

# Türkiye Bakımından Avrupa Güvenlik Kimliği: Jeopolitik ve Demokratik Ufuk

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Avrupa'nın bir süreden beri geliştirmeye çalıştığı kendi güvenlik ve savunma kimliği ile Türkiye'nin güvenlik amaçları nasıl bağdaştırılabilir? Bu inceleme, bu sorunun üzerinde durma amacını gütmektedir. Başka bir deyişle, Türkiye ile Avrupa Güvenlik ve Savunma Kimliğini irtibatlandırmanın önündeki engeller nelerdir? İrtibatlandırmayı kolaylaştırıcı faktörler var mıdır?

Bu husus, ilk bakışta, kurumsal bir sorun gibi görülmektedir. Kurumsal bakış doğru bir yaklaşım da sayılabilir. Çünkü hem 1991'de imzalanan Maastricht Andlaşması hem de 1996'da imzalanan Amsterdam Andlaşması soruna bu açıdan bakmış ve Avrupa Birliği'ne ait ortak bir güvenlik politikası geliştirme görevini ve bu alanda karar verme yetkisini Avrupa Birliğine tanımıştır. Ayrıca Maastricht Andlaşması, Batı Avrupa Birliğinin Avrupa Birliğinin savunma organı olarak geliştirilmesini öngörmüştür.

Fakat sorunun bir de esasla ilgili yönü vardır ki, tehdit algılamalarının ve güvenlik menfaatlerinin uyuşup uyuşmadığı konusuyla ilgilidir. Bu bakımdan, AB üyelerinin sadece Türkiye ile değil kendi aralarında da ayrılıklar mevcuttur. Ancak, AB üyeleri arasında bazı

asgari müşterekler ve olaylar karşısında alınan bazı ortak tavırlar da vardır. Mesela, AB'nin tüm üyeleri AB bölgesini bir "güvenlik topluluğu" (security community) olarak görmektedirler. Başka bir deyişle, birbirlerine karşı önemli güvenlik sorunlarının üstesinden gelecek bir "barış toplumu" kurmuş oldukları inancına varmış bulunmaktadır. Başlangıçtaki soruyu o zaman şöyle de sorabiliriz: Türkiye'nin güvenlik menfaatleri Avrupalıların bu ortak tavırları ile uyuşabiliyor mu? Üzerinde durulması gereken ikinci soru ise şudur: eğer uyuşmuyorsa, çelişkilerin azaltılması için kurumlardan nasıl yararlanabiliriz ?

Önce, esasla ilgili sorunlara eğilelim. Soğuk Savaş yıllarında, Türkiye bir NATO üyesi olarak Batı Avrupa güvenliğine önemli katkılarda bulunuyordu. Öte yandan Türkiye, riskli jeopolitik konumuna rağmen NATO'nun koruyucu şemsiyesinin altında kendisine yönelik tehditleri karşılayacak şekilde ittifakın imkanlarından yararlanıyordu. Hatta, NATO üyeleri arasında oluşan menfaat birliği ittifak içinde ortak bir strateji kültürünün ortaya çıkmasına da yol açmıştı.

Sovyet tehdidi ve onun sonucunda çift kutuplu sistemin gereği olan nisbi istikrar ve disiplin ortadan kalkınca, güvenlik endişeleri tamamiyle değişti ve çeşitlendi. Bu çeşitlenme,

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özellikle Orta Doğu, Balkanlar ve eski Sovyet alanı gibi Türkiye'yi çevreleyen bölgelerden kaynaklandı. Aynı bölgeler Türkiye için yepyeni fırsatlar da yaratıyordu. Soğuk Savaştan sonraki şartlar stratejik bakımdan Avrupa'yı kendi içine döndürürken, Türkiye'yi dışa yöneltti. Türkiye, hem dıştan gelen tehditlere karşı, eskiye oranla daha aktif tedbirler alırken hem de yeni doğan fırsatlardan yararlanmak için kendisini çevreleyen bölgelerde ekonomik ve siyasi bakımdan daha girişimce bir rol oynamaya başladı.

AB içinde ise, Türkiye'dekine benzemeyen bir süreç yaşandı. Batı Avrupalıların birbirlerine karşı kuvvet kullanma ihtimali tamamiyle ortadan kalkmıştı. İkinci Dünya Savaşından kalan kötü hatıraların etkisiyle askeri kuvvet kullanmaya karşı genel bir tutum da oluşmuştu. Gene yakın geçmişte, Avrupa'da insanlığa karşı işlenen suçların yarattığı belki de gizli bir vicdan azabının etkisiyle insan haklarına riayet en önde gelen standart ölçü sayıldı. Böylece, demokrasi ile uluslararası güvenlik arasında sıkı bir ilişki kuruldu. Demokratikleşme ve insan haklarına riayet uluslararası güvenliğin temel şartı haline geldi. Avrupa'nın jeopolitik ufku daralırken, demokratik ufku genişledi. Halbuki Türkiye'de bunun tam tersi bir durum ortaya çıktı: Jeo-politik ufuk genişlerken demokratik ufuk dar kaldı. Bu gelişme sonucunda Avrupalı müttefiklerle Türkiye arasında Soğuk Savaş yıllarında var olan ortak stratejik kültür ortadan kalktı. Türkiye, Avrupa güvenliğine katkıda bulunan bir ortak olarak değil tam tersine Avrupalıların güvenlik yükümlülüklerini gereksiz biçimde artıran, onların almak istemedikleri güvenlik riskleri yaratan bir ülke olarak algılanmaya başlandı.

