

**AN EVOLUTION OF THE HUMAN RIGHTS POLICY OF THE
EUROPEAN UNION**

A THESIS SUBMITTED TO
THE GRADUATE SCHOOL OF SOCIAL SCIENCES
OF
MIDDLE EAST TECHNICAL UNIVERSITY

BY

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IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR
THE DEGREE OF MASTER OF SCIENCE
IN
THE DEPARTMENT OF INTERNATIONAL RELATIONS

DECEMBER 2006

Approval of the Graduate School of Social Sciences

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ABSTRACT

AN EVOLUTION OF THE HUMAN RIGHTS POLICY OF THE EUROPEAN UNION

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December 2006, 85 pages

This thesis concentrates on the development of human rights policy of the European Economic Community (EEC) within its transformation process into a political organization. The assumption underlying this study is that the EEC was established following World War II as a regional solution that would enable the restructuring of Europe on the bases of power, stability, and peace. This thesis deals with enlargement as a security-oriented strategy, while, at the same time, it endeavors to analyze the EEC treatment of foreign policy, peace, security and respect for human rights issues as it completed its economic integration process.

Keywords: European Union, human rights, enlargement, conditionality

ÖZ

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Aralık 2006, 85 sayfa

Bu tez Avrupa Ekonomik Topluluğu'nun politik bir organizasyona dönme sürecinde insan hakları politikasının gelişimini ele almaktadır. Bu çalışmaya yön verecek varsayım şudur; Avrupa Ekonomik Topluluğu 2. Dünya Savaşı sonrası Avrupa'yı güç, denge ve barış temelleri üzerinde yeniden yapılandırabilecek bir bölgesel çözüm olarak kurulmuştur. Genişlemeyi güvenlik odaklı bir strateji olarak ele alan bu tez aynı zamanda Avrupa Ekonomik Topluluğu'nun ekonomik entegrasyon sürecini tamamladıkça dış politika, barış, güvenlik ve insan haklarına saygı sorunsallarına eğilişini analiz etmeye çalışmaktadır.

Anahtar Kelimeler: Avrupa Ekonomik Topluluğu, Avrupa Birliği, insan hakları, genişleme, koşulluluk

To my family

ACKNOWLEDGMENTS

I would like to express my gratitude to my supervisor Prof. Dr. İhsan D. Dağı for his contributions and patience in my thesis.

I am indebted to Assis. Prof. Dr. Özlen Çelebi for encouraging me to study in this department.

I am also grateful to Serdar Neziroğlu for his invaluable support in my academic studies.

I wish to thank Defne Akıncı for supporting me in all areas when I needed.

And of course, I want to thank my family for being there...

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CHAPTER I

INTRODUCTION

The year 1945 is a turning point in the history of the world. It marked the partition of Europe (within which the Western Europe linked with the US and the Eastern Europe with the Soviet Union), the primacy of the United States, and the emergence of many dozens of new states in Asia and Africa. All these events caused far-ranging consequences in the re-structuring of Europe. Human rights and democracy became popular topics that were discussed, while stability turned into the ultimate goal for countries and their public. The significance lay in the fact that the problems particular to the 40s Europe could only be solved by means of a project that was led by European countries.

Why did the 50s Europe need a sophisticated project led by European countries themselves? It is because the main actors of the 50s, which had privileged influence over the re-structuring of Europe, had diverse interests and goals. Their strategies and viewpoints were distinct on overlapping issues. The main concern of the Soviet Union was over to protect its priority and influence in the area which could be named as Central and Eastern Europe. Like other West European countries France was primarily concerned about preventing Soviet ideological expansion.¹ France wished to prevent re-militarization of West Germany that could have disastrous implications on peace and stability in the continent and France's own security. The US endeavored to consolidate peace and prosperity in Europe. The primary motive for the US to form a more stable and stronger Western Europe economically and politically was the belief that the Soviet Union could have an influence on Western as well as Eastern Europe.

According to the US, the Soviet Union was the main threat against the implementation of the American policy in Western Europe.² The US proposed a plan, named as the

¹ Dinan, Desmond, *Origins and Evolution of the European Union*, New York, Oxford University Press, 2006, p.37-38

² Dinan, Desmond, *Origins and Evolution of the European Union*, New York, Oxford University Press, 2006, p.37

Marshall Plan, related to the revitalization of Europe including revitalization of Germany's resources and industry. This plan regarding re-building of the Western economy constituted the basis of the belief that economic integration was the most appropriate move to enable long-lasting peace and stability in Europe.

For countries with different interests to move towards a safe future in Europe, it was necessary to highlight a common ground to act collectively. The Marshall Plan failed to gather all countries in Europe into that common ground because it was only a loan program supervised by the US. Therefore, the answer was a project led by European countries on their own will and effort. In such a period, in 1952, European Coal and Steel Community was established as a key to make war economically impossible and politically unthinkable especially between France and Germany.

This thesis has been written as related to the advent of the European Union, which is a global actor in the world now, moving from being an economic community to being a political Union. In this regard, firstly origins of the Union and its founding philosophy will be touched upon. The main focus is to examine the transition from an economic integration to a political integration. However, the priority is to gain an understanding about how the ideal of respect for human rights have penetrated into the Union's legal system, its institutions and its policies in the process of the political integration.

In 50s economic integration was deepened. In 1957 the Rome treaties were signed, creating the European Economic Community (EEC or Common Market) and the European Atomic Energy Community (Euratom). It is hard to say that either European Economic Community was solely an economic project or a political one. One of the important political objectives lying behind the establishment of the EEC was unwillingness of the European countries to make war again in Europe. Political objectives of preserving peace and stability in Europe has been strengthened over time as covering the ideals of respect for human rights, democratization, and the rule of law.

Despite rejections, projects towards the realization of a political integration were started in the 1960s. Fouchet Plans constituted a significant step, and very important decisions were made for the future structure of the Community in the Hague Summit, which took place on December 1-2, 1969. Following the Hague summit, the Community, which focused on realizing the ideals of deepening and widening simultaneously, entered a new period with the establishment of the European Political Cooperation (EPC) and the first enlargement. In this new period, the Community discussed the necessity of adopting a new common strategy related to the common foreign policy with the Tindemans Report, and entered a broader preparation period in the enlargement with Greece, Spain, and Portugal. In this enlargement, the candidate countries were characterized by having just emerged from right-wing dictatorships. In this respect, the Community had high expectations from these candidate countries regarding democratization, respect for human rights, and fundamental freedoms.

The Community adopted the 1986 Single European Act (SEA) with its new members in the 80s. The SEA indicated the degree to which the Community focused on its ideals of promotion of democracy and achievement of a common foreign policy. The SEA, expressing the protection of fundamental rights in its preamble, became a significant milestone for the EPC to gain a legal framework.

The EC/EU made noteworthy progress with respect to deepening in the 90s through the Treaty on European Union (TEU) and Amsterdam Treaty, and with respect to widening through the 1995 enlargement. TEU led to the creation of the European Union and introduced a three-pillar structure. This meant that the Union is founded upon three Communities and supported by the Common Foreign and Security Policy (CFSP) and Justice and Home Affairs (JHA). A second pillar - CFSP- meant undertaking common actions in the foreign policy. Due to the limited scope of this study in dealing with the evolution of human rights policy of the EC/EU, the CFSP will be primary focus area. The fundamental motive lying behind the formulation of CFSP with regard to the accession and third countries is creating a more stable and secure environment for the EU.

EU accepted its enlargement strategy as an opportunity to transform Europe into a new democratic and stable order with the potential membership of the Central and Eastern European countries. It included an overall strategy for the post communist countries in order to strengthen their market economy and democracy. The Copenhagen Criteria, which related to the membership of new countries, became the most important means for the EU towards the utilization of the enlargement strategy for security-oriented ends and towards democratization. Copenhagen criteria established a formal relationship among democracy, rule of law, human rights, protection of minorities and economic conditions. All those components are crucial to provide stability, which was one of the basic political objectives of the Union. Thus, Copenhagen criteria facilitated the launching comprehensive foreign policy for the Union.

The TEU took its final form following two amending treaties. The first is the Amsterdam Treaty and the second is the Nice Treaty. The Amsterdam Treaty meant greater emphasis on citizenship and the rights of individuals. It aimed to simplify decision making in addition to further integrating the Common Foreign and Security Policy. The Treaty of Nice prepared the EU for further enlargement. In the years after 2000, the EU has made very significant developments for the respect for human rights and democratization, such as the proclamation of the Charter of Fundamental Rights, undertaking of the adoption processes of the candidates within the context of the Copenhagen Criteria, and the realization of the biggest ever enlargement of the EU, the 2004 enlargement.

Thus, the EEC was an integration model in Europe which had significant influences on international affairs. In fact, the fundamental goal of the Community has been to unite Europe economically and politically in order to provide permanent peace and stability in the continent since it was established. The first step to realize the aim of establishing peace was solely through an economic integration which was actualized step by step. Realizing economic integration, the promise of Community membership, agricultural policies, legal agreements with third countries, monetary policies, cooperation, and association agreements have all facilitated the realization of the aim of establishing long-

lasting stability in Europe. Hence, the European Community (EC) has developed over the years an interest in human rights as the EC's political cooperation grew.

Considering the developments outlined above, this thesis will seek to find answers to the following questions:

Was the European Economic Community solely an economic integration project or did it envisage a form of political objectives?

How have human rights been incorporated into the legal order of the EC/EU throughout its political evolution?

What are the contributions of EU institutions to the formation of human rights strategy of the Union?

How has the EU established a linkage among ideals of respect for human rights, democratization and enlargement?

Why does the EU focus insistently on the principle of respect for human rights as a precondition for the accession of candidate countries?

Has the 2004 enlargement of the Union served as a security-oriented strategy to establish long-lasting peace?

Firstly, the origins of the EU will be analyzed in order to highlight a possible inconsistency between the origins and current perspectives of the Union. The question of "Was the EU an economic integration project or did it envisage a form of political objectives?" will be taken into consideration. In order to scrutinize the answer to this question, the founding philosophy will be touched upon. Moreover, review of the political evolution of the Union will make easy to understand how the EEC evolved. This is directly related to the transformation of the Community from an economic to a

political integration model. For this reason, what the EEC did for deepening, Union's legal achievements and political developments parallel to the widening process will be taken into consideration.

The question of "How have human rights been incorporated into the legal order of the EC/EU throughout its political evolution?" will be focused on by examining the political evolution of the Community through legal arrangements. After this, the functions and responsibilities of the EU institutions regarding common foreign policy including the human rights issue will be explained in order to find an answer to: "What are the contributions of EU institutions to the formation of human rights strategy of the Union?" In this respect such a review will provide a broad consideration of the evolution of the human rights policy of the EC/EU. In the third chapter of this thesis, in which enlargement is regarded as part of the EU's human rights strategy, the relationship among conditionality, adoption processes, and respect for human rights will be examined. In this respect, enlargement will be treated as a security-oriented policy. In order to support this statement, both the perspectives of the EU and the candidates during adoption will be reviewed in detail considering the fifth enlargement in 2004.

In the conclusion chapter, the issue of this thesis and the answers to the questions of the thesis will be provided. Through a general evaluation, the founding philosophy of the EEC, its human rights strategy, 90s Europe will be cited. Finally, it will be endeavoured to gain a perspective about human rights strategy and current policy instruments of the EU.

CHAPTER II

THE ORIGINS AND THE EVOLUTION OF THE EU: A Human Rights Perspective

In this thesis, the evaluation of the human rights strategy of the EU will be reviewed. The EU was set up as a peace project to provide the protection of stability in the European continent. It is necessary to examine the political evolution and the institutional framework of the EU in order to gain an understanding of human rights policy of the EU. EU has always been a popular topic among people. The last enlargement process increased the popularity of this topic with the number of candidate countries; and the pre-accession processes with the Copenhagen criteria. In this respect, the latest enlargement process that the EU started in 90s will be taken into consideration as a new policy instrument. Primarily, the EU's founding philosophy needs to be discussed to understand the EU's institutional and political evolution and assess its position in the international arena. The primary purpose is to shed light on how the EU transformed the enlargement process into a strategy that can be accepted as a success in the area of human rights.

II.1 The Founding Philosophy of the European Union

The EU is accepted as the product of the idea of peace in and integration of Europe. For centuries, Europe was the scene of bloody and frequent wars. In modern times, the first catastrophe was World War I(WWI) and the second was World War II(WWII). The necessity of a European integration emerged in this historical context. WWII had put a definite end to the traditional hegemony of Western Europe in the world. There were two new super powers economically, politically, and military-wise in the post-WWII period: the Soviet Union and the United States. Winston Churchill made a speech on September 19, 1946 and underlined three themes in his speech:

- the tragedy of Europe
- the necessity to form a European family

- partnership between France and Germany

It then seemed that the only way to secure lasting peace among European countries was to unite them both economically and politically. The European Union was the product of the search for a lasting peace for Europe. In the later 40s, most European integrationists sought political means for uniting Europe. In 1948, the first Congress of Europe was held. It led to the establishment of the Council of Europe in 1949.³

The appropriate step to start building European integration was the direction of economic cooperation. Jean Monnet and French Foreign Minister Robert Schuman worked together and issued a final objective of maintaining peace in Europe. The European integration was seen as a continuous process, and the first step of this process was to create a common market for German coal and French iron ore.

It proposed cooperation in the production and exchange of iron and steel products between Germany and France under a High Authority, and such other producer countries as they might wish to join. This plan combined a number of post-war requirements in a convincing way, and looked more realistic than the Council of Europe proposals for political integration.⁴

Dedicated to the idea of European unity and French-German reconciliation, Schuman and Monnet set the objective of creating a European federation along a French-German axis. They saw clearly that this objective could be reached only step-by-step. Therefore, in order to realise their program, they selected as a basis for European integration an area of crucial importance to maintain peace in Europe. Their concept relied on the assumption that central control over the coal and steel industries would make preparations for launching a war impossible.⁵

³ Sutcliffe, Anthony, *An Economic & Social History of Western Europe*, London, Longman, 1996, p.110

⁴ *Ibid.*, p.111

⁵ Horváth, 2002, *Handbook of The European Union*, p. 28

II.2 Political Evolution of the European Union

The establishment of a unified Europe, without doubt, was one of the most important political and economic endeavours in the second half of the Twentieth Century. The official birth of the European Union is considered May 9, 1950, when Robert Schuman, the French Foreign Minister, who, before the backdrop of WWII, and age-old confrontation between France and Germany, suggested placing Franco-German coal and steel production, which had been the very precondition of warfare at that time, under a common High Authority. This was a milestone for turning the war-torn and divided Europe into what the European Union is today.

The idea of mutual co-operation and formation of a community based on common interests between the two countries in the form of a jointly controlled coal and steel market was presented in the form of a Declaration by Robert Schuman on May 9, 1950. For Schuman, the new Community represented "the first concrete milestone of the European Federation, which is necessary to preserve the peace".⁶

As a result, in 1951, the European Coal and Steel Community (ECSC) was set up with six members: Belgium, Federal Republic of Germany, Luxembourg, France, Italy and the Netherlands.⁷

The establishment of the ECSC in July 1952 was the first step towards a supranational Europe. For the first time the six Member States of this organisation relinquished part of their sovereignty, on primarily economic basis, albeit in a limited domain, in favour of the Community.⁸

The period from 1950 to 1960 was marked by crises caused by the Cold War. A case in point is when, on June 25, 1950, the troops from North Korea crossed the line between the North of the country (under the Soviet influence) and the South (under the American

⁶ European Union Newsletter: **From Schuman Declaration to a modern EU**, available at: <http://www.delbih.cec.eu.int/en/newsletter/maj04/pages/2.htm>

⁷ "The History of European Union", available at: http://europa.eu.int/abc/history/index_en.htm

⁸ Treaty Establishing the European Economic Community, available at: http://europa.eu/scadplus/treaties/eec_en.htm

influence). The invasion of the South marked the beginning of the Korean War. The United States was determined to support the authorities in the South. North Korea enjoyed the diplomatic support of the Soviet Union and military aid from China. The Cold War led to a fear from Communism in the US and had an effect on Western Europe.

