THE IMPACT OF THE EUROPEAN UNION MEMBERSHIP ON CENTRAL
AND EASTERN EUROPEAN COUNTRIES: HUMAN RIGHTS IN POLAND

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

BY

MÜŞERREF TUĞÇE ERTEK

IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR
THE DEGREE OF MASTER OF SCIENCE
IN
EUROPEAN STUDIES GRADUATE PROGRAM

DECEMBER 2019

Approval of the Graduate School of Social Sciences

_____

Prof. Dr. Yaşar KONDAKÇI
Director

I certify that this thesis satisfies all the requirements as a thesis for the degree of
Master of Science.

_____

Assoc. Prof. Dr. Özgehan ŞENYUVA
Head of Department

This is to certify that we have read this thesis and that in our opinion it is fully
adequate, in scope and quality, as a thesis for the degree of Master of Science.

_____

Assoc. Prof. Dr. Işık KUŞCU BONNENFANT
Supervisor

Examining Committee Members

Assoc. Prof. Dr. Hatice YAZGAN(Çankırı Karatekin Uni, UI)———————————

Assoc. Prof. Dr. Işık KUŞCU BONNENFANT   (METU, IR)——————————

Assoc. Prof. Dr. Özgehan ŞENYUVA   (METU, IR) ———————————

I hereby declare that all information in this document has been obtained and presented in accordance with academic rules and ethical conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all material and results that are not original to this work.

Name, Last Name: Müşerref Tuğçe ERTEK

Signature　　　　　:

ABSTRACT

THE IMPACT OF THE EUROPEAN UNION MEMBERSHIP ON CENTRAL
AND EASTERN EUROPEAN COUNTRIES: HUMAN RIGHTS IN POLAND

ERTEK, Müşerref Tuğçe

M.S. Department of European Studies

Supervisor: Assoc. Prof. Dr. Işık KUŞÇU BONNENFANT

December 2019, 139 pages

Within the enlargement of 2004, the number of member states increased from 15 to 25 in the European Union. Unlike the previous enlargements of the EU, the fifth enlargement is different in terms of the widening borders of the European Union and the changing social, cultural and economic structures of the new member states as they formerly had been communist regimes and were going through a transition period parallel through their accession process to the EU. In this process, the importance of democracy and human rights had increased and these ten new members had gone through various changes to adapt to the Union. In this thesis, I will analyze this process closely and discuss the impact of the EU membership in their understanding on human rights by focusing on the case of Poland.

Keywords: European Normative Power, the Fifth Enlargement, Human Rights

ÖZ

AVRUPA BİRLİĞİ ÜYELİĞİNİN ORTA VE DOĞU AVRUPA ÜLKELERİ ÜZERİNDEKİ ETKİSİ: POLONYA'DA İNSAN HAKLARI

ERTEK, Müşerref Tuğçe

Yüksek Lisans, Avrupa Çalışmaları Bölümü

Tez Yöneticisi: Assoc. Prof. Dr. Işık KUŞÇU BONNENFANT

Aralık 2019, 139 sayfa

2004 genişlemesi ile birlikte, Avrupa Birliği'nde üye ülke sayısı 15'ten 25'e çıkmıştır. AB'nin önceki genişlemelerinin yanı sıra, beşinci genişleme AB'nin sınırlarının genişlemesi ve Birliğe katılan ülkelerin sosyal, kültürel ve ekonomik yapıları açısından diğerlerinden farklı olmuştur çünkü yeni katılan ülkeler komünist yönetim tarzından henüz kurtulmuş olan ülkelerdir ve AB'ye üyelik süreci ile kendilerini iyileştirmeye çalışmaktadırlar. Bu süreçte, demokrasinin ve insan haklarının önemi artmaya başlamış ve yeni gelen on ülke AB'ye adapte olmaya çalışmışlardır. Bu tezde, bu ülkelerin şimdiye kadar nasıl yol kat ettiği ve AB'nin demokrasi ve insan hakları açısından bu ülkeleri nasıl geliştirdiği incelenmektedir. Ayrıca, katılımlarının başarılı olup olmadığına dair ülke analizinden de bahsedilecektir.

Anahtar Kelimeler: Avrupa'nın Normatif Gücü, Beşinci Genişleme, İnsan Hakları

To my beloved family,

ACKNOWLEDGMENTS

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF ABBREVIATIONS

AI	Amnesty International
AU	African Union
AWS	Solidarity Electoral Action
BWS	Bretton Woods System
CEE	Central and Eastern Europe
CEEB	Central and Eastern Eurobarometer
CEECs	Central and Eastern European Countries
CFSP	Common Foreign and Security Policy
CHFR	Charter of Fundamental Rights
CoE	Council of Europe
CSCE	Conference on Security and Co-operation in Europe
CSDP	Common Security and Defense Policy
EaP	Eastern Partnership
EC	European Community
ECHR	European Convention on Human Rights
ECJ	European Court of Justice
ECSC	European Coal and Steel Community
EEAS	European External Action Service
EEC	European Economic Community
ENP	European Neighborhood Policy
EP	European Parliament
EU	European Union
EUSR	EU Special Representative
GATT	General Agreement on Tariff and Trade
HFHR	Helsinki Foundation for Human Rights
HRW	Human Rights Watch

ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRC	International Committee of the Red Cross
IGC	Intergovernmental Conference
IGOs	Intergovernmental Organizations
IMF	International Monetary Fund
NATO	North Atlantic Treaty Organization
NGOs	Non-governmental Organizations
NHRIs	National Human Rights Institutions
NPE	Normative Power Europe
OAS	Organization of American States
ODIHR	Office for Democratic Institutions and Human Rights
OPEC	Organization of the Petroleum Exporting Countries
OSCE	Organization for Security and Co-operation in Europe
OSI	Open Society Institutions
PHARE	Poland and Hungary Assistance for the Restructuring of the Economy
PiS	Law and Justice Party
PO	Centre-Rights Civil Platform
PSL	Polish People's Party
SEA	Single European Act
SLD	Democratic Left Alliances
UDHR	Universal Declaration of Human Rights
UN	United Nations
V4	Visegrad Group

CHAPTER 1

INTRODUCTION

Human Rights is a concept which has increased in importance following the end of the Second World War. During the Second World War, many civilians had suffered from brutal war conditions, increased racism against minorities, torture and rape. All these conditions made protection of human rights necessary in order to live in an equal and peaceful world.

