Human Rights in the European Union's Foreign Policy
Universal in Discourse, Flexible in Practice

Merzuka Selin Türkeş

RECONSTITUTING DEMOCRACY IN EUROPE

Merzuka Selin Türkeş
Human rights in the European Union's foreign policy
Universal in discourse, flexible in practice

Merzuka Selin Türkes is PhD Candidate at the Department of Political Science at Sabanci University, Istanbul. E-mail: mselint@su.sabanciuniv.edu.

Abstract

Establishing a cornerstone, a fundamental reference point in the new world order, human rights have been a very much cherished but very loosely adopted concept. Thus, in international relations, human rights emerged as a critical issue while the European Union appeared as a remarkable player. Correspondingly, within the European context, human rights stand not only as a defining principle of the EU but also as a tool of its foreign policy. However, parallel to the difficulties experienced in establishing a common foreign policy, the implication of human rights in the EU's relations with third countries remained problematic. In this regard, this paper aims to bring about a closer look at the function of human rights in EU's foreign policy by analyzing the Union's relations with Turkey in terms of human rights. Accordingly, the focus will be on major problematic areas in the EU's human rights policy towards Turkey, with a special emphasis on the discrepancies between the rhetoric and practice.

Keywords

Introduction

The European Union (EU) has developed a common foreign policy since 1970, which changed in the 1990s with increasing emphasis on diffusing its values and norms to its periphery. Meanwhile, human rights increasingly have been incorporated into the EU's external relations, while the EU "has repeatedly stressed that respect for human rights is an important objective of its relations with third countries."[2] This is remarkably important in the emergence of ties and links between human rights and the EU's foreign policy. This paper aims to provide a critical analysis of the EU's human rights policy towards Turkey, in an attempt to highlight the drawbacks in its impact on Turkey. Firstly, a brief historical account will be provided on how human rights have become a part of the EU's foreign policy and how this relates to Turkey. For over forty years, Turkey and the EU (more specifically the European Community until 1993, the EU from 1993 onwards) have a long-lasting relationship with ups and downs. Depending on the intensity of this relationship, the EU has been affecting Turkey in many ways at various levels. With regard to human rights, this paper suggests that the EU has led Turkey to adopt significant reforms. The focus is on the human rights reforms that Turkey has undergone through its relationship with the EU. Secondly, these reforms are analyzed in an attempt to question the application of the EU's human rights policy on third parties. The central proposition in this paper is that the EU's position on human rights in its foreign policy has not been uniform. There are two main components to this proposition, one is the variation among the applicant countries and the other is the discrepancy between the Member States and the acceding countries. In this regard, the lack of consistency in the practice of the EU's human rights policy will be discussed; firstly among the applicants, and secondly between the applicants and Member States for the purpose of considering how they affect the impact that the EU's human rights policies have on Turkey.

In the subsequent analysis, human rights are regarded as a foreign policy tool. The focus will be on the EU's foreign policy rather than conceptualizations of human rights. Recognizing three distinct generations and different categories of the notion of human rights, this study will not get into any detailed discussion of them. This is primarily because, as Andrew Williams suggests, the Union itself has not produced a statement "that has satisfactorily established the full extent of its human rights concerns in the enlargement negotiations".[3] Therefore, the EU's references to human rights as a general – and by and large vague – concept in its enlargement policy will be used as tools of foreign policy making and will be analyzed accordingly.

Human rights in the European Union's foreign policy

Although legal documents refer to human rights as one of its core values, the Union did not consider human rights as a foreign policy issue for a long time. The earliest references to human rights in the Community's foreign policy can be traced in the attempts to establish an international identity for the EC based on respect for human rights. The 1962 Birkelbach Report which was adopted by the European Parliament

---

[2] K. E. Smith (2001). The EU, human rights and relations with third countries. K. E. Smith & M. Light (Eds.), *Ethics and Foreign Policy*, Cambridge: Cambridge University Press. p.186.

[3] A. Williams. (2004). *EU Human Rights Policies: A Study in Irony.* Oxford: Oxford University Press. p.66.

determined the eligibility for membership as restricted to those states which guarantee truly democratic practice and respect for human rights and freedoms on their territories.[4] Similarly, the 1973 Copenhagen Declaration on European Identity defined an identity for the Community through the principles of democracy, rule of law, social justice and respect of human rights.

However, to speak of the emergence of the EU's position on human rights, one needs to go back to the 1978 European Council which officially declared the respect for human rights as a political condition for the EC membership. In the 1978 Session of European Council, which was held in Copenhagen, the Heads of State and Government declared the respect for and maintenance of human rights as well as representative democracy among the essential elements of membership of the European Communities.[5] This could be taken as a turning point on the EU's human rights policy. However, while this declaration indicated that respect for human rights would be a precondition of entry to the European Community, as Andrew Williams suggests, "[d]espite the implied conditionality in operation, there was nevertheless little reluctance to allow 'selective entry' for some of those European states that did not appear to satisfy the basic conditions of 'full' entry"[6]. For instance, when Greece became a full member in 1981 and Spain and Portugal in 1986, it was immediately in the aftermath of the fall of their dictatorial regimes. However, there was no stance taken by the Community with regard to past violations of human rights and their possible repetition and this was not raised as an issue blocking their accession by the community members. According to Williams, it was only the return of democracy that the Community relied on when accepting these states as full-fledged members.[7] This reveals that through the 1980's, although respect for human rights was declared as an essential element of the EC membership, it was not established as a membership criterion. Respect for human rights was formalized as a precondition of entry fifteen years after the 1978 European Council, in the 1993 Copenhagen Criteria following the Treaty on European Union (TEU).

The TEU was signed in Maastricht in 1992 and founded the European Union. In the Treaty, the Union confirmed that it relies on "fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law"[8] and defined developing respect for human rights as a common foreign and security objective.[9] In 1997, the Treaty of Amsterdam amending the Treaty of the European Union introduced the Article 6(1) to the TEU which explicitly stated the founding principles of the EU as "liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States."[10] Moving from the premise that the common provision of

---

[4] W. Birkelbach. (19 December 1961). *Report by Willi Birkelbach on the political and institutional aspects of accession to or association with the Community.*

[5] European Council (7-8 April 1978). *Declaration on Democracy*. Copenhagen.

[6] Williams, p.55.

[7] *Ibid,* p.58.

[8] Article F(2). European Community. (1992). Treaty on European Union. *Official Journal C 191.* Maastricht.(Article 6(2) in the revised Amsterdam Treaty).

[9] Article J.1.(2) on Treaty on European Union (1992).

