

## **A Constructivist Analysis of Turkey-European Union Relations within the Context of Five Phase Spiral Model: Human Rights Dimension**

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### **Abstract**

*This article analyzes the European Union-Turkey relations with regard to human rights reforms in Turkey and particularly the European institutions' impact on reformation process. It will be argued that the EU has been an active leverage especially after the post-Helsinki period. In this regard, this work will propose that in the absence of domestic forces the European Union promotes progressive steps in Turkey. By analyzing this process and correlation, on the theoretical basis this article will use the Constructivist approach and the Five Phase Spiral Model, which introduce sociological point of view to world politics, underline importance of normative structures. Basically, this work assesses the usefulness and validity of model and Constructivism as an explanation of the changes in the Turkish government's human rights practices.*

**Key Words:** Constructivist Approach, Five Phase Spiral Model, Human Rights, European Union-Turkey Relations

### **I. Introduction**

The end of the Cold War opened a new period namely "post-Cold War". This new period introduced changes to the international relations (IR) theory. Because at that time it was being thought that developments leading to the end of the Cold War could not explained by any of the dominant approaches of mainstream scholarship in IR theory. It was thought that the focus of dominant approaches was mainly on relations of great powers (material based side of relations); therefore social factors namely domestic/internal politics affecting the international environment and specifically USSR, were not seen important by them. In this context, they were accepted as alien to change and approaches that could not see derivative social effects leading to the end of the Cold War. Mainly it can be said that previous approaches took the world as out there that functions in line with

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a system free from values and neglected domestic developments and identities. In this context the world was taken as granted without questioning, and some other ontological and epistemological questions were left unexamined. It was believed that mainstream theories of that period and their explanatory mode were far from to explain phenomena of world affairs. For this reason, from the beginning of the post-Cold War era, to balance materialistic explanations; normative and subjective side of the world has been underlined.

In this context, after end of the Cold War dominant positivist assumptions of previous dominant scholarship were criticized and attacked by other approaches like constructivism. To form a new approach, constructivists began to work to destabilize the positivist/rationalist dominance; because it was believed that the end of the Cold War brought new interests to scene. For constructivists ideational, normative and cultural explanations turned to integral parts and variables to explain world affairs. It was assumed that states interpret and constitute the material world with their lenses, actions and beliefs that were formed by their interests and cultures. In this context, the world was assumed not only as material but also ideational entity. These above mentioned explanations and constructivism were summarized by Kulbakova as “*seeing the world as inextricably social and material, seeing people in their world as makers of the world, and seeing the world as a never-ending construction process.*” (Wendt, 1998, p. 101–117). The following part of this work will deal with constructivism and its basic assumptions that will be used as theoretical base for explanations.

## **II. Constructivism in International Relations**

Nicolas Onuf initially introduced constructivism into international relations (IR). He described constructivism as “*people and societies construct or constitute each other.*” (Onuf, 1989, p. 36) Besides this, Emanuel Adler defined constructivism as a view that the manner in which material world shapes and is shaped by human action and interaction depending on a dynamic and epistemic interpretation of the material world (Adler, 1997, p.332). He mentions that constructivism is interested in understanding how the material, subjective and inter subjective worlds interact in the construction of reality (Adler, 1997, p.332). It focuses exclusively on how structures constitute agent’s identities and interests and seeks to explain how individual agents socially construct these structures in the first place (Adler, 1997, p. 330).

Some elements make constructivism different form of international relations theorizing. It is believed that global politics is guided by the inter-subjective shared ideas,

p. norms, values, rules and institutions which are held by actors. Constructivists direct their focuses on the inter-subjective part of knowledge and structures. In this context, they mainly underlined social aspect of human existence, role of shared ideas that constrain and shape behaviors or identities. It is believed that international structure consists of shared ideas, expectations and beliefs that give the world structure, order and stability (**Finnemore** and **Sikkink**, 1988). These inter-subjective meanings and identities include some discursive elements. Constructivist approach analyzes these discursive elements what Rationalists refer to as common knowledge (**Dessler**, 1989, pp. 441–73).