The European Union (EU) has developed as a crucial international organization in prioritizing human rights within itself and in its external relations. The EU as a normative and transformative power aims to spread its values and dignity into the whole region in order to provide peace and security. Therefore, one can say that the EU has a transformative power. The human rights, democracy and rule of law have been the most important values of the Union from very beginning of its foundation. Enlargement policy can be considered as the most efficient tool of the Union in spreading its values and norms to the European region. Although the widening of Union is a very controversial issue due to debated capability of Union to involve new states into the EU, the most crowded enlargement was carried out through the membership of ten countries from the Central and Eastern Europe in 2004. This fifth enlargement has a special importance because the candidate countries were the former communist countries, which had communist style of economy and political life. Their constitutional structure and attitudes were different from that of the Union's. Also, there was a security concern in Central and Eastern Europe. The EU and the NATO have been considered as a guarantor for these countries against the Russian threat. The EU became an important instrument in their adoption of new constitutions, which respects to rule of law, democracy and human rights in CEECs. In the accession process, the Copenhagen Criteria made these states obliged to fulfill political,

economic and administrative conditions which involves the establishment of new constitutions and ombudsman; free and competitive market economy and guaranteeing democracy, protection of human rights and the rule of law. In this way, political issues have begun to be in the agenda of Union and the importance and necessity of democratic regimes were underlined by Europe.

Therefore, the main aim of this thesis is to analyze the effects of the EU on the fifth enlargement in terms of human rights. When doing this, the accession process of the CEECs and transformations of these countries from communist regimes to independent ones will be focused and analyzed.

In the thesis, my main research question is: What are the effects of the EU on the CEECs in terms of human rights? and whether the fifth enlargement of the EU is successful in terms of the development of human rights in the CEECs.

The organization of the thesis is as follows. Following the introduction part, the second part discusses the evolution and importance of human rights and its incarnation in Europe and the European Union. The concept of human rights has taken its roots from earlier times. Thus, in this part, I will analyze some crucial earlier documents concerning human rights from ancient times up to the late twentieth century. The Magna Carta, Petition of Rights, Declaration of Rights of Man and the Citizen and most importantly the Universal Declaration of Human Rights is some of the documents, which I will evaluate under this part. Besides the historical analysis of the roots of human rights, the emergence of human rights concept in Europe and its development in the European continent will be tackled in this part. The crucial documents, their references to human rights, the role of the Council of Europe in terms of human rights are the topics discussed under this part. Lastly, I will examine the role of the European Union in providing and protection of human rights in this chapter. In order to do this, first I will discuss, human rights concept as involved in the treaties and their references to human rights. Then, the institutional level analyses will be made through the role of the European Commission, the Council, the Parliament and the European Court of Justice.

2

In this part I will mainly focus on the debate over the EU's civilian, normative and transformative power. The theoretical evaluation of these concepts and the tools of the EU in terms of its normative and transformative power will be addressed. The most influential theories of François Duchene's "Civilian Power" and Ian Manners "Normative Power Europe (NPE)", their critiques and the "Transformative Power" concept will be analyzed by focusing on peace, liberty, democracy, rule of law and respect for human rights. Besides the theoretical explanations of European power, the EU advocates an extensive set of norms through certain policies such as the European Neighborhood Policy (ENP), Eastern Partnership and enlargement policy, which will be discussed in details.

The third part of thesis will be focus on the arguments about the enlargement policy of Union. In this part, the process of the EU enlargement and its theoretical backgrounds will be analyzed. Especially, the fifth enlargement in terms of the EU and CEECs will be examined. Firstly, I will focus on the reasons why the EU is willing to enlarge. The concerns about the fifth enlargement; the expected profits or costs for the EU; social and political reasons of enlargement are the main topics that will be discussed. After the demise of communist systems in the Central and Eastern Europe, a political gap appeared in Europe. In the CEES, weak state systems emerged. Through demonstrating its soft power, the EU was willing to take part in this region by helping with the democratic and social transformation of CEECs. As Schimmelfennig argues the geographic closeness was a defining factor in the accession process for the member countries. The member countries, having borders with candidate countries, became the driving force of the CEECs membership. For example, the support of Germany for the membership of Poland, Hungary and Czech Republic can be considered in this manner due to the threats of insecurity near the borders of Germany and also due to the economic profits of this enlargement to Germany.

In addition to this willingness of the EU, I will also focus on the problems and concerns about this massive enlargement. For example, one of the concerns is about the decision-making process. The decision-making mechanism of the EU had already

been criticized due to being slow and its lack of reforms. Therefore, there were many concerns about increasing the total number of membership to 25 or 27 in the EU.

In the same chapter, I will also analyze the CEECs during the transition period before and during the enlargement. The social and political concerns about the fifth enlargement; the reasons for the CEECs willingness to become members of the EU and their expectations from enlargement are the main points that I will examine. The instability of the region is considered as the major reason for the CEECs to consider the EU membership as a chance to easily overcome the problems of political and economic transition and to establish strong systems to survive in international system. Another reason was the mistrust to the government bodies. The general public opinion in the CEECs was in favor of the EU membership, as they did not rely on their government and state mechanism due to the corruptions and parallel structures in the government. It is thought that the EU can provide a more equal and confidential government mechanism and more paths for the human rights and democracy.

