Beşe, “Temporary Village Guards,” in Ü. Cizre (ed.) *Almanac Turkey 2005: Security Sector and Democratic Oversight*, DCAF-TESEV Series in Security Sector Studies, TESEV Publications : Istanbul, 2006, pp. 138-147.

8. For a discussion, see, E. Beşe, “Intelligence Activities of the Gendarmerie Corps (JYTEM-JYT),” in Ü. Cizre (ed.) *Almanac Turkey 2005: Security Sector and Democratic Oversight*, DCAF-TESEV Series in Security Sector Studies, TESEV Publications : Istanbul, 2006, pp. 172-189.

9. A compound title used to refer to the ruling coalition between the Islam-friendly Welfare Party (*Refah Partisi*, RP) and the centre right *True Path Party* (*Doğru Yol Partisi*, DYP).

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support the regime against “Islamist infiltration,” its impact was still important in shaping developments since 2000, especially in the context of impressive legal, administrative and social changes coupled with Turkey's European Union membership bid.

In the formal front, following the constitutional amendment of October 2001, eight “EU Harmonisation Packages” were adopted by the Turkish Grand National Assembly (Türkiye Büyük Millet Meclisi – TBMM) between February 2002 and May 2004. All eight packages included impressive changes in legislation that enlarged the domain of citizens' rights vis-à-vis the previous security-oriented state structures. Although there exist serious deficiencies in implementation mainly because of the longitudinal impact of institutional, bureaucratic and ideological behavioural modes that squarely remain within a state-oriented and authoritarian mindset, all eight packages imply a deep sea change in Turkish legal system, politics and societal dynamics, real promises, potential limitations, as well as substantive and temporal durability of which will be tested in decades to come. However, the true significance of the reform packages also need to be evaluated in relation to the new civil societal dynamism since 2000.

'Rights Discourse' on the Rise: A New Civil Societal Dispute and Divergences

If examine all eight packages, we see a very significant and impressive transformation towards democratisation, increase in the domain of citizens' rights over the highly securitised administrative structures of the state, and better harmonisation of the Turkish Civil-Military Relations (CMR) with the universal democratic standards. As a whole, the packages and other related legislative and implementation-oriented steps imply a move towards better balancing human rights protection and security provision.

We could also claim that all these formal-legislative changes, as well as the process of EU accession, stroke a chord with the widespread societal demand towards democratisation that had an important past in Turkey. The formal changes in legislation also initiated a more substantive transformation in the “rights discourse,” whereby the citizens increasingly question the state-

centred assumptions, regulations and practices, and start to reclaim their inalienable rights. This rights discourse was strengthened to such an extent that, even those anti-EU and anti-democratisation forces increasingly mobilise 'civil societal' methods (along with methods of intimidation, including physical and verbal attacks, calling the 'old guard' to duty, and others) to further their agenda, by filing charges, initiate petition campaigns and public relations tactics, among others. Although their perspective and most methods are highly anti-democratic and authoritarian, they nevertheless seem to rely on the opportunities of the new atmosphere of pluralism and permissiveness by trying to fight for the cultural hegemony of the country in perhaps a Gramscian sense.

In this new atmosphere, more programmatic efforts were shaped by NGOs to help discuss the agenda of civilian and democratic oversight of security sector. While some pro-state NGOs such as the Centre for Eurasian Strategic Studies (Avrasya Stratejik Araştırmalar Merkezi, ASAM) seem to conduct “think tank” activities to help the regime 'manage' the coming and increasingly strengthening discourse of civilianisation (sivilleşme), and EU demands for further alignment of the Turkish CMR with those of the European standards with the least 'damage,' some liberal NGOs such as the Turkish Economic and Social Studies Foundation (Türkiye Ekonomik ve Sosyal Etüdler Vakfı, TESEV) with very important help from the Geneva Centre for the Democratic Control of Armed Forces (DCAF, where the Republic of Turkey is a founding member) put forth a more civil societal and critical stance to help transform not only CMR but also to positively contribute to the agenda of civilian and democratic oversight of security sector.