Serious crises occurred in the international arena, necessitating a more consistent and coherent approach towards the issue of defense. Addressing the defense issue has facilitated the EU both to have a flexible approach towards external dynamics and to deepen its political integration. French Premier René Pleven put forward a plan proposing the constitution of a European army and European Defense Community (EDC). The corollary of the EDC was a political project aimed at establishing a federal or confederative structure, presented in 1953.⁹ The EDC was proposed in 1954. Those who defended this project had accepted that the EDC was an important step for federal unity in Europe and the realization of political integration. France perceived the EDC as a project which could potentially harm national sovereignty, cause the demise of the French army, and lead to the resurrection of the German army. The EDC Treaty was subsequently rejected by the French National Assembly on the grounds that it would be incompatible with the notion of the French national sovereignty.

Charles de Gaulle's attitude towards integration projects had an effect on the French National Assembly. Charles de Gaulle was seeking a French led integration of Europe and yet he was rejecting the direct domination of the USA.

In foreign relations, Charles de Gaulle's approach was mixed. He wanted French independence, but he knew that France was too small to secure this on its own and that his country would paradoxically have to develop interdependent partnerships in security and trade.¹⁰

⁹ "The Creation of European Political Cooperation", available at: <http://europa.eu/scadplus/leg/en/lvb/r00001.htm>

¹⁰ Dinan, Desmond, *Origins and Evolution of the European Union*, New York, Oxford University Press, 2006, p.142

Thus, de Gaulle started to focus heavily on achieving political integration as of the 60s.

In 1954 and 1955, proposals were initiated for the expansion of the areas of integration of economic policies among the six members of the ECSC into a common market, and in 1957, the Rome treaties were signed, creating the European Economic Community (EEC or Common Market) and the European Atomic Energy Community (Euratom).¹¹

The preamble of the Treaty establishing the European Economic Community points out that the prime objective of the EEC is to “create an ever closer union among the peoples of Europe” and to “ensure the economic and social progress of their countries by common action to eliminate the barriers which divide Europe”. The EEC Treaty provided for the establishment of a common market.

Article 2 of the EEC Treaty specifies that “It shall be the aim of the Community, by establishing a Common Market and progressively approximating the economic policies of Member States, to promote throughout the Community a harmonious development of economic activities, a continuous and balanced expansion, an increased stability, an accelerated raising of the standard of living and closer relations between its Member States.”¹²

After the establishment of the European Economic Community and Common Market, the six agreed to develop political cooperation at the Conference of the Heads of State or Government of the Member States of the EEC. In this respect, the Research Committee was set up, composing of representatives of the six governments, and it met for the first time on March 16, 1961 in Paris.

It was the purpose of the Conference to seek the methods by which closer political cooperation could be organized. In establishing links in other fields, the intention was to lay the foundation of a Union which would develop progressively.¹³

¹¹ Bennett, A. Leroy and Oliver, James K., *International Organizations*, United States of America, Prentice-Hall International, 2002, p. 263

¹² Treaty Establishing the European Economic Community, Article 2, available on the web: <http://www.ena.lu/mce.cfm>

¹³ Conclusions of the Conferences of the Heads of State or of Government, Paris, 10-11 February 1961, available at: www.aei.pitt.edu/1463/01/paris_1961.pdf

The Research Committee which was established at the conference submitted the Fouchet Plan I, proposing cooperation in the areas of foreign policy and defense, culture and human rights protection. The main body was to be the Council, which would consist of heads of states and governments, and the European Political Committee would be its executive institution.¹⁴

Due to the fact that the partners of France avoided French domination over their national and foreign policies, they rejected this draft treaty after it had been submitted. A new version of the Fouchet Plan in 1962 was also rejected by France's partners. Failure of Fouchet Plans caused various crises in Europe. Those crises affected the European unification process and the powers of the Community institutions. France boycotted the Community for some time but the risk of affecting national economy by an isolation policy reduced the persistence of such an attitude.

At the end of the 1960s, the Six needed to break the political and institutional deadlocks which had existed since 1967, when General de Gaulle had vetoed Great Britain's entry into the common market for the second time. After the establishment of a customs union in 1968, the European Community entered into a new period in which the main priority was progress on the political front with the resignation of the French president Charles de Gaulle, and Georges Pompidou lifted the long-standing French veto on British entry into the EEC.

The Netherlands, which held the EEC Presidency at the time, called a meeting of Heads of State or Governments in the Hague on December 1-2, 1969. The Six discussed the following points: completion, deepening, and enlargement. Completion meant, first and foremost, finding an arrangement that would provide the community with its own financial resources. It also involved the introduction of direct elections for the European Parliament and an expansion of its budgetary powers. The goal of "deepening", which went further, meant moving forward the goal of a common market by introducing a wide range of community policies. With the last goal of enlargement, member states agreed

¹⁴ The Most Important Plans in the Development of the European Communities, Fouchet Plan, available at: <http://www.european-union-clearly.com/most-important-plans.html>

on the opening of negotiations between the community and four applicant countries (Denmark, Ireland, Great Britain, and Norway).

The EEC leaders decided, at the Hague Summit, that the new member states would have to adopt the *acquis communautaire* (body of EEC rules and regulations) and endorse the political aims of the founding treaties. The steps taken towards 'completion' and 'enlargement' - the accession negotiation concluded successfully in 1971 - demonstrated once more the speed with which the Community could act if all member states shared the same sense of urgency.¹⁵

The First Enlargement incited the Community to review and strengthen its foreign policy. The Davignon Report, published on October 27, [1970](#), was a report on the future foreign policy of [EEC](#) member states by a Council chaired by [Étienne Davignon](#), of the Belgian Foreign Office. The Report is accepted as a cornerstone for the Community to follow a more coherent foreign policy especially related to human rights and security problems.

A coherent foreign policy which would be shown towards external dynamics by the Community gained importance. However, it was also necessary to review the political cooperation among member states for this policy.

The committee was appointed by the [Council of the European Communities](#) to make proposals on political cooperation among the member states. It recommended that member states should try, where possible, to speak with a single voice on international problems, a proposal that was approved by all six member governments.¹⁶

The main objective was to help to create consensus on international issues. To consult between Member States on policy matters and to have a consistent approach towards foreign policy matters, the European Political Cooperation (EPC) was introduced

¹⁵ Dinan, Desmond, *Origins and Evolution of the European Union*, New York, Oxford University Press, 2006, pp.172-173

¹⁶ "Davignon Report", available at: www.answers.com/davignon%20report

informally in 1970. The EPC, which contributed to deepen political unification of the Community, did not focus on any specific policies.

The EPC's founding documents - the Luxembourg and Copenhagen Reports - do not mention human rights. The 1973 document on the European identity mentions human rights once, but as principles that are elements of the European identity, not as objectives for the EPC or the Community.¹⁷

While the political dialogue among the members of the Community and the future foreign policy that they were going to follow were in progress, the first enlargement negotiations came to an end in 1972. On January 22, 1972, Great Britain signed the Treaty of Accession. Following ratification by the respective Parliament, Great Britain, Ireland, and Denmark, named as the first northern group, joined the European Community, in January 1973.

The Nine sought the way to transform the Community into a European Union and make progress in political unification. Therefore, the Belgian Prime Minister Leo Tindemans was instructed to draw up a report on the term "European Union". The report was published on December 29, 1975 and presented to the European Council on April 2, 1976. Tindemans suggested to pursue a common strategy by the member states in the crucial areas of the international relations and to implement the Common Defense Policy.

European Union implies that we present a united front to the outside world. We must tend to act in common in all the main fields of our external relations whether in foreign policy, security, economic relations or development aid. Our action is aimed at defending our interests but also at using our collective strength in support of law and justice in world discussions.¹⁸

¹⁷ Smith, Karen E., 2003, *European Union Foreign Policy in a Changing World*, Polity Press, UK, p. 101

¹⁸ Tindemans, Leo, 1976, *European Union*, available at: www.aei.pitt.edu/942/01/political_tindemans_report.pdf, p.13

The report included chapters, entitled economic and monetary policy, sectoral policies, social and regional policies and common foreign policy, and mentioned protection of fundamental rights.

The gradual increase in the powers of the European institutions which would make themselves felt while the Union was being built up would make it imperative to ensure that rights and fundamental freedoms, including economic and social rights, are both recognized and protected.¹⁹

The Community focused on the enlargement role mentioned at the Hague Summit along with its deepening goal in the 80s. In this respect, the Community realized two further enlargements in the 80s. The Preamble to the Treaty establishing the European Community states that other European States who share the ideal of strengthening peace and liberty may join in the efforts of the Member States.²⁰ In 1975, Greece applied for membership. Two years later, Portugal and Spain applied for membership.

All three countries had only just emerged from right-wing dictatorships when they applied for membership. Despite their differences, the authoritarian regimes in these countries had frozen economic, social, and democratic development. For the existing member states, the Southern enlargement was primarily a political step. Democratization and economic modernization of these countries was of utmost importance, not only in terms of the ongoing cold-war conflict but also for regional security.²¹

The desire to be recognized as a member of the West European democratic societies was a primary motivating factor in Spain's attempts to gain membership in the European Community (EC). As Spain began to emerge from its postwar isolation, successive Franco cabinets sought to establish closer ties with Europe. After Franco's death, this became Spain's major diplomatic goal. The continued existence of undemocratic

¹⁹ Tindemans, Leo, 1976, *European Union*, available at: www.aei.pitt.edu/942/01/political_tindemans_report.pdf, p.26

²⁰ Opinion on Spain's Application for Membership, transmitted to the Council by the Commission on 29 November 1978, available at: http://aei.pitt.edu/1562/01/enlargement_spain_opinion_COM_78_630.pdf, p.9

²¹ Dinan, Desmond, *Origins and Evolution of the European Union*, New York, Oxford University Press, 2006, p.283

governmental institutions in Spain was strongly resented by member countries of the EC, and it continued to be a barrier against Spanish accession.

The Spanish government's determination to continue moving in the direction of closer relations with Europe was manifested in the creation, in February 1978, of a new cabinet level position, that of minister in charge of relations with Europe.²²

Under the Government of Adolfo Suárez, the firm emphasis placed on relations with Europe established Spain as a democratic West European nation. This paved the way for direct and purposeful dialogue, leading to the opening of negotiations to Spain's accession to the Community. Spain thus embraced a foreign policy whose pillars were the common values of Europe and respect for the dignity of the individual.

Between 1977 and 1980, Spain ratified the United Nations' International Covenant on Economic, Social and Cultural Rights, became a member of the Council of Europe, and signed the European Convention for the Protection of Human Rights and Fundamental Freedoms. It also subscribed to the European Social Charter and made the Declaration, recognizing the competence of the European Commission of Human Rights to receive petitions from private individuals.²³

Eventually, the European Economic Community (EEC) opened its doors to Greece in 1981 and to Spain and Portugal in 1986. During the 1980s, the Member States faced economic and political constraints related to the Soviet invasion of Afghanistan, the Argentinian invasion of the Falklands, the Iran-Iraq War and Vietnam's armed intervention in Cambodia.

Disappointment that significant barriers remained and the slow progress towards making the countries of Europe into a single trading entity or home market resulted in the proposal for a European Community adopted by the European Parliament in 1984.²⁴

²² Spain and the European Community, available at: <http://countrystudies.us/spain/87.htm>

²³ Spain: The Fulfilment Of A European Destiny, Representación Permanente de España ante la Unión Europea, available at: <http://www.es-ue.org/Default.asp?section=157&lg=1>

²⁴ Roney, Alex, *EC/EU Fact Book*, London, Kogan Page, 2000, p.14

In February 1986, the Twelve adopted the Single European Act (SEA), which revised the Treaties of Rome.

The SEA, signed in Luxembourg on February 17, 1986 by the nine Member States and on February 28, 1986 by Denmark, Italy and Greece, is the first major amendment of the Treaty establishing the European Economic Community (EEC). It entered into force on July 1, 1987.²⁵

The preamble to the SEA states the fundamental goals of the Treaty and expresses the Member States' determination to transform their relations as a whole with a view to creating a European Union. The preamble also establishes the unique character of the act, which brings together the common provisions as regards cooperation in the field of foreign policy and the European Communities.

The Preamble to the SEA expresses the determination of the European Community Member States to work together to promote democracy on the basis of the fundamental rights recognized in the constitutions and laws of the member states. Finally, it focuses on the two objectives of revising the treaties, i.e. "to improve the economic and social situation by extending common policies and pursuing new objectives" and "to ensure a smoother functioning of the Communities".²⁶

The passage of the Single European Act was widely acclaimed as the most important and successful step in the process of European integration since the Treaty of Rome. It was the first major revision of the Treaties of [Rome](#). It had many important consequences:

- It created the single biggest market and trading unit in the world.
- It provided for greater involvement of the [European Parliament](#) in the decision-making process, and the introduction of qualified majority voting in the Council of Ministers (now the [Council of the European Union](#)) for some policy areas.

²⁵ The Single European Act, available at: http://europa.eu/scadplus/treaties/singleact_en.htm

²⁶ Single European Act, available at: http://europa.eu/scadplus/treaties/singleact_en.htm

- It included provisions concerning collaboration in research and development and in environmental policy.²⁷
- It gave legal status to European Political Cooperation (foreign policy coordination) so that member states could work towards a European foreign policy and work more closely on defense and security issues.²⁸

The establishment of the EPC could have been considered as an important step for executing a common strategy of the members and the political integration of the Community. Nevertheless, human rights crises and several disputes that took place in the 90s, especially during the dissolution of Yugoslavia, hastened the desire for a more coherent approach than that for the EPC. The Community started to focus on structural changes with legal arrangements. In November 1990, member states signed the Paris Charter.

International and regional crises and the Community's wish to adapt to the changing structure of international security had been effective in the signing of the Paris Charter. The Paris Charter emphasized the significance of handling of integration and solidarity not only in economic issues, but also in a wider range of issues including respect for human rights and democracy.

Human rights and fundamental freedoms are the birthright of all human beings, are inalienable, and are guaranteed by law. Their protection and promotion is the first responsibility of governments. Respect for them is an essential safeguard against an overmighty State. Their observance and full exercise are the foundation of freedom, justice, and peace.²⁹

The adoption of the SEA and signing of the Paris Charter are significant stages that the Community went through in its political evolution. In addition to this, the Community entered a new period in the late 80s as related to the developments which occurred in Europe.