Following this general discussion on the EU's and CEECs' position before and during the enlargement process, I will analyze how these expectations were met through analyzing the current situation at the EU level and CEECs' level. In general, it can be said that the accession process of CEECs was not easy either for the Union or the CEECs. There were so many obstacles to overcome for both sides before the accession. In the European side, the member states had to provide the unity over the progress of candidate countries. Also, in the fifth enlargement process, the candidate countries were not in a situation to bargain with the EU because they were states in political, economic and social transition trying to reinforce their place in the international system. Finally I will examine the human rights issues in the CEECs under the roof of the European Union.

In the last part of the thesis, I will focus on one of the CEEC, Poland as a case study in terms of its democratization process and its concern on human rights during and post-accession period.

I chose Poland because Poland is the one of the most populous country among the CEECs. This complex demographic nature of Poland caused that Poland was seen as the stumbling block among the other CEECs and its accession would be more difficult than other Eastern countries. Therefore, the adoption of Poland to EU can be considered as more valuable. The other reason why I chose Poland is about its geographic position. Poland takes place in a strategic position between East and West. Its geographical closeness to the Eastern countries such as Ukraine, Belarus and Russia make this country matters in the evaluation of its EU membership. Last reason is about the rule of law problems experienced by Poland and negative attitude of Poland to the emerging crisis in Union level. Poland became one of the CEECs which have not maintained the norms and values of the EU with the changing political structure of the country.

Firstly, I will provide a historical analysis mainly focusing on the period after 1990. I will then discuss the steps taken by Poland in terms of human rights and its increasing importance during the accession process. The EU's impact on Poland in terms of the development of human rights; Poland's approach towards human rights during and after the accession period and increasing nationalism and the violation of human rights in Poland will be analyzed in this last part of thesis.

In addition to an overview of the literature, I will use agreements, progress reports, the EU Commission Reports, strategy papers and Accession Partnership Documents for this thesis. I will also make use of the Central and Eastern Eurobarometer (CEEB) and Worldometers in the evaluation of democracy and human rights quantitatively.

CHAPTER 2

HUMAN RIGHTS AND THE EUROPEAN UNION

2.1. Historical Background of Human Rights

Human rights are one of the most controversial issues discussed today. It can be said that human rights have emerged as the result of a cumulative process[1] and necessities for protection from political repression. In general, human rights can be defined as the general fundamental rights given to human beings only because of their being human. They are rights shared equally by everyone disregarding any differences between humans' place of residence, nationality, religion, sex, ethnic origin, language and color. Human rights are a different kind of rights which takes place in the top of moral rights. Human rights could not be created by any treaty or convention. The Treaties or Conventions are only for introducing human rights and protecting them. Therefore, it can be said that the main aim of human rights does not improve the standard of living, the real aim is to protect human-beings from government pressure and to guarantee the freedom of them.[2]

In order to be able to differentiate human rights from other rights, there are some commonly-held principles of human rights. The fundamental ones of them are universality, inalienability and indivisibility. It means that human rights belong to everybody in the world and these could not be taken away from humans. In the Article 1 of the Universal Declaration of Human Rights (UDHR), it is underlined that "All

---

[1] Ishay, R. Micheline (2008). The History of Human Rights from Ancient Times to Globalization Era, University of California press, p.2.

[2] Erdoğan M. & Arslan Z. & Uzak A. & Altuntaş M. (2006). Insan Haklari: Temel Bilgiler, Koruma Mekanizmaları, İl ve İlçe İnsan Hakları Kurulları, Matus Press, Ankara, p.10.

human beings are born free and equal in dignity and rights". Also, these rights should be ensured by the government in order to provide the equal protection of rights.[3]

When looking at the modern liberal concept of human rights, the beginning point can be defined as Stoicism[4]. The Stoical philosophy lays the foundation of natural laws by referring that every human-being has some rights not because of being a part of certain group but because of their rational capacity.

In fact, even though the basis of natural rights refers to Stoical philosophy, the period in which human rights are first formulated in today's sense can be defined as the 16th and 17th centuries. With the effects of Renaissance and Reform, a person gained a formative power to reshape political and social structure.

When looking at the background of human rights concept, the first written document which refers to individual rights can be considered as Urgakina rights.[5] By these written laws, the Sumerian King Urgakina put an end to the slavery and tried to end mismanagement originating from corruption. The other document is Hammurabi code of Ancient Babylon which was revealed by the king of Babylonia. These rights defends to protect arbitrary violation of individual rights[6]. Also, in Ancient Greek, Aristotle refers to a number of rights which hold an important role in modern human rights such as private ownership and democratic participation. According to him, rights are established with a state because freedom can only be provided if there are

---

[3] United Nations Human Rights Office of the High Commissioner Website, *What are the Human Rights?* Retrieved from: https://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx (accessed on 13 February 2019)

[4] Danchin, Peter, Discussion Preamble Section 1, Columbia University, Retrieved from: http://ccnmtl.columbia.edu/projects/mmt/udhr/preamble_section_1/discussion_3.html (accessed on 13 February 2019)

[5] Urgakina was a Sumerian king. Approximately 3000 B.C, he ordered these laws called by his name.

[6] Tosun, Dr. Mebrure, Hammurabi'nin Toprak Kanunları, Ankara University, Retrieved from: http://dergiler.ankara.edu.tr/dergiler/26/1045/12626.pdf (accessed on 13 February 2019)

rights to protect them[7]. The other important written resources appeared in England called as Magna Carta Libertatum. This document is crucial for human rights. Rather than giving more rights to public, Magna Carta (1215) restricted the English King ruling in some respect. However, Magna Carta, called as Great Charter of Liberties has not lessened its importance until today because of its importance in modern democracy establishing freedom.[8]

Some other documents about extending the scope of human rights has appeared in England such as Petition of Rights (1628). This document could also be perceived as a milestone in the evolution of human rights[9]. This document was established by British Parliament in order to restrict the rights of King Charles I. It can be perceived as a reaction against the arbitrary arrests, imprisonments and inequalities.