The EU Angle and the Government's Wavering Stance vis-a-vis CMR Harmonization

There is no doubt that the Civil-Military Relations (CMR) is placed high on the agenda of Turkey's European Union (EU) accession process. Harmonisation of CMR with the standards of the EU is highly crucial. Between 2002 and 2005, important constitutional, legislative and administrative reforms were enacted as part of “EU Harmonisation Packages” (AB Uyum Paketleri). The need for further harmonisation of the Turkish CMR with the democratic standards was underlined at the European

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Commission's (EC) successive Annual Progress Reports on Turkey. European Commission has also delineated a 'road map' for Turkey's EU accession, whereby CMR harmonisation was listed among the top priorities. In response, in mid-2008 the government has issued a draft National Programme (NP) to underline its commitment to these goals. However, CMR-related statements in the NP remained highly vague and rhetorical, without clear benchmarks or time schedules. Indeed, most domestic and foreign analysts suggest that the government's initial reformist zeal has considerably subsided since 2005.

This may partly have to do with the perception of CMR in Turkey. CMR is a concept that provokes 'emotional' and 'ideological' reactions, most chiefly from the unelected state bureaucracy (military and civilian alike) and the self-declared defenders of the Republican regime, i.e., the Turkish Armed Forces (*Türk Silahlı Kuvvetleri*, TSK), high courts and secularist university establishment. While considerable pro-reform wings exist among all above, Republican and secularist power circles historically and still look at elected governments with a deep-seated suspicion that basic republican principles and structures may be in danger. This resistance to democratisation and distrust of civilian politics may be listed among the key reasons for the lack of an effective transition to a democratic CMR and Security Sector Reform (SSR).

Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP), in power since November 2002 took its share from the above mentioned suspicion, which apparently limits its room for manoeuvre to conduct widespread reforms. Indeed, AKP itself remained unwilling to proceed with much needed reforms with fear of further antagonizing the Republican and secularist establishment, especially in the context of April 2007 "e-memorandum" of the TSK against the government, and the closure case by the Constitutional Court in 2008. In April 2007, during the Turkish Grand National Assembly (*Türkiye Büyük Millet Meclisi*, TBMM) balloting rounds to elect the new President of the Republic, TSK issued a "memorandum" on its website (thus dubbing the informal label of "electronic memorandum" [e-muhtıra]) underlining its commitment to fight against all forces threatening the Republican and secular order. The memorandum was largely seen as a statement of opposition against the candidacy of Abdullah Gül, then Foreign Minister and one of the influential leaders of the AKP.

However, it may be claimed that the memorandum "backfired" after AKP scheduled early legislative elections in July 2007, at which it won a landslide victory, by increasing its vote share to 47 per cent, up from 34 per cent in 2002. Abdullah Gül elected new President of the Republic in August 2007. The memorandum and ensuing electoral victory by the AKP was interpreted by some analysts and scholars as signs that Turkish society has passed a critical threshold in its trust for the civilian parliamentary democracy and request for a diminished political role for the TSK. This civilian-oriented popular movement clearly provides a window of opportunity for security sector reform attempts.

In March 2008, the Constitutional Court (*Anayasa Mahkemesi*) decided to proceed with a closure case against the AKP, on the grounds that it became a "focal point" of anti-secular, reactionary activities. In July 2008, at a very close vote the Constitutional Court ruled against closure. Most court members agreed that AKP did indeed become a "focal point" of anti-secular, reactionary activities, however, "not strongly enough" to have the party closed down. The court instead decided to deprive the party of half of its yearly state budgetary support. While the decision disappointed the hardliners within the pro-republican and secularist circles, it was still seen by many as a sign of continued stigma against the AKP, limiting its ability to rule the country and proceed with democratic reforms, including constitutional amendments. Some analysts argued that the "regime-defending" roles of the TSK was now transferred to the judiciary (especially after the "loss of prestige" by the TSK after the legislative landslide of the AKP, as discussed above), and that AKP would be forced to seek institutional "compromises" with the republican and secularist establishment, a development that would purportedly harm pro-democratisation reforms and Turkey's EU membership bid.