[10] (24 December 2002). Consolidated Version of The Treaty on European Union. In *Official Journal of the European Communities.*

Article 6 of the TEU binds the Union in all actions, the EU can be expected to be obliged to respect human rights not only in internal matters but also in its external relations. Moreover, application for the EU membership has become bound to respect for human rights and fundamental freedoms in the Article 49 of the TEU, as it asserted that only a European state "which respects the principles set out in Article 6(1) may apply to become a member of the Union."[11]

The breakthrough in the EU's foreign policy in terms of its human rights stance came in 1993 with the Copenhagen Council, which established respect for human rights as the criterion to determine an applicant's eligibility for EU membership. The political aspects of the Copenhagen Criteria entailed stability of institutions guaranteeing democracy, the rule of law, as well as human rights and respect for and protection of minorities. Although the idea of applying human rights conditionality to the applicants was not a new phenomenon, its direct expression indicated "a substantially more transparent policy for full entry into the Community", which revealed the application of "good governance" in line with the World Bank and the international donor community.[12] Furthermore, the Copenhagen Criteria introduced the procedures for scrutiny and therefore established the basis for limited intervention into the applicant states.[13] Accordingly, after deciding on the political criteria for accession to be met by candidate countries by 1993; namely, the Central and Eastern European States, the European Council asked the Commission to assess the political criteria in the ten candidate countries. Until the publication of "Agenda 2000" in 1997, though, the EU's approach to the political and human rights situation in applicant countries remained in the form of *ad hoc* political dialogue.

The Agenda 2000 was a step towards a more concrete approach to the EU's political conditionality. It introduced a more detailed review procedure in which the Commission would be responsible for examining and reporting to the Council on the applicants' implementation of the accession partnerships and their progress in adopting the *acquis communautaire*. In the Luxembourg European Council, the European Council adopted Agenda 2000 into the EU acquis and led the European Commission to annually evaluate these countries' progress.[14] These were all the necessary steps in the institutionalization of the EU's human rights policy.

In 1999, the European Council met in Cologne and established a Charter of Fundamental Freedoms which relied heavily on the ECHR, the constitutional traditions of member states and international conventions to which member states belonged.[15] In this way, distinct sets of rights that already existed in the landscape of the Community's laws would be brought together. [16]

In addition, human rights clauses that have been included in all cooperation and association agreements since 1995 have brought about a concrete level of conditionality to the EU's relations with third parties. This is important as human

---

[11] Nowak, pp.688-690.

[12] Williams, pp.64-5.

[13] *Ibid*, p.65.

[14] L. Bartels. (2005). *Human Rights Conditionality in the EU's International Agreements*. Oxford: Oxford University Press. p53.

[15] G. Balducci. "The study of the EU promotion of human rights: the importance of international and internal factors", *GARNET Working Paper No: 61/08*, October 2008. p. 12.

[16] Williams, p.2.

rights policy was no longer restricted to the applicants, but included all associated states. The human rights clauses in its external agreements enable the EU to suspend the agreements in case of a failure from a third party complying with the EU's human rights principles.[17] These developments increased the credibility of the EU's position on human rights and made the EU an important actor in promoting human rights as part of foreign policy.

Turkey and the EU's human rights position

Until the 1980s, the EC did not have a critical human rights policy towards Turkey. While the EC's strategic interests in its relations with Turkey partially explain this lack, it is also due to the absence of an institutional arrangement and policy instruments on the EC side to apply a coherent and consistent human rights policy in its relations with third parties.[18] This situation changed dramatically with the 1980 military coup in Turkey, after which the EC started to investigate human rights violations.[19] On 18 September 1980, the European Parliament (EP) adopted a resolution and reminded Turkey that respect for human rights was an essential criterion for a dialogue with a state associated with the Community. Yet, during the 1980s, the EC refrained from using coercive foreign policy instruments to punish human rights abuses and rested on the declaratory diplomacy of European Political Cooperation for promotion of human rights.[20] Accordingly, Arıkan describes the EC's overall human rights policy towards Turkey between 1980-1987 as moderate and constructive, which points to a contradiction with regard to the European stance on human rights towards Turkey, given the EP's critical stance on Turkish politics.[21] The change in the Community's human rights policy towards Turkey by 1987 can be explained by two consecutive developments.

On the EC side of the coin, in 1987 Community's human rights policy began to shift from being inward-looking to outward-looking. The Single European Act - which was signed in 1986 and came into force in 1987 - increased the EP's role in the decision-making process and therefore enabled the Parliament's critical position to affect the EC policies. This does not necessarily mean that the EP became an actor in EU foreign policy but its increased visibility was an important factor in the legitimation of EU foreign policy decisions. Accordingly, the EP refused to assent to financial protocols with Turkey due to human rights concerns in 1987 and 1988.[22]

On the other side, Turkey applied for membership which made it "more vulnerable and more responsive to EU influence, but also made European concerns a source of greater pressure on the Turkish government, thus increasing EU leverage in the areas of democracy and respect for human rights"[23]. Correspondingly, when Turkey ratified the Article 25 of the European Convention for the Protection of Human Rights

---

[17] Smith, "The EU", p.189.

[18] H. Arıkan. (Spring 2002). A lost opportunity?: A critique of the EU's human rights policy towards Turkey. *Mediterranean Politics*, 7(1), 19-50. pp.26-27.

[19] *Ibid*, p.27.

[20] Smith, "The EU", p.187.

[21] Arıkan, p.27.

[22] K. Dalacoura. (2003) *Engagement or Coercion? Weighing Western Human Rights Policies towards Turkey, Iran and Egypt.* London: Royal Institute of International Affairs. p.187.

[23] Arıkan, p.28.

and Fundamental Freedoms, which resulted in the recognition of the right of individual petition to the European Court of Human Rights two months before its formal application to the Community, in 1987, Turkish Government spokesman Hasan Celal Güzel expressed Turkey's hope for this decision to contribute to Turkey's relations with Europe.[24] Furthermore, two days after its application, on 16 April 1987, the Ministry of Internal Affairs approved the statute of the Human Rights Association.[25] This was followed by Prime Minister Turgut Özal's announcement that his party was about to submit a draft constitutional amendment that would lift the political ban on pre-1980 coup leaders including Bülent Ecevit, Süleyman Demirel, Necmettin Erbakan and Alparslan Türkeş.[26] Accordingly, a referendum was held on 6 September 1987 and led to lifting of the 10 years political ban of 242 people and 5 years political ban of 477 people based on the 50.23 percent yes vote for lifting of the ban.[27]

Similarly, following the signing of the agreement on Customs Union between Turkey and the EU member states, in the period of waiting for the European Parliament to give its assent to the accord, the government of Tansu Çiller amended the Article 8 of the Terrorism Law on 27 October 1995. The Article 8, which had plagued Turkey's relations with the EU for much of the year,[28] had stated that "*[r]egardless of method or intent*, written or oral propaganda along with meetings, demonstrations, and marches that have the goal of destroying the indivisible unity of the state with its territory and nation of the Republic of Turkey cannot be conducted."[29] The amendment removed the phrase "regardless of method or intent" from the clause, which resulted in the relief of 82 individuals who were being charged under the article.[30] The EU welcomed the amendment. The President of the Council of Ministers of the time, Javier Solana expressed his contentment as he stated that Turkey's recent attempts to revise its human rights record and particularly the regulation with regard to the Article 8 demonstrated that Turkey was now on the right track.[31] The EP approved the agreement on 14 December 1995. Strikingly, though, the Customs Union agreement did not contain a human rights clause. This is interesting in its implication that even in 1995 the EU did not yet directly tie human rights policy with its foreign policy goals on legal grounds– this coupling would not emerge until 1997.