In the human rights issue, doctrine struggle starting with John Locke in 16th century resulted with the American and French Human Rights Declarations in the 18th century. These human rights declarations are the milestones in individual rights and liberty. According to Locke, Social Contract is the core of the possible problems between state and public. However, in Locke's understanding, he expresses that public have an ability to get back its rights if state violates the Contract[10]. Also, enlightenment in 18th century became a main trigger for the development of human rights by focusing on human beings' ability to constitute better societies[11]. In this century, The Virginia

---

[7]Human Rights Theories, Classical Perspective: Aristotle, Retrieved from: https://www.mtholyoke.edu/~gerla22f/classweb/Human%20Rights%20Theories%20-%20Classic%20Perspectives.html (accessed on 04 June 2019)

[8]Demirdelen, Gözde, (2014). Magna Carta Libertatum, Bilkent Newspaper, http://www.gazetebilkent.com/2014/01/25/magna-carta-libertatum/ (accessed on 16 March 2019)

[9] United for Human Rights (UHR) Website, A Brief History of Human Rights, Retrieved from: https://www.humanrights.com/what-are-human-rights/brief-history/magna-carta.html (accessed on 13 February 2019)

[10] Çalık, Etem, (2017). Development of Human Rights Issue and Its Relation with Social and Political Factors, Volume 6, Number 16, Spring, p.48. https://dergipark.org.tr/download/article-file/369317

[11] Ibid, p.48.

Declaration of Rights is one of the attempts emerged in Virginia on June 12, 1776[12]. This Declaration has become a model for the latter declarations. It was a kind of rebellion against the inadequate government in order to protect the rights of citizens. Hence, three weeks later from this declaration, American Declaration of Independence was published on July 4, 1776. This Declaration philosophically focused on two points: individual rights and the right of revolution which spread into the all over the world and influenced the French revolution[13].

The USA constitutionalized the Bill of Rights by an amendment to the Constitution of the United States of America in 1791[14]. By this way, rights such as freedom of expression, freedom of religion, immunity of residence and fair trial has been guaranteed.

British contributions in the 17th century and American contributions in 18th century has affected and triggered the French revolution by the end of the 18th century. In 1789, The Declaration of the Rights of Man and the Citizen was established. This declaration suggests that all citizens under the guarantee in terms of their rights of liberty, property, security and resistance to oppression.[15] Besides these rights, security and resistance to oppression are the other issues mentioned in this declaration[16]. Also, the definition of freedom takes place in this declaration.

---

[12] Langlois J. Anthony, Normative and Theoretical Foundations of Human Rights, Human Rights: Politics and Practice, 2nd Edition, Oxford University Press, p.13. https://www.researchgate.net/publication/263224112_Normative_and_Theoretical_Foundations_of_Human_Rights

[13] United for Human Rights (UHR), A Brief History of Human Rights, Retrieved from: https://www.humanrights.com/what-are-human-rights/brief-history/declaration-of-independence.html

[14] National Archive of US, Retrieved from: https://www.archives.gov/files/legislative/resources/education/bill-of-rights/images/handout-3.pdf

[15] United for Human Rights (UHR), A Brief History of Human Rights, Retrieved from: https://www.humanrights.com/what-are-human-rights/brief-history/declaration-of-human-rights.html

[16] Ishay R. Micheline, The History of Human rights, From Ancient Times to the Globalization Era, University of California Press, 2004, p. 82.

When looking at the content of these all documents, negative rights that aim to protect individuals against state such as freedom of religion and conscience, freedom of expression, petition and property rights have been arranged under these documents.

The main feature of these kind of declarations is being individual. These declarations have given a special importance to individuality by evaluating individual as an independent entity from community and by restricting the intervention of state into the individual life. However, human rights advanced mainly for males in the West; women, colonized people, minorities and poor workers were out of category in advanced human rights. Only after the 19th century, these people began to get more attention and rights. [17] In the 19th century, human rights began to be apparent. France and Britain abolished slavery in this era[18]. In 1848, The Seneca Falls Declaration was adopted by 300 people focusing on the social, civil, and religious condition and rights of woman and this became important for the women's rights movement[19]. Following this, The First Geneva Convention in 1864 and the Second Geneva Convention in 1868 were defined as the founding texts of contemporary international humanitarian law[20].

When coming to the 20th century, during the Second World War, the emergence of national socialist and fascist regimes and their destructive and non-human behaviors increased the importance of human rights issue both in national and international level. This understanding brought the necessity of international protection on human rights by emphasizing immunity of individual rights.

---

[17] Marks, P., Stephen (2016). Human Rights: A Brief Introduction, Harvard University, p.7 Retrieved from: https://cdn1.sph.harvard.edu/wp-content/uploads/sites/134/2016/07/Human-Rights-A-brief-intro-2016.pdf

[18] Hampshıre Record Office, Archive Education Service, Retrieved from: http://www.hants.gov.uk/rh/archives/slavery.pdf , p.26.

[19] Ishay R. Micheline, The History of Human rights, From Ancient Times to the Globalization Era, University of California Press, 2004, p. 162.

[20] Ibid, p. 40.

Until the end of the Second World War, the human rights issue was considered as an internal and national issue with reference to domestic law of states. Up to the 1940s, the only actor in the international arena was nation-states, therefore, any other states or any international organization had no right to intervene the relationship between individuals and state. To demand justice for an individual under any international authority was considered as the interference in the internal affairs.