Indeed, AKP's fragility vis-à-vis the establishment and less than enthusiastic support for democratisation and "civilianisation" had been underlined at least since the Şemdinli incident. In November 2005 at the Şemdinli district of Hakkari in Southeastern Anatolia, two petty officers of the gendarmerie and a renegade PKK (*Partiya Karkêren* Kurdistan-Kurdistan Workers' Party) militant employed as an informant by the security forces were reportedly involved in a bombing of a pro-Kurdish bookstore. While Prime Minister Recep Tayyip Erdoğan

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claimed that “all those responsible, no matter how high their status or ranks, would be brought to justice,” the civilian prosecutor who had indirectly implicated the Chief of General Staff Yaşar Büyükanıt with the case was ousted and the case was later transferred to a military court.

Similarly, in 2007, AKP failed to take action following media uncovering of 2002 and 2004 putsch attempts by a hardliner wing within the then General Staff. In March 2007 weekly *Nokta* published the so-called “coup journals” (*darbe günlükleri*) by the retired Commander of the Navy, Admiral Özden Örnek, detailing deep feelings of unease with the AKP, and the informal attempts by the hardliner wing of the General Staff to unseat the government by using methods similar to “February 28, 1997 process,” dubbed as the “post-modern military coup d'état” whereby the then coalition government between Necmettin Erbakan's Welfare Party (*Refah Partisi*, RP) and Tansu Çiller's True Path Party (*Dođru Yol Partisi*, DYP) was forced out of power and replaced by a military-friendly coalition cabinet. Then Chief of General Staff Hilmi Özkök (on duty between August 2002 and August 2006) had reportedly resisted such initiatives, which explained the failure of the putsch. Indeed, Özkök was criticized as being “too liberal” and “tolerant towards the AKP” by hardliner wings of the secularist circles. While the criminal evidence confirmed that “coup journals” indeed originated from Örnek's home computer, the courts or the government failed to follow through with any judicial and / or administrative steps. Instead, *Nokta* was closed down reportedly after informal “pressures” against its owner.

However, partly reversing its previous “timid” position, in 2008 AKP has shown a particular willingness to support a prosecutors' case against the so-called “Ergenekon”¹⁰ gang,” a shadowy group purportedly bringing together former army generals and other military personnel, nationalist politicians and journalists, mafia members and

others with the aim of destabilizing the country to pave way for a military coup d'état. Notably, the two former “pro-putsch” members of the General Staff cited at the “coup journals” were among those arrested. While some analysts suggested that the Ergenekon case was weak in criminal evidence and judicial content, and instead implied an attempt by the government to silence its secularist opponents,¹¹ some others claimed that it signalled an important first step forward to clean up “deep state” formations¹² and pave way to pro-reform initiatives aiming to install a new democratic politics based on civilian supremacy.

Civilians gaining Supremacy or a Grand Compromise?

To complicate the matters even further, another group of analysts claimed that the AKP had sought the “permission” of the General Staff before proceeding to support the case. According to those analysts, the Chief of General Staff Yaşar Büyükanıt (on duty between August 2006 and August 2008) was willing to “clean up” hardliners within the army and remained silent even when two former members of the previous General Staff, Pener Eryugur and Hurpit Tolon were arrested, since he had his own disagreements with them, a claim which is partly supported by some sections of the “coup journals”. According to this third group of analysts, Ergenekon case does not symbolize a real democratization attempt aiming to install civilian-oriented rule, but instead signify a historical compromise between the AKP and the “establishment” and would, in the end, leave the security issues (and especially the Kurdish problem) squarely within the hands of the military, after some “cosmetic” clean up to liquidate the most radical wings within the TSK.