Türkiye ile Avrupa arasında Türk-Yunan ilişkileri ve terörizm-bölücülük konularında da derin ayrılıklar vardır. Bu iki sorun Türkiye'nin hayati güvenlik menfaatlerini doğrudan ilgilendirmektedir. Türk-Yunan uyuşmazlıkla-

rında ilgili taraflardan birisi olan Yunanistan AB üyesi olduğu, Türkiye ise üye olmadığı için, AB'nin tarafsız ve yapıcı bir rol üstlenmesi mümkün değildir. Güney Doğu sorununa da AB Türkiye'deki insan hakları sorunlarını vurgulayarak yaklaşmaktadır. Terörizmin bizzatı çok ciddi bir insan hakkı ihlali olduğu göz ardı edilmekte ve Türkiye demokrasisinin eksikleri ve boşlukları adeta terörü meşrulaştırmanın bir aracı olarak kullanılmaktadır. Bu yaklaşım, Türkiye'de genellikle ülkenin bölünmesini amaçlayan kasdi bir politika olarak algılanmaktadır.

Bazı noktalarda, Türkiye ile Avrupa arasında uyuşan politikalar ve davranışlar da söz konusu olmaktadır. Mesela, Türkiye'de pek çok AB üyesi gibi (Britanya dışında) İran ve Irak'a karşı uygulanan ekonomik yaptırımlardan hoşnut değildir. Bu ülkelerle ekonomik ilişkilerin kesilmesi Türkiye'ye zarar vermektedir. Ayrıca Türkiye, enerji ihtiyacını karşıladığı ülkeleri çeşitlendirmek istemektedir. Onun için İran'dan enerji almak veya İran'ı Türkmenistan gazının güzergahı olarak kullanmak Ankara'nın imkanlarını ve tercihlerini çoğaltacaktır. Ekonomik yaptırımlar Türkiye'nin bu politikasını uygulamasını zorlaştırmaktadır.

NATO çerçevesinde de uyuşma noktaları mevcuttur. NATO üyesi olarak Türkiye, Atlantik İttifakının kendi Soğuk Savaş sonrası şartlarına uydurma projelerine tam destek vermektedir. Bazı tereddütlere rağmen Avrupalı müttefikler gibi NATO'nun genişleme politikasını desteklemektedir. Barış İçin Ortaklık programında faal bir rol oynamaktadır. NATO'nun barış operasyonlarına katılmaktadır. Balkanlar ve Kafkasya'da gerektiğinde görev almak üzere hazır durumda bekleyecek barış güçleri kurulması için başarılı girişimlerde bulunmaktadır.

Bu ortak anlayışa rağmen, NATO'nun hangi şartlarda askeri kuvvet kullanması gerektiği konusunda ittifak içinde bazı görüş ayrılıklarının olduğu da doğrudur. Bu bakımdan Tür-

kiye ile Avrupalı müttefikler arasında da bazı farklar gözlemlenmektedir. Özellikle Bosna kirizi dolayısıyla ortaya çıkan farklar, uzlaşma ile sonuçlanmış olsa bile, önemlidir. Mesela, Türkiye'nin Sırp saldırıları başladıktan hemen sonra bu saldırıların hava kuvvetleri kullanılarak durdurulması yolundaki önerisi ve Bosna'ya uygulanan silah ambargosunun kaldırılmasına yönelik teklifi Avrupalı müttefikler tarafından kabul görmemiştir. Daha da önemlisi, NATO ortak savunma sisteminin temel direği olan 5. Maddenin Soğuk Savaş sonrası koşullarda nasıl ve ne zaman uygulanacağı konusunda da Türkiye ile Avrupalı müttefikler arasında ciddi görüş ayrılıkları olduğunun işaretleri mevcuttur.

Türkiye ile AB arasında ortak güvenlik anlayışları nasıl geliştirilebilir? Kurumlar ve yeni kurumlaşmalar ortak anlayışların geliştirilmesine yardımcı olabilir mi? Türkiye, hem NATO üyesi hem de BAB'ın ortak üyesidir. Ancak bu durum ortak güvenlik ve savunma alanındaki karar süreçlerine Ankara'nın katılması için yeterli değildir. BAB, Maastricht ve Amsterdam Andlaşmalarına göre AB'nin savunma organı olarak çalışmaya başlayınca, ilk kararlar AB içinde alınacak, BAB onun üzerine harekete geçecektir. BAB'ın NATO'nun imkan ve kabiliyetlerinden yararlanması söz konusu ise, sorun NATO organlarında tartışılacaktır. Ancak o zaman Türkiye tam yetkili olarak karar sürecine katılabilecektir. Zaten sorun NATO'ya geldiği zaman artık Avrupa düzeyinden başka bir düzeye geçmiş olacaktır ve o düzeyde Avrupa savunma ve güvenlik kimliğinin oluşmasına katkıda bulunmak söz konusu olamayacaktır. Bu itibarla Ankara'nın sürecin başından itibaren sesini duyurabilmesi için AB içinde de güvenlik konularının tartışılmasına Ankara'yı da dahil etmek üzere özel

bir danışma mekanizmasının kurulması yararlı olabilir.

Ayrıca ABD ve AB arasında sürdürülen "Transatlantik diyalogu"na Ankara'nın katılmasını sağlamak da gerekir. Çünkü, transatlantik forumunda görüşülen güvenlik konularından pek çoğu Türkiye'yi doğrudan ilgilendirmektedir. Aynı şekilde, "Balkan Temas Grubu"na da Türkiye'nin katılması, Avrupa Güvenliği bakımından çok önemli bir bölge olan Balkanlardaki sorunların çözülmesine Türkiye'nin katkılarını artıracaktır.

Kurumsal düzeydeki bu tür gelişmeler ortak güvenlik menfaati alanlarının genişletilmesine katkıda bulunabilir. Ancak kurumsal gelişmelerin Türkiye'yi içerecek şekilde meydana gelmesi herşeyden önce Avrupa'nın nasıl bir güvenlik ve savunma kimliği oluşturmak istediğine bağlıdır. Avrupa dar sınırları içinde kalan güvenlik konularında kendi içine dönük bir Avrupa mı istemektedir? Yoksa, menfaatlerini Avrupa dışındaki bölgelerde de korumak, o bölgelerde istikrara katkıda bulunmak üzere imkan ve kabiliyetlerini kullanma iradesine sahip bir Avrupa mı istemektedir? Eğer Avrupa birinci yolda yürürse, sırtını Türkiye'ye daha kolay çevirir. Eğer Avrupa ikinci yolu tercih ederse, Türkiye'yi içine daha kolay alır. Fakat, Avrupa bu iki yoldan hangisini seçerse seçsin, demokrasi ile uluslararası güvenlik arasında sıkı bir irtibat kurmaya devam edecektir.