On the other, for constructivism ideational structure has transformative effects on actors that lead them to redefine their interests and identities in the process of interaction that enables and constrains them. It is also assumed that ideational structures and agents co-constitute and co-determine each other. This situation that gives agents and structure equal ontological status is called within agent-structure debate. In constructivism, it is argued that structures constitute actors in terms of their interests and identities. Structures on the other hand produced, reproduced, and altered by practices of agents.

They also question a priori and exogenously determined state interests and preferences and see them instead as endogenous to the interaction between agency and structure (**Wendt**, 1998, p.101). According to Wendt primordial interests and identities are not accepted, moreover structures are accepted as historically contingent product of human activity, of historical social practices that instantiate new social practices. They are against acceptance of human reality as constant entity and assume even the most embedded structures gradually changes (**Wendt**, 1998, pp.101–117).

According to constructivism objects of our knowledge are not independent from our interpretations, human consciousness and language. Constructivism especially underlines the role of language in social life, because it is given as medium for construction of inter-subjective meanings (**Berger** and **Luckmann**, 1967, p.173). They accept language as a mechanism leading to changes in core agent properties such as identity, behavior and interests, because it is thought that inter-subjective linguistic expressions present a potential for formation of reality and provide a source of change. These expressions also help to legitimize validity and internal coherence of collective understandings. This situation that can be described with term “linguistification” is accepted as a kind transformation process involves culturally transmitted and linguistically organized stock of interpretive patterns and constitutes individuals in inter-subjective life worlds and

reproduce structures (**Habermas**, 2003). According to Ba and Hoffman this transformation process and logic involves actor's words, deeds, namely discursive practices, shape agent's behaviors in which they live (**Ba and Hoffman**, 2003, pp.15–33).

These above mentioned inter-subjective linguistic expressions and patterns have crucial effects over other variables such as identity, interests and culture. Constructivism assumes that identity is formed in dialectical relationship between society and structure that are formed with above mentioned building blocks. Constructivists also think that identities that are formed by these building blocks render a certain level of predictability possible for agent's behaviors and identities. According to Berger and Luckmann "Once identity crystallized, it is modified and reshaped by social relations" (**Berger and Luckmann**, 1967, p.173). It is generally seen that linguistic expressions reflecting dominant values depend on historical, cultural, political contexts are used by international organizations to manipulate actors' preferences and identities in line with valid world standards that are generally defined by dominant powers. This manipulation process occurring both in domestic and international levels involves different learning and teaching processes as summarized in five phase spiral model. At the end of this process identities are shaped, accepted as the fundamental basis of interests and seen as lenses to shape and direct agent's actions and to determine roles or strategies in valid structures make easy to predict behaviors and their consequences (**Dassen**, 2002, pp.171–175). International organizations mostly with their overall normative frameworks create different manipulation processes in international politics and try to change actors' basic properties that are found in culture of actor.

Culture can be defined as a kind of basket from which actors take different elements and pieces them together to form another entity or create specific action. It is believed that culture either motivates agents to do certain acts or constrains them. In work of Berger and Luckmann culture is defined with concept of *symbolic universe* (**Berger and Luckmann**, 1967, pp.177). This symbolic universe contains norms, rules and values that are formed by society in history; shapes politics; ties individuals and collective identities; defines group boundaries; organizes actions; provides necessary framework helping agents to interpret motives of others; forms suitable environment for norm internalization affecting interests, identities and cultures of agents. Speech acts are other elements in constructivism that are mostly used by international networks. They are used to persuade or change agents' minds about what goals are valuable and about the roles they play (or should play) in social life (**Onuf**, 1989, p.66). After such a threshold level they are accepted

or seen as canonical structures performing important social construction work and creating new understandings and new social facts that re-configure or re-shape politics.

International organizations as will be mentioned later with their properties and strategies have transformative effects on identities and cultural patterns of states. It is believed that norms make important contributions to efforts of these international organizations, p. they are accepted as effective and influential tool kits of those organizations to change internal structures of agents create substantial and normative framework or development paths in parallel with valid standards within which agents conduct; and are used as benchmarks in norm socialization process. Due to their importance the next part will be about norms and their roles in constructivist approach.