As delineated above, AKP's stance vis-à-vis CMR remained ambiguous and dependent on constantly changing political

10. “Ergenekon” is one of the founding myths of the Central Asian Turks.

11. Indeed, Pener Eryugur, former commander of the Gendarmerie and one of the two generals arrested was the Chairman of Atatürkist Thought Association (Atatürkçü Düşünce Derneđi, ADD) at the time of his arrest. ADD is one of the staunchest secularist opponents of the AKP and was behind mass secularist demonstrations in 2007 against the presidential candidacy of Abdullah Gül.

12. “Deep state” (*derin devlet*) was coined as a label in 1996, when a car accident near the district of Susurluk uncovered shadowy links among some hardliner sections within the security establishment, right-wing politicians, mafia members and other criminal elements. Dubbed at times as the “Turkish Gladio,” deep state formations were reportedly active in “informally” fighting against ASALA (Armenian Secret Army for the Liberation of Armenia) and PKK (*Partiya Karkêren Kurdistan*-Kurdistan Workers' Party) terrorists in 1980s, killing and intimidating pro-Kurdish, left-wing and secularist journalists, activists, lawyers and others, and being engaged in crimes and initiatives to destabilize the country in order to paving the way for a military coup d'état. While some analysts claimed that deep state formations were also behind various provocations in 1970s and its establishment date back to 1950s, even to late Ottoman period, its true genesis, scope and links with formal state institutions still remains a mystery.

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and social context, as well as complex institutional alignments and constellations. In terms of the SSR as a whole, AKP's willingness also remained suspect, especially in reforming the internal security forces. While most analysts argue that AKP's room for manoeuvre is "understandably" limited due to the above mentioned political context when it comes to antagonizing the army, the government also remained quite unwilling to start instituting an effective police reform, a task which should perhaps be comparatively "easier."

While since 2002 important steps were accomplished in terms of professionalisation of the police and decreasing systematic torture and mistreatment in police custody, authoritarian amendments made to Anti-Terror Law (*Terörle Mücadele Kanunu*, TMK) and Police Duties and Responsibilities Law (*Polis Vazife ve Selahiyetleri Kanunu*, PVSK) were alarming trends underlined by numerous rights organisations. Indeed, since 2006, reported cases of excessive use of force against demonstrators, mistreatment, torture and death of suspects increased. However, the new Minister of Interior Beşir Atalay who took office in August 2007 announced that he aims to further professionalise the police force and step up the fight against mistreatment, torture and impunity.

Conclusion

In Turkey, discussing security issues and advancing the agenda of civilian and democratic oversight of the security sector have always been difficult. Especially considering the above discussions on the 'sanctity' of the state and the 'bargain' between the state and society on security-rights balance, even raising the issue was viewed as akin to "national treason." Historically, human rights associations faced tremendous pressures and difficulties, and even social stigma, and had to fight against claims that they have "hidden agendas" to demoralise the Turkish security forces and undermine the secular and republican roots of the regime.

Notwithstanding positive developments in civil societal dynamism since 1996 and more specifically since 2000, NGOs continue to face administrative measures, court cases, nationalist attacks and others. While since 2000 the discourse of democratisation gained considerable strength, developments in 2005, such as the Şemdinli scandal (which exposed the continuity of the "deep state" formations and networks especially in the eastern and southeastern Anatolia), the 're-securitizing' amendment to the TMK and to the PVSK and the nationalist backlash are alarming enough to underline the fact that both democratisation wave and the agenda of civilian and democratic oversight of the security sector are far from being secure and complete. More civil societal contributions are needed to help transform not only legislation and administrative practices, but also social mentalities still viewing the state as 'sacred' and the bargain between security and rights as necessary and inevitable.

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