²⁷ Single European Act, available at: <http://www.tiscali.co.uk/reference/encyclopaedia/hutchinson/m0039113.html>

²⁸ McCormick, John, *Understanding the European Union*, New York, Palgrave Macmillan, 2005, p.69,

²⁹ Paris Charter, 19-21 November 1990, available at: www.osce.org/documents/mcs/1990/11/4045_en.pdf

Just as the outbreak of the Cold War in the late 1940s shaped the contours of (Western) European integration, so did the end of the cold war in the late 1980s, the fall of the Berlin Wall in November 1989, and the break-up of the Soviet Union have a profound impact on the EU, notably by triggering an avalanche of applications from the neutral states and from the newly-independent countries of Central and Eastern Europe.³⁰

Thus, at the external level, the collapse of communism in Eastern Europe and the outlook of German reunification led to a commitment to reinforce the Community's international position. At the internal level, the Member States wished to supplement the progress achieved by the [Single European Act](#) with other reforms.³¹

In December 1991, Member States decided in Maastricht to superpose on the single market an economic and monetary union, a judicial and internal affairs policy, and a common foreign and security policy, thus transforming the European Community into a European Union.³²

Thus, the Treaty on European Union (TEU), signed in Maastricht on February 7, 1992, entered into force on November 1, 1993. The Maastricht Treaty amended the Rome Treaty and made other new commitments, including moves towards economic and monetary union. With this Treaty, the High Contracting Parties establish among themselves a European Union, hereinafter called “the Union”.³³ With Maastricht, the EC Treaty was completed by two new intergovernmental pillars. The first one being the EC Treaty, the second one was devoted to a Common Foreign and Security Policy (CFSP) and the third one was related to the cooperation in the field of Justice and Home Affairs (JHA).

The importance of the second pillar (CFSP) for this thesis arises from reasons lying behind the need for the establishment of new three-pillar structure. Security threats and reasons causing instability did not end with the end of the Cold War and the demise of

³⁰ Dinan, Desmond, *Origins and Evolution of the European Union*, New York, Oxford University Press, 2006, p.253

³¹ Treaty of Maastricht on European Union, available at: http://europa.eu/scadplus/treaties/maastricht_en.htm

³² Moussis, Nicholas, 1998, *Access to European Union*, European Study Service, Rixensart, p. 29

³³ Treaty on European Union, Article A, available at: <http://europa.eu.int/en/record/mt/title1.html>

the Soviet Union. Instabilities occurring in the Central and Eastern Europe, ethnic conflicts, drug trafficking, spread of weapons of mass destruction and massive violation of human rights necessitated a consistent and systematic approach towards such security challenges.

For the EU, which tried to pursue a common foreign policy against the security challenges in international arena with the third pillar, the second pillar was designed as a pillar in which all policies were declared as a single voice. The human rights policy and enlargement strategy of the EU had been started to take their form under this pillar. The CFSP was introduced as the result of a desire to equip the Union better for the many challenges facing it at international level, by providing it with new means of taking action in areas of foreign relations other than the traditional Community ones.

The CFSP is governed by the provisions of Title V of the Treaty on European Union.³⁴ Article J(1) states that; “the Union and its Member States shall define and implement a common foreign and security policy, governed by the provisions of this Title and covering all areas of foreign and security policy.

The objectives of the common foreign and security policy shall be:

- to safeguard the common values, fundamental interests and independence of the Union;
- to strengthen the security of the Union and its Member States in all ways;
- to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter;
- to promote international cooperation;
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.³⁵

The challenges facing Europe and its neighbors in today’s world come from poverty, insecurity, violent or frozen conflicts, population explosions, resource shortages and failures of governance. These situations create conditions where

³⁴ Treaty on European Union, available at: <http://europa.eu.int/en/record/mt/title1.html>

³⁵ Treaty on European Union, Article J(1), available at: <http://europa.eu.int/en/record/mt/title1.html>

migratory pressures rise, organized crime flourishes, and where conflicts can arise while extremism grow.³⁶

In this respect third pillar have great importance. The Maastricht Treaty centralised in the Third Pillar all the workings of the existing groups in the field of JHA. It added a further dimension to the construction of Europe with the incorporation of Justice and Home Affairs in the Union's institutional framework.

Article K(1) states that; For the purposes of achieving the objectives of the Union, in particular the free movement of persons, and without prejudice to the powers of the European Community, Member States shall regard the following areas as matters of common interest:

1. asylum policy;
2. rules governing the crossing by persons of the external borders of the Member States and the exercise of controls thereon;
3. immigration policy and policy regarding nationals of third countries:
 - (a) conditions of entry and movement by nationals of third countries on the territory of Member States;
 - (b) conditions of residence by nationals of third countries on the territory of Member States, including family reunion and access to employment;
 - (c) combatting unauthorized immigration, residence and work by nationals of third countries on the territory of Member States;
4. combatting drug addiction in so far as this is not covered by 7 to 9;
5. combatting fraud on an international scale in so far as this is not covered by 7 to 9;
6. judicial cooperation in civil matters;
7. judicial cooperation in criminal matters;
8. customs cooperation;
9. police cooperation for the purposes of preventing and combatting terrorism, unlawful drug trafficking and other serious forms of international crime, including if necessary certain aspects of customs cooperation, in connection with the organization of a Union-wide system for exchanging information within a European Police Office (Europol).³⁷

³⁶Wissels, Rutger, 2006, "The new Neighbourhood Policy of the European Union", *Foreign Policy in Dialogue*, Vol.6, Number 19, 27 July 2006

³⁷ Treaty on European Union, Article K(1), available at: <http://europa.eu.int/en/record/mt/title6.html>

The Maastricht Treaty also made some substantial changes to the contract among the member states of the EU. The EU responsibility was extended into new policy areas such as consumer protection, public health policy, transport, education, and social policy. New rights were provided for European citizens and an ambiguous European Union “citizenship” was created. This meant, for example, the right of citizens to live wherever they liked in the EU, and to stand or vote in local and European elections.³⁸

At the time when the Maastricht Treaty was accepted, there were further discussions regarding the enlargement of the EU. Along with the collapse of the communist system, political changes in Central and East European countries, and in view of these countries' aspirations for integration with Western Europe, the European Union faced the prospect of eastward enlargement. This possibility was for the first time officially confirmed at the EU summit in Copenhagen on June 21-22, 1993.

'Copenhagen Criteria' were adopted by the European Council of Copenhagen. The European Council agreed that the associated countries in Central and Eastern Europe that so desire shall become members of the European Union. Those countries have a choice about whether to apply for EU membership, but the EU has little choice except, eventually, to admit applicants that meet its reasonably clear-cut criteria. As long as they meet the economic and political criteria for membership, the EU has no grounds for excluding countries that are undeniably European, in the conventional sense of the word.³⁹ Accession will take place as soon as an associated country is able to assume the obligations of membership by satisfying the economic and political conditions required.

Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the

³⁸ McCormick, John, *Understanding the European Union*, New York, Palgrave Macmillan, 2005, p.73

³⁹ Cowles, M.G. and Dinan, Desmond (et.al), *Developments in the European Union*, London, Palgrave Macmillan, 2004, pp.10-11

obligations of membership including adherence to the aims of political, economic and monetary union.⁴⁰

The realization of the Copenhagen criteria necessitated continuous monitoring and regular assessment. Fulfilment of these requirements had not been asked of any other candidate before. An enlargement of such complexity has facilitated both the widening of the zone of peace and stability for the EU and the transformation of candidate countries in Eastern Europe from totalitarian to democratic regime.

Austria, Finland, and Sweden saw the end of the cold war as an opportunity finally to participate fully in the EU marketplace, especially at a time of accelerating economic integration as a result of the single market program.⁴¹

The European Council took note of progress in the enlargement negotiations with Austria, Finland, Sweden, and Norway at the Copenhagen Summit in 1993. It noted that the initial difficulties encountered in launching the negotiations had now been overcome and that the pace of the negotiations was speeding up.⁴² Thus, the Union realized its fourth enlargement in 1995. The second northern group, including Austria, Finland, and Sweden, were acceded to the Union on January 1, 1995 and the Union enlarged to fifteen. Following the 1995 enlargement, the Union entered into a new re-structuring period in order to form a new internal structure and to adapt to external dynamics more easily.

After consulting the Commission and the European Parliament, whose opinions had to be obtained before the intergovernmental conference could be launched, the Turin European Council formally opened the negotiations on 29 March 1996. They included a number of ambitious goals centred on a Citizens' Europe, the

⁴⁰ Copenhagen European Council 21-22 June 1993, I.13, available at: http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/72921.pdf

⁴¹ Cowles, M.G. and Dinan, Desmond (et.al), *Developments in the European Union*, London, Palgrave Macmillan, 2004, p.8

⁴² Copenhagen European Council 21-22 June 1993, I.10, available at: http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/72921.pdf

role of the European Union on the international stage, improvements in the working of the institutions, and the prospect of enlargement.⁴³

At the end of the negotiations, the Treaty of Amsterdam was signed on October 2, 1997, which updated the Maastricht Treaty and aimed to make the EU more democratic.

One of the main objectives of the Treaty is to maintain and develop the Union as an area of freedom, security and justice, in which there would be free movements for persons combined with suitable measures pertaining to the control of external borders, asylum, immigration, as well as the prevention and combating of crime as mentioned in the Article 1.

Article 1 of the Amsterdam Treaty contains the amendments made to the Treaty on European Union.⁴⁴ One of the important amendments was made on the Article F(3) of the Treaty on the European Union. It states that, “the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.”⁴⁵

The Treaty opened the way for dialogue between the EU and its citizens by safeguarding fundamental rights (for the first time Member States failing to respect such rights may face penalties), tackling discrimination of all kinds, providing for equal opportunities for men and women, focusing on social issues and assets such as voluntary work, sport, public-service television broadcasting, disability, churches and non-confessional organisations, public credit institutions operating in certain countries and a rejection of the death penalty. However, the Treaty also dealt with the major issues facing our society such as employment, the environment, public health, and open government.⁴⁶

After the Treaty of Amsterdam, (more than a decade after the fall of Berlin wall, unfortunately rather too late) Europe has to be revisited and reinterpreted.

⁴³ Treaty of Amsterdam, available at: <http://europa.eu/scadplus/leg/en/lvb/a09000.htm>

⁴⁴ Treaty of Amsterdam, available at: <http://europa.eu/scadplus/leg/en/lvb/a09000.htm>

⁴⁵ Treaty of Amsterdam available at: <http://www.eurotreaties.com/amsterdamtreaty.pdf>

⁴⁶ Treaty of Amsterdam, available at: <http://www.answers.com/topic/amsterdam-treaty>

There are a number of reasons why this task is urgent. The times are gone when (Western) Europe could consider itself as a closed entity and focus on its own narrow-minded stability, economic welfare, and social market economy. Both internal developments and external challenges require a reconsideration and redefinition of Europe's basic goals and its position and prospects in world politics and in the global market place. Globalization, the repeatedly postponed EU reforms, the substantial need for restructuring within member countries, and the coming waves of "Eastern" enlargement - all these factors point to the urgent need for a new approach.⁴⁷

In 1999, the EU realized a great success regarding political integration as a result of a lengthy period since the mid-80s.

The Treaty of Nice, agreed by the Heads of State or Governments at the Nice European Council on December 11, 2000 and signed on February 26, 2001, was the culmination of eleven months of negotiations that took place during an Intergovernmental Conference (IGC) that opened in February 2000. The Treaty of Nice entered into force on February 1, 2003. The Intergovernmental Conference, which resulted in the Treaty of Nice, had the very clear mandate of preparing the European Union for enlargement by revising the Treaties in four key areas:

size and composition of the Commission;

weighting of votes in the Council;

extension of qualified-majority voting;

enhanced cooperation.⁴⁸

Deepening integration has arguably been the EU's priority: since the end of the Cold War, there have been three new treaties (Maastricht, Amsterdam, and Nice), also two enlargements (1995 and 2004 enlargements).

However, while some of the reforms agreed in the treaties have their own logic, others have been designed explicitly to enable widening to occur without unduly

⁴⁷ Cremona, Marise, *The Enlargement of the European Union*, New York, Oxford University Press, 2003, p.79

⁴⁸ Treaty of Nice: A Comprehensive Guide, available at:
http://europa.eu/scadplus/nice_treaty/introduction_en.htm

jeopardizing the functioning of the EU, although they have been widely criticized as inadequate in this respect.⁴⁹

As related to this, “membership conditionality” is used by the EU as a foreign-policy instrument, to influence applicant (and future applicant) countries’ domestic and foreign policies.

Central and Eastern European Countries (CEECs) are particularly susceptible to external pressure because they so desire to “return Europe”, meaning membership of the EU. Those countries have tried to meet the conditions, rather than dismissing their validity and withdrawing from the accession process.⁵⁰

Thus, the European Commission’s Strategic Report of October 9, 2002 recommended ten candidate countries for inclusion in the EU in 2004. The Accession Treaty entered into force in May 2004 and the EU’s biggest enlargement ever in terms of scope and diversity became a reality with ten new countries - Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. The 2004 enlargement of the EU included countries with different levels of economic and domestic political development. Thus, it increased cultural heterogeneity and level of diversity in the EU.

The EEC evolved from an economic integration to a political integration during the process of 54 years of political development. Although this period primarily focused on economic integration, the community tried to realize its deepening and widening ideals together over time. This period was established upon three important founding treaties, which were Treaty of Paris, Treaty of Rome, and Treaty on European Union. The existing legal framework for this was amended four times since the 60s: Merger Treaty, Single European Act, Treaty of Amsterdam and Treaty of Nice. Finally, although not in effect yet, the European Constitution, the product of the result of the Union’s creation of a constitution, is an indicator of how much the EU progressed both politically and legally.

⁴⁹ Cremona, Marise, *The Enlargement of the European Union*, New York, Oxford University Press, 2003, p.107

⁵⁰ *Ibid.*, p.109

II.3 Development of the Legal Framework of Human Rights in the European Union

The European Union seeks to respect and promote universal human rights as laid down in the Universal Declaration of Human Rights of 1948 and the subsequent International Covenants on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 1966. Besides these and other UN human rights instruments, the human rights policy and positions of the EU are also based on regional human rights instruments, such as the European Convention on Human Rights of 1950. The EU adheres to the principles of universality, interdependence and indivisibility of all human rights and democratic freedoms.⁵¹

Since the [Treaty of Rome](#), establishing the European Communities in 1957, the European integration has been founded upon and defined by universal principles of liberty and democracy, respect for the rule of law, human rights and fundamental freedoms.⁵²

Human rights were not mentioned specifically in the *Treaty of Rome* of 1957, although the Treaty affirms the Member States' willingness to "preserve and strengthen peace and liberty" (Preamble), to improve living and working conditions and to abolish discrimination on the grounds of nationality among citizens of the Member States (ex-Article 7). It also created freedom of movement and establishment for EEC citizens (ex-Articles 48-58), equal treatment for men and women in the workplace (ex-Article 119) and equal treatment for immigrant workers (e.g. ex-Article 51).⁵³

The European Court of Justice (ECJ) was the first institution to recognise human rights, holding that human rights form part of the general principles of Community law. Over time, there has been greater political recognition of the protection of human rights, through the joint Declaration of the Parliament, Council and Commission of 5th April 1977 and of 1986, the Community Charter of Fundamental Social Rights signed by 11 of the 12 Member States in 1989, the enactment of Article F (2) in the Treaty of European Union, and its amendment by the Treaty of Amsterdam, giving rise to articles 6 and 7 TEU, which in turn were modified by the Treaty of Nice to facilitate the ability of the Council to reprimand those Member States who seriously and persistently breach

⁵¹ EU Annual Report on Human Rights, adopted by the Council on 10 October 2003, http://ec.europa.eu/comm/external_relations/human_rights/doc/report03_en.pdf, pp.6

⁵² The EU's Human Rights and Democratisation Policy, available at: http://ec.europa.eu/comm/external_relations/human_rights/intro/#2