Öyleyse, bugünkü durumu şöyle özetleyebiliriz: Türkiye, Avrupalıların jeopolitik ufkunun genişlemesini ümit etmekte; Avrupa ise, Türkiye'nin daha fazla demokratikleşmesini beklemektedir. Bu iki beklentiyi uzlaştırmak ise, günümüzün problemiği oluşturmaktadır.

# The Politics of Promoting Human Rights: Turkey and Western Diplomacy\*

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Destabilising effects of the end of the Cold War have increased the need for international protection and promotion of human rights. Growing secessionist and nationalist movements, while indicating a crisis of the nation-state in a world of ethnic minorities within sovereign non-pluralistic political units, point to the need for the protection of human and particularly minority rights. The emerging multi-centric international system has enabled human rights activists to exert more pressure and persuasion on liberal states and international organisations to take up the promotion of human rights. Yet the question of the effectiveness of promoting human rights through international action remains. This article examines the conditions which are necessary for effective promotion of human rights in Turkey, a country which is under heavy international criticism due to its poor human rights performance.

## Human Rights, International Action and International System

Incorporation of human rights issues into international relations within the established norms and practices of modern international system brings up theoretical, normative and practical difficulties.<sup>1</sup> Since the Westphalian Treaty

(1648) relations between states have been based on mutual respect and sovereignty. It is from sovereignty that the principle of non-intervention, another foundation of inter-state relations, is derived; "if sovereignty then non-intervention". Thus, in R. John Vincent's words there is an "inescapable tension" between promotion of human rights and a cordial state of inter-state relations.<sup>2</sup> The tension is actually between an implicit universalistic claim of human rights and the conception of territorial sovereignty which attaches a moral autonomy to the state which in turn legitimise the sovereign's control of domestic politics. Furthermore the tension between human rights and foreign affairs of the state is intensified by the fact that each refers to and arranges different political domains. While the former essentially refers to the domestic political structure in which the individual-state relationship is constitutionally determined and practically carried out, foreign policy conventionally deals with interstate relations without concerning itself with the internal affairs of other states. Each of these contending concepts also adopts different philosophical starting points; while human rights presuppose a notion of cosmopolitan-universalist moral and human existence, foreign policy has traditionally been conducted within the paradigm of the "morality of state" which attaches a moral priority, autonomy and authori-

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ty to the state.<sup>3</sup> One has to admit, however, that human rights have acquired a moral, legal and political-practical place in the international arena. No longer does there exist an absolutist conception of autonomy and sovereignty of the state that can delegitimize the inclusion of human rights debates into international politics. As a result of the development of a normative international order and increasing economic and communicative interdependencies, coupled with powerful NGOs, the issues of human rights have found their way into international politics. Within the established normative international order, it is increasingly being argued that human rights now constitute the basis on which international legitimacy of a state is determined.<sup>4</sup> This implies that international legitimacy is derived from domestic legitimacy and that states do not have an autonomous moral standing independent of their political institutions and process by which rights of individuals are guaranteed.<sup>5</sup>

Concern for international promotion of human rights implies the existence of a category of "universal rights" which prompts an immediate accusation of moral-cultural imperialism or a general critique of universality claims.<sup>6</sup> Invoking UN documents or conventions is not very helpful either, because they can also be portrayed as culturally or politically biased depending on the vantage point of the individual countries. The 1948 Declaration is open to criticism as representing Western-liberal conception of human rights while "economic development as human rights" is rejected by the Western world as politicking of Third World countries. Hence there is a wide disagreement on what human rights consist of, let alone on deciding which ones to promote. To find a broader base for international action and avoid the debate over which human rights should be promoted, Vincent proposes the priority of subsistence rights "as a preface to freedom".<sup>7</sup> Based on "basic needs strategy", powerfully argued by Henry Shue<sup>8</sup>, he believes that there is a technical way of providing subsistence rights di-

vorced from any ideological disputes. Even this "technical solution" calls into question the international economic order and development strategies employed by individual states, hence it will be highly political. Different human rights conceptions should not be underestimated as a source of conflict especially in the context of North-South relations as human rights have become another divisive issue in the new post-Cold War international politics. The debate on the so-called "Asian values" reflects the tension between a western-liberal and particularist conceptions of human rights.<sup>9</sup>

Human rights have acquired a widely recognised international status since the Universal Declaration of Human Rights through the activities of international organisations and NGOs, and have been incorporated into the foreign policy making of the major Western states. To promote human rights seems to require two preconditions; the international community's acceptance of international action as morally and legally justified and its readiness to use its means and resources to influence a state that violates human rights to abide by international norms. Of course almost any international action would be denounced as unlawful interference in domestic affairs by the country subjected to it. Even in objective or legal terms it is not an easy task to differentiate permissible action and unlawful intervention. If intervention is defined as "dictatorial or coercive interference by an outside party or parties in the sphere of jurisdiction of a sovereign state"<sup>10</sup> this would not include mere military means. "Dictatorial or coercive interference" covers economic means such as cessation of economic aid and denial of trade privileges, which in turn preclude even the exercise of influence. Furthermore, the realm of "domestic jurisdiction" is not clear enough. Buergeth suggests that "to the extent a matter has been internationalised, the traditional prohibition against intervention in domestic jurisdiction of a state is inapplicable".<sup>11</sup> Thus, since the Second World War human rights issues have evolved from domestic

international jurisdiction.

International pressures, although most likely to be denounced by the target state as intervention in internal affairs, can exert influence on the government accused of violating human rights since they increase political, legal and diplomatic isolation, undermine international legitimacy and credibility, and encourage internal opposition.<sup>12</sup> However, external pressure may be counterproductive. The repressive government may increase its oppression just to demonstrate its strength domestically. A defiant foreign policy usually serves as a justification for more oppression in the face of "external enemies". Success of external action lies, ultimately on the target state's level of integration into the world's economic, political and cultural systems.