Yet, the amendments made in the constitution during the signing of the Customs Union agreement failed to alter Turkey's human rights records. On the contrary, the EP noted in its 1996 Resolution on Turkey that "since the establishment of the

---

[24] İ. Dağı. (2001). Human Rights, Democratization and the European Community in Turkish Politics: The Özal Years, 1983-7. *Middle Eastern Studies*, 37(1), 17-40. p.35.

[25] *Nisan 1987.* (n.d.). Retrieved December 10, 2009, from Office of the Prime Minister, Directorate General of Press and Information: http://www.byegm.gov.tr/YAYINLARIMIZ/AyinTarihi/1987/nisan1987.htm.

[26] Dağı, pp.35-36.

[27] *Eylül 1987.* (n.d.). Retrieved December 10, 2009, from Office of the Prime Minister, Directorate General of Press and Information: http://www.byegm.gov.tr/YAYINLARIMIZ/AyinTarihi/1987/eylul1987.htm.

[28] J.M. Dorsey. (1995, December). Tansu Ciller Ready to Face European Union and Turkish Voters. *Washington Report on Middle East Affairs*. Retrieved from http://www.wrmea.com/backissues/1295/9512037.html.

[29] Human Rights Watch. *Article 10 of the European Convention for the Protection of Human Rights.* http://www.hrw.org/reports/1999/turkey/turkey993-03.htm.

[30] *Ibid.*

[31] J. Clayton. (1995, October 31). *EU-Turkey finalise Customs Union details.* Retrieved December 10, 2009, from Turkish Daily News: http://www.b-info.com/places/Turkey/news/95-10/oct31.tdn.

---

customs union, the human rights situation in Turkey has noticeably deteriorated."[32] That same year, Turkey started to receive its first financial aid under the MEDA Programme. The EU had launched a partnership between the EU and twelve Mediterranean countries including Turkey at the Barcelona Conference of 27-28 October 1995. Within this framework, the EU adopted the Regulation on the MEDA as the "principal financial instrument for the implementation of the Euro-Mediterranean partnership and its activities".[33] The concrete steps that the EU was taking in its attempt to link human rights policy to foreign policy became stronger with the adoption of the MEDA programme as the human rights clause in MEDA programme justified the adoption of appropriate measures in cases where the partner country violates human rights.[34] Based on this legal ground, the EP called "on the Commission to block, with immediate effect, all appropriations set aside under the MEDA programme for projects in Turkey, except those concerning the promotion of democracy, human rights and civil society" declaring that "the continuing human rights violations in Turkey are in conflict with the letter and spirit of the agreement and irreconcilable with the specific financial aid instruments and the MEDA programme."[35] In this way, Turkey's position was linked to the larger goals the EU had for the Mediterranean region.

Prior to the December 1997 Luxembourg Summit, evidently in another attempt to alter Turkey's human rights records before the EU makes a decision on Turkey's status, Prime Minister Mesut Yılmaz issued the circular 1997/73 entitled "Order concerning police custody, interrogation and statements."[36] The circular entailed clauses that would make public officials more accountable, enhance judicial supervision of detention, investigate disappearances, and lift restrictions on freedom of expression.[37] The last minute manoeuvre of Yılmaz's government was far from adequate to convince the European leaders to offer a candidacy status to Turkey in the Luxembourg Summit. As Cyprus and five Eastern European countries were invited to begin negotiations on EU membership on March 31, 1998, Luxembourg Prime Minister Jean-Claude Juncker justified the summit's decision to exclude Turkey from this invitation by stating that: "It cannot be that a country where torture is still practiced has a place at the European Union table."[38]

While the EU pointed to the dismal human rights record as the primary concern in excluding Turkey from the list of eleven prospective members, the EP continued to block development aid to Turkey with the same considerations.[39] Instead, in the Cardiff Summit in June 1998, the European Council put the Commission in charge

---

[32] European Parliament. (1996, 19 September). *Resolution on the political situation in Turkey*. Retrieved from http://www.europarl.europa.eu/pv2/pv2?PRG=CALDOC&TPV=DEF&FILE=960919&TXTLST=1&POS =1&LASTCHAP=2&SDOCTA=6&Type_Doc=FIRST&LANGUE=EN

[33] *Barcelona Declaration and Euro-Mediterranean partnership.* (2007, July 26). Retrieved December 14, 2009, from Europa: http://europa.eu/legislation_summaries/external_relations/relations_with_third_countries/mediterra nean_partner_countries/r15001_en.htm.

[34] European Council. (1996). *MEDA Programme.*

[35] European Parliament, *Resolution on the political situation in Turkey.*

[36] Council of Europe, & Congress of Local and Regional Authorities of Europe. (1999). Resolutions. *Official Gazette of the Council of Europe* , 9-70.

[37] Dalacoura, p.14.

[38] (13 December 1987). Turkey refused EU membership. In *BBC News*. Retrieved from http://news.bbc.co.uk/1/hi/world/39049.stm.

[39] Human Rights Watch World Report - Turkey (1999).

with reviewing Turkey's ability to meet the Copenhagen criteria and report Turkey's related process.[40] This review and report process was in line with the policy introduced by the Agenda 2000 and applied to the eleven candidate countries. Hence, by asking the Commission to review and report Turkey's application of Copenhagen criteria, the Council confirmed Turkey's eligibility for the EU membership. Accordingly, the Commission submitted the first Regular Report on the Copenhagen Criteria as applied to Turkey in 1998. The Commission highlighted its concerns regarding persistent cases of torture, disappearances, and extra-judicial killings, the failure to assure freedom of expression and connectedly freedom of press, the conditions in prisons, and the limitations on the freedom of association and assembly. The Commission stated that Turkey needs to resolve these problems - not only in terms of reforming laws, but also in putting them into practice.[41]

Through a general evaluation of Turkey's human rights records during the interval between the Luxembourg and Helsinki Summits, it can be argued that the reforms stagnated between 1997 and 1999. When Mesut Yılmaz took office in June 1997; the new government expressed their commitment to make 1998 "the year of law."[42] The "Order concerning police custody, interrogation and statements" was an outcome of this enthusiasm of the new government. Yet, through 1998, the pace of the reforms, which might have been affected by the halt in the relationship with the EU after the Luxembourg Summit of 1997, was slower than expected. The U.S. State Department's report on Turkey's human rights practices in 1998 noted that despite "Yilmaz's stated commitment that human rights would be his government's highest priority in 1998, serious human rights abuses continued."[43] Similarly, Human Rights Watch Report on Turkey recorded that although there were "vigorous debates among state officials and in civil society on the 'rule of law,' laws were applied arbitrarily, especially to restrict freedom of expression and freedom of assembly" in 1998.[44] Nonetheless, following the Cardiff Summit, in October 1998, Turkey adopted "Regulation on Apprehension, Detention and Release Procedures" which included several legislative and administrative measures against torture practices. On the other hand, starting in October 1998, Turkish authorities closed several branches of the Turkish Human Rights Association either temporarily or for an indefinite period.[45] In this regard, despite Yılmaz government's promise, it is possible to argue that 1998 did not mark Turkish political history as "the year of law".