⁵³ Human Rights in the EU: the Charter of Fundamental Rights, Research Paper 00/32, 20 March 2000, available at: <http://www.parliament.uk/commons/lib/research/rp2000/rp00-032.pdf>, p.9

fundamental rights. The evolution of the protection of human rights reached its culmination with the enactment of the European Union's Charter of Fundamental Rights and Freedoms (Charter), which is incorporated in Title II of the proposed Constitution, giving rise to the possibility of a direct protection of human rights.⁵⁴

II.3.1 The Single European Act

The institutional reform named Single European Act took its name from its quality of combining various different statements regarding the expansion of the power and authorities of the Community, and the political cooperation on foreign affairs, into one. The SEA, the first major revision of the Treaties of Rome, brought together in one "single" act a treaty on European cooperation in the area of foreign policy and institutional and procedural reforms.⁵⁵

The SEA aimed to provide impetus towards achieving the objectives of the original EC treaties, which were:

- to achieve a common foreign policy;
- to promote democracy;
- to speak with one voice;
- to extend common policies;
- to facilitate the Commission's exercise of its powers;
- to work towards economic integration via Economic and Monetary Union (EMU);
- to work towards the protection of the general and working environment.⁵⁶

The Preamble to the SEA differs significantly from its predecessors. It expresses the determination of the European Community Member States to work together to promote democracy on the basis of the fundamental rights recognized in the constitutions and laws of the member states, in the Convention for the Protection of Human Rights, and Fundamental Freedoms and the European Social Charter, notably freedom, equality and social justice.⁵⁷

⁵⁴ Young, Alison L., "The Charter, Constitution and Human Rights: is this the Beginning or the End for Human Rights Protections by Community Law?", *European Public Law*, Vol.11, Issue 2, 2005, pp.221-222

⁵⁵ Nelsen, B.F and Stubb, A. (et.al), *The European Union*, Macmillan Press, London, 2005, p.45

⁵⁶ Roney, Alex, *EC/EU Fact Book*, London, Kogan Page, 2000, pp.14-15

⁵⁷ Human Rights in the EU: the Charter of Fundamental Rights, Research Paper 00/32, 20 March 2000, available at: <http://www.parliament.uk/commons/lib/research/rp2000/rp00-032.pdf>, p.10

The SEA revitalized the EC with the alteration in the voting procedure, giving much greater legislative power to the European Parliament and the recognition of the European Council's place within the Community structure. When the SEA came into force in June 1987, it set down formal procedures for EPC and established a small Secretariat in Brussels.⁵⁸

The EPC was considered sufficiently successful to be formalized as part of the SEA process. This caused the EPC frame to be linked directly with the EC. Thus, actions of the EPC gained a legal framework.

II.3.2 The Treaty on European Union

The step for the development of the legal framework of the human rights was taken in the 90s through the entering of the Treaty of European Union. The protection and the promotion of human rights were explicitly incorporated into and stated as common European objectives in the TEU, which entered into force in November 1993. This step represented a significant strengthening of human rights as a prior issue for the EU in its internal as well as external policies.

With regard to internal policies, Article 2 of the TEU stipulates that the objective of the Union is to strengthen the protection of the rights and interests of the nationals of its Member States and to maintain and develop the Union as an area of freedom, security and justice.⁵⁹

Additionally, Article 6(1) states that "The Union shall respect the national identities of its Member States, whose systems of government are founded on the principles of democracy. Article 6(2) requires the Union to respect its citizens' fundamental rights."⁶⁰

It states that; the Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental

⁵⁸ Symes, V., Levy, C., and Littlewood, J.(et al), 1997, *The Future of Europe*, Macmillan Press, London, pp.109-110

⁵⁹ EU Annual Report on Human Rights, adopted by the Council on 10 October 2003, http://ec.europa.eu/comm/external_relations/human_rights/doc/report03_en.pdf, p.6

⁶⁰ Duff, A. and Pinder, J., *Maastricht and Beyond*, , London, Routledge, 1994, p.275

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.⁶¹

On the external policies of the EU, the objectives of the common foreign and security policy shall be:

- to safeguard the common values, fundamental interests and independence of the Union;
- to strengthen the security of the Union and its Member States in all ways;
- to preserve peace and strengthen international security, in accordance with the principles of the United Nations Charter as well as the principles of the Helsinki Final Act and the objectives of the Paris Charter;
- to promote international cooperation;
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.⁶²

The European Union is a major donor of development assistance and has long-standing and extensive cooperation relations with developing countries all over the world. For a relatively long period, from the mid-1970s until the 90s, the EU was a forerunner in conceptualizing links between development and human rights and in creating formal institutional and policy frameworks for addressing matters in this area. While the EU itself did not label its activities in this way, one could qualify the EU record in development cooperation as one of shaping a rights-based approach to development because of its emphasis on legally binding bases for connecting human rights and development in particular.⁶³

Before the Treaty of Maastricht in 1992, EU development cooperation policies had evolved in a piecemeal and fragmented fashion. The main innovation of this Treaty was to establish policy objectives for EU development cooperation and to set out how it should relate to the policies of the member states.

⁶¹ Treaty on European Union Article 6(1) and 6(2), Available on the web:<http://www.europa.eu.int>

⁶² Treaty on European Union Article J.1(2). Available on the web:<http://www.europa.eu.int>

⁶³ Smith, R.K.M. and Anker, C.v.d., *The Essentials of Human Rights*, London, Hodder Arnold, 2005, p. 88

The policy objectives are stated in Article 177: Community policy in the sphere of development co-operation, which shall be complementary to the policies pursued by the Member States, shall foster; sustainable economic and social development of the developing countries, and more particularly the most disadvantaged among them, the smooth and gradual integration of the developing countries into the world economy, the campaign against poverty in the developing countries. The Article further states that Community policy in this area shall contribute to the general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms.⁶⁴

Aware of the importance and potential public impact of the Maastricht Treaty, national governments included measures to bring the EU closer to people. Constitutionally significant in their own rights, these ranged from increasing the legislative power of the EP, to enshrining the principle of subsidiarity, to establishing a Committee of the Regions, and to proclaiming the EU's respect for human rights. Thus, the Maastricht Treaty with its provisions for the EMU, foreign and security policy, and co-operation on Justice and Home Affairs marked a major step towards political union.⁶⁵

II.3.3 The Treaty of Amsterdam

The Union started negotiations with the Turin European Council and commenced the restructuring period after the 1995 enlargement. The aim of the negotiations was clear:

- the creation of the political and institutional conditions to enable the European Union to meet the challenges of the future such as the rapid evolution of the international situation;
- the globalisation of the economy and its impact on jobs;
- the fight against terrorism, international crime and drug trafficking, ecological problems and threats to public health.⁶⁶

⁶⁴ El-Agraa, Ali M. (eds), *The European Union: Economics & Politics*, England, Prentice Hall, 2004, p. 482

⁶⁵ Cowles, M.G. and Dinan, Desmond (et.al), *Developments in the European Union*, London, Palgrave Macmillan, 2004, pp. 32-33

⁶⁶ Treaty of Amsterdam, available at: <http://europa.eu/scadplus/leg/en/lvb/a09000.htm>

The Amsterdam Treaty can be accepted as a product of a need for effective and coherent foreign policy. In this respect, there had been made significant structural changes. The Amsterdam Treaty consists of three parts, an annex, and thirteen protocols. The Intergovernmental Conference also adopted fifty-one declarations, which are annexed to the Final Act. It also noted a further eight declarations by various Member States, which were also annexed to the Final Act. The first part covers the substantive amendments and comprises five articles.

The Treaty of Amsterdam, which was signed on October 2, 1997 and came into force on May 1, 1999, marks another significant step forward in integrating human rights into the EU legal order. The Amsterdam Treaty included important constitutional provisions.⁶⁷

Member states declared in the Treaty with the new Article 6 (ex Article F) that; the Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law principles which are common to the Member States.⁶⁸

Article 49 emphasises that respect for these principles is required by the countries that applied for EU membership. “*Any European State, which respects the principles set out in the Article F(1) may apply to become a Member of the Union.*”⁶⁹ By explicitly giving this condition a Treaty basis, the EU Member States have signalled its fundamental importance. In addition, sanctions may be imposed on a Member State in cases of “serious and persistent breach” of these principles.⁷⁰

Where the serious and persistent breach by a Member State of principles mentioned in Article F(1) of the Treaty on European Union has been determined in accordance with Article F(1) of that Treaty, the Council, acting by a qualified majority, may decide to suspend certain of the rights deriving from the

⁶⁷ Alston, P. and Weiler, J.H.H., “An Ever Closer Union in Need of a Human Rights Policy: The European Union and Human Rights”, in Alston, P. ed., *The EU and Human Rights*, 1999, London, Oxford University Press, p.18

⁶⁸ Treaty of Amsterdam, Article 6, available at: <http://europa.eu/scadplus/leg/en/lvb/a09000.htm>

⁶⁹ Treaty of Amsterdam, available at: <http://europa.eu/scadplus/leg/en/lvb/a09000.htm>

⁷⁰ Horng, Der-Chin, “The Human Rights Clause in the European Union’s External Trade and Development Agreements”, *European Law Journal*, Vol.9, No.5, December 2003, p.687

application of this Treaty to the Member State in question. In doing so the Council shall take into account the possible consequences of such a suspension on the rights and obligations of natural and legal persons.⁷¹

The Amsterdam Treaty is particularly important with respect to furthering equality between men and women throughout the EU and is a major step forward with respect to implementing equality in the work force.

The Amsterdam Treaty goes beyond existing EU legislation regarding gender equality in employment and imposes a general obligation on the Union in all of its activities to eliminate inequalities and to promote equality. In addition to clarifying, developing and expanding the EC Treaty provisions on equality, the Amsterdam Treaty adopts the comparable worth concept first set out in the EPD and requires “equal pay for work of equal value. Each Member State shall ensure that the principle of equal pay for male and female workers for equal work or work of equal value is applied.”⁷²

The Amsterdam Treaty also adds two new provisions to the Article 119 (ex Article 141) equality principle. The first provision requires the Council, under qualified majority voting, to adopt measures to ensure equal opportunity and equal treatment of men and women in employment. The second provision allows Member States to adopt and maintain positive action provisions. It states: Each Member State shall ensure that the principle of equal pay for male and female workers for equal work or work of equal value is applied.⁷³

II.3.4 The Treaty of Nice

The Treaty of Nice was signed on February 26, 2001 and was put into force on February 1, 2003. It amended the two founding treaties of the EU and extended the objective of promoting respect for human rights and fundamental freedoms. The primary purpose of the Treaty of Nice was to reform the institutional structure to withstand the enlargement of the EU.

⁷¹ Treaty of Amsterdam, available at: <http://europa.eu/scadplus/leg/en/lvb/a09000.htm>

⁷² Treaty of Amsterdam, Article 119, available at: <http://europa.eu/scadplus/leg/en/lvb/a09000.htm>

⁷³ Treaty of Amsterdam, Article 119, available at: <http://europa.eu/scadplus/leg/en/lvb/a09000.htm>

Article 7 TEU, introduced by the Treaty of Amsterdam, provides the Council with the possibility of determining that “there is a serious and persistent breach by a Member State of principles mentioned in Article 6(1)”. Since the Treaty of Nice of February 26, 2001 came into force on February 1, 2003, Article 7 TEU also enabled the Council to intervene in a preventive way in order to determine “that there is a clear risk of serious breach by a Member State of principles mentioned in Article 6(1)”, which authorised the Council to address “appropriate recommendations” to this State.⁷⁴

II.3.5 The Constitutional Treaty

The EU focused more on realizing two aims together with its last enlargement: widening and deepening. Political integration and legal and institutional reforms are among the EU’s keys for the ideal of deepening.

Previous enlargements of the European Communities first, and the European Union later, have also acted as catalysts for constitutional change, or at least for rethinking the political and institutional course of the European integration process.⁷⁵

Trying to actualize deepening and widening ideals together, the EU required a re-foundation and renovation. As a result, the enlarged EU adopted a draft text on a constitutional Treaty in June 2004, which had been prepared by the Laeken Convention on the Future of Europe under the presidency of Valéry Giscard d’Estaing.

The Laeken Convention worked out the key reform issues for a constitutional Treaty, including the basic principles of the EU, the regulation of material policy competencies and a reform of the institutional framework.⁷⁶

⁷⁴ Report on the Situation of Fundamental Rights in the European Union and Its Member States in 2002, p.19, available at: http://europa.eu.int/comm/justice_home/cfr_cdf/doc/rapport_2002_en.pdf

⁷⁵ Cremona, Marise, *The Enlargement of the European Union*, New York, Oxford University Press, 2003, p.209

⁷⁶ König, Thomas, “Measuring and Analysing Positions on European Constitution-building”, *European Union Politics*, Vol.6, No.3, September 2005, p.259

The unratified Constitutional Treaty elaborated even further the fundamental values of the Union by adding human dignity and equality, and by specifying that these values are common to member states “in a society of pluralism, tolerance, justice, solidarity and non-discrimination”.

It also made the application of the provision of suspension more workable by adding a preliminary stage in which the risk of a serious breach is established and hearings with member state in question are undertaken before the European Council proceeds to suspend the rights of that state. Finally, the Constitutional Treaty introduced another novelty by providing for the possibility of a member state withdrawing from the EU.⁷⁷

Although the upsets in the ratification process of the EU Constitutional Treaty have diminished the prospect of embedding human rights legally within the EU structures in the near future, the EU remains determined to respect human rights within its own borders and to continue to work for their observance outside them.⁷⁸

II.3.6 Charter of Fundamental Rights

Protecting fundamental rights and creating a European area of freedom, security and justice are two intrinsically linked tasks, which are actually two sides of the same coin. Moreover, they are two of the key goals of European integration in the years to come. There are several tools available for enshrining these rights. Perhaps the best known of all is the Charter of Fundamental Rights that stems from the EU Treaty, European Court of Justice case-law, the European Union Member States constitutional traditions and the Council of Europe's European Convention on Human Rights.⁷⁹

The decision to frame a Charter of Fundamental Rights was taken at the Cologne European Council (June 3-4, 1999). In October 1999, at the Tampere European Council, it was decided to establish a 62-member Convention (headed by the former German President Roman Herzog) to draft a Charter of Fundamental Rights of the European Union. This is the first time that the EP was represented in the same

⁷⁷ Dinan, Desmond, *Ever Closer Union?*, New York, Oxford University Press, 2006, p.273

⁷⁸ EU Annual Report on Human Rights, adopted by the Council on 3 October 2005, available at: <http://ue.eu.int/uedocs/cmsUpload/HRen05.pdf>, p.15

⁷⁹ Justice and Home Affairs, *Fundamental Rights*, available at: http://ec.europa.eu/justice_home/fsj/rights/fsj_rights_intro_en.htm

manner as the Member State governments and the national parliaments in a process of a constitutional nature.⁸⁰

The text of the Charter of Fundamental Rights of the European Union was jointly proclaimed in December 2000 by three of its key institutions – the European Parliament, the Council of the European Union, and the European Commission. It represents a further step in a long process whereby efforts have been made to respond to concerns, particularly within member states, about the need for a human rights dimension to the law governing the Union.