### **III. Norms in Constructivist Approach**

Definition of norms is one of the aims of constructivist work of constructivist work. Accordingly norms are defined as descriptions of collective expectations for the proper behavior of actors with a given identity (**Katzenstein**, 1996, p.5). They serve as social facts that constrain the range of individuals' choices and prescribe appropriate behavior for a given context mostly corresponding to single standard of behavior. It is assumed that norms and rules are placed in the middle between agents and structures, and link them. This situation is described as a continuous *two-way* or *dialectic* process. It is argued that social structures continually impose behavioral limits on actors through norms and other forms of inter-subjective and collective knowledge; and in turn actors contribute to formation of this structure by continuous actions in accordance with limits (**Solomon**, 2006).

It is believed that they regularize agents' behaviors and produce social order. At the end they form advanced or complex patterns namely institutions. They create suitable or possible environments for agents to make possible habitualization process which agents conduct possible. The main aims of these institutions are transmission of knowledge to the next generations and setting cultural patterns for agents to channel them to one direction in the existence of other possibilities. In time their contents shape identity and interest of the target state, take states to particular role model and create a certain type of actor.

Constructivism suggests that norms are expressed through language and argumentation processes and this rhetorical argumentation process later determine what choices states have. All these processes are built into special vocabulary. This vocabulary

when enriched with maxims and proverbs can be collected or defined under the heading of collective explanatory schemes (**Berger and Luckmann**, 1967, p.94). These collective explanatory schemes which are created linguistically determine who can be a member of the international society (**Finnemore**, 1996, p.325–347). In other words, normative boundaries of membership of international community are drawn and strengthened by international organizations whose expertise and rational-legal authority find widespread consideration in international arena. Their prescriptions and guiding marks create a common consensus in internal environment for agents to form an order. Beside this their successive directives also motivate agents to behave within the acceptable standards, improve inherent coherence of norms and predictability of potential behaviors (**Lowe**, 2002, p.215).

Composition of all above mentioned components and processes bring norms power of legitimacy. In fact this composition generally is for explanation of already established order and increase cognitive validity of norms or their objectivated meanings. After such a threshold level norms are given as taken for granted and begin to make other competing institutions unpopular. By this way and with normative their formality they strengthen functional imperatives of already established institutional order. Legitimacy mostly turns to possible with help, codification, application or interpretation of norms. International organizations with their continuous efforts make important contributions to this process and try to decrease the length of necessary time of norm internalization. Their normative structures and directives also form necessary framework for legitimation.

Like individuals in domestic level socialized by communal norms, states are socialized by norms of international relations. These above mentioned processes that strengthen rule or norm, simultaneously increase possibility or level of obedience of states, because norms have a quality of oughtness and shared moral assessment in their internal structures. All these rules constitute a world culture that constitutes social agents and affects how they define their identities and interests. This world culture is assumed as ontologically primary, its rules and values create actors such as states, firms, organizations, and individuals (**Reus-Smith**, 2002, p.493). This creation occurs in processes of socialization and internalization that are mostly under supervision of international organizations. In this process actors believe and are prescribed that those norms are pre-conditions to being accepted as equal member of international arena.

In sum, rules and norms are accepted as necessary normative restrictions that include people in structures for motivation on behalf of themselves and others and in structures of social control.

It is believed that in international arena that is regarded as realm of obligation within which cooperation is prescribed to states through with norms. These prescriptions are mostly furnished and triggered by international organizations. Not knowing what their interests are, states thought by international agents to adopt policies which are in harmony with civilized modes of behavior. If international society is penetrated and structured in this way and non-state actors work in world society as norm entrepreneurs to shape the most basic principles of states, then it is increasingly difficult to sustain the idea of international society is a discrete social realm and even harder to limit political theory of international relations in itself (**Reus-Smith**, 2002).

Human rights that have been regarded as a tool in international relations and have formed collective explanatory schemes accepted as one of the most important constituents or indicators of valid and civilized normative structures or shared meanings. They are regarded as necessary conditions for international cooperation, peace and legitimacy; and seen as indispensable source for being accepted as member of international society and primary source of domestic normative change at the beginning of 1990s entered agendas of international networks, norm entrepreneurs and constructivism and are mostly used by them.

#### **IV. Human Rights, International Networks, Normative Change and Constructivism**

Human rights (HR) are given as a set of principled ideas about the treatment to which all individuals are entitled by virtue of being human (**Schimtz** and **Sikkink**, 2001). Over time these ideas have gained wide-spread appreciation as international norms defining what are important for humans to prosper, in terms of protection from mistreatment and equipping with the elements necessary for a life in dignity. HR norms create a relationship between individual right holders and other entities, namely states having obligations (**Schimtz** and **Sikkink**, 2001).