It was the Helsinki Summit in December 1999 which finally recognized Turkey as a candidate for membership and therefore brought it directly subject to the political conditionality for candidates set by the Copenhagen Criteria. Prior to Helsinki Summit, in July 1999, the Prime Ministry issued a circular aiming the effective implementation and stringent verification of the implementation of the October 1998 dated Regulation on Apprehension, Detention and Release Procedures.[46]

---

[40] European Council. (15-16 June 1998). *Cardiff European Council Presidency Conclusions.* Cardiff.

[41] European Commission. (1998). *Regular Report on Turkey's Progress towards Accession*, p.53.

[42] Deputy Ayseli Göksoy Quoted in 33 üncü Birleşim. (1997, December 27). *T.B.M.M. Tutanak Dergisi , 40.* Coalition party leader Hüsamettin Cindoruk quoted in Sarıkaya, M. (1998, January 4). *Zirvenin fotoğrafı.* Retrieved December 15, 2009, from Hürriyet: http://arama.hurriyet.com.tr/arsivnews.aspx?id=-281971.

[43] The Bureau of Democracy Human Rights and Labor. (26 February 1998). *Turkey Country Report on Human Rights Practices for 1998.* U.S. Department of State.

[44] *Human Rights Watch World Report.* (1999).

[45] European Commission. (1999). *Regular report on Turkey's progress towards accession.* Pp.12-1.3.

[46] Ibid.

In March 2001, the Commission set out reform priorities to improve human rights standards in Turkey in an Accession Partnership document. Correspondingly, in October 2001, before the November 2001 Progress Report of the Commission, the Parliament approved 34 constitutional amendments in an attempt to meet the short-term criteria in the accession partnership process. Within the process of reforming laws and regulation for the purpose of complying with the political criteria, 8 reform packages were confirmed between 6 February 2002 and 14 July 2004. The most popular one was the third package of August 2002, in which the DSP-ANAP-MHP coalition government of the time passed a 14-article package of legislative reforms that abolished death penalty in peacetime, granted education and broadcasting rights in minority languages, and ended key restraints on free speech. These policies are marked as significant steps towards progress in Turkey's human rights record. Following the election of the AKP government in 2002, the Prime Minister Erdoğan expressed his government's determination "to make Copenhagen political criteria Ankara criteria" as he described Turkey's full-membership prospect as a civilization project.[47] The AKP government agreed upon a new penal code in September 2004 - once again, right before the Council decided to start accession negotiations with Turkey in December of that year.

At each and every important step towards EU accession, Turkey has attempted to revise its human rights record and accordingly gone through considerable reform packages. In light of this, Turkey's aspiration for membership enables the EU's human rights concerns to affect Turkey's domestic policy. Therefore, the EU indisputably has the ability to act as a catalyst in Turkey's progress in human rights standards. This seems promising both in terms of Turkey's progress and the EU's role as human rights promoter in its foreign policy. However, in practice, I argue that some of these reforms are not only superficial in regulation but also problematic in implementation: "[T]he evidence suggests that whilst progress has been made in some areas, the pro-EU reform process is far from ushering in a new era of openness and respect for human rights in Turkey."[48]

Given this failure in implementation, the reforms that governments have adopted in search for approval from the EU seem to be little more than box-ticking in a list of the EU's requirements. What is predicated in terms of the EU's foreign policy is its ineffectiveness in promoting properly implemented and functioning human rights standards, as well as its failure in monitoring the implementation of the human rights reforms that are taken *de jure* by the subject state.

The EU lacks a proper monitoring mechanism to detect the problems in Turkey's implementation of human rights reforms. The Commission reports to the Council that the implementation of reforms appear to hold "a somewhat superficial assessment of change in Turkey, focusing on legislative and administrative reforms enacted by the current administration and putting forward little *de facto* analysis of the situation on the ground."[49] Secondly, even if malfunctions in implementation are detected by proper monitoring mechanisms, the EU has limited ability to respond to Turkey's failure in the implementation of human rights reforms. This is because the means available to the EU to influence a third state's domestic politics are largely restricted to positive conditionality. Drawing on her analysis of the EU's effect on Turkey's human

---

[47] *Erdoğan: AB hükümetin hedefi olmaya devam ediyor.* (2003, December 13). Retrieved December 14, 2009, from Radikal: http://www.radikal.com.tr/haber.php?haberno=98735.

[48] K. Yıldız. (2005) *The Kurds in Turkey: EU Accesion and Human Rights*, London: Pluto Press. p.41.

[49] *Ibid*, p.35.

Table 1.

Reforms in Turkey	Step towards EU accession
28 January 1987: Recognition of the right of individual petition to the ECHR	**14 April 1987:** Turkey applied to the EC for full membership
16 April 1987: The Ministry of Internal Affairs approved the statute of the Human Rights Association	
27 October 1995: Article 8 of its Terrorism Law is amended	**14 December 1995:** The EP approved the Customs Union agreement between the EU and Turkey
3 December 1997: Order Concerning Police Custody, Interrogation and Statements is issued	**12-13 December 1997:** Luxembourg Summit
14 July 1999: A circular on the effective implementation and its stringent verification of Regulation on Apprehension, Detention and Release Procedures is issued	**10-11 December 1999:** Helsinki Summit
3 October 2001: 34 constitutional amendments are approved	**13 November 2001**: Progress Report of the Commission
26 September 2004: New Penal Code is approved	**17 December 2004:** EU agrees to start accession negotiations with Turkey

rights policies during the 1990's, Dalacoura concludes that "[a]s the 'reward' of EU membership became more distant for Turkey, policies of conditionality and pressure on human rights front ceased being tolerable, let alone effective."[50] To put it differently, negative conditionality policies such as lessening ties with Turkey or suspending the accession negotiations will be a still-born attempt to influence Turkey. This is because the EU's influence on Turkey depends on the nation's ties to the EU.[51] Moreover, once Turkey completes the accession requirements on paper, it is even more difficult to put extra pressure for implementation without damaging the ties with Turkey, due to the fact that Turkey has already been perceiving human rights "as an excuse rather than a reason for keeping Turkey out of the EU." [52] As a BBC correspondent once noted, "[t]here is a strong feeling amongst many in Turkey that the problem is not the country's human rights record but the fact that it is an overwhelmingly Muslim society."[53] Such general opinion among the public is also reflected by some Turkish intellectuals and politicians. For instance, in his column, well-known sociologist Emre Kongar accused Barroso, Rehn and Lahendijk for emptying the concepts of democracy, human rights and secularism. According to Kongar the EU treating Turkey as a second class Islamic country rather than a contemporary partner with whom the EU can communicate on equal and just grounds.[54] Suspicions towards the EU's human rights policy are also present among the state. The state minister and Deputy Prime Minister Cemil Çiçek once declared that the EU has been beating around the bush not to accept Turkey as a member.