The impact of international action on domestic policy might either be regarded, at one extreme, as amounting to the dictation of policy by an occupying power or else dismissed, at the other extreme, on the ground that its impact is secondary and marginal whereas domestic factors are decisive.<sup>13</sup> But these extreme points do not question the possibility of isolating the external realm from the internal one in a world of growing interdependencies, inter-linkages and the transnationalization of politics, economics and ideas. Thus, research into domestic policy change without referring to the international context is rather incomplete because of blurred boundaries between the national and international. Yet the impact of the international environment on the domestic structure, thought rather a common discourse, is immensely difficult to substantiate. However, Gourevitch boldly claims that "instead of being a cause of international politics, domestic structure may be a consequence of it."<sup>14</sup> Similarly, Rosenau raises the question of the extent to which "the unit itself is conditioned and affected by" the responses to and interactions with the international system.<sup>15</sup> In their abstractions these claims may be difficult to verify. But they confirm the point that internal and

external realms are linked.

Therefore, for the sake of the accuracy of the analysis, one should look at the boundary crossings between the internal and external. Indeed, the accumulated impact of external factors on the transformation of human rights policy in a target state transcends narrowly defined "international factors" and requires a linkage analysis.

By bridging the constituent elements of both realms so long as they overlap, linkages provide effective channels and make a positive policy change possible. Linkages are not mere interactions between the external and internal but the internalisation of the external elements by the internal actors. As such they are a set of attitudes and relationship that are established during this process of internalisation. The overlapping structures with regard to belief systems, interests, aspirations and expectations are the most effective basis by which the compliance of the target state with the demands of external centre(s), and hence the possibility of an externally influenced policy change, is assured.

The linkage structure works in two ways to bring about a positive change. First, it provides the external actors with the necessary channels to influence the national government. Second, the very existence of linkages constrains the options and policies of the target state, and increases the likelihood of responsiveness on its part. In short, the linkage is a set of durable-recurrent relationships by which the target state is tied to the world and regional political, economic and ideological interactions, and which, in turn, constitutes a durable channel of influence exercise and the basis of a positive impact on domestic policy changes.

Linkages are not the product of a sudden event, but rather a construction of long-standing international interactions. Particularly in the developing world, they are embedded in the history of political, economic and social modernisation and display the degree of external penetration into these areas and the integration of these

areas into the centre. Although the establishment of linkage elements through integration takes place in a historical process, not only an actual integration but aspiration and expectations for integration too constitutes a linkage factor.<sup>16</sup> The basic assumption is that the more integrated a national system is into the centre, and thus the stronger the linkage, the more likely the externally induced-influenced policy change regarding human rights is forthcoming.

Three constituting and complementary elements of linkage are distinguishable; the target state's part in a military and/or political alliance, the degree of economic integration and vulnerability of the domestic structure, and the ideological or identificational orientation-attachment of the target state.

The choice of military and political grouping is the result of a variety of considerations which are shaped by systemic and national factors and the interaction between them. In the final analysis, however, the choice reflects domestic and foreign policy objectives and the orientation of the state. While foreign policy orientation may place a developing country under the sphere of a hegemonic power within the group, the objectives which require some degree of support of the allies constitute the channel by which the internal is linked to and influenced by the external. So long as the country is in the sphere of an international superpower or a community of nations, or integrated in a major military, political and economic pact, it will be vulnerable to influences from these centres.<sup>17</sup> Hence, membership in a powerful international or regional military organisation is a significant linkage factor which can be employed to influence a domestic policy change with regard to human rights. But given the fact that a military alliance is based on strategic-security considerations this linkage factor may not be effectively mobilised. Yet the presence of such a linkage may still have a self-restraining effect on the policy of the target state if the alliance also claims to be defending and serving common val-

ues, for example NATO and democracy.

Whereas NATO is a centre of military alliance, the EU is a political and economic grouping which has appealing and compelling features for any aspiring state. While strategic considerations play a centre role in the military alliance, a political and economic block is better placed to pursue a policy of promoting human rights abroad, the success of which depends on the position of the target state vis-à-vis the integrative centre. If such an organisation is conducive to human rights principles (like the EU), and if the target state associates itself or wishes to do so with this grouping, this would contribute significantly to domestic policy changes regarding these principles. In this context the geographical proximity of the target state to democratic pressure centres is a factor of influence.

The target state's political proximity to, or association with, the pulling centre creates a sense of common destiny, and seeing itself as part of that world brings up both pressure and incentive. The sense of being excluded, marginalized or distanced can be destructive or politically unaffordable, if the state elite aspire to be in such a grouping and places its historical-ideological legitimacy on such an aspiration. Thus, not only the actual membership but also the aspiration and expectation for joining in such a group constitute a strong linkage which has a significant impact on domestic policy planning. The presence of an international/regional political/economic entity, which has a pulling effect on the target state and which is considered as central to fulfil its aspirations, makes an influence relationship possible. The bigger the expectations, the greater the chance for a collaborative attitude on the part of the target state. In this case, the aspiration to join the "club" and the possibility of realising this aspiration implants a powerful linkage that binds the domestic actors to the "preconditions" laid down by the centre.

Given the reluctance that states have in employing economic sanctions for foreign policy purposes it is unlikely that the centre will directly mobilise all its economic means to influence a change in the human rights policy of the target state. However, the economically powerful states, or inter-governmental organisations associated with them, may make their dissatisfactions known about the human rights practice of target states. Here, the economic linkage can serve as a constraining factor so long as the target state perceives itself vulnerable to the centre.