The US President of the period, Franklin D. Roosevelt, mentioned in his speech on January, 06, 1941 that providing human rights have been the basic responsibility of the nation-state. In his speech namely "Four Freedom",[21] he has focused on four important freedoms of individuals: freedom of speech, freedom of worship, freedom from want and freedom from fear. By his speech, he explained the benefits of democracy, equality, liberty and personal security. This speech of Roosevelt gained popularity in his era and followed by the Prime Minister of Great Britain, Winston Churchill's Atlantic Charter on August 14, 1941. This Charter is important because of being precursor of the establishment of United Nations.

In terms of human rights, the cold war era was a paradox. This era included not only anti-humanitarian interventions of superpowers but also it was the period that human rights became an important matter in international relations. The reflections to German holocaust and lack of international response to it following the end of the Second World War brought important changes to international arena. In this atmosphere, United Nations (UN) has taken a crucial step in the recognition and protection of human rights in the international level. The protection of human rights has been accepted as one of the main aims of the UN since its establishment. Especially, the adoption of Universal Declaration of Human Rights (UDHR) by the United Nations General Assembly on 10 December 1948[22] has provided gathering of states into one platform in order to assure the rights and liberty of individuals. This

---

[21]Franklin Roosevelt, The Four Freedoms Speech, Retrieved from: https://www.fdrfourfreedomspark.org/fdr-the-four-freedoms (accessed on 09 March 2019)

[22] United Nations Website, Retrieved from https://www.un.org/en/universal-declaration-human-rights/

declaration has underlined the universality of human rights by emphasizing on economic and social rights of individuals and it has played an important role for the establishment of other human rights laws and treaties throughout the world.

The preamble and Article 1 of this Declaration claims the inherent rights of all human beings[23]:

> "Disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people...All human beings are born free and equal in dignity and rights."

With this Declaration, for the first time in history, different states gathered under the roof of the UN in order to promote human rights. Also, it can be said that many of these rights have still been a part of the constitutional laws in democratic nations.[24]

However, due to the lack of obligatory means and a kind of control mechanism in this declaration, a working on more comprehensive and obligatory treaties namely UN Twin Covenants (International Covenant on Civil and Political Rights- ICCPR and International Covenant on Economic, Social and Cultural Rights- ICESCR) came to the agenda. After 12 years working on it, these Twin Covenants were accepted in 1966 and entered into force in 1976. Together with the UDHR, these UN Twin Covenants are referred to the International Bill of Human rights.

Within all these developments, it can be said that human rights are no longer a national and internal issue today, rather it is substantially an international one. Also, besides the role of nation-states, the prominence of non-governmental organizations in human rights issue increased. The Amnesty International was established in 1961; Human Rights Watch and the Lawyers Committee for International Human Rights became active supporters of human rights during the Cold War.

---

[23] Ibid.

[24] United for Human Rights (UHR), A Brief History of Human Rights, Retrieved from: https://www.humanrights.com/what-are-human-rights/brief-history/the-united-nations.html

After the end of cold war, the ideological rivalry and bipolarity ended. This period is named as a new world order by the US President G.W Bush during the Gulf War. [25] This era can be considered as a different one which take its roots from liberal democracy and free market. Nation states were still powerful but they were not in a position to control globalized capital flows in the new world order. It can be said that increased interdependence and the character of power affected the progress of human rights because nation states continued to give priority to their national matters rather than triggering human rights internationally. Especially, following the end of the Cold War, the number of civil wars and wars between states have increased such as Iraq's invasion of Kuwait, the Gulf war, Azerbaijan-Armenia conflict, Chechnya-Russian war, Afghanistan, Rwanda and Somalia civil wars. In this era, harmful experiences increased the awareness and sensibility to human rights. In addition to that the proliferation of human rights with the contributions of nongovernmental organizations (NGOs) paved the way for the new hopes in human rights[26]. Also, increased globalization affected all areas of life by developing interactions between human beings and between nations. Humans in one place has become aware of the cruelty experienced in the other part of the world. The increased role of media has also made every people aware of every problem in the world. With the effects of globalization, ideas and information spread easily across the whole regions. This situation has enhanced the ability of people in being aware of their fundamental rights. Beside this, globalization is a process which states are no longer the only actors in the international system. Nongovernmental, intergovernmental organizations (IGOs) and global corporations has taken place as effective actors in the international environment[27]. Therefore, their impacts on human rights could not be neglected in globalized era. They have a capacity to monitor the actions of governments and

---

[25] Miller A. Eric and Yetiv A. Steve. (2001). The New World Order in Theory and Practice: The Bush Administration's Worldview in Transition, Presidential Studies Quarterly, Volume 31, Number 1 p. 56.

[26] Ganaie, Mohd Ashraf, (2016), Globalization and Human Rights, The Journal of Infection in Developing Countries, Vol.6, No. 12, p. 2.

[27] Baumann Rainer and Stengel A. Frank, (2014), Foreign policy analysis, globalization and non-state actors: State-centric after all?, Journal of International Relations and Development, number 17, p. 490.

increase the public pressure on them[28]. African Union (AU), Council of Europe (COE), Organization of American States (OAS) and United Nations (UN) as IGOs; Amnesty International (AI), International Committee of the Red Cross (ICRC) and Human Rights Watch (HRW) as NGOs are the some of the example of other actors in today's world.

2.2.Human Rights in Europe

At the regional level, following the end of Second World War, European states felt themselves obliged to come together in order to avoid any possibility to warfare. Therefore, foreign affairs ministers of ten European countries (Belgium, Denmark, England, France, Holland, Ireland, Italy, Luxemburg, Norway, Sweden,) have established the Council of Europe (CoE) on August 3, 1949. These countries were developed countries in terms of both economy and social structures. They were not far away from human rights issues totally. They had working class who had a right to establish trade unions. Their working class had a share from welfare[29].