The idea that the state should respect the HR of its citizens is an old one, dating back the writings of Locke and Rousseau and to the U.S. Bill of Rights and the French Declaration of the Rights of Man and of the Citizen (**Ishay**, 1997, p. 138). It is believed

that the intellectual groundwork of the international HR development was mainly developed in Europe and the United States, but their establishment on the international arena has reflected culturally diverse sources. Work of Ishay gives extensive evidence on global sources of HR thinking and activism and the crucial role of non-Western participants in drafting of the 1948 Universal Declaration of Human Rights (**Ishay**, 1997, p. 138). Other international agreements ratified or signed after UDHR created standard international definitions and benchmarks for what constitutes international HR.

Prior to ratification of Universal Declaration of Human Rights in international law was being regarded as domestic affair that was perceived under jurisdiction or sovereignty of state. In other words, in the past, individuals were regarded as objects of state action, not international subjects having practical rights in international law. 1966 Covenants of the UN supplementing the 1948 Universal Declaration of Human Rights detailed rules for civil, political, economic, social and cultural rights (**Forsythe**, 1993, pp. 55-70). Especially developments from 1945 to 1970 revealed that individuals were subjects of international law and after these developments the scope of HR broadened. In addition to these 1975 Helsinki Accords initiated a new era in HR area. Helsinki process included political - economic rights, helped to re-legitimize HR as a diplomatic and international matter, and created a kind of suitable environment for other developments like protection of minority rights.

In 1980s for reasons of presence of the bipolar balance of the Cold War HR issues were overshadowed. But at that period NGOs and international networks were increasing their activities and becoming primary advocates of HR. These networks that were named as transnational advocacy networks by Margaret Keck and Kathryn Sikkink began to work internationally. (**Risse-Ropp-Sikkink**, 2001, pp.1–38). It has been seen that from their establishments, they have provided political spaces and communicative structures in which actors negotiate and internalize international HR norms. These political spaces have been named as international platforms. It is believed that these spaces took their roots from Helsinki Accord and its normative structure.

At beginning of 1990s, with the collapse of the Soviet Union and with the end of the Cold War new opportunities were being appeared in international arena to support international HR movements. With this way HR movements and their legitimation processes became salient, but at that point another problem arose about the adoption method of internationalization of HR norms, p. Through which way(s) those norms would

be internalized by actors? By Diplomacy? By direct intervention? By legal mechanisms or by local activities? To create suitable tools independent monitoring mechanisms were introduced in Western Europe, the Western Hemisphere and Africa. For instance the Council of Europe was created with functional jurisdiction.

Since the beginning of 1990s many international agreements on creation and strengthening of the necessary institutional arrangements have pressured governments into respecting their citizens' rights and have advised internalization of international HR in domestic jurisdiction. In those years, these efforts especially intensified in Europe under the supervision of the Council of Europe and different bilateral agreements signed or ratified p. European Charter for Regional or Minority Languages, adoption of high commissioner on national minorities and Framework Convention for the Protection of National Minorities. These agreements and international policies also have been supported by economic, political and military conditions. Generally there has been an overwhelming official consensus that at least discussion of HR is a proper international subject or policy matter, even if many disagreements remain over definition and implementation (Forsythe, 1991, pp. 55–70).

HR are generally in accordance with basic assumptions of constructivism, namely invented social constructions. They believe that these invented constructions like HR exist because people believe and act as if they exist. At the end these invented constructions shape politics and social world. Constructivists believe that HR are strong enough to diffuse or to affect different agents and their internal structures, because HR and related elements are shared in many cultures around the world. For constructivists the global acceptance of HR norms since 1945 followed a two-stage process, p. Norm emergence and norm cascade.

Norm emergence represents norm formation process ending at *tipping point* where norms are present for use or adoption; the latter involves accepting, adoption and internalization processes of norms. When it is looked closely it can be seen that international organizations have played important and active roles in both processes. Sometimes they codified newly emerged norms and engrossed conventions; on the other hand with their enforcement mechanisms they triggered reformation processes in actors to internalize those codified HR norms.