Another category of linkages can be broadly labelled as ideological or identificational. The impact of external elements in the domestic process of decision making through linkages is not just a situational-circumstantial phenomenon. It involves a deep rooted history of ideological and cultural influence over the target state, in particular on its ruling elite. In this sense there may be some cases in which there is a political-ideological centre and a periphery imitating, aspiring, and responding to this core. Non-compliance with the demands of the centre on principles negates the aspiring state's discursive claim to belong and, hence, de-legitimisation of the regime and its ruling elite. Having professed the ideological components and value system of the core, the leadership of the target state is left open to external influences aiming at policy changes on human rights issues. The possibility of the ruling elite losing its ideological and historical justification is compelling. A historical-identificational determination of the problem of where the nation belongs internationally places the country under the influence of the chosen international context. An ideological commitment, association or affiliation on the part of the target state will increase the likelihood of international response. In this sense, responsiveness to a large extent depends on the perception of the self and the outside world. Thus, national identity comes up as a significant per-

ceptional move to solve a fundamental question of where the nation belongs in the world. The value system and ideological orientation of the state with its perception of the outside world and self-placement in it, becomes very important. Unless the target state has similar commitments to or aspiration for the common values of the centre, or has a sense of belonging in this world, external demands for policy change will face resistance.

Linkage elements as outlined above can not be easily controlled, ignored or reversed. They will encourage internal opposition and moderate wings of the ruling elite. Even the mere presence of linkages makes political control domestically more difficult and the economic, political and ideological cost of breaking away from the centre unaffordable. To conclude, if a state is or expects to be a member of a military, economic or political grouping committed to promote human rights and economically vulnerable to the attitudes of this external centre, the state will be susceptible to the demands of the centre regarding human rights policy at home.

### **The Question of Human Rights in Turkey: Domestic Reforms, Foreign Policy and Western Diplomacy**

Turkey clearly fits in this category. In fact, the kind of international linkages outlined above explain Turkey's relations with the West and the evolution of its domestic human rights policy since 1980. The nature and history of Turkey's relations with the West, its military, political, economic and ideological involvement in this world (centre), and the expectations and aspirations from this relationship create linkages which channel influence, and in turn constitute a constraint for its domestic human rights policy. Hence, Turkey offers a good case to examine the extent to which international actions, accompanied by the presence of a linkage area, effect domestic-

governmental attitude.

*The European Community As a Driving Force For Liberalization*

Turkey's application to join the European Community in 1987 increased European interest in domestic developments. The membership application provided the EC with political and institutional leverage, and a channel of pressure to influence Turkey.<sup>18</sup> The activities of the European Community, Amnesty International, The Helsinki Watch, International Commission of Jurist highlighting human rights conditions in Turkey were intensified after Turkey's application to join the EC. The European Community's view of human rights as a matter of legitimate international concern coincided with the activities of non-governmental human rights organisations. Amnesty International was particularly active in exerting pressure through the European Community. If AI could influence the European Parliament and the opinion of the Commission it could then have an impact on Turkish human rights policy. Thus, Turkey's attempt to join the EC not only gave significant leverage to the EC to influence its human rights policy but also to NGOs which could be influential in the decisions taken by the EC.

The application to join the EC also disarmed Turkey to claim European interest in domestic developments as "unlawful interference in domestic affairs." Turkey's objective of attaining full membership in the EC imposed its own limits, dynamics and imperatives. The government was aware that the success of Turkish application depended on Turkey's performance in the field of civil and political rights as well as the performance and strength of the Turkish economy.

The period in which the European Commission was supposed to present its opinion was a time for Turkey to prove its commit-

ment to democracy and human rights as demanded by the EC and member states. A first gesture of good will was the permission given to an Amnesty International team on the day the government submitted its full membership application to study prison conditions in Turkey.<sup>19</sup> The government's acceptance of individual petition to the European Commission of Human Rights (ECHR) in January 1987, two months before Turkey's official application, was another move. It was emphasised by government members that the acceptance of the right of individuals to apply to ECHR would contribute to Turkey's relations with Europe.<sup>20</sup> The day after Turkey presented its membership application a law abolishing the long-criticised internal exile was passed.<sup>21</sup> Furthermore, few days later Premier Özal announced that his party would submit a draft constitutional amendment to lift the constitutional ban imposed on former political leaders by the military.<sup>22</sup> It was expected that such moves would improve the chances of success for membership.

In fact, reformist political gestures had taken place even before the membership application. In the Spring of 1986, when the Özal government started to contemplate opting for an early membership application, it introduced, through a change in prosecution law, a limited amnesty for ordinary and political prisoners.<sup>23</sup> By that time the Özal government was desperately seeking to normalise its relations with Europe and reactivate the association agreement with the EC. President Evren bitterly confirms that the prosecution law was changed "under the influence of leftist campaigns in Turkey and the West."<sup>24</sup> Evren made a similar point when the ratification of death sentences by the Parliament was stopped, attributing the change of policy to European pressure; the reason, for Evren, was "to please the Europeans and win their support".<sup>25</sup>

Thus, Turkey's EC bid was driving its lib-

eralization process however limited it was. The government was and restrained by the fact that it should prepare the country politically to enhance its chance in the community. One of the ways to respond to international criticism was to undertake international legal commitments. Hence, the government signed and ratified the European and UN conventions against torture in 1988.<sup>26</sup> By the ratifications Turkey accepted the authority of independent teams to investigate torture complaints and prison conditions without the permission of the government. Amid mounting criticism for the persistence of torture cases, Turkey was the first country to ratify the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment despite the fact that it was the last to sign. Why was the rush? The importance the government attached to the ratifications of the torture conventions and its intensive diplomacy to publicise them abroad show that they were neither natural commitments following the constitutional principles nor addressing domestic problems, but instead aimed to improve Turkey's image in the West and preempt possible accusations.

The Europe factor also contributed to the softening approach of the government and the president on the issue of the death penalty. The government blocked the parliamentary ratification of 200 death sentences while the president, once a staunch defender of sustaining the death penalty, came to speak in favour of the abolition of it. His point was that since it was not being implemented, due to the influence of the West and that it had furthermore been laid down as one of the preconditions for joining the EC, then it was better to abolish the death penalty and "please the European Community."<sup>27</sup> It is important to note that President Evren revealed his views on the issue at the end of his official visit to West Germany in search for support in the EC for Turkish application.