The Charter is the most comprehensive human rights instrument that undertakes the civil and political rights as well as economic and social rights in regional and international levels. From a cosmopolitan point of view, such rights are important as they contribute to establishing democratically controlled institutions at a regional level to cope with global problems. By this, “international law” is pushed beyond the limitations of the Charter of the United Nations, which prohibits violence, and thus aggression against other states, but forbids intervention in the internal affairs of a state (Article 2.7). The EU has clearly progressed beyond this initial stage of a purely voluntary association. It is an entity with strong supranational elements equipped with executive power.⁸¹

Recognition of the importance of such a dimension has grown as the scope for the capacity for the Union’s activities to affect human rights has either increased or been appreciated. The Charter differs from other regional and global instruments in that it is not primarily directed to the member states of the organization that generated it, but to the institutions of the organization itself, although those states are also meant to be its addressees when they are implementing the Union law.⁸²

The Charter, by being a text and with its monitoring mechanism taken as a reference, facilitates the EU for establishing a consistent external policy on human rights. In this way, it is tried to stabilize the equilibrium between the EU’s internal practice and external policy. Therefore, the EU gets a much strong position against a double

⁸⁰ Eriksen, Erik Oddvar, “Why a Charter of Fundamental Human Rights in the EU?”, *Ratio Juris*, Vol. 16, No.3, September 2003, p.354

⁸¹ *Ibid.*, p.362

⁸² Smith, R.K.M. and Anker, C.v.d., *The Essentials of Human Rights*, London, Hodder Arnold, 2005, p.120

standards accusation. In this context, the Charter can be counted as the efficient legal achievement for the EU's internal legitimacy and global cosmopolitan project.

II.4 Institutional Framework of Human Rights in the European Union

The Union supports local, regional and national institutions working on the promotion of human rights and freedoms. It works on protecting the rights and cultures of ethnic, religious and linguistic minorities. The Union tries to promote the rule of law by strengthening the independence of judiciary and allocates its financial resources to support the activities and positive actions. Financial assistance is given to states and to non-governmental organizations under a number of programs in support of international human rights, democracy and development.⁸³

Main instruments have been used by the Union and its organs to carry out its activities that have facilitated the aim of the EU to deepen the external relations with non-member countries all over the world. Agreements signed between the Union and especially developing countries have increased the capability of the Union to influence non-member countries. Partnership and cooperation agreements, Euro-Mediterranean association agreements, African, Caribbean and Pacific States: the Yaoundé and Lomé Conventions, and association agreements in general are the examples of those instruments. The scope of those agreements has increasingly been broadened as covering human rights. Specific references to human rights and provisions concerning the prevention of human rights violations best serve for the improvement of the protection of fundamental human rights and freedoms.

The Union aims at a consistent and coherent human rights policy together with its institutions. Actually, it has a key role to play in enhancing human rights in all aspects of the Common Foreign and Security Policy. To review the structure and functions of

⁸³ Mc. Goldrick, Dominic, 1997, *International Relations Law of the European Union*, Longman, London, pp.192-193

European Parliament, the Council and the Commission facilitates the comprehension of the improvement of human rights policy pursued by the EU.

II.4.1 Contributions of the European Parliament on the Formation of Human Rights Strategy of the Union

The Treaty establishing the European Coal and Steel Community stipulated that the extensive powers it was conferring on the High Authority would be subject to public control by a “Common Assembly”, representing “the peoples of the states brought together in the Community”. Composed of 78 Members, this Assembly held its first meeting on September 10, 1952.

With the creation of the European Economic Community and the European Atomic Energy Community in 1957, the Common Assembly constituted, at its request, an enlarged Assembly, composed of 142 Members, for the three Communities. Holding its inaugural part-session in Strasbourg on March 19, 1958, the Assembly two days later gave itself the name of “European Parliamentary Assembly”. Four years later, on March 30, 1962, it decided to take the name “European Parliament”.⁸⁴

The Parliament, as the only institute that was elected democratically since 1979, is an important participant in the formulation and implementation of the EU human rights policies. The Parliament’s approach to human rights is based on the following key principles:

- a broad concept of human rights;
- the indivisibility of human rights, prohibiting any distinction between civil and political rights on the one hand and economic, social and cultural rights on the other;
- the universality of human rights, which implies that no provision of a national, cultural, or religious nature may override the principles enshrined in the Universal Declaration of Human Rights;

⁸⁴ Moussis, Nicholas, 1998, *Access to European Union*, European Study Service, Rixensart, p. 44

- a close connection with development policy and democratic principles in general, bearing in mind the interdependence of these fields.⁸⁵

The European Parliament, the first real multinational legislative assembly in the world, has advisory, supervisory, and consultative roles. Throughout the years, the EP has taken the lead in keeping human rights high on the EU agenda.

Like the other institutions, the Parliament is under a legal injunction to “act within the limits of the powers conferred upon it” by Article 7 (*ex* Article 4) of the EC Treaties. The Parliament is obliged, and not merely empowered, to take account of the necessity to respect human rights in the exercise of its advisory, supervisory, and budgetary powers under the Union and Community Treaties.⁸⁶

The European Parliament is a strong voice for human rights and democracy issues. It contributes to the formulation and implementation of policies in the field of human rights through its resolutions, reports, missions to third countries, human rights events, inter-parliamentary delegations and joint parliamentary committees with third countries, oral and written questions, special hearings on individual questions, and its annual Sakharov Prize.⁸⁷

The legislative and supervisory powers of the Parliament were extended during the 1960s and 70s. Several plans and projects such as 1972 Vedel Report on the problems of the Parliament to improve the legislative, institutional and budgetary powers were put forward. Political and financial authorization of the Parliament began to increase with the 70s. In this respect, the Parliament brought human rights issue into its political agenda as a more prominent issue following the 70s.

The European Parliament adopted a Resolution in 1973 “concerning the protection of the fundamental rights of Member States’ citizens when Community law is drafted” and another in 1977 “on the granting of special rights to the citizens of the European Community”. The EP issued a declaration of

⁸⁵ Rack, Reinhard. and Lausegger, Stefan, “The Role of European Parliament”, in Alston, P. ed., *The EU and Human Rights*, London, Oxford University Press, 1999, p.804

⁸⁶ *Ibid.*, p.845

⁸⁷ EU Annual Report on Human Rights, adopted by the Council on 3 October 2005, available at: <http://ue.eu.int/uedocs/cmsUpload/HRen05.pdf>, p.15

political principle on the definition of fundamental rights on February 10, 1977, which was subsequently adopted by the Council and the Commission.⁸⁸

The 1977 Declaration represented the recognition of the basic rights which had been developed by the European Court of Justice. The Declaration also represented the first handling of human rights on the Community basis. In 1979, members of the Parliament were directly elected by the citizens of their nation for the first time. In a 1979 Resolution, the EP urged EC accession to the European Convention and envisaged the drafting of a European Charter of Civil Rights.

As integration progressed and deepened in the Union, the need to formalize more solid human rights policy arose. In this respect, the notion of European Constitution started to be pronounced in the political agenda. The Parliament adopted a draft Treaty named as Spinelli Plan on February 14, 1984. There were subjects in the plan which specified that the EU respects civil and political rights, economic and social rights, and also it can be affiliated to international agreements about protecting human rights.

De Gucht - Declaration of Basic Rights and Freedoms - was admitted on April 12, 1989. This declaration, giving a detailed list of human rights, was a qualitative step that the Parliament took. Human rights standards attained a new dimension at the European level. Whereas the Spinelli Report dealt only with human rights in the context of a European constitution, for the first time, a complete list of human rights was now being drawn up by a Community institution.⁸⁹

The European Parliament has an important role to play in treaty-making processes with third countries because of the need for its assent to most international agreements. It undertakes human rights missions to countries outside the EU, draws up reports on specific human rights situations as well as thematic issues, and regularly sends a delegation to sessions of the UN Commission on Human Rights in Geneva. In addition, the Parliament also adopts resolutions, issues declarations and submits questions to the Council and the Commission on human rights issues. Moreover, the Parliament publishes an

⁸⁸ Human Rights in the EU: the Charter of Fundamental Rights, Research Paper 00/32, 20 March 2000, available at: <http://www.parliament.uk/commons/lib/research/rp2000/rp00-032.pdf>, p.9

⁸⁹ Rack, Reinhard. and Lausegger, Stefan, "The Role of European Parliament", in Alston, P. ed., *The EU and Human Rights*, London, Oxford University Press, 1999, p. 806

Annual Report on human rights in the world and the European Union's human rights policy.⁹⁰

Reports on human rights in the world were first introduced in 1983, with a view to monitoring the human rights situation throughout the world and to providing the Parliament with a proper basis for establishing priorities in its activities.⁹¹ The Parliament has published a second type of human rights report named as Annual Report on Respect for Human Rights in the EU since 1993. The main theme of the report is that members of the Union have to first check their own political stance towards human rights in their country.

Besides the policy instruments of the EP, the financial instruments are as effective instruments in reaching the ideals of promotion of democracy and respect for human rights. The European Parliament has used its budgetary powers to increase substantially earmarked programs dealing with democracy and human rights financed under a separate budget. The Parliament began to use budget authorities related to human rights effectively in the 70s. The authority of non-obligatory expenses has belonged to the Parliament since 1975. Being directly related to the protection and promotion of human rights, the humanitarian aid policy is a policy that was used by the Community and has become more effective in the 90s with the increase in financial resources.

The European Initiative for Democracy and Human Rights is the main EU budget for promoting human rights, democracy and the rule of law. In 2004, its resources amounted to over EUR 100 million, to fund a wide range of projects in 32 countries covering four priority areas, the promotion of democracy, the rule of law and good governance, abolition of the death penalty, combating torture and impunity, support for the international criminal tribunals and the International Criminal Court, combating racism and xenophobia and discrimination against minorities, as well as the protection of the rights of indigenous people. At the end of June 2005, EIDHR was supporting more than 1000 projects around the world, covering the full range of priorities as set out in the basic regulations and in the

⁹⁰ EU Annual Report on Human Rights, adopted by the Council on 10 October 2003, http://ec.europa.eu/comm/external_relations/human_rights/doc/report03_en.pdf, p. 9

⁹¹ Rack, Reinhard. and Lausegger, Stefan, "The Role of European Parliament", in Alston, P. ed., *The EU and Human Rights*, , 1999, London, Oxford University Press, p. 807

programming document. Activities have been taking place at the country, regional, or global levels.⁹²

Thus, the Parliament attracts the attention of the EU to the human rights policy with reports and declarations, increases the possibility of becoming a significant player in the international arena with the help of budget authority, and contributes to the promotion of human rights by including human rights clause in the agreements made with third countries. This approach of the Parliament contributes to the integration of the institutional order of the Union that is based on democracy, liberty, and human rights.

II.4.2 Contributions of the Council on the Formation of Human Rights Strategy of the Union

The European Council has the formal legal basis in the Single European Act (SEA) of 1986. It was welcomed by the 1976 Tindemans Report, 1979 Three Wise Men Report, 1981 European Act, and later by the Spinelli Draft Treaty. The Council has a variety of functions under the roof of the Common Foreign and Security Policy (CFSP).

The Council ensures the consistency and unity regarding the formation of the CFSP. Also, it produces policy outcomes in the form of Regulations, Directives and Decisions, which are implemented by the Member States and the Commission, and rigorously enforced and interpreted by the Court, thereby ensuring the stability of the system.⁹³ The Council uses two important policy instruments to realize its functions. These instruments are common positions and joint actions, which are the main legal instruments of the EU Common Foreign and Security Policy. A significant number of them focus on human rights and democratization or contain substantial human rights elements.⁹⁴

⁹² EU Annual Report on Human Rights, adopted by the Council on 3 October 2005, available at: <http://ue.eu.int/uedocs/cmsUpload/HRen05.pdf>, p. 32

⁹³ Andersen, S.S. and Aeiassen, K.A. (et al), 1996, *The European Union:How Democratic Is It?*, SAGE Publications, London, p. 151

⁹⁴ EU Annual Report on Human Rights, adopted by the Council on 10 October 2003, available at: http://ec.europa.eu/comm/external_relations/human_rights/doc/report03_en.pdf, p. 30

Common Positions referred by the Council to the European Parliament represent the EU's view on the matter concerned and symbolize conducting systemic cooperation on policy issues. These can find expression in "Political Declarations" or in a Council Decision *sui generis*. Furthermore, by gradually implementing "Joint Action" in the areas in which member states have important interests in common. These also take the legal form of a Council Decision *sui generis*.⁹⁵

The Council shall decide, on the basis of general guidelines from the European Council, that a matter should be the subject of joint action. Whenever the Council decides on the principle of joint action, it shall lay down the specific scope, the Union's general and specific objectives in carrying out such action, if necessary its duration, and the means, procedures and conditions for its implementation.⁹⁶

The European Council in Lisbon 1992 set out the factors to be used to determine important common interests, and which are to be taken into account when defining issues and areas for joint action. These are:

- the geographical proximity of a given region or country;
- the existence of important political interests in the political and economic stability of a region or country;
- the existence of threats to the security interests of the Union.⁹⁷

The EU has a number of instruments at its disposal to promote human rights in third countries. These include five EU Guidelines on Human Rights issues of particular importance to EU member states, which have been adopted by the Council since 1998.

These Guidelines cover the death penalty (adopted 1998); human rights dialogues (adopted 2001); Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 2001); Children and Armed Conflict (adopted 2003), and Human Rights Defenders (adopted 2004).⁹⁸

⁹⁵ Mc. Goldrick, Dominic, 1997, *International Relations Law of the European Union*, Longman, London, p.150

⁹⁶ Article J. 3 (1)

⁹⁷ *Ibid.*, p.154

⁹⁸ EU Annual Report on Human Rights, adopted by the Council on 3 October 2005, available at: <http://ue.eu.int/uedocs/cmsUpload/HRen05.pdf>, p.17

The Council sets out the principles and priorities of the EU human rights policy. In its conclusions on human rights and democratization in third countries of December 10, 2002, the Council reaffirmed its commitment to:

- coherence and consistency between Community action and the Common Foreign and Security Policy (CFSP) as well as development policy through close cooperation and coordination between its competent bodies and with the Commission;
- mainstreaming of human rights and democratization into EU policies and actions;
- openness of the EU's human rights and democratization policy through a strengthened dialogue with the European Parliament and civil society;
- regular identification and review of priority actions in the implementation of its human rights and democratization policy.⁹⁹

II.4.3 Contributions of the Commission on the Formation of Human Rights Strategy of the Union

The composition of the Commission was specified in article 157 of the Treaty of Rome. It is the issue of the Merger in July 1967 of the executive bodies of the three European Communities. The Merger Treaty brought together the three Communities and thus the European Commission and the Council of the European Communities began to be the governing bodies for those three Communities. The number of its Members has grown with the successive enlargements of the Community, but as a general rule the Commission is made up of two Commissioners for each large Member State, one for each of the smaller Member States.¹⁰⁰

The Commission is of vital importance as a source of information, as a prime place to lobby for changes to current legislation and standards, and as a guardian of citizens' rights, as well as being the administrator of various funds and grants.¹⁰¹

The European Commission plays an initiative – normative – administrative and representative role. The Commission deals with the foreign, security and human rights

⁹⁹ EU Annual Report on Human Rights, adopted by the Council on 10 October 2003, available at: http://ec.europa.eu/comm/external_relations/human_rights/doc/report03_en.pdf, p.11

¹⁰⁰ Moussis, Nicholas, 1998, Access to European Union, European Study Service, Rixensart, p. 40

¹⁰¹ Roney, Alex, *EC/EU Fact Book*, London, Kogan Page, 2000, p.31

policy of the Union. Under the Treaty on European Union, the Commission is fully associated with the work carried out under the CFSP and this applies to the promotion of human rights as a key objective of that policy. Each Commissioner that is responsible for one of the EU Member States works as an agent of the CFSP. They are in charge of the coordination of the Commission's general policy on human rights. The Commissioners deal with issues such as humanitarian aid, immigration and asylum matters, which constitute the main instruments of the EU democracy promotion policies.