Networks and organization bring new ideas, norms and discourses into political debates. As mentioned before they create communication structures and discussion spheres, in which different actors negotiate the social, cultural and political meanings of international arena. Especially globalization and its by-product processes have reinforced the tendency to see international society as an enterprise association. In other words, globalization has increased the incentives of non-state organizations to find common interests to cooperate to meet objectives. As common denominator and value HR norms in these or at the end of these processes became a kind of test for government's political legitimacy. In this context, it is seen that the EU and UN have used these variables in different situations.

In sum, collapse of communist governments in Europe, growth of international and transnational HR organizations, developing international economic integration, transformation of production systems, labor markets have helped to increase attention on HR issues and encouraged demands for more and better modern HR norms. Also, it has been believed that respect for HR would result in stability, peace and prosperity within boundaries, in regions and international arena. In constructivist model many different methods have been created, but the Spiral Model of Human Rights Norm Socialization that was introduced by Finnemore and Sikkink has an important place in literature, because it gives importance to activities of international organizations and analyzes internal normative change in detailed way. This model converges and is used with persuasion.

Contrary to basic assumptions of coercion, persuasion is defined as active, often strategic inculcation of norms that are often identified with transnational *norm entrepreneurs'* activities, NGOs and transnational networks performing as agents of change (Finnemore-Sikkink, 1998, pp.887–917). Persuasion is not a simple process to manipulate or change state interests or behaviors. It requires argumentation and deliberation processes and efforts to change the minds of others. It aims not forcing actors to change their behaviors, contrarily aims convincing them to accept certain norms that were not accepted before or more important than they previously held. It is believed that persuasion is the best way to form long-term consensus on values or norms such as HR and to convince different people or agents coming from different cultural backgrounds. In persuasion process international networks and organizations try to form such a basis at least for minimum agreement or compromise for different agents.

It is accepted that persuaded actors internalize HR norms or rules of appropriate behavior, and redefine their interests and identities. At the end actors are consciously convinced the truth, validity or appropriateness of HR norm, belief or practice and change their minds. Consequently it is believed that international law influences state behavior through processes of social learning and other forms of information conveyance. Then at the end shared understanding is reached on mutually agreed procedural HR norms. Mutual compromise on overall values on common HR norms increase credibility of agents, reduce their internal uncertainties, mostly bring them stability and constitute suitable environments to render possible principles of accountability be applied to world politics.

Norm internalization occurs in HR socialization process. Socialization process is defined as the process of inducting actors into the norms and rules of a given community (Zuern-Checkel, 2005, p.1046). It is the general process of adopting the beliefs and behavioral patterns of the surrounding or valid standards namely world culture. Socialization process reduces variety and makes valid patterns enduring. This mechanism includes a number of discursive and micro-processes to socialize recalcitrant states. In these micro-processes international organizations form new norms related with different needs of people. At the end norms acquire taken-for-granted quality. This taken-for-granted situation opens ways for other progressive steps for norm-breaking countries to comply with international HR norms.

International organizations as mentioned before use information, symbolic, leverage and accountability politics in internalization processes (Keck-Sikkink, 1998, p.2). They seek to strengthen generative and transformative power of HR norms and widen scope of their practice. Especially for HR norms after cascade level international organizations come to scene. NGOs and different organizations in this process firstly begin to pressure state decision-makers to change their policies in line with normative commitments. In this context, they firstly frame behavior as failing within the aegis of a certain HR norm, then name agents and seek to shame them into compliance by publicize how their behavior deviates from standard one. After then norm-violating states primarily begin to change their behaviors, but at firstly they pursue instrumental or material interests. They adjust their behaviors as to the international valid discourses or normative structure without believing in validity of them.

The next phases of this model reveal progressive developments' occurrence in norm-violating states. States begin to make cosmetic changes to pacify international and

domestic criticisms. Contrary to its different properties this stage prepares necessary pre-conditions for comprehensive normative changes. In this context, the next stages of norm socialization process bring institutionalization of HR norms into domestic law. Valid structures are changed by international organizations as teachers of agents who are open way for changes. Creation of new institutions, training of public officials and ratification of international treaties are among major changes that are observed in agents.