In the first meeting held in CoE, it was decided to configure a department about the protection of human rights. [30]Accordingly, European Convention on Human Rights (ECHR) was established in 1953 by the Council of Europe. In this Convention, besides the general principles mentioned in the Universal Declaration of Human Rights, more detailed and comprehensive regulations have taken place[31]. The different side of this Convention can be explained that ECHR has also followed the enforcement of human rights besides recognizing them[32]. In this Convention, under

---

[28]Bernstorff Jochen von, (2007), Non-State Actors in law-making and in the shaping of policy on the legality and legitimacy of NGO participation in international law, the Konrad-Adenauer-Foundation's Conference on International Law, pp.18-19.

[29] Çalık, Etem, (2017). Development of Human Rights Issue and Its Relation with Social and Political Factors, Volume 6, Number 16, Spring pp.56-57. https://dergipark.org.tr/download/article-file/369317

[30] Meray, Seha L., (1975). Devletler Hukukuna Giriş, Second Volume, 4th Revised Edition, Ankara, pp.265-266

[31] Ibid, p.257.

[32] Akın, İlhan F., (1990). Kamu Hukuku, 6th Edition, Beta Press. İstanbul, p. 379.

the Rights and Freedoms Section, some rights such as right to life, right to liberty and security, right to a fair trial, no punishment without law and freedom of expression have been arranged[33]. When compared to other declarations, this Convention has envisaged a control mechanism which makes its principles obligatory.

This Convention has been followed by European Social Charter which was adopted in 1961 and revised in 1996. This Charter is important because it has binding provisions for counterparties and has broaden the context of ECHR by involving the social and economic rights besides the civil and political rights[34].

The other development in Europe regarding human rights is Conference on Security and Co-operation in Europe (CSCE) renamed in 1995 as the Organization for Security and Co-operation in Europe (OSCE) by following the several conferences, Helsinki Accords (1973) and Paris Charter (1990). This organization involves not only European countries but also non-European countries such as the USA, Turkey, Russia, and Canada and so on. The establishment aim of CSCE was mainly to smooth the conflictual atmosphere created by the Soviet and the US rivalry during the cold war. According to OSCE, human rights is a key concept in order to provide security. Therefore, it has an office for democratic institutions and human rights issues[35]. This office has an observer role in elections or any revision of legislations. Through training programs, they have given support and provided assistance to states which needs advice in terms of human rights and democracy. Within CSCE, Helsinki Accords was accepted as the first act. The Article 7 of Helsinki Accords is totally about the human rights by underlining "Respect for human rights and fundamental

---

[33] Convention for the Protection of Human Rights and Fundamental Freedoms,(1950), Rome, Retrieved from: https://www.echr.coe.int/Documents/Convention_ENG.pdf (accessed on 03 March 2019)

[34] De Schutter, Olivier, (2010). *"La Charte sociale européenne: une constitution sociale pour l'Europe" (*Avrupa Sosyal Şartı: Avrupa İçin Yeni Bir Sosyal Anayasa), Council of Europe, Ankara, p.10. Retrieved from: https://www.anayasa.gov.tr/media/3681/avrupasosyalsarti2.pdf

[35] Organization for Security and Co-operation in Europe (OSCE) Website, What we do? Human Rights, https://www.osce.org/human-rights (accessed on 03 March 2019)

freedoms, including the freedom of thought, conscience, religion or belief.*" [36] However, this is not a binding act because of not having a treaty status. The Helsinki Accords paved the way for the establishment of OSCE under the Paris Charter which aims to invite the former Eastern Countries to the Western framework following the fall of communism. The effects of this Accords led to the establishment of Human Rights Watch in 1978 which has a major role in protecting human rights as an NGO.

To sum, Europe was a continent which suffered from world wars and their harmful effects. Besides the pain and unfair treatments during world wars, European countries have been more developed countries which triggered revolutions and reforms in their historical past. Therefore, they have been more inclined to cover ground in terms of protection of human rights. Almost every step taken by international arena about human rights contains in itself European states such as Germany, France and Italy. Their contributions became more apparent after the establishment of the European Union. With EU, human rights in European context became much more on the front burner.

2.3. Human Rights in the European Union

The European Union was established under the name of European Coal and Steel Community (ECSC) in 1951 following the end of the Second World War with the six founder member states (Belgium, Germany, France, Italy, Luxembourg and Netherland). The main aim was to control coal and steel production and diminish the economic aggression in the region.

When coming to 1957, the Treaty of Rome established European Economic Community (EEC) and EURATOM. The aims were to establish common market which provides free movement of goods, labors, services and capital; to provide political integration and to ensure the peaceful and safe use of nuclear energy. With

---

[36] Conference on Security and Co-operation in Europe Website, Final Act, Helsinki 1975, pp.6-7, Accessible on the website: https://www.osce.org/mc/39501?download=true (accessed on 16 May 2019)

the Merger Treaty in 1965, ECSC, EEC and EUROTOM were merged under the name of European Community (EC).

At the EU level, the founding treaties of EU do not have any direct provisions about the protection of human rights. In those days, the importance of human rights did not take much attention as today. For the first time, European Council, Parliament and Commission established a joint declaration by emphasizing on protecting and respecting human rights when exercising their power on April 05, 1977. In this joint declaration, the rule of law and respect to law became main focusing points. Although this declaration does not have any binding sections, its moral and political power is strengthened by further arrangements. [37]

When coming to 1980s, Europe was in an economic recession and an idea about Single European Market has gained more importance. In this frame, Single European Act (SEA) was established in 1987 in order to foster economic mobility and to complete a single market. Besides these, SEA is the first written document which refers to the fundamental human rights at the Union level in its introduction part[38]. According to SEA, founding principles have based upon laws of the member states and ECHR. This Act has a very important role in the evolution of human rights in the EU by making important changes in the founding treaties. This Act gives place to liberty, equality and social justice in its beginning by including the fundamental rights mentioned in the European Convention for the Protection of Human Rights and Fundamental Freedoms, and European Social Charter. Also, this Act gives more power to the European Parliament which reflects the public opinion.