The Commission was recognized as the voice of the EEC in the conduct of international trade negotiations, and the enlargement of the Community during the 1970s further increased the range and scope of its international economic involvement.¹⁰²

The Commission is more accurately and informally called the “motor” of European integration, not only because of its right to initiate policy but also because of its history, composition, culture, and “Community” (rather than national) outlook.¹⁰³

Emphasizing human rights in the contractual relations with third countries is one of the most effective methods for the Union.

The relations between the EU and a group of (now 77) states in African, the Caribbean and the Pacific (the so-called ACP countries) still stand out as a key example of a development cooperation relationship in which more than average attention is paid to the human rights dimensions of development processes and in which concrete consequences are attached to either positive or negative human rights situations or performance records. Since the 1960s, the terms of ACP-EU cooperation have been set out in negotiated treaties, respectively in the Yaoundé Conventions (1963-1975), the Lomé Conventions (1975-2000) and, until 2020, in the Cotonou Agreement.¹⁰⁴

¹⁰² Richardson, Jeremy, J. (eds.), 1996, *European Union Power and Policy Making*, Routledge, London, p. 248

¹⁰³ Dinan, Desmond, *Ever Closer Union?*, London, Macmillan, 1994, p.217

¹⁰⁴ Smith, R.K.M. and Anker, C.v.d., *The Essentials of Human Rights*, London, Hodder Arnold, 2005, pp.88-89

African, Caribbean, and Pacific countries through the Lomé Convention have a unique affiliation with the EU, granting them general tariff preferences and development assistance. This arrangement, dating from 1975, has been renewed periodically. These developing countries are permitted to almost all customs duties for export to the Community without reciprocal concessions. They have also received from the EU billions of dollars as technical and financial aid, as well as loans from the European Investment Bank and compensation for export losses for numerous basic commodities.¹⁰⁵

The EU has always tried to extend and organize systematically a policy of encouraging and defending democracy, human rights, and fundamental freedoms and the rule of law which the European Economic Community initiated when it introduced into the Lomé III (1985) and Lomé IV Convention provisions concerning respect for human dignity and human rights. The Community began to introduce clauses on the respect for human rights into its agreements. A common declaration concerning Article 4, annexed to the text of Lomé III, stated that human dignity is an “inalienable right and constitutes an essential objective in the achievement of the legitimate aspirations of individuals and of peoples”.¹⁰⁶

Reference of human rights was firstly made in the body of the contractual document with the Fourth Lomé Convention (1989). Respect for human rights was admitted as a basic factor of real development (Base element) for the relationship with other countries by the Article 5 of the Lomé IV.

In the context of the European Community’s trade and co-operation agreements with third countries, the Commission regularly reviews the respect, by third country partners, of international human rights standards. In line with the “human rights clause” of such agreements, the Commission has taken the initiative to establish, within the framework of regular joint committee consultations with a number of countries, dedicated working groups on human rights and good governance. The EU views human rights clauses in agreements with third countries as an incentive for the promotion of human rights. The Commission issued in May 1995 a Communication on “*the inclusion of respect for democratic principles and human rights in agreements between the Community and third countries*”, which includes a list of targeted measures that may be taken in

¹⁰⁵ Bennett, A. Leroy and Oliver, James K., *International Organizations*, United States of America, Prentice-Hall International, 2002, p. 266

¹⁰⁶ Leben, Charles, “Is there a European Approach to Human Rights”, in Alston, P. ed., *The EU and Human Rights*, 1999, London, Oxford University Press, p.90

response to serious human rights violations or serious interruptions of democratic process.¹⁰⁷

At working party level within the Council, the main instance responsible for dealing with human rights issues in the EU's external policies is the thematic Working Party on Human Rights (COHOM). This Working Party is composed, as a general rule, of the heads of human rights divisions of the Ministers of Foreign Affairs of each of the Member States, as well as a representative of the Commission. The Commission accordingly takes part in the EU deliberations on human rights matters within COHOM and contributes to the formulation of EU positions in international for dealing with human rights, such as the UN Commission on Human Rights.¹⁰⁸

II.4.4 Network of Independent Experts in Fundamental Rights

The Network of Fundamental Rights Experts was created by the European Commission in response to a recommendation in the European Parliament's report named as the "Report on the Situation of Fundamental Rights in the European Union and Its Member States in 2002".

In its resolution of July 5, 2001 on the situation as regards fundamental rights in the European Union (2000) (rapporteur Thierry Cornillet), the European Parliament recommended "that a network be set up consisting of legal experts who are authorities on human rights and jurists from each of the Member States in order to ensure a high degree of expertise and enable Parliament to receive an assessment of the implementation of each of the rights laid down in the European Union Charter of Fundamental Rights, taking into account developments in national laws, the case law of the Luxembourg and Strasbourg Courts and any notable case law of the Member States' national and constitutional courts".¹⁰⁹

The Network drafts an annual report of the state of fundamental rights in the EU and its member states. The Network provides the Commission with specific information on

¹⁰⁷ EU Annual Report on Human Rights, adopted by the Council on 3 October 2005, available at: <http://ue.eu.int/uedocs/cmsUpload/HRen05.pdf>, pp. 31-32

¹⁰⁸ EU Annual Report on Human Rights, adopted by the Council on 10 October 2003, available at: http://ec.europa.eu/comm/external_relations/human_rights/doc/report03_en.pdf, p. 8

¹⁰⁹ Report on the Situation of Fundamental Rights in the European Union and Its Member States in 2002, p. 11, available at: http://europa.eu.int/comm/justice_home/cfr_cdf/doc/rapport_2002_en.pdf

fundamental rights issues. With the specific information and annual report system it assists the Commission and EP in developing the EU policy on fundamental rights.

The Commission helps members and candidate states by introducing new conceptions of the future of European integration. The Commission sets the agenda and exercise control over the pre-accession processes. The Commission, Parliament ve Council have a significant role in the EU's institutional framework. Article J.7 of the TEU mentions EP's relations with Presidency, Commission and the Council.

The Presidency shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and shall ensure that the views of the European Parliament are duly taken into consideration. The European Parliament shall be kept regularly informed by the Presidency and the Commission of the development of the Union's foreign and security policy. The European Parliament may ask questions to the Council or make recommendations to it. It shall hold an annual debate on progress in implementing the common foreign and security policy.¹¹⁰

The Commission upholds the interests of Europe as a whole. It drafts proposals for new European laws. It manages the day-to-day business of implementing EU policies and spending EU funds. The European Parliament (EP) regularly passes resolutions and publishes annual reports regarding human rights issue. The European Parliament plays a very wide-ranging role in promoting human rights. It has undertaken activities that are topical and specific, as well as focused on issues that are more long-term in their impact. In addition, the Parliament continues to keep up pressure on both the Commission and Council to sustain their efforts in these fields.¹¹¹

The Council contributes to the Union following consistent foreign policy with its two significant policy instruments, which are common position and joint action. The above mentioned four fundamental institutions (including the EP, Council, Commission, and the Network of Independent Experts) constitute the main power structure of the EU and increase the effectiveness of the policies that the EU pursues on the international arena.

¹¹⁰ Article J.7 of the TEU, available at: <http://europa.eu.int/en/record/mt/title5.html>

¹¹¹ EU Annual Report on Human Rights, adopted by the Council on 3 October 2005, p. 37, available at: <http://ue.eu.int/uedocs/cmsUpload/HRen05.pdf>

Thus, the importance attached to the promotion and protection of human rights and fundamental freedoms by the European Union is reflected on the fact that most bodies and institutions within the EU are involved in human rights issues.

The European Council, the Parliament and the Commission are the main actors in policy-making, decision-making and implementation in regard to promoting and protecting human rights, both within and outside the EU.¹¹²

EC/EU has taken considerable steps under the name of deepening to adopt its structure to international dynamics. Those steps have covered its institutional and legal framework. However 90s Europe have faced with crucial historical events which urged re-structuring of balances in the European continent. EC/EU, established for the European Continent to be restructured within a democratic system, ventured its own strategy to transform the continent into a more democratic structure. The EC, always encompassing the aim of widening, started to implement enlargement under the name of EU as a successful human rights strategy. In the following chapter, enlargement is examined as a security-oriented policy. The fifth enlargement and adoption processes, which are the major examples of this policy, will be taken into consideration as example processes that support the claim of this thesis.

¹¹² EU Annual Report on Human Rights, adopted by the Council on 10 October 2003, p. 7, available at: http://ec.europa.eu/comm/external_relations/human_rights/doc/report03_en.pdf.

CHAPTER III

ENLARGEMENT AS A HUMAN RIGHTS STRATEGY

International stability and peace will be indispensable awards to the world community, as long as promotion of democracy and respect for human rights are considered to be ideals that precede all other ideals. With its changing environment, the period of the 90s offered new opportunities to the countries for promotion of democracy and respect for human rights. The sovereign states have started to display a growing acceptance of the international involvement in internal affairs and this has increased the possibility that the international organizations might promote stability and democracy.

There are various international organizations within the international arena that are capable of contributing to ensuring the stability, to safeguarding democracy and to development of states. One of these international organizations is the EU. However, the EU has a peculiar aspect that discriminates itself from other international organizations.

The EU was established as a project to make war economically impossible and politically unthinkable in the European Continent. The EU serves to the ideal of promotion of democracy and sees democracy and respect for human rights as a priority for the possible candidates. That is, the more countries enter the EU, the closer the EU gets towards achieving its goals. In this respect, enlargement and the entrance of new members have overlapped with the ideal of the promotion of democracy in the 90s for the Union. Thus, enlargement has become the EU's primary stabilization and democracy-promotion strategy. This effective approach has acted as a factor that distinguishes the EU from other international organizations.

III.1 Enlargement: As a Security-Oriented Policy

The EU as an international organization has followed many strategies to provide stability and peace in Europe. Economic integration, customs union, common agricultural policy, and common currency are some of the examples of the policy instruments implemented by the EU. The instruments that enhance the performance of European economy have been significant to contribute to EU's effectiveness in the international arena. Successful implementation of these economic instruments boosts the employment and competitiveness of the countries, which are some of the significant priorities of the EU. In the eyes of the EU, economic strength increases the effectiveness of the involved countries. Thus, economic growth, employment and competitiveness bring re-building confidence at the political level.

In this respect, the EU, relying on its economic and trade power in the international arena, has focused on both institutional reforms and the re-structuring of European countries. These institutional reforms which mainly increased political dialogues among members can be called as “deepening” and re-structuring of the European countries through new membership can be labelled as “widening”.

The aim of “deepening” of the EU has been realized step by step. It is during its enlargement periods that the EU has attained its most significant political developments. The first enlargement that took place in 1973 was preceded by two significant initiatives: the Davignon Report and the Werner Report. The Davignon Report initiated the EDC, which was the precursor of CFSP. The Werner Report started the short-lived effort to create a monetary union. Institutional arrangements were also strengthened with the introduction of the European Council and direct elections to the European Parliament.

Following the accession of Greece, and then Spain and Portugal, the Community further developed the Structural Funds as a mechanism for transfer of resources to the less-favoured regions of member states. This second enlargement wave was also accompanied by the Single European Act significantly extended the use of majority

voting, without which it would have been impossible to complete the internal market. 1995 enlargement involving Austria, Sweden and Finland followed the Treaty on European Union, which again involved considerable deepening such as the commitment to Economic and Monetary Union, the establishment of a Common Foreign and Security Policy, and yet further powers for the European Parliament.¹¹³

On the other hand, the aim of “widening” of the EU refers to enlargement, which is part of the peace project. This project was initially centered on the reconciliation between France and Germany. “Any European state may apply to become a member of the Community”. With such concise wording in the Treaty of Rome (1957), the founding father imagined the enlargement of the EEC, leaving it up to European and national officials in the early 1960s to organize the legal basis, content, and conduct of the accession negotiation when the United Kingdom, Ireland, Denmark, and Norway first applied to join. Later, the Single European Act of 1986 added to the original requirement of consensus among the member states in the Council the assent of the European Parliament to the enlargement of the European Community.¹¹⁴

The EU set its fundamental objective from the very beginning as ensuring peace and stability in Europe. Countries that apply to join the EU first have to put aside old territorial disputes. Through enlargement, the EU aimed to widen the territories of peace and stability. However, the international arena witnessed many crises threatening peace and stability. Yet, the scope and impact of the disputes and crises have varied over time. Since the end of the cold war, the EU has been confronted with a challenge: the necessity to maintain European order by securing its surroundings.

¹¹³ Cameron, Fraser, “The European Union and The Challenge of Enlargement”, in Maresceau, Marc ed., *Enlarging the European Union*, Longman, London, 1997, p. 243

¹¹⁴ Dinan, Desmond, *Ever Closer Union?*, New York, Oxford University Press, 2006, p. 273

The stabilization of what is now commonly called “the Wider Europe” emerged as a major mechanism of security creation inseparable from its eastward enlargement and an illustration of the security-oriented character of the process.¹¹⁵

New circumstances of the 90s led to a necessity for an overview and amendment of the EU’s foreign policy. 1989 fall of the Berlin Wall led to the German re-unification. The disintegration of the Soviet Union was the signal of changing dynamics within the European continent. In addition to those dynamics global problems such as poverty, insecurity, drug trafficking, migration, population explosions weapons of mass destruction, organized crime had also effects on the re-structuring of the Europe. The EU tried to pursue a flexible approach to those dynamics. In this period, the EU accepted its enlargement strategy as an opportunity for enabling Europe to transform into a new democratic and stable order. For CEECs too, which recognized economic, social and political improvement as their ultimate ideal, the EU’s objectives were compatible with their own.

The enlargement of the European Union with ten new members established a new epoch for the European Continent. This enlargement represented the fifth one and it was unlike those that had preceded it. It included an overall strategy for the post communist countries in order to strengthen their market economy, democracy and to transform the old mentality into a new one.

The expansion of EU realizes the dream of the founders of the European Integration: “the reunification of the European Continent divided in the aftermath of the Second World War”. Despite all these changes, the position of the Western Balkans differs in this process. Countries of the Balkans are a step behind and they have more to go in order to reach the European family.¹¹⁶

¹¹⁵ Stefanova, Boyka, “The European Union as a Security Actor”, *World Affairs*, Vol.168, No.2, Fall 2005, p. 54

¹¹⁶ Gugu, Aida, “Main Features of Stabilization and Association Agreements and the Differences with Europe Agreements”, Research Paper available at:
http://www.acit-al.org/publications/Research_papers/dec_2003_A_Gugu.pdf

Considering the European Continent as a whole, the EU has undertaken projects, as it has with those European countries which were considered for membership in the short-term, towards encompassing countries with which an association agreement has just been signed and which are not to be members in the short term. The broadest one of these projects is the Stabilization and Association process, which included the Western Balkans. This process helped to bring European Union membership, when its main goal is to enable these countries to design their reforms.