All the process can be summarized in the following explanations, p. Agents gradually adopt norms in response to external pressures that are firstly for purely instrumental reasons. National government then begin to change its rhetoric, gradually accepts the validity of international HR norms and start a process engaging in an argumentative process with their opponents. The more they accept the validity of norms, the more they are likely to institutionalize them in its domestic practices. HR norms then became standard operating procedures of domestic institutions. Once they institutionalized in this sense, changes in government and in individual leaders matter less and less.

In the following part of this paper, effects of international organizations will be analyzed within the context of Turkey and the European Union (EU) relations by emphasizing human rights issue. When it is thought in the context of agent-structure debate, it is possible to say that the EU with its normative structures, some pre-conditions and leverage politics triggered progressive HR developments in Turkey. In other words, it is assumed that the EU initiated a reformation process and has thought and forced Turkey into a kind of socialization process.

## **V. Human Rights Dimension of Turkey-EU Relations**

For years, the EU membership has been seen as the most important target for Turkey that is seen as movement towards the West. Especially after 1999 Helsinki Summit mutual relations began to institutionalize and the EU started to monitor the political sphere in Turkey within the context of political criteria and related normative frameworks. HR has always been one of problematic areas that hindered the accession negotiations and candidature process of Turkey in previous years. Turkey in order to fulfill those criteria found itself in reformation and socialization process in HR area.

In fact, at first years the treaties established the European Community did not contain regulations regarding HR. This had been general approach in the EU. However, through the end of the Cold War the EU changed its HR policy. The collapse of the Soviet Block was seen as real starting point for developing more idealist HR policies. While

Maastricht Treaty mentioned ‘*the union shall respect fundamental rights, as guaranteed by the European Convention [of]... Human Rights*’, in 1997 Treaty of Amsterdam by changing its standing declared that the EU founded on the principles of liberty, democracy, human rights and the rule of law. The Nice Treaty in 2000 for the first time combined all the rights, legal instruments and conventions under one united framework.

As mentioned above, HR, since the beginning of 1990s, have occupied important place in foreign policy of the Union. In this context, the most apparent move of the Union was acceptance of Copenhagen Criteria, two conditions of which are foundation and maintenance of institutions for the protection of HR. These conditions have been used as entrance requirements for candidates. They are accepted within the context of democratic conditionality. HR has been chosen as the core strategy of the EU to persuade non-member states to comply with legitimate standards of the EU. Turkey after being recognized as candidate for the Union in 1999 began to face with these requirements that sometimes hindered accession process.

The next part of this paper will generally deal with conditionality effect of the EU over progressive HR developments in Turkey. This paper, in order to show transformative effect of the EU one of the powerful regional international organizations, will use historical facts, use documents, give some references to models created by constructivism and make short explanations about sub-periods until today.

The EU’s interest in Turkey’s HR records and Turkey’s learning process began in 1980 after military intervention. During the Cold War Turkey had a quiet important geography for the Western World, but in the Post-Cold War period with shift to values such as democracy and HR Turkey’s role and position changed (Aybet, 1999, p.50). After military intervention in Turkey political parties closed, democratic processes suspended, freedoms were restricted, new Constitution was prepared, universally accepted notions were removed from constitution and changed with national ones, National Security Council was introduced and in 1982 Constitution passage saying *based on HR* changed with *respectful of HR* (Kılıç, 2001, p. 89) was placed.

At the beginning response of the European Community (EC) was relatively soft. The EC made a declaration on the day after military took the power in Turkey and stated that the EC was following developments (Dağı, 1997, p.126). These declarations were reflecting *wait and see* policy of the EC. On the other hand, military government in those

days committed that it would be bound with NATO obligations and maintained a democratic political order. However, 15 months after the coup the EC began to raise its voice, the EP suspended its relations with Turkey and the EC also did not release financial aids. The EP demanded from the Council of Ministers to initiate a monitoring mechanism against Turkey and it entitled the Commission of Political Affairs to follow developments in Turkey (**Oran**, 2002, pp.188–201). These efforts tried to put HR violations in Turkey into center of international agenda. With this way the EC and the EP began to frame HR problems of Turkey to put Turkey into shameful position. Increasing opportunities to get news from Turkey also opened additional ways for NGOs and IGOs to frame violations in Turkey. They also published reports and increased attention of international community against Turkey.