> "…Determined 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

---

[37] Döner, Ayhan, (2003) İnsan Haklarının Uluslararası Alanda Korunması ve Avrupa Sistemi, Seçkin Press, Ankara, pp.121-123.

[38] Efe, Haydar, (2010) Evolution of Human Rights in the European Union, Journal of the Institute of Social Sciences, Number 5, p. 48.

Freedoms and the European Social Charter, notably freedom, equality and social justice…" [39]

When coming to 1990s, EEC was revised and named as the EC in 1993 under the Maastricht Treaty. Within this treaty, the EC has gained three pillars structure. The first pillar represents the EC, second pillar represents Common Security and Foreign Policy and the last pillar represents Justice and Domestic Affairs. Also, the most effective implementation on the protection of human rights in EU level was made by the establishment of Maastricht Treaty, signed on 7 February 1992. With its provision 7 and paragraph 2, EC has accepted fundamental human rights as the part of the EU founding treaty.

> *"…*The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law…"[40]

Also, Subsidiarity became a part of the agenda of Union with the Maastricht Treaty. Subsidiarity can be defined as a fundamental principle in the functioning of the European Union[41]. The basic aim of this principle emerged following the end of Second World War is to prevent any over-centralization in the Union. According to this principle, if member states can deal with the issue effectively in central, regional and local level, there is no need for the intervention of the Union. However, if member states are unable to achieve the objectives of a proposed action satisfactorily, then the Union is justified in exercising its powers[42].

---

[39] Official Journal of the European Communities, (1987) Single European Act, No: 169/1 Retrieved from: http://www.avrupa.info.tr/fileadmin/Content/EU/bir_bakis/SingleEuropeanAct-TekSenet.pdf (accessed on 22 July 2019)

[40] European Parliament, Treaty on European Union (consolidated version) Article 6, Accessible on this website: http://www.europarl.europa.eu/hearings/20000222/libe/art6/default_en.htm (accessed on 08 May 2019)

[41]European Parliament, The Prıncıple Of Subsidiarity, Retrieved from: https://www.europarl.europa.eu/ftu/pdf/en/FTU_1.2.2.pdf (accessed on 09 July 2019)

[42]European Parliament, Fact Sheets on the European Union, Accessible on this website: http://www.europarl.europa.eu/factsheets/en/sheet/7/the-principle-of-subsidiarity (accessed on 09 July 2019)

> " … In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member states and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community…" [43]

In terms of human rights, this principle can be considered as a beneficial one. Because, this principle makes the competences about human rights standardized and Europeanized. By this way, it makes member states, which are inclined to violate human rights mostly, powerless. Also, it helps increasing the capacity of Union by giving it more constitutionalized structure. This principle has come into agenda as a guarantee of individual freedom in the EU level. According to many scholars, freedom prevails and come before the state[44]. Therefore, it is crucial to define a thin line between state and individual in order to provide freedom. In determining the limits of both state and individual, this principle has become more important in protecting individual rights and freedom. Through this principle, state could act only if individual could not reach the targets determined by laws. In other words, if member states do not have a capacity to deal with any problematic issue, then, Union has a chance to deal with it under this principle. This helps to protect human rights in the EU level if there is any violation in any member states. In fact, it can be said that this principle is reciprocal for Union and member states. It guarantees rights and freedom of any state by giving the priority firstly to the member states themselves. Only if member states fail, Union has a chance to intervene. This means that subsidiarity provides justice both for Union and member states.

The Amsterdam Treaty was signed on October 2, 1997. It has a crucial importance in the process of improvement of human rights in the Union. The reason is the

---

[43]Treaty on European Union, pp. 13-14, Accessible on this website: https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty_on_european_union_en.pdf (accessed on 08 March 2019)

[44] Özcan, Mehmet, (2012), Avrupa Birliğinde İnsan Hakları, Ankara Strategic Institute, Hayat Press, Istanbul, p.231.

acceptance of rule of law, democracy and freedom as the part of the Union in a treaty of Union.

Article 6 in Amsterdam Treaty shall be amended as follows:

> "…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]

Also, it can be said that there are two important gaining of this treaty. The first one is that this treaty has accepted to take measures against any perpetual infringement made by member countries. The main reason of this step has considered as to eliminate any hesitation about obedience to the Copenhagen Criteria implemented over candidate countries[46]. The second one is about two issues on equal treatment discussed in the founding treaty of the EC. The founding treaty of the EC has referred to equal jobs and equal wages between men and women. Amsterdam Treaty has widened these equalities to other spheres alongside jobs and wages.

Besides all these proceeds of Amsterdam Treaty, it has contributed a lot to on the one hand deepening process and on the other hand the pillar structure coming with Maastricht Treaty. The role of the European Parliament in especially human rights issue has strengthened with this Treaty. European Parliament has extended co-decision procedure rather than being an advisory mechanism[47]. According to this treaty, Council can take a decision unanimously with the offer of Commission or one-third of member states if there is a proof that any member states have constantly and seriously violated the human right principles[48].

---

[45] The Amsterdam Treaty, Consolidated Version of The Treaty of the European Union, p.11. Accessible on the website: http://www.unhcr.org/41b6ccc94.pdf (accessed on 09 March 2019)

[46] Özcan, Mehmet, (2012), Avrupa Birliğinde İnsan Hakları, Ankara Strategic Institute, Hayat Press, Istanbul, p.50.

[47] European Paliament Website, Accessible on: https://www.europarl.europa.eu/about-parliament/en/powers-and-procedures/legislative-powers

[48] Ibid, pp.51-52 (Article 7 of the Amsterdam Treaty).

When coming to 2000, Nice Treaty was approved with the aim to revise the institutional structure of Union and to make Union stronger for the upcoming enlargement. The areas using qualified majority voting were constructed with this treaty. There is no specific reference to the advance in human rights in Nice Treaty. However, the most important contribution of this treaty was Charter of Fundamental Rights of the European Union accepted on December 7, 2000 but not come into force in this date due to the rejection by Great Britain.