Another Western political value allegedly lacking in Turkey was freedom of thought and political association which was exemplified by a ban on communist and Islamist activities. The European quarters called on Turkey to lift the ban which was regarded as a serious obstacle for Turkey's entry to the EC. Then the government itself came to regard articles 141, 142 and 163 of the Penal Code restricting freedom of thought as "taboos and obstacles for freedom of thought".<sup>28</sup> Even President Evren changed his tough stand against the Communists as he explained during his official visit to West Germany, and talked of the possibility of a referendum to lift the ban on Communist activities.<sup>29</sup>

The government's decision, announced in September 1989, just two months before the opinion of the European Commission was finalised, to reduce the crimes punishable by the death penalty from 29 offences to 13 is another indication of the government's softening attitude. The proposed amendments to the Penal Code also reduced the maximum detention period without charge from 15 days to 24 hours and increased access of lawyers to defendants.<sup>30</sup> Another impressive step taken by the Turkish government was the acceptance of jurisdiction of the European Court of Human Rights announced by Premier Özal before the Parliamentary Assembly of the Council of Europe.<sup>31</sup> The timing of these reforms before the European Commission submitted its opinion in December strengthens the view that they were designed to influence European public opinion.

Recognition of individual appeals to the ECHR, ratification of the two international anti-torture conventions and the acceptance of the competence of the European Court of Human Rights coupled with legal and political reforms were all motivated by the desire for full membership in the European Community, and aimed to prove the point that Turkey

deserved a place in Europe. In sum, towards the end of 1980 the linkages that Turkey had and wished to develop with Europe were the driving force in its liberalization process.

Despite all the efforts of the government Turkey's last move to gain full recognition as a "legitimate European" failed to get the approval of the Europeans.<sup>32</sup> As disappointments with Europe were spreading, the question was raised whether it was time to reconsider the "Westernization project" set out almost two hundred years ago.

*The End of the Cold War and the Prospect for Promoting Human Rights in Turkey*

With the end of the Cold War, Turkey has faced an intensification and diversification of international interests in its human rights conditions. In this new era the interest and concerns of the international community have mainly concentrated on the Kurdish problem which has become an issue around which allegations of human rights violations are centred. The recent focus on Turkey stems from four new international developments following the end of the Cold War. First, the end of the Cold War left Turkey vulnerable to criticism and pressures from its western allies whose strategic thinking about the place of Turkey have changed. This has enabled the Germans to suspend twice the transfer of military aid to Turkey and the Americans to condition 10 per cent of its military aid on the improvement of human rights situation in Turkey. Such measures, unthinkable during the Cold War years, went far beyond a policy of promoting human rights through quiet or public diplomacy, favourite means in old days, and amounted to imposing sanctions and inducements. Secondly, the end of the Cold War has "liberated" the human rights policy of major western powers from the fixation on the East-West conflict. The use of human rights as a means to discredit the Soviet Block could not be the

main objective any longer. Moreover, in the process of including the human rights issue in foreign policy making, the western powers did not have to make the distinction between authoritarian friends and totalitarian enemies which had led to tolerating the violations of human rights in the former. Thus, Turkey has come up as a likely target. Thirdly, the gradual democratization of Latin American countries and the liberal democratic revolutions in Eastern Europe have enabled inter-governmental and non-governmental human rights organisations to shift their activities to other parts of the world where ethnic conflicts have broken out, including Turkey. In this new epoch, the appearance of the world as becoming increasingly multi-centric has enabled the human rights NGOs to be more assertive and influential. Fourthly, the revival of ethnic nationalisms and clashes, and subsequent rise of concerns in the international forums, like the Organisation for Security and Cooperation in Europe, about the rights of national minorities have coincided with the Kurdish problem in Turkey. This has contributed to the legitimacy of the Kurdish claims and increased their accessibility to the Western media and the public. Furthermore the new wave of interventionism of the UN regarding humanitarian issues starting with Northern Iraq, then moving to Somalia and Haiti has demonstrated the existence of a political will to promote and protect human rights by force if necessary. In short the changing international milieu has brought human rights issues to the international agenda much more forcefully than ever before and placed Turkey under pressure by the international community. But what about the linkage elements in Turkey that brought about the responsiveness of the domestic agents to the external demands in the 1990s?

The rejection of Turkey's application for full membership in the EC coincided with dramatic changes in Eastern Europe that suddenly left Turkey face to face with a new political

and security environment in world politics. Having based its post-war foreign and security policies on the strategic importance of its location and its consequent value for the West vis-à-vis the Soviet threat, Turkey suddenly found itself in a security limbo. Furthermore, the end of the East-West division in Europe widened the political and economic options for enlarging the EC, and considerably diminished the glimmer of hope in Turkey for entry in future.<sup>33</sup> The events in Eastern Europe also deprived Turkey of the most powerful argument for EC membership: full economic and political integration as a natural extension of Turkey's contribution to the defense of the West. For a country where almost 70 percent of the population regarded themselves as European, these developments were worrisome.<sup>34</sup> The Turks once more felt on the margins of Europe. Furthermore the disappointment with the Western powers regarding their reactions to the conflicts in Bosnia and Azerbaijan, coupled with the emergence of new opportunities in the Caucasus and Central Asia at the initial period of Soviet disintegration, prompted questions about the West and the place of Turkey in it.