The first initiative was launched for the first time at the Royaumont summit in 1996. The “regional approach” was launched for the countries of CEECs in the form of *Stabilization and Association Process* and included those countries that did not sign the association agreement with the EU, namely Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia (FRY), and the Former Yugoslav Republic of Macedonia (FYROM). The main motivating factor for these countries was the explicit offer of a future membership made by the Feira European Council.¹¹⁷

The EU’s policy for the region, the Stabilization and Association Process (SAP), was launched in 2000. Its aim is to promote security, democracy, human rights, social and economic development, institutional reform and regional co-operation, through assistance, and other instruments.¹¹⁸

EU tried to pursue flexible approach towards international dynamics peculiar to 90s Europe. The EU has a duty, not only towards its citizens and those of the new member states, but also towards its present and future neighbours to ensure continuing social cohesion and economic dynamism. The EU must act to promote the regional and sub-regional cooperation and integration that are preconditions for political stability, economic development and the reduction of poverty and social divisions.¹¹⁹

¹¹⁷ Gugu, Aida, “Main Features of Stabilization and Association Agreements and the Differences with Europe Agreements”, Research Paper available at: http://www.acit-al.org/publications/Research_papers/dec_2003_A_Gugu.pdf

¹¹⁸ Rehn, Olli, “Fostering trade, investment and economic integration in the Western Balkans”, Speech to EUROCHAMBRES, made at the Conference in Brussels, 20 December 2006, p. 2

¹¹⁹ “Wider Europe-Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours”, Communication From the Commission to the Council and The European Parliament, pp.3, 11.03.2003

The SAP is a long-term project undertaken for the reformation of the European Continent.

In addition to this project, the EU developed European Neighbourhood Policy (ENP) in the context of the EU's 2004 enlargement, with the objective of avoiding the emergence of new dividing lines between the enlarged EU and our neighbours and instead strengthening stability, security and well-being for all concerned.¹²⁰

SAP and ENP bear great importance to enable permanent stability in the border regions and neighborhood. It is necessary that the EU fight against root causes of conflict and instability in order for this policy and projects to be more effective. Pursuing a flexible attitude towards these dynamics, the EU started a process that harmonizes with the new regime along with the enlargement strategy. At the beginning, the assistance programs were the privileged items of this process. The EU's assistance to the candidate countries and potential candidate countries focused on economic reforms and improvement of state institutions. The overall purpose of these programs was twofold:

- to promote human rights and democracy for their own sake, as a political good that will improve the lives of citizens by bring more freedom, political representation and government accountability;
- to support the idea that the promotion of human rights and democracy is an essential part of the process of furthering sustainable social and economic development.¹²¹

The collapse of Soviet domination in Eastern Europe presented a perfect opportunity for the EC/EU to promote democratization.

Member states formed the EBRD (European Bank for Reconstruction and Development) in 1989, PHARE was established in December of the same year for Poland and Hungary, Trade and Cooperation Agreements were put into place, and in 1991 the first Association Agreements were signed with post-communist states.¹²²

¹²⁰ European Neighbourhood Policy, available at: http://ec.europa.eu/world/enp/policy_en.htm

¹²¹ Horng, Der-Chin, "The Human Rights Clause in the European Union's External Trade and Development Agreements", *European Law Journal*, Vol.9, No.5, December 2003, p. 684

¹²² Kubicek, Paul J., *The European Union and Democratization*, London, Routledge, 2003, p. 9

On June 29, 1991, the Luxembourg European Council adopted a declaration on human rights that aimed to formulate concrete procedures and guidelines. The EU and its Member States would give active support for the following:

- countries which are attempting to institute democracy and improve their human rights performance;
- the holding of elections, the setting-up of new democratic institutions and the strengthening of the rule of law;
- the strengthening of judiciary, the administration of justice, crime prevention and the treatment of offenders;
- the promotion of the role of NGO's and other institutions which are necessary for a pluralist society;
- the adoption of a decentralized approach to cooperation; and ensuring equal opportunities for all.¹²³

Implementing the assistance program together with the enlargement strategy, the EU has undoubtedly made a favorable contribution to the political performances of CEECs as well as their economical performances. Such a favorable contribution has also been achieved thanks to pursuing of large-scale and consistent policy by the EU. Under this policy, candidates have strived to achieve high standards concerning human rights. Such an effort has introduced both corporate and legal development and facilitated candidates in building up the desired democratic regime.

In view of the possible enlargement following the end of the Cold War the member states agreed to specify the conditions of accession. The EU and the candidates had different motives in the enlargement period. CEECs viewed the pre-conditions of the membership as a main determinant to enter the EU and also an opportunity for their internal political and economic development. On the other hand, the EU viewed the enlargement process as an opportunity to re-shape the political orders and economic structures of the CEECs, since economic and social development was viewed as a must to maintain peace and stability in Europe.

¹²³ Horng, Der-Chin, "The Human Rights Clause in the European Union's External Trade and Development Agreements", *European Law Journal*, Vol.9, No.5, December 2003, p. 683

Achievement of the establishment of long-lasting peace and stability in the European continent required consistent and well-planned process for the EU. This process is called the adoption process. The adoption process has involved both the absorbing of the EU standards and policies by the candidates and the absorbing of the Central and Eastern countries into the EU. It is necessary to analyze the motives behind the attitudes of both the EU and the candidates to understand the effectiveness of the adoption process.

III.2 Adoption Processes of the Candidates

The EU, during the pre-accession process, tried both to improve the economic and social standards of the candidate countries and to integrate their economies into the economies of the member states. The EU's institutional and political power compels both its members and the candidate countries to adopt EU institutions and policies.

It is necessary to scrutinize the factors that shape the adoption process under two main headings. First, the factors that facilitate the EU in pursuing a successful enlargement strategy should be focused on. Such factors are also involved with a group of factors that lead candidates to harmonize with the EU institution and policies. Second, other factors that lead candidates to harmonize with the EU policy and standards should be handled from the viewpoint of candidates.

III.2.1 European Union's Perspective

Enlargement is one of EU's most powerful policy instruments to pursue peace and prosperity, liberty, and democracy. The Eastern enlargement of 2004 sealed the peaceful reunification between Western and Eastern Europe.

Enlargement is about sharing a project based on common principles, policies and institutions. The Union must ensure that it can maintain its capacity to act and decide according to a fair balance within its institutions, respect budgetary limits,

and implement common policies that function well and achieve their objectives.¹²⁴

The last enlargement of the EU was risky because it challenged relative homogeneity across the members of the EU. The challenge came from the fact that the countries in the pre-accession process were strikingly different in their social and economic development. It was such that many of them neither completed their transition into the market nor achieved to build democracy in their country. Thus, enlargement is discussed in negative terms - the cost of taking in poorer members and the difficulty of reforming Union policies. However, the problems associated with enlargement pale into insignificance when compared to the potential benefits of enlargement, provided it is well-prepared. There were many possible outcomes expected from the successful enlargement.¹²⁵

The Union has had the desire to re-unite Europe after the end of the Cold War. Thus, it made an effort to tie Eastern Europe firmly to the West in order to prevent it from falling again into communism. EU enlargement was an opportunity for the re-uniting of the Europe. From the viewpoint of the EU, the enlargement process is helping to keep some of the most volatile parts of Europe - such as the Balkans - stable and delivering practical results in political and economic reforms in the aspirant countries.¹²⁶

Enlargement is a process to export stability to candidates for the Union. The EU accepted enlargement as a way to enhance security and stability by binding the countries of Central and Eastern Europe into Western European political and economic structures. Opening up markets in goods and services between East and West was also seen as the key to stimulate economic growth in Europe.¹²⁷

There are many reasons for facilitating the EU's execution of an integrated and effective human rights policy. The candidates' aspiration for membership should be scrutinized at

¹²⁴ Rehn, Olli, "Commission's Enlargement Strategy", Speech made in the Plenary Session at the European Parliament, 15 March 2006

¹²⁵ Cameron, Fraser, "The European Union and The Challenge of Enlargement", in Maresceau, Marc ed., *Enlarging the European Union*, Longman, London, 1997, p. 243

¹²⁶ Rehn, Olli, "Enlargement in the Evolution of the European Union", Speech made in the Public Lecture at the London School of Economics and Political Science, 20 January 2006

¹²⁷ Cameron, Fraser, "The European Union and The Challenge of Enlargement", in Maresceau, Marc ed., *Enlarging the European Union*, Longman, London, 1997, p. 244

first hand as the most privileged factor. The EU is a pole of attraction for candidates. Yet, certain legal, economic, commercial, and social requirements should be satisfied to stand as a member. Presence of such agreed and already implemented standards take the EU to an assessing and decision-making status.

To apply for being a member or not may be a decision to be made directly by the European countries themselves. However, it is a well-known fact that the Union stipulates certain conditions for admission to the membership. That is why, as the Union has established the rules and standards in this respect, it essentially discusses the harmonization performance of the candidate.

The situation that makes the EU an arbitrager mechanism can be called as “power asymmetry”. Conditionality exists and works because there is a power asymmetry which enables the Commission to impose the adoption of the *acquis* on the CEECs as a precondition of entry to the Union.¹²⁸ The *acquis* is normally defined as the treaties and the subsequent legislation enacted in the framework of the Union. The *acquis* includes the political obligations of membership and commitments taken in the framework of intergovernmental cooperation among the member states.¹²⁹

The uncertain approach taken by the EU towards candidates in the negotiation process has elevated the efficiency of the policy pursued by the EU. During the negotiation process, the EU does not give a certain timetable or safeguard for membership. Such an uncertainty has allowed candidates to take steps at a higher pace towards abidance by the rules and standards and has imposed an additional stress on candidates.

The fact that it might put the membership of the candidates into risk if they do not comply with certain rules and standards is emphasized as the third factor increasing the

¹²⁸ Hughes, J. and Sasse, G. (et.al), “Conditionality and Compliance in the EU’s Eastward Enlargement: Regional Policy and the Reform of Sub-national Government”, *Journal of Common Market Studies*, Vol.42, No.3, 2004, p. 523

¹²⁹ Dinan, Desmond, *Ever Closer Union?*, New York, Oxford University Press, 2006, p. 273

effectiveness of the EU human rights policy. Hence, the EU is in the nature of a body that assesses and decides on the process in terms of candidates. Most importantly, the EU is not a body that applies but a body to which application is made for membership.

All these factors relate to the power of the EU in the international arena as well as the professionalism of the approach towards candidates. In addition, the candidates' perspective may also be regarded as a factor that elevates the efficiency of the EU policy.

III.2.2 Candidates' Perspective:

Candidate countries tend to adopt the EU standards for several reasons. The above mentioned factors that facilitate the EU in pursuing an efficient human rights policy also stand among the factors that build up the candidate perspective. The EU image, membership ideal, and reception of no warranty on the way to this ideal are major issues.

In addition to the above-detailed factors, there are further factors that shape the candidates' attitude towards the EU. The first reason is to gain pre-accession assistance because it is at this point that the governments compare the costs of domestic adoption and the rewards of entering the EU.

Domestic dissatisfaction with particular institutions may be regarded as the second reason. EU membership is one of the best ways for integration into Europe and involvement in common market for the Eastern European countries that desired to break with the communist past and entry into the modern western world. The motivation of the Eastern European countries has derived from their aspiration to build up a new and democratic regime and further to take part in an already established modern regime.

In the 1990s, the candidate countries have seen the regional organizations both as economic supporters and opportunities for social and legal progress and had no strong

alternative as EU membership. Because of that situation named as power asymmetry, candidates have followed the adoption process easily.

The absence of alternative ideological or systemic paradigms for the Central and Eastern European candidate countries other than EU membership has tended to reinforce the widespread perception of a power asymmetry in favor of the EU during the enlargement process.¹³⁰

All these factors have contributed to EU's ability to announce its expectations from the candidates in such a pretentious and determined approach named as "conditionality".

The term "conditionality" currently refers to states, international and supranational organizations requiring respect for human rights and democracy from third countries in development aid and trade, or for acquiring international capacity. Moreover, according to the European law, such respect is required for accession and full participation to the EU.¹³¹

III.3 Term of Conditionality

Conditionality conceptually means formulation of explicit criteria. The EU has followed a strategy of conditionality in which the EU has set its rules as conditions that the CEECs have to fulfil. This strategy depends on candidates' requirement of satisfying the conditions for setting up a close and sustained relationship with the EU within the framework of the EU's enlargement strategy.

The Union is a powerful and uniquely representative actor on the international scene. It has the responsibility, reinforced by the capacity and financial resources, to influence significantly the human rights policies of other states as well as those of international organizations.

¹³⁰ Hughes, J. And Sasse, G. (et.al), "Conditionality and Compliance in the EU's Eastward Enlargement: Regional Policy and the Reform of Sub-national Government", *Journal of Common Market Studies*, Vol.42, No.3, 2004, p.524,

¹³¹ Pinelli, Cesare, "Conditionality and Enlargement in Light of EU Constitutional Developments", *European Law Journal*, Vol.10, No.3, May 2004, p. 354

In recognition of this responsibility, it has insisted that states seeking admission to the Union must satisfy strict human rights requirements. Other governments wishing to enter into co-operation agreements with the Union, or to receive aid or benefit from trade preferences must give an undertaking to respect human rights.¹³²

EU conditionality for accession and financial aid has two different contexts: democratic conditionality and *acquis* conditionality. Democratic conditionality concerns the fundamental political principles of the EU, the norms of human rights and liberal democracy. This context of conditionality started from the early days of the post-communist transformations in Central and Eastern Europe.

Acquis conditionality concerns the specific rules of the *acquis communautaire*. This context starts with concrete preparations for membership, which is the major external incentive for rule transfer.¹³³

Grabbe describes five levels of conditionality as:

- 1) access to negotiations and further stages in the accession process
- 2) provision of legislative and institutional templates
- 3) aid and technical assistance
- 4) policy advice and twinning projects
- 5) monitoring, démarches and public criticism¹³⁴

In June 1993, the Copenhagen European Council included conditions for compliance with human rights and democratic principles among the “Copenhagen criteria” that had to be met by states applying for EU membership.¹³⁵

¹³² Alston, P. and Weiler, J.H.H., “An Ever Closer Union in Need of a Human Rights Policy: The European Union and Human Rights”, in Alston, P. ed., *The EU and Human Rights*, London, Oxford University Press, 1997, p. 7

¹³³ Schimmelfennig, F and Sedelmeier, U., “Governance by Conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe”, *Journal of European Public Policy*, 11:4 August 2004, p. 669

¹³⁴ Grabbe, Heather, “European Union Conditionality and the *Acquis Communautaire*”, *International Political Science Review*, Vol.23, No.3, 2002, p. 262

¹³⁵ Bartels, Loran, *Human Rights Conditionality in the EU’s International Agreements*, Oxford, Oxford University Press, 2005, p. 52

Wide-ranging conditions included “stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; the existence of a functioning market economy, as well as the capacity to cope with competitive pressure and market forces within the Union; the ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.”¹³⁶

The attitude to be taken by candidates towards conditionality appears through the impact of plenty of internal and external factors. However, it is possible to say that such attitude is mainly established as a result of a cost-benefit analysis. Candidates compare the cost of implementing new institution and policies to the social, economic and legal benefits to be brought in by this process.

By conditionality, the reference to the linking of perceived benefits (e.g. political support, economic aid, membership in an organization) to the fulfillment of a certain program, in this case the advancement of democratic principles and institutions in a “target” state. Conditionality thus works on a cost/benefit analysis, and democracy results from a rational calculation; it is apt to produce, at least initially, instrumental adaptation of policy and not an internationalization of norms.¹³⁷

The candidate countries have made cost-benefit analysis at the period of fulfilling the conditionality measures. Besides, the EU conditionality, which is undertaken together with assistance programs, has been an invaluable opportunity for economic development in the eyes of the candidates.

In the years immediately after the fall of Communism, the EU conditionality focused mainly on human rights and general democratic stability. It was the period in which the CEE states set up their basic institutional frameworks. Conditionality operated through cooperation and association agreements with the CEE states and by the major assistance

¹³⁶ Bulmer, S. and Lequesne, C., *The Member States of The European Union*, Oxford, Oxford University Press, 2005, pp.255-256

¹³⁷ Kubicek, Paul J., *The European Union and Democratization*, London, Routledge, 2003, p. 7

program PHARE.¹³⁸ Thus, the EU could dictate requirements under the name of Copenhagen conditions. The reason was mainly that the candidates had more interest in joining than the Union did in enlarging.