After these, in 1983 progressive developments began to occur with general elections. The restoration of order, the withdrawal of the military and the creation of political parties brought a new wave of democratization in Turkey (**Aybet**, 1999, p.53). However, emergence of PKK terrorist attacks on Turkish security forces and establishment of National Security Courts (NSC), namely (DGM), crumbled positive developments. Approximately for following 15 years especially armed attacks hindered HR progress and Kurdish issue has found a considerable place in different reports of international organizations proposed Turkey.

In those years, the EC understood that continuous pressure over Turkey made improvements possible in ameliorating HR performance of Turkey (**Dağı**, 1997, p.136). However, this approach was regarded by some circles as an intervention to internal affairs of Turkey and they denied validity of accusations about HR that can be explained within the context of norm socialization model. Increasing armed attacks forced Turkey to take additional measures such as introduction of state of emergency and enactment of the Law of Fight Terrorism (**Galletti**, 1999, p. 67). However, measurements taken by Turkish authorities negatively affected bilateral relations of Turkey and the EC.

In 1987 the EU's effect showed itself in occurrence of progressive developments. Turkey at that year moved to the next step namely prescriptive status. Turkish authorities in order to pacify criticisms made some changes such as granting to Turkish citizens the right of individual petitions before ECtHR and creation of Parliamentary Committee to supervise developments in HR field. In 1987 Turkey after these developments applied for full membership. Turkey also in November 1988 ratified the European Convention for

the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the United Nations Convention against Torture. 200 verdicts of capital punishment were not approved and exercised. These efforts were seen as positive developments by the EC, but did not suffice the EC and international HR organizations. In 1989 the Council of Europe (CoE) denied Turkey's application on economic reasons and indicated completion of Customs Union Agreement. The EC also mentioned that Turkey still fell short of minimal standards the EC sought. Despite their claims about HR, international organizations and European countries did not considerably force Turkey to change. This situation prevented Turkey from crucial damages.

After application's denial Turkish state initiated HR reformation process, permitted HR organizations and created ministry dealing with HR issues. At the beginning of the 1990s efforts were directing to Customs Union membership. The EP also declared it would vote against Turkey on the grounds of HR violations in Turkey in 1995. In order to influence decision of the EP, in July 1995 a constitutional reform was introduced. As a result students allowed to become members of political parties, public employees were granted the right for collective bargaining and voting age lowered. In addition in Anti-Terror Law the maximum sentences lowered to 3 years.

Due to armed attacks of PKK, until 1999 Turkey's HR record had not improved especially in areas ruled under a state of emergency. These developments in those years were preventing general appearance and substantial HR progress. In 1997 Turkey's application was rejected in Luxembourg Summit. The council explained that the strengthening of EU-Turkey relations would depend on Turkey's political and economic reforms, alignment of his HR standards with those of the EU, and protection of minorities (Uğur, 1999, p.235). However, Turkey, due to reactions of elites and the United States' initiative and to foster the democratization efforts, was accepted as the 13<sup>th</sup> candidate country at the Helsinki Summit in 1999. This development forced Turkey into series of amendments namely reformation packages in terms of its legislation.

1999 was an important turning-point in terms of HR and democratization. Especially the capture of PKK leader decreased the level of HR abuses. On November 1999 amendments to Articles 243 and 245 of the Penal Code increased the length of custodial sentences for those found guilty of torture. Also, 1913 Civil Servants Law amended and ways opened for responsibility of security forces in involvement in HR violations. In 2000 Turkey also signed the United Nations Charter of Individual and

Political Rights and the Charter of Economic and Social Rights. After ratification of Accession Partnership Document and acceptance of National Programme involving short-medium and long term priorities, Turkey with increasing pace, began to change regulations that were created by 1980 military government.

In 2001 another reformation package was introduced. It removed the prohibitions on broadcasting and publishing in Kurdish. Status of women improved, the period of detention before trial was reduced to four days (**Govett**, 2002, p.28). The first package was introduced on February 2002 that was named as *mini democracy package*. Articles 159 and 312 of Turkish Penal Code and 7<sup>th</sup> and 8<sup>th</sup> articles of Anti-Terror Law amended and period of custody was decreased. Also additional guarantees were brought about privacy of private life and freedom of correspondence. With the second package on April 2002 Law of Foundations were amended and banned language passage was eliminated from Press Law. Four months after the third package introduced on August 2002. In that package death penalty abolished, legal guarantees introduced for freedom of expression and freedom of associations and obstacles were lifted to learn languages other than Turkish. Also on November 2002 the state of emergency removed.