---

[50] Dalacoura. pp.21-22

[51] Smith, "The EU", p.198.

[52] Dalacoura, p.20.

[53] J. Dymond, (9 December 2002). Turkey attacks EU 'double-standards'. In *BBC Bews*. Retrieved from http://news.bbc.co.uk/2/hi/europe/2558707.stm.

[54] E. Kongar. (2 June 2008). AB-Türkiye İlişkileri: Yeni Emperyalizmin Çifte Standardı. In *Cumhuriyet*.

Based on this claim, Çiçek accused the EU of applying double standards on Turkey, particularly on matters of human rights.[55] In this regard, one can speak of a general scepticism in Turkey towards the EU's human rights policies. Such scepticism can be explained by the inconsistencies in the application of the EU's human rights policy both among the applicants and between applicants and Member States.

Inconsistency among applicants

Sir Leon Brittan, Vice-President of the EU Commission in 1995, stated that: "To make progress, all the EU institutions should pursue human rights issues through a combination of carefully timed statements, formal private discussions and practical cooperation."[56] This implies flexibility in determining human rights policy according to the reaction of an impugned state. This will mean that, in its external human rights policies, the EU may be modifying its action according to the perceived sensitivities of the concerned state. In this regard, the EU drops objective criteria in its implication of human rights policies.[57] Similarly, Karen E. Smith notes that "considerations of human rights compete with political, security and commercial considerations in foreign policy-making and states ignore human rights violations in 'friendly' or 'important' countries."[58]

Recent studies have highlighted the prioritisations made in the implication of Copenhagen Criteria during the enlargement process. For instance, Nowak evaluates the human rights chapters in the Commission reports on the applicants' implementation of the accession partnerships and their progress in adopting the *acquis communautaire.* Nowak concludes that the analysis of civil, political, economic, social and political rights in these chapters are "rather superficial and relates more to the *de jure* than the *de facto* situations."[59] These shortcomings of the Commission reports prepare the legal ground for the EU's flexible implementation of human rights policy. Moreover, not only the content but also the effectiveness of the reports is questionable. For instance, based on its reports on the Central and Eastern European States' (CEES) implication of Copenhagen Criteria, the Commission announced that only five of these states; namely, the Czech Republic, Estonia, Hungary, Poland and Slovenia, were ready to begin the accession process. The Commission also declared that Bulgaria, Latvia, Lithuania and Romania did not qualify for negotiations, and specifically Slovakia had not fulfilled the democratic and human rights standards required by the Copenhagen Criteria.[60] Nevertheless, the Council started -and completed- negotiations with all – except Romania and Bulgaria whose negotiations were completed three years later than the formers- at the same time, without any differentiation in enlargement policy towards to the applicants according to the differences in their human rights records. With regard to Turkey, on the other hand, the flexibility on implementation of human rights policy worked adversely.

---

[55] (24 September 2008). Çiçek: AB insan hakları konusundan fevkalade acımasız ve çifte standart uyguluyor. In *Tümgazeteler*. Retrieved from http://www.tumgazeteler.com/?a=4149098.

[56] Sir Leon Brittan quoted in A. Clapham, (1999). Human Rights in the Common Foreign Policy. In P. Alston *et al* (Eds) *The EU and Human Rights* (pp.627-683). Oxford: Oxford University Press. p.646.

[57] Clapham, p.646.

[58] Smith, "the EU", p.193.

[59] Nowak, p.691.

[60] *Ibid*.

Table 2.

	1990		1991		1992	
	PR	CL	PR	CL	PR	CL
Hungary	2	2	2	2	2	2
Poland	2	2	2	2	2	2
Estonia	-	-	2	3	3	3
Latvia	-	-	2	3	3	3
Bulgaria	3	4	2	3	2	3
Turkey	2	4	2	4	2	4
Romania	6	5	5	5	4	4

Source: Freedom House, Country ratings, (www.freedomhouse.org). PR and CL stand for Political Rights and Civil Liberties. In Freedom House's index, political rights and civil liberties are measured on a one-to-seven scale, with 1 representing the most free and 7 the least free rating.[61]

Drawing on Freedom House index in 1990, 1991 and 1992, Lundgren compares the records of Turkey to those of the CEES prior to the establishment of Copenhagen Criteria in 1993. She notes that although Turkey was lagging behind the CEES in terms of political rights and civil liberties, the differences in their scores were relatively small. Moreover, it was Romania rather than Turkey that scored considerably lower than the CEES.[62] Notwithstanding, by 2007, not only the CEES but also Romania have been accepted as full members to the EU, while Turkey was still in the early process of accession negotiations whose ambiguity is often emphasized by the EU leaders.

 The Freedom House reports indicate a significant improvement in the political rights and civil liberties ratings of the CEES, particularly of Romania, in the years following the establishment of Copenhagen Criteria, whereas Turkey's ratings deteriorated. Accordingly, in 1997, when Turkey failed to receive a candidacy status in the Luxembourg Summit, it scored lower than Romania, and even lower than its own ratings in 1990, 1991 and 1992. The improvement in the CEES and particularly in Romania can be explained by the positive impact of the accession process to the EU. Yet, when the accession negotiations started between the EU and Turkey in 2005, although Turkey scored the lowest of all candidate countries, there was only a slight difference between the scores of Turkey and Romania – whose accession negotiations were going on for five years, at the time.

Table 3.

	1997		2000		2005	
	PR	CL	PR	CL	PR	CL
Turkey	4	5	4	5	3	3
Romania	2	3	2	2	3	2

Source: Freedom House, Freedom in the World, Tables and Charts.[63]

---

[61] Å. Lundgren. (2006). The case of Turkey; Are some candidates more "European" than others? In H. Sjursen (Ed.) *Questioning EU Enlargement*, (pp.121-141). London: Routledge.

[62] Lundgren, p. 133.

[63] Freedom House. (1996- 1997 and 1999-2000). *Freedom in The World: The Annual Survet of Political Rights and Liberties*. New York: Freedom House. And Freedom House (2005) *Table of Independent Countries*. Retrieved from *http://www.freedomhouse.org/uploads/Chart51File40.pdf*.

In terms of the implication of the Copenhagen Criteria, then, the EU can be argued to be more responsive to the nuances between Turkey and the CEES than it is to those among the CEES. Karen E. Smith explains such inconsistencies in implementation through the importance that the subject state has to the EU. Accordingly, the EU is more likely to apply negative conditionality to the states which have less importance; meaning, the EU may have commercial and political interests that would block the use of negative measures.[64] While Smith's emphasis is on interests, according to Sjursen, European enlargement is not only an outcome of a simple utility maximization of rational member states but also a process motivated by ethical-political and moral reasons as well as pragmatic considerations. In other words, rights and values, along with utility, are characteristics that mobilize enlargement.[65] In the case of differentiation in the implication of human rights policies towards Turkey and the CEES, the Member States' value-based considerations seem to play a major role. Schimmelfennig mentions that despite the Commission's efforts to present its 'objective' Opinions on norms based Copenhagen Criteria and differentiation among the CEES, the Council decided to open up negotiations with all associated countries at the same time in an attempt to "avoid creating a new division of Europe and discourage democratic consolidation in the candidate countries it turned away" – an impartial argument justifiable on the Community's values and norms.[66] Likewise, noting that "Turkey has been treated differently than the other applicants during the process leading up to the 2004 enlargement,"[67] Lundgren reveals that the EU has prioritized enlargement to the candidates towards which it assumes kinship based duty.