Conditionality shaped the form of the relationship that the EU developed with CEECs after 1989 because conditionality is the formal framework which binds the EU's human rights policy in the context of enlargement. Thus, conditionality shaped the whole enlargement process. The enlargement strategy has functioned both as an additional stress and as an opportunity for the candidate countries because the countries willing to become a member of the EU have to take further and faster steps towards conditionality, thus towards democratization and institutional reforms. In this respect, conditionality acts as an encouraging factor in the democratization process.

III.4 Democracy Promotion through Integration

The EU pursues democracy promotion policies. These policies characterized by the inclusion of human rights and democratization concerns in external relations create political, legal, and moral commitments, and dependencies on both sides. International actors trying to influence the behavior of target government are increasingly pulled deep into domestic politics and become one of the actors.

On the one hand, this linkage puts limitations on the policies of international actors *vis-a-vis* the target country: a more "responsive" and "accountable" policy, equipped with the right language, the suitable discourse and the relevant instruments, is expected from this actor. On the other hand, domestic politics in the target country becomes dependent on the attitudes of outside actors and render the internal balances fragile.¹³⁹

¹³⁸ Sadurski, Wojciech, "Accession's Democracy Dividend: The Impact of the EU Enlargement upon Democracy in the New Member States of Central and Eastern Europe", *European Law Journal*, Vol. 10, No.4, July 2004, p. 374

¹³⁹ Kardaş, Şaban, *Human Rights and Democracy Promotion: The Case of Turkey-EU Relations*, 2002, p. 147

The EU's preconditions for the accession of new members have facilitated the aim of the promotion of democracy and stability of the Union. Thus, enlargement has turned into an opportunity as well as being a natural process.

The most outstanding example of enlargement used as a strategy to extend the zone of peace and security by the EU is the fifth enlargement. It is for this reason that the fifth enlargement is different from the previous enlargements in many ways. The complexity of the fifth enlargement arose from the number of countries and their status as transition economies, the nature of the conditions, the capacity of the candidates to adopt the *acquis* and the readiness of the Union itself. Adoption and full implementation of the *acquis* prior to accession and emphasis on the domestic institutional capacity of candidates are among the symbols of the EU's new strategy. However, the biggest difference is the availability of formalized and wholistic conditions for the first time in this enlargement. Such conditions composed in the 90s have been named as Copenhagen criteria.

The union handled the membership system and enlargement with an integrated approach in the 90s. In this context, the Copenhagen criteria were established as the criteria related to enlargement by considering human rights and respect to democracy as the prerequisite.

The European Council at Copenhagen in 1993 stipulated that requirements should include an applicant having respect for human and minority rights, democracy, free and fair elections, a secure rule of law with effective institutions, progress in economic reforms and good relations with its neighbouring states.¹⁴⁰

The Copenhagen criteria serve as the indicator witnessing that the EU perceives enlargement as a strategy to widen the zone of peace and stability. The enlargement strategy based on conditionality adopted by the EU is the latest and the newest model adopted by the international organizations to contribute to the democracy promotion, international stability and peace. In this model, the EU, aiming at democracy promotion

¹⁴⁰ Roney, Alex, *EC/EU Fact Book*, London, Kogan Page, 2000, pp. 4-5

through integration, has adopted enlargement as a strategy for achieving respect for human rights.

The efforts of the EU for democracy promotion and respect for human rights have given their fruits faster and easier in countries in which it was able to use membership as a driving motive. This is because it helps candidate states adopt the EU rules and standards in the name of conditionality. One of the factors that facilitate the EU in securing stability and peace in Europe is the membership motive. The EU has proven inadequate in problem solving in places such as Bosnia, Herzegovina and Kosovo. Membership was not the basic motivation for the states in those crises at the time. These states had given the priority to focusing on rebuilding state capacity. This is why we can easily see the positive results of this enlargement strategy in the democratization processes in Central and Eastern Europe.

III.5 The Fifth Enlargement: 2004

The democracy promotion policies of the EU, especially the use of prospect of membership were influential in contributing to the progress of democracy and pluralism in third countries. This is best observed in the EU's engagement in the Central and Eastern Europe following the collapse of communist regimes there, which contributed to the peaceful transformation of the region toward democratic, pluralist systems.¹⁴¹

Enlargement of the Union is a political imperative and a major opportunity. Never before has Europe had such an opportunity to unite under democratic conditions. Never before have so many countries wished to join the Union. The Treaty on European Union makes clear that all European countries who share their values are eligible for membership. Until the end of the Cold War the eastern half of Europe had no opportunity to participate in the process of European integration. Since 1989, the transformation process in Central and Eastern Europe has brought these countries to the stage where they have applied for EU membership. The EU has an unavoidable duty to respond positively to

¹⁴¹ Kardaş, Şaban, "Human Rights and Democracy Promotion: The Case of Turkey-EU Relations", *Alternatives: Turkish Journal of International Relations*, Vol.1, No.3, Fall 2002, pp.147-148

these developments and contribute to the development of a stable political and economic order for all of Europe.¹⁴²

Its enlargement strategy was defined by two simultaneous processes (a) economic and institutional assistance to the democratic transformation of Eastern Europe with a view of ensuring its future EU membership; and (b) deepening of integration by institutional reform to prepare for enlargement.¹⁴³

The EU has considered shaping the domestic policy of candidate countries on the scope of democracy promotion as a task in the fifth enlargement. Following the Commission's Agenda 2000, which appeared in 1997, the EU also used a whole array of policy tools and instruments, such as its yearly Progress Reports prepared by the Commission or the Accession Partnerships adopted by the Council of Ministers. These functioned to set priorities for the candidates in a process which the commission has labelled "institution building", which can also be called "governance by enlargement". Through its Phare Democracy Programme and by using instruments such as twinning (providing technical assistance to administrations), the EU has included milder mechanisms for democracy promotion, which are not entirely based on the top-down decisions of individual governments.¹⁴⁴

The Union associated fulfilment of the Copenhagen Criteria only with the membership of the candidate countries and also displayed a positive approach including those softer mechanisms. The effectiveness of the human rights policy of the Union was reinforced by the capacity and financial resources of the EU. The Union has given high priority to a positive approach that stimulates respect for human rights and encourages democracy.

The EC, immediately after the 1989 revolutions in Eastern Europe, started providing financial assistance, technical assistance, humanitarian assistance, concessionary trading agreements, and mechanisms for policy coordination with selected former communist states. Under the Phare program, the EC became the point of contact between western states and international financial institutions like the World Bank and IMF on the one hand, and eastern states on the other.

¹⁴² Cameron, Fraser, "The European Union and The Challenge of Enlargement", in Maresceau, Marc ed., *Enlarging the European Union*, Longman, London, 1997, p.241

¹⁴³ Stefanova, Boyka, "The European Union as a Security Actor", *World Affairs*, Vol.168, No.2, Fall 2005, p. 56

¹⁴⁴ Dimitrova, A. and Pridham, G., "International Actors and Democracy Promotion in Central and Eastern Europe: The Integration Model and its Limits", *Democratization*, Vol.11, No.5, December 2004, p. 97

Interaction between the East and West under EC *aegis* became very broad, very quickly.¹⁴⁵

Monitoring is an indispensable element in any human rights strategy. Systematic, reliable, and focused information is the starting point for a clear understanding of the nature, extent, and location of the problems which exist and for the identification of possible solutions. The simultaneous execution of the conditionality and monitoring mechanisms has given pace to conformity with the EU rules and has brought the EU closer to success. That is because the criteria adopted by the EU within the scope of monitoring mechanisms have constituted a comprehensive approach including:

- stability of institutions;
- guaranteeing democracy and human rights;
- independence of judiciaries; and
- strengthening of anti-corruption measures in the candidate countries.

When the EU began to systematically monitor the accession process of each candidate from 1997 through bilateral negotiations (and the closing of chapters), and the Regular “progress” Reports on the candidate countries, two methods were employed to monitor the compliance with the “Copenhagen criteria”: firstly, the candidate’s domestic process of legislative engineering was evaluated to test for the adoption of the requisite laws; and secondly, systemic adaptation was monitored by assessing implementation and the “capacity” of the candidates to meet the obligations of membership. The Commission’s annual Regular Reports, following from the Opinions of 1997 and the Accession Partnerships has been the EU’s key instrument to monitor and evaluate the candidate countries’ progress towards accession.¹⁴⁶

EU monitoring mechanism is not made up solely of annual reports. Apart from formal monitoring through the annual reports of not only the European Commission but also the European Parliament, there is continuous monitoring of an informal kind.

¹⁴⁵ Forsythe, David P., *Human Rights in the New Europe*, London, University of Nebraska Press, 1994, p. 188

¹⁴⁶ Hughes, J. and Sasse, G., “Monitoring the Monitors: EU Enlargement Conditionality and Minority Protection in the CEECs”, *Journal on Ethnopolitics and Minority Issues in Europe*, Issue 1, 2003, p. 13

This includes regular visits by the EU officials to countries in question, normal interchange between their governments and Brussels (which has accelerated with membership negotiations), and of course the role of the media, which take up issues inspired by the EU.¹⁴⁷

EU monitoring mechanisms have facilitated the pursuing of consistent ve coherent foreign policy for the Union. Thus, monitoring mechanisms supported the EU's words with actions.

¹⁴⁷ Dimitrova, A. and Pridham, G., "International Actors and Democracy Promotion in Central and Eastern Europe: The Integration Model and its Limits", *Democratization*, Vol.11, No.5, December 2004, p.102

CHAPTER IV

CONCLUSION

Respect for human rights, promotion of democracy and provision of stability have become central topics of discourse and have been accepted as values by the international community. Following the Second World War, Europe gradually restructured itself, considering that peace and stability could be reached by means of nations and even international organizations rather than individual or group effort for various reasons. Moreover, there emerged the need to pursue a more holistic and effective path to attain the ideals of stability, peace and respect for human rights.

The economic and socio-cultural status of Europe was overturned as a result of the Second World War in the 1940s. In the post-war period, then might of Europe having been eroded, reconstruction of countries came to the fore. Meanwhile, the European States struggled to form a cooperation with the aim of eliminating the causes of war, at the time when the Soviet Union and the US gained power. Main focus of that cooperation was the central control over the coal and steel industries. However the main motive lying behind this cooperation was the unwillingness of the European countries to make war again in Europe. Thus, it is hard to say that EEC was solely an economic project. Therefore, the European Economic Community came into being from the ruins of the Second World War.

At the initial stage, a multi-pronged and complicated network was created by the EEC. This network was nurtured by international economic involvement and international agreements of the Community. It mainly aimed to act as a regional stabilizer in Europe. The role and position of the Community have grown stronger in the international arena owing to the volume of trade in the world and ties with the less developed countries. Considering the EU as an economic and trade power, how it will use this as an advantage gains importance.

Success of the policies pursued by the EU in the international arena is directly related with the economic strength of the Union. The reason is that a strong economy contributes to the effectiveness and legitimacy of an international organization. In this regard, EC/EU has tried to realize promotion of the rule of law, achieving of stability, strengthening the independence of judiciary, respect for human rights and fundamental freedoms in addition to its objectives towards economic integration. EU has focused on policies such as allocating of financial resources, regional development funds and agricultural support programs to reach its ideals.

The EU utilized such means as financial assistance, technical assistance, humanitarian assistance, and agreements with third countries on the way to achieving its aim of maintaining peace and stability through respect for human rights and democratization. Considering the fact that notions of respect for human rights, democratization, stability and peace are related with each other Union has tried to pursue consistent foreign policy during its economic and political integration processes. While trying to realize political and economic integration EC/EU has focused to deepening and widening in parallel. It attained its most significant political developments during its enlargement periods.

EC/EU has also endeavored to upgrade the priority of respect for human rights both with its development cooperation policy it undertakes regarding the developing countries and with its citations in the founding and amending treaties. Rising to becoming a leading economic and trade power, the Community entered a new structuring process in the late 80s. the end of the Cold War, the fall of the Berlin Wall, and the break up of the Soviet Union had deep impact on the Union.

There arose a necessity for institutional reform with the fall of the Eastern Block in the early 1990s and the likelihood of inclusion of the Central and Eastern European countries (CEECs) in the Community. The new formation of Europe pushed the Community, which had gained further legal validity, to utilize more effective policy instruments. Requirements for membership were adopted a Copenhagen criteria which shaped the whole fifth enlargement process. Copenhagen criteria established a formal

relationship among democracy, rule of law, respect for human rights, protection of minorities and economic conditions.

The possibility of CEECs becoming members for the Union led it to stipulate that respect for human rights and freedoms be a non-negotiable precondition for consideration of membership. In this way, the promise and conditionality of membership to the Community paved the way to align respect for human rights and democracy with the Community's enlargement strategy. This strategy was established through Copenhagen criteria, thus readying itself for enlargement in such nature, which, as a result, paved the way to Amsterdam Treaty and Nice Treaty.

European Union has pursued conditionality as a determining factor in the pre-accession processes of the candidates. During this process Union has followed a positive approach to help the candidates to realize their reforms and also monitored the developments to provide systematic and reliable information. Union and candidates had different motives in this period. Conditions for membership were also perceived as an opportunity for the candidates to realize their institutional, legal and economic objectives. On the other hand, Union has tried to re-shape the political orders and economic structures of the candidate countries with its enlargement strategy. The main idea lying behind the enlargement strategy was that economic and social development is a must for maintaining long-lasting peace and stability in Europe. In this regard, enlargement strategy of the Union was viewed as a security-oriented strategy in the 90s.

Union has focused to deepen and widen in parallel in 90s. Significant notions and values mentioned as pre-conditions for membership were also mentioned in Amsterdam Treaty which states that liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law are the founding principles of the Union. Considering the fact that lack of those notions contribute to instability, the Union also has tried to fight against causes of conflict and insecurity.

It is not possible for the EU to be indifferent towards dynamics challenging stability, security and democracy for its members, present and future neighbors. In this respect,

the EU has undertaken such projects as European Neighborhood Policy and Stabilisation and Association Process. These long-term projects are broad, not only encompassing the member states but beyond. The sensitivity of the EU about the issues arising in the international arena may be explained by its implication of joint responsibility against threats which might lead to conflict, instability, and insecurity. This joint responsibility comprises shared values and common understandings. Thus it is possible to display a consistent and clear attitude towards respect for human rights and international crises. This clear attitude indicates EU's willingness to gain stability and conflict resolution.

Creation of European Rapid Reaction Force, appointment of High Representative of Common Foreign and Security Policy, establishment of Policy Planning and Early Warning Unit, and efforts in Constitution-building have all compose important initiatives for the Union in addition to its enlargement strategy. However, there are important questions on the future of Europe. Will the European Union continue to play re-distributive role including its agricultural support programs and regional development funds? Will members be ready and willing to pay the costs of further enlargements? How will the feelings of citizens of the Union will shape with new enlargements and immigrations? Will the EU be successful in the development of military capabilities? How will efforts on creating single legal personality for the Union evolve? It is hard to certainly talk on the future policies of the Union in European Continent.

With EU's contributions to human welfare and world peace in perspective, a perfectionist endeavor will lead to disruption of objective view. It would not be objective, nor fair, to relate all local or global achievements directly to the EU. One need not pick on every imbalance or inadequacy in evaluation of the workings and aims of the EU. The degree to which EU has managed to reach its goals on the international level may be open to debate. Nevertheless, the value and effect of its policies and institutions cannot be foregone.

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