In sum, towards the mid 1990s the linkage elements tying Turkey to the West, which have stimulated a domestic quest for democratization and an increase in the government's responsiveness to European demands with regard to human rights, seem to be weakening. In three significant linkage areas the trend is visible.<sup>35</sup> First, the military alliance has loosened with the end of the Cold War. The amount of foreign military aid Turkey used to receive from its Western allies is dropping sharply. While Russia is still perceived as a threat by Turkey in the Black Sea region and the Caucasus, its Western allies tend to see Russia as a "partner". This is exemplified by the differing views of Turkey and the West on the Russian demands to increase flank limits of the Conventional Forces in Europe agree-

ment in the Caucasus. Second, the initial ineffectiveness of NATO in response to the war in Bosnia also has undermined the credibility of the Western alliance for the Turkish public at large. Third, economic and political expectations from Europe, which culminated in Turkey's application for full membership in the EC, have proved unrealizable. Even Turkey's settlement for a custom union faced initial objections within the European Union. The troublesome process of securing a customs union with the European Union reminded Turkey that it should keep its expectation for greater integration with Europe low and be aware of the limitations imposed on Turkish foreign policy by its human rights performance. The remaining expectations have been even further lowered following the Luxembourg summit at the end of 1997, which seemed to exclude Turkey from the EU membership in foreseeable future.<sup>36</sup> And fourth, moral authority of the West and the legitimacy of westernization as an ideological-identificational orientation have been seriously damaged in the wake of the Western attitude towards Bosnia, the Armenian-Azerbaijani conflict and lately the Russian intervention in Chechnia. Moreover the rather assertive policy of Western powers on human rights issues in Turkey and the Kurdish question in particular prompts concerns for territorial integrity of Turkey. The West is increasingly accused of pursuing a policy of reincarnating the Sevr.<sup>37</sup> These may explain, to some degree, the recent erosion of the popularity of centrist politics and the rise of radical Islamist and nationalist movements in Turkey as an attempt for a new self-identification prompted by a perception of the external world. Despite their ideological differences, the three rising political forces, namely the recently banned Islamist Welfare Party, Nationalist Action Party and Democratic Left Party share one common feature- their critical view of the West, and reluctance to take

Turkey into the European Union, and even a custom union with the EU.

Despite occasional acknowledgement of the international legal, political and moral dynamics of human rights, the Turkish government now seems to have adopted the view that human rights are being used as political blackmail against them by the West. The new hard-line, populist stand against the West in general and the United States in particular following the conditional aid controversy is likely to go beyond constraining Turkey's freedom of action abroad and result in an unanticipated transformation of the domestic political system. Because the content of domestic politics and foreign policy greatly influence each other, a shift in Turkish foreign policy orientation may disturb the foundations of the present system. One should not forget that Turkey's pro-western foreign policy orientation was part and parcel of the dynamics of the Turkish modernization movement.<sup>38</sup> Hence a populist anti-westernism promoted by the government endangers this general objective and strengthens radical religious or ultranationalist movements which will result in further "localisation" of Turkey by breaking external linkages and stimulants of Turkish democracy and drive for human rights.

### Conclusion

Despite the practical and theoretical difficulties emerging from the problematic nature of human rights in world politics, it seems that the practices of international actors have superseded these debates. The actions of the international community by diplomatic, political, economic and public relational means have transcended the traditional boundaries of the non-intervention principle and national sovereignty in the world of blurred boundaries between domestic and international realms. In practice the possibility of an international politics of human rights depends on the receptiv-

ity of the state which is being subjected to international action. The Turkish case confirms that the internationalization of human rights in political and normative terms has established a constraint on national governments. Yet the presence of military, political, economic and identificational linkages at the convergence point of domestic and international politics is the key factor by which the state in question becomes responsive to the outside influence attempts. In the Turkish case, due to the presence of a linkage area, international -mainly European- influence was strongly felt and responded to. Turkey's long standing military, political, economic and ideological-identificational engagement in the West enabled the latter to exert pressure and to some extent compelled the former to adopt a responsive policy. As a result a cooperative-communicative influence relationship was developed. Yet the continuation of human rights violations and the need for further reform in Turkey may justify the view that this relationship has not brought about all necessary changes, thus not properly working. Nevertheless one can strongly argue that without the established European dimension and linkages Turkish governments would not have taken reformist steps, in the fields of democracy and human rights. In the absence of an idea and commitment that ideologically link Turkey with the West, a fundamental source of inspiration and incentives for democratization in Turkey will be lost. This is the danger that confronts and complicates the prospect for Turkey's full realisation of liberal democratic values in the post-Cold War turmoil in which the EU, too, seems to exclude Turkey from its new enlargement wave following the Luxembourg summit which yet further weakens Turkey's linkages with the West, and provokes a search for a new international orientation.

### Notes

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Papers, Southeast Europe Series, No. 6, 1998.

1. See R. J. Vincent, *Human Rights and International Relations* (Cambridge, Cambridge University Press, 1986); S. Hoffman, *Duties Beyond Borders: On the Limits and Possibilities of Ethical International Politics* (New York, Syracuse University Press, 1981); J. Donnelly, *International Human Rights* (Boulder, Colorado, Westview, 1993); P. R. Baehr, *The Role of Human Rights in Foreign Policy* (London, Macmillan, 1996).

2. Vincent, *ibid.*, pp.118-129; and R.J. Vincent, *Nonintervention and International Order* (New Jersey, Princeton University Press, 1974), p. 14.

3. C.Beitz, *Political Theory and International Relations* (New Jersey: Princeton University Press, 1979), p. 8.

4. For an early statement of this view see, Vincent, *op.cit.*, in note 1, p. 130.

5. C.Beitz, 'Sovereignty and Morality in International Affairs', in D.Held (ed), *Political Theory Today* (Cambridge: Polity Press, 1991), p. 237.

6. A.Pollis and P. Schwab, 'Human Rights: A Western Construct With Limited Applicability' in A.Pollis and P.Schwab (eds.), *Human Rights: Cultural and Ideological Perspectives* (New York: Praeger, 1979), pp. 1-23; H.Morgenthau, 'Human Rights and Foreign Policy', in K.Thompson (ed.), *Moral Dimensions of American Foreign Policy* (New Brunswick: Transaction Books; 1984), p. 344.

7. Vincent, *op.cit.*, in note 1, p. 145.

8. H.Shue, *Basic Rights: Subsistence, Affluence and US Foreign Policy* (Princeton: Princeton University Press, 1980).

9. See the articles in J.T. H. Tand (ed.), *Human Rights and International Relations in the Asia Pasific* (London, Pinter, 1995).

10. Hedley Bull, 'Introduction', H.Bull (ed.), *Intervention in World Politics* (Oxford: Clarendon Press, 1984), p. 1.

11. T.Buergenthal, 'Domestic Jurisdiction, Intervention and Human Rights: The International Law Perspective', in P.Brown and D.Maclean (eds.), *Human Rights and US Foreign Policy* (Lexington, 1979), p. 113.