The prioritizations made in the enlargement process foster the suspicions in Turkey with regard to the credibility of the EU's human rights policy. For instance, in 2002, Prime Minister Erdoğan pointed to the poor human rights records of Latvia, which at the time was a candidate country, expected to be a member by 2004 and accused the EU of applying double standards in deciding on which countries might join the Union.[68] The same year, in an attempt to describe the double standards in the EU's enlargement process, journalist Güneri Civaoğlu referred to the 1999-2000 Progress Reports on Romania, Lithuania, Latvia, Bulgaria and Slovakia and stated that they scored behind Turkey's records. According to Civaoğlu, the Progress Reports on Turkey were most probably right about Turkey's incompetencies, what is problematic was that such incompetencies were not considered as an obstacle for starting negations with the CEES but precluded the start of negotiations with Turkey. Civaoğlu questioned the suitability of adopting such an attitude with double standards by an actor like the EU who advocates equality based on human rights.[69]

---

[64] Smith, pp.193-196.

[65] H. Sjursen. (2002). The Question of Legitimacy and Justification in the EU's Enlargement Policy. *Journal of Common Market Studies*, 40(3), 491-513.

[66] F. Schimmelfennig. (2001). The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union. *International Organization*, 55(1), 47-80.

[67] Lundgren, p.138.

[68] Dymond.

[69] G. Civaoğlu. (11 October 2002). AB ve eşitlik. In *Milliyet*. Retrieved from http://www.milliyet.com.tr/2002/10/11/yazar/civaoglu.html.

Inconsistency between internal/external policies

Respect to principles of human rights is tied to political conditionality in the EU's foreign policy in two ways: Firstly, within the enlargement process through Copenhagen Criteria; secondly, within the cooperation agreements through the human rights clauses, both constituting the legal basis for the EU to take necessary restrictions in the case of the third party failure. However, the EU's human rights policy which seems solely focused on the behaviour of the third parties is incoherent in the eyes of the rest of the world, as it fails to consider human rights issues within.[70]

Problems in the EU's internal human rights policies stem from both monitoring and enforcement. Accordingly, "A Human Rights Agenda for the European Union for the Year 2000" issued by the Comité des Sages in 1999 stated that the EU "currently lacks any systemic approach to the collection of information on human rights" within the Community.[71] Furthermore, Williams points to the fundamental restriction on enforcement action inherent within the Community's legal structure due to Article 51 of the EU Charter of Fundamental Rights which ensures that the provisions of the Charter are addressed to Member States "only when they are implementing Union law."[72] Given that the EU is experiencing difficulties in implementing a single and effective human rights policy in its internal affairs, the pressure it puts on the third parties either through accession criteria or human rights clause in its foreign policy reveals itself as an inconsistency.

The Framework Convention on National Minorities constitutes a good example of the inconsistency between internal and external EU's human rights policies as it illustrates that a provision that has not been ratified by all of its Member States can be an external requirement for applicant states. Accordingly, 2001 Regular Report on Turkey's Progress towards Application states with implicit disapproval that "Turkey has not signed the Council of Europe Framework Convention for the Protection of National Minorities and does not recognise minorities other than those defined by the 1923 Lausanne Peace Treaty."[73] However, the EU remained inactive to France's failure to sign and ratify the Framework Convention the same year. According to Lerch and Schwellnus this was "an obvious case of incoherence that the FCNM is presented as constituting the 'European standard' without being signed, let alone ratified, by all 'old' EU member states."[74]

Indeed, the old member states hardly have a clear record of human rights, let alone the new member states. The statistical data on the ECHR judgments by country for the period between 1959 and 2010 reveals that with 2,245 violation judgements out of a total 2,573, Turkey is the country with the worst record of human rights violations.[75] Strikingly, in terms of the highest number of violation judgements, Turkey is followed by an "old" EU member state, Italy. According to the report, from 1959 to 2010, the Court found Italy guilty of human rights violations in 1,627 cases out of 2,121. In 2010

---

[70] Clapham. p.642.

[71] Williams, p.95.

[72] *Ibid*, p.107.

[73] European Commission. (2001). *Regular Report on Turkey's Progress Towards Accession*. p.29.

[74] M. Lerch and G. Schwellnus. (2006). Normative by nature? The role of coherence in justifying the EU's external human rights policy. *Journal of European Public Policy*, 13(2), 304-321. P.315.

[75] ECHR. (31.10.2010). *Violation by Article and by Country 1959-2010.*

alone, there were 278 applications against Turkey while this number was 143 in Romania, 107 in Poland and 81 in Bulgaria.[76]

Any misfit in the adoption of the human rights policy that the EU pursues in its external relations to its internal affairs can be regarded as problematic in terms of the EU's foreign policy in three ways. Firstly, if the adoption of a discourse of universality and indivisibility is not mirrored by internal approaches, it leads to a shady external human rights policy.[77] Unless the third parties see the internal application of the human rights policies that the EU makes them subject to, they would not take the EU seriously and therefore its foreign policy would become futile. Secondly, the incoherence between internal and external policies will damage the EU's credibility, by making the EU susceptible to criticisms for its "unilateralism and double standards."[78] Alston and Weiler stress that "in an era when universality and indivisibility are the touchstones of human rights, an external policy which is not underpinned by a comparably comprehensive and authentic internal policy can have no hope of being taken seriously."[79] Thirdly, it jeopardizes the EU's endeavour to acquire an identity in the sense that a Community that fails to adopt a "strong human rights policy for itself is highly unlikely to develop a fully-fledged external policy and apply it with energy or consistency."[80]

The perceived inconsistencies in the EU's internal and external human rights policies have decreased the credibility of the EU as a human rights promoter and led to a reflex in Turkey to blame the EU with applying double standards when the EU pushes Turkey to adopt a serious human rights reform. Such a reflex is partly fed by the above-mentioned suspicions on the credibility of the EU's human rights policy and partly by the frustration in Turkey about being kept on the waiting list of accession for so long. Describing this tendency as a reflex suggests that with regard to the EU initiated human rights reforms, the Turkish public responds on a presupposed existence of inconsistency between internal and external applications of the EU's human rights policy. This means that the public resistance against a human rights policy of the EU may occur without questioning either its content or its actual consistency with internal practices. In this sense, public remains receptive to manipulations by some politicians and intellectuals who have a stake in not adopting a particular human rights policy. The 2007 debates on the Article 301 of the Turkish Penal Code substantiate this assertion. The Article 301 calls for punishment of the denigration of Turkishness, the Republic or the Grand National Assembly of Turkey, the Government of Turkey, the judicial institutions of the State, the military or security organizations. Accordingly, it brought many people under charge, including recently murdered journalist Hrant Dink, popular novelist Elif afak and 2006 Nobel laureate Orhan Pamuk. The EU has been criticizing the Article 301 on the basis of the threat it poses to freedom of expression and standing firm on its resolution that Turkey should repeal it if it wants to complete the accession process. In an interview that Olli Rehn gave to a Turkish journalist on 27 March 2007, he re-emphasized that

---

[76] ECHR. (2011). *Violations by Article and by Country.*

[77] Williams, p.7.