After establishment of new government other packages introduced measurements involving the prevention of torture and ill treatment, changes in the Political Parties and Elections, simplification of procedures on non-Muslim community foundations and retrial arrangements on the basis of judgments rendered by ECtHR. Broadcasting and teaching in different languages and dialectics were allowed, opening of places of worship rendered possible, regulations about composition of National Security Council and relevant law were among other changes that were made in 2003 in following other four packages. Despite influential changes in these 7 packages, different progress reports have always emphasized deficiencies and necessary legal regulations. These progress reports have played precursor roles for necessary amendments. In the last two packages, namely 8<sup>th</sup> and 9<sup>th</sup> packages, opened decisions of High Military Council to judicial review, entitlements of president were limited; National Security Courts were completely abrogated.

With these two last packages in 2003 and 2004 Turkey generally completed first homework on the way to the EU membership. Firstly, the Committee Prevention of Torture (CPT) in 2003 confirmed the existence of positive HR developments in Turkey. All these developments showed their positive consequences in 2004 progress report of the EC. In addition to these in 2004 Parliamentary Assembly of the CoE lifted monitoring

mechanism that was formed for Turkey in 1996 about HR. At the end in December 2004 the EC decided that Turkey fulfilled the Copenhagen Criteria to a satisfactory extent and accession negotiations could begin. On the 3<sup>rd</sup> of October the Negotiating Framework was issued by the EU General Affairs and External Relations Council. Finally the EU Council decided to start accession negotiations with Turkey in October 2005.

## **VI. Conclusion**

As mentioned above the EU set strict normative framework or structure up for the candidate member countries. Rules regarding HR are found in the *acquis communautaire* and the legislation of the EU. HR has important place in community legislation that was confirmed with 1993 Copenhagen Criteria. Therefore, the Union requires the future member to have a good record of HR. In order to be able to gain accession chance candidate countries have no choice and try to meet the HR criteria set by the Union. In other words, the Union, with its normative structure and rules in accession process has influential and transformative effect over agents namely candidate countries. The Union in this process uses conditionality principle as a primary tool. On the other hand states by passing from different stages internalize and institutionalize international HR agreements and make them parts of domestic practice.

States at the beginning of this process generally pursue instrumental interests; however in time this point of view changes and agents accept validity of those international HR norms. All these changes occur within the context of Human Rights Norm Socialization process stemming from constructivism. This model accepts activities of international organizations as important variables and defines them as teachers working in international relations. It is assumed that at the end of this process norm violating states reach to rule-consistent behavior level and are regarded as legitimate member of international society and the Union.

At the end of this work by looking developments it can be asserted that the democratization and HR amendments were initiated, motivated, triggered and monitored by the Union. In Turkish case point of departure is the idea of membership to the EU that was realized with 1999 Helsinki Summit. The Union, in this process with its advices, inspiration and pressure ignite the fire of change in the absence of domestic forces.

HR and democratization have been considered by the EU as effective tools to force Turkey to comply with the set of requirements formulated at the Copenhagen

Summit in 1993. In this context, Turkey after 1999 faced with a list of ‘what has to be done?’ that promises different rewards. At the beginning of this process, due to accusations about HR, Turkey was forced to defense position against Western World and chose the way of denial. But, since 2001 with constitutional amendments, domestic environment and tendency towards the comprehensive change changed and became stronger than previous periods.

This strong tendency has followed a non-linear development pattern in Turkey. So far, in membership process the EU has been performing successful teacher role with its regular reports and normative framework. But, on the other hand Turkey as a student has not fully completed all necessary requirements. However, when it is generally evaluated, all changes made in Turkish legislation have been regarded as important steps towards the EU membership target. At the final stage, it can be said that, Turkey, in order to eliminate its HR problem from its agenda, must focus its attention on domestic practice, adoption of *acquis communautaire* and internalization of relevant normative framework.

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