12. For an earlier assesment of the role played by the international actors in the process of democratization and promotion of civil rights, see L. Whitehead, "International Aspects of Democratization", in G.O 'Donnell, P.C. Schmitter and L.Whitehead (eds.), *Transition from Authoritarian Rule: Prospects for Democracy*, Vol. III, (Baltimore, The Johns Hopkins University Press 1986)

13. See P.C. Schmitter's conclusion on the latter

sense, "An Introduction to Southern European Transition From Authoritarian Rule: Italy, Greece, Portugal, Spain and Turkey", in G.O 'Donnell, P.C. Schmitter and L.Whitehead (eds.), *Transition from Authoritarian Rule: Prospects for Democracy*, Vol. 1, (Baltimore, The Johns Hopkins University Press 1986), p. 6.

14. P. Gourevitch, "The Second image reversed: the international sources of domestic politics", *International Organization*, Vol. 32, No. 4, (1978), p. 882.

15. J.N. Rosenau, "Introduction: Political Science in a Shrinking World", in J.N. Rosenau (ed.), *Linkage Politics: Essays on the Convergence of National and International Systems* (New York, The Free Press, 1969), p. 5.

16. S.B. Ami, "The Concept of Southern Europe and the New Mediterranean Democracies", in S.N. Eisendatd (ed.), *Democracy and Modernity* (Leiden, Brill, 1992), p.28; and G.Pridham, "The Politics of the European Community, Transnational Networks and Democratic Transition in Southern Europe", in G.Pridham (ed.), *Encouraging Democracy: The International Context of Regime Transition in Southern Europe* (Leicester, Leicester University PRes, 1991); and the other articles in the same book.

17. Vincent, *op.cit.*, in note 1, p.140.

18. For a similar effect of the EC on the democratization of Southern European countries of Greece, Spain and Portugal, see G. Pridham, "The Politics of the European Community: Transnational Networks and Democratic Transition in Southern Europe" in *Encouraging Democracy*.

19. *FBIS:WE*, (April 15, 1987) p.6.

20. See the statement of government spokesman H. C. Guzel in *FBIS: WE*, (January 28, 1987), p. 5.

21. *Resmi Gazete* (Official Gazette), (24 April 1987, No. 19440).

22. *Keesing's*, May 1987, p. 35131.

23. *Official Gazette*, 19 March 1986, 19052.

24. Evren, *Op. cit.*, Vol. 5, p. 383.

25. Kenan Evren's Memoirs, *Milliyet*, (November 9, 1990), p. 25.

26. See *Resmi Gazete* (Official Gazette), February 27, 1988, No.19737; and August 10, 1988, No. 19895.

27. *FBIS: WE*, (October 24, 1988), p.23; (December 14, 1988); and *Keesing's*, p. 36565.

28. Turgut Özal, *Press Briefings* (1988-1989, March 23, 1989), p. 6.

29. Keesing's p.258 and p. 36564.
30. The proposal was adopted by the parliament in November 1990.
31. PACE, *Official Report* (September 27, 1989), pp. 501-507.
32. Commission Opinion on Turkey's Accession to the Community, SEC (89), 2290-Final-2, Brussels, 20 December 1989; *Bulletin EC*, 12/1989; The Times, December 19, 1989; S.Sayari, 'Turkey: Changing European Security Environment and the Gulf Crisis', *Middle East Journal*, (Vol.46, 1992), p. 12.
33. For an early assesment of the impact of the end of the Cold War on Turkey's relations with Europe, see A. Eralp, "Turkey and European Community in the Changing Post-war International System", in C.Balkır and A. Williams (ed.), *Turkey and Europe*, (London, Pinter, 1993).
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value frameworks, see the articles in M. Heper, A. Önce and H. Kramer (eds.) *Turkey and the West: Changing Political and Cultural Identities* (London and New York, I. B. Touris, 1993).

35. For an earlier assesment of the shift in Turkish foreign policy prompted by human rights considerations, see İhsan D. Dagi, 'Turkey in the 1990s: Foreign Policy, Human Rights and the Search for a New Identity', *Mediterranean Quarterly: Journal of Global Issues* (Vol.4, No.4, 1993), pp. 60-77.

36. See the text of the Conclusions of the Luxembourg European Council meeting relevant to Turkey in *TUNAECS News* (No.3, 1998), pp. 2-3.

37. See K. Kirişçi and G.M. Winrow, *The Kurdish Question and Turkey: An Example of a Trans-state Ethnic Conflict* (London, Frank Cass, 1997), p. 174.

38. See A. Eralp, "Turkey and the European Community: Forging New Identities Along Old Lines", *New Perspectives on Turkey*, (Fall 1992), pp. 3-6.

## MUSTAFA ERDOĞAN

### Türkiye'de Anayasalar ve Siyaset

*Mustafa Erdoğan'ın bu kitabı Türkiye'nin modernleşme dönemi anayasa ve siyaset tarihinin kısa bir eleştirel anlatımını sunmaktadır. Statükoyu her halükârda haklılaştırmak güdüsünün etkisi altındaki resmi bakışa prensip açısından mesafeli duran yazar, Türkiye'nin son iki yüzyıllık siyasi tarihinin gerekçelerini doğru tesbit etmeye ve resmi tutumları evrensel değerler açısından yerli yerine oturtmaya çalışmaktadır. Özellikle Cumhuriyet dönemi Türk siyasetine ilişkin resmi mitler ile, bu dönemle ilgili olguların sunuluşundaki yanıltma ve çarpıtmaların açığa çıkarılmaya çalışıldığı bu kitapta "Türk demokrasisi"nin açmazlarının ip uçlarını da bulabilirsiniz. Kitap bu haliyle Türk Siyasal Hayatı ve Türk Anayasa Hukuku derslerini okuyan üniversite öğrencileri kadar, bu konulara ilgi duyan genel okuyucunun da yararlanabileceği bir el kitabı niteliğindedir.*

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