[78] *Ibid.*

[79] Alston and Weiler, (1999) An 'Ever Closer Union' in Need of a Human Rights Policy: The European Union and Human Rights. In P. Alston *et al* (Eds) *The EU and Human Rights* (pp.4-66). Oxford: Oxford University Press. p.8.

[80] *Ibid*, pp.8-9.

there is no way that Turkey would be let in unless it modifies the implication of the Article 301 according to the European standards.[81]

However, by 2007, Turkish officials were still reluctant to make a change in the related article while Minister of Justice Cemil Çiçek argued that some EU member states, namely Germany and Italy, have equivalent articles in their penal codes.[82] Similarly, Deniz Baykal, the leader of the main opponent party CHP, who hardly come to a common point with the AKP government, agreed with Cemil Çiçek as he referred to the Penal Codes of Italy, France, Spain and the Netherlands as containing regulations similar to the Article 301.[83] Çiçek and Baykal's argument launched a public debate in Turkey. In mass media, legal experts, journalists and academics have explained the inaccuracy of Çiçek and Baykal's argument by highlighting the differences between the related articles in European states' penal codes and in Turkish Penal Code. For instance, in his column, Turkish journalist and former politician Altan Öymen referred to Çiçek and Baykal's argument that the exact content of the Article 301 exists in the penal codes of some European states and wrote: "This information is wrong."[84] According to Öymen, the Article 301 differed from the relevant article in the Italian Penal Code, the Article 291, because in the Italian case "insult of the Italian nation" is prohibited while in the Turkish case "denigration of Turkishness" is prohibited. Öymen stresses that "Turkishness" is a broader concept than the "Turkish nation" and it enables to bring any criticism of any Turkish group that has ever existed or still exists wherever in time and wherever on earth under the domain of the Article 301. In similar lines, Turkish academic and columnist Murat Belge examines the similar articles in Italian, Slovakian, Austrian and German Law and concludes that none of them includes a concept similar to "Turkishness."[85] From another point, Levent Korkut, a Turkish academic and a member of International Amnesty Board of Directors stresses that even though among the European states' law there might exist some similar regulations to the Article 301, they are not implemented as those states primarily adopts the jurisprudence of the European Court of Human Rights.[86] Yet, a considerable portion of politicians and public remained committed to the argument. The support for Çiçek and Baykal's arguments can be explained via already established skepticism towards the EU's foreign policy based on prior experiences of inconsistency in its internal and external policies of human rights.[87] It is in this regard that "the credibility of the Community is at stake both as an institution concerned with human rights and in its ability to fashion a workable policy that will attain its objectives."[88]

---

[81] M.A. Birand. (27 March 2007). Rehn, 301'den Şimdilik Vazgeçmiş Gibi. *Hürriyet*. Retrieved from http://arama.hurriyet.com.tr/arsivnews.aspx?id=6207651.

[82] "Çiçek'ten AB'ye terör eleştirisi" in *NTVMSNBC*, 06.10.2006, http://www.ntvmsnbc.com/news/387126.asp.

[83] *CHP Genel Toplantısı.* (2006, September 26). Retrieved February 3, 2010, from T.C. Başbakanlık Avrupa Birliği Genel Sekreterliği: http://www.abgs.gov.tr/index.php?p=39642&l=1.

[84] A. Öymen. (2006, November 18). *301'le ilgili yanlış bilgiler.* Retrieved February 3, 2010, from Radikal: http://www.radikal.com.tr/haber.php?haberno=204871.

[85] M. Belge. (2007, March 20). *Avrupa'nın '301'leri'.* Retrieved February 3, 2010, from Radikal: http://www.radikal.com.tr/haber.php?haberno=216062.

[86] *PANEL " fade Özgürlüğü ve 301. Madde".* (2008, April 29). Retrieved February 3, 2010, from SETA: Siyaseti Ekonomi ve Toplum Araştırmaları Vakfı: http://www.setav.org/index.php?Itemid=57&id=455&option=com_content&task=view.

[87] N. Düzel. (19 February 2007). Bu Milliyetçi Dalga Yakında Sönecek. *Radikal*. Retrieved from http://www.radikal.com.tr/haber.php?haberno=213377.

[88] Williams, p.7.

Conclusion

Human rights have evolved as a core value of the EU and correspondingly, as a prominent part of its foreign policy. However, there are strong criticisms towards the EU's adoption of human rights in its foreign policy. Alston and Weiler touch the core of those criticisms as they claim: "Despite the frequency of statements underlining the importance of human rights and the existence of a variety of significant individual policy initiatives, the European Union lacks a fully-fledged human rights policy."[89] Given that Turkey's aspiration for the EU membership equips the EU with an exclusive ability to influence Turkey's domestic politics, the EU has been a significant push factor in the human rights reforms that Turkey has undergone in the last quarter century. In this sense, a superficial conclusion could be that the EU has been effective in its human rights policy towards Turkey. However, a closer analysis of the practice of its policy would detect that the reforms that Turkey has made in the direction of the EU's will, have largely turned out to be shallow and non-implemented. With regard to implementation of human rights reforms, this paper criticized the EU for being inefficient both in terms of monitoring and enforcement in Turkey. While the EU's ability to monitor and enforce partially explain the problems in Turkey's implementation of human rights reforms, it might also be related to the EU's credibility as a foreign policy actor. This paper has argued that a political actor's credibility depends on the consistency in its policies. With regard to consistency in the EU's human rights policies, I suggest that there are two main areas of trouble: Firstly, despite its emphasis on the universality of human rights, in practicing its foreign policy, the EU is inconsistent among the subject states and modifies its foreign policy depending on the importance that the particular state holds for the EU. Such an inconsistency also exists in the EU's practice of human rights in internal and external policies as if the human rights breaches can only be done by non-Europeans. Yet, it is still too early to conclude for the failure of the EU's human rights policy towards Turkey since the reform process that Turkey has been going through in the light of the EU's foreign policy merits some time for a complete assessment of efficiency. The discrepancy between the rhetoric and practice of the EU's human rights policy towards Turkey can erode through time, if Turkey implements the *de jure* reforms and the EU brings about standardizations in its human rights policy applications.

---

[89] Alston and Weiler, p.7.

RECON Online Working Papers

2010/13
Emmanuel Sigalas, Monika Mokre,
Johannes Pollak, Peter Slominski
and Jozef Bátora
**Democracy Models and Parties
at the EU Level**
Empirical Evidence from the Adoption of
the 2009 European Election Manifestoes

2010/12
Antje Wiener and Uwe Puetter
**Informal Elite Dialogue and
Democratic Control in EU Foreign and
Security Policy**

2010/11
Erik Oddvar Eriksen
European Transformation
A Pragmatist Approach

2010/10
Justus Schönlau
The Committee of the Regions
The RECON Models from a Subnational
Perspective

2010/09
Asimina Michailidou and Hans-Jörg Trenz
**2009 European Parliamentary
Elections on the Web**
A Mediatization Perspective

2010/08
Kolja Möller
**European Governmentality or
Decentralised Network Governance?**
The Case of the European Employment
Strategy

2010/07
Kjartan Koch Mikalsen
In Defence of Kant's League of States

2010/06
Nora Schleicher
Gender Identity in a Democratic Europe

2010/05
Christian Joerges
**The Idea of a Three-Dimensional
Conflicts Law as Constitutional Form**

2010/04
Meltem Müftüler-Baç and
Nora Fisher Onar
**Women's Rights in Turkey as Gauge
of its European Vocation**
The Impact of 'EU-niversal Values'

2010/03
Neil Walker
**Constitutionalism and Pluralism in
Global Context**

2010/02
Dominika Biegoń
**European Identity Constructions in
Public Debates on Wars and Military
Interventions**

2010/01
Federica Bicchi and Caterina Carta
**The COREU/CORTESY Network and
the Circulation of Information within
EU Foreign Policy**

2009/19
Rachel Herp Tausendfreund
The Commission and its Principals
Delegation Theory on a Common
European External Trade Policy
in the WTO

2009/18
Marianne Riddervold
Making a Common Foreign Policy
EU Coordination in the ILO

2009/17
Uwe Puetter and Antje Wiener
**EU Foreign Policy Elites and
Fundamental Norms**
Implications for Governance

2009/16
Emmanuel Sigalas, Monika Mokre,
Johannes Pollak, Jozef Bátora
and Peter Slominski
**Reconstituting Political
Representation in the EU**
The Analytical Framework and
the Operationalisation of the
RECON Models

2009/15
Meltem Müftüler-Baç and Yaprak Gürsoy
**Is There an Europeanisation of
Turkish Foreign Policy?**
An Addendum to the Literature
on EU Candidates

2009/14
Maria Weimer
**Applying Precaution in Community
Authorisation of Genetically
Modified Products**
Challenges and Suggestions for Reform

2008/15
Agustín José Menéndez
**Reconstituting Democratic
Taxation in Europe**
The Conceptual Framework

2008/14
Zdzisław Mach and Grzegorz Pożarlik
**Collective Identity Formation in the
Process of EU Enlargement**
Defeating the Inclusive Paradigm of a
European Democracy?

2008/13
Pieter de Wilde
**Media Coverage and National
Parliaments in EU Policy-Formulation**
Debates on the EU Budget in the
Netherlands 1992-2005

2008/12
Daniel Gaus
Legitimate Political Rule Without a State?
An Analysis of Joseph H. H. Weiler's
Justification of the Legitimacy of the
European Union Qua Non-Statehood

2008/11
Christopher Lord
**Some Indicators of the Democratic
Performance of the European Union
and How They Might Relate to the
RECON Models**

2008/10
Nicole Deitelhoff
Deliberating ESDP
European Foreign Policy and
the International Criminal Court

2008/09
Marianne Riddervold
Interests or Principles?
EU Foreign Policy in the ILO

2008/08
Ben Crum
The EU Constitutional Process
A Failure of Political Representation?

2008/07
Hans-Jörg Trenz
In Search of the European Public Sphere
Between Normative Overstretch and
Empirical Disenchantment

2008/06
Christian Joerges and Florian Rödl
**On the "Social Deficit" of the European
Integration Project and its Perpetuation
Through the ECJ Judgements in**
Viking **and** *Laval*

2008/05
Yvonne Galligan and Sara Clavero
**Reserching Gender Democracy in
the European Union**
Challenges and Prospects

2008/04
Thomas Risse and Jana
Katharina Grabowsky
**European Identity Formation in the
Public Sphere and in Foreign Policy**

2008/03
Jens Steffek
**Public Accountability and the Public
Sphere of International Governance**

2008/02
Christoph Haug
Public Spheres within Movements
Challenging the (Re)search for a European
Public Sphere

2008/01
James Caporaso and Sidney Tarrow
Polanyi in Brussels
European Institutions and the
Embedding of Markets in Society

2007/19
Helene Sjursen
Integration Without Democracy?
Three Conceptions of European
Security Policy in Transformation

2007/18
Anne Elizabeth Stie
**Assessing Democratic Legitimacy
From a Deliberative Perspective**
An Analytical Framework for Evaluating the
EU's Second Pillar Decision-Making System

2007/17
Swantje Renfordt
**Do Europeans Speak With
One Another in Time of War?**
Results of a Media Analysis
on the 2003 Iraq War

2007/16
Erik Oddvar Eriksen and
John Erik Fossum
**A Done Deal? The EU's Legitimacy
Conundrum Revisited**

2007/15
Helene Sjursen
Enlargement in Perspective
The EU's Quest for Identity

2007/14
Stefan Collignon
**Theoretical Models of Fiscal
Policies in the Euroland**
The Lisbon Strategy, Macroeconomic
Stability and the Dilemma of
Governance with Governments

2007/13
Agustín José Menéndez
The European Democratic Challenge

2007/12
Hans-Jörg Trenz
**Measuring Europeanisation of
Public Communication**
The Question of Standards

2007/11
Hans-Jörg Trenz, Maximilian
Conrad and Guri Rosén
**The Interpretative Moment of
European Journalism**
The Impact of Newspaper Opinion
Making in the Ratification Process

2007/10
Wolfgang Wagner
**The Democratic Deficit in the
EU's Security and Defense Policy
– Why Bother?**

2007/09
Helene Sjursen
'Doing Good' in the World?
Reconsidering the Basis of the Research Agenda
on the EU's Foreign and Security Policy

2007/08
Dawid Friedrich
Old Wine in New Bottles?
The Actual and Potential Contribution of
Civil Society Organisations to Democratic
Governance in Europe

2007/07
Thorsten Hüller
Adversary or 'Depoliticized' Institution?
Democratizing the Constitutional Convention

2007/06
Christoph Meyer
**The Constitutional Treaty Debates as
Revelatory Mechanisms**
Insights for Public Sphere Research and
Re-Launch Attempts

2007/05
Neil Walker
Taking Constitutionalism Beyond the State

2007/04
John Erik Fossum
Constitutional Patriotism
Canada and the European Union

2007/03
Christian Joerges
Conflict of Laws as Constitutional Form
Reflections on International Trade Law
and the *Biotech* Panel Report

2007/02
James Bohman
Democratizing the Transnational Polity
The European Union and the
Presuppositions of Democracy

2007/01
Erik O. Eriksen and John Erik Fossum
Europe in Transformation
How to Reconstitute Democracy