Lisbon Treaty has a special value in Union. This Treaty has changed the EU Treaty which was signed in Maastricht Treaty and revised with Amsterdam Treaty. Within this Lisbon Treaty, the EU has gained more legal status and became a part of the European Convention on Human Rights which is a convention ratified by Council of Europe[49].

The pillar structure was removed and European Parliament has improved its position with Lisbon Treaty[50]. Also, Lisbon Treaty involves some general regulations about equality between genders, protection of human health, every type of discriminations and rule of law[51].

Also, European External Action Service (EEAS) whose main responsibility is to help the EU's foreign affairs in exercising the Union's Common Foreign and Security Policy (CFSP)[52] was established with the entry into force of Lisbon Treaty by the contribution of European Council and Commission. This is a kind of policy which constitutes the Union's foreign policy in terms of security and defense, that is, high

---

[49] Ibid, pp. 57-63

[50] Creig, Paul, (2013), Lisbon Treaty: Law, Politics, and Treaty Reform, Chapter:9, Freedom, Security, and Justice, Oxford Press.

[51] European Commission Website, (2015), Questions and Answers: What is the EU doing for women's rights and gender equality?, Accessible on: https://ec.europa.eu/commission/presscorner/detail/en/MEMO_15_4563 (accessed on 16 May 2019)

[52] European External Action Service Website, Accessible on https://eeas.europa.eu/headquarters/headquarters-homepage/82/about-european-external-action-service-eeas_en (accessed on 09 May 2019)

politics. There are some instruments of this policy such as joint actions and common position[53]. These instruments have a positive side in intervening any problematic issues experienced in a foreign state which fails to protect human rights, rule of law and democracy. In this respect, Common Position as an instrument of Union's CFSP has a role in conflict prevention, arms control and peace-building. Joint Actions also has a special importance in nonproliferation, peace-building and peace-keeping. As an operation side of CFSP, The Common Security and Defense Policy (CSDP) has also role in EU's foreign policy and in the protection of human rights. The actions taken by CSDP is not totally in military based. Rather, since the establishment of CSDP, they have actualized many operations in order to provide peace-keeping, conflict prevention and humanitarian interventions regarding the importance of civilian based operations[54]. Also, this policy has provided an ability to Union in acting separately from NATO in operations which NATO has not been willing to be involved. This gives Union some autonomy to react against any kind of humanitarian violation. It is a kind of complementary alternative to NATO power[55].

Besides these, Lisbon treaty makes the Charter of Fundamental Rights of the European Union binding with an additional Protocol[56]. The aim of this Charter is to provide respect for human rights and to secure the fundamental rights under the authority of European institutions. Also, this Charter has made the fundamental rights visible in the eyes of citizens by providing transparency. Charter of Fundamental Rights of the European Union has regulated not only civil and political rights but also economic and common rights. Also, it is crucial in terms of providing legal security.

---

[53] Mix, Derek E., (2013), The European Union: Foreign and Security Policy, Congressional Research Service, pp.7-8, Accessible on this website: https://fas.org/sgp/crs/row/R41959.pdf

[54] Ibıd p.10.

[55] Ibıd p.10.

[56] Özcan, Mehmet, (2012), Avrupa Birliğinde İnsan Hakları, Ankara Strategic Institute, Hayat Press, Istanbul, p.58.

It has consolidated the democratic constitutionalism and strengthened the relationship between individual and society in the Union.

Besides the agreements and documents, the institutional phase regarding human rights in the EU is crucial to evaluate. It can be said that there are basically three different bodies to work for different group, European Commission for the interest of the Union, Council for the interest of member states and Parliament for the interest of individuals in Union. When compared with the other bodies, EP is more independent and less responsible to the Union[57]. This situation makes it more flexible when making policies. Parliament has made an afford so much to take democracy and human rights as the indispensable principles of Union. EP has been considered as a forum in Union to maintain the existence and the importance of fundamental human rights and provide to respect these rights. EP has prepared annual reports about human rights since 1993. Also, EP makes contributions about the protection of human rights to any agreement. By this way, it is right to say that EP has an important position to protect human rights in the world order.

In terms of Council and Commission, the main role of them regarding HR are to be advisory. The certain important contributions are Solemn Declaration[58] (1983) which refers to respect for the representative democracy and human rights and Joint Declaration against Racism and Xenophobia (1986)[59] which refers to human dignity and the elimination of all forms of racial discrimination against any kind of groups. The Council has used Guidelines in order to inform the bodies and Member States about how to promote human rights. Also, the Council and Commission has produced annual reports on human rights.

---

[57] Ibid, p.21.

[58] Solemn Declaration on the European Union, Stuttgart, 1983, Bulletin of the European Communities, pp. 24-29. Retrieved from:
http://www.internationaldemocracywatch.org/attachments/298_Solemn%20Declaration%20on%20%20European%20Union%20Stuttgart%201983.pdf (accessed on 13 July 2019)

[59] European Commission, Press Release Database, Accessible on this website: http://europa.eu/rapid/press-release_IP-86-264_en.htm (accessed on 16 May 2019)

Also, there are some documents established by Council regarding the advancing of human rights. One of them is European Security Strategy established by Council as a document in 2003[60]. It could be considered as the first mission of CSDP. It has a crucial role especially in the external policies of Union in achieving security. It constituted some principles in order to promote the interest of EU in security issues. This strategy was replaced with European Union Global Strategy in 2016. In the direction of the EU's core values and interests, the EU Global Strategy aims to have stronger Europe[61]. By doing this, this strategy helps Union in dealing with security issues such as migration, climate change and violent extremism which have a direct link with the human rights.

The EU Strategic Framework and Action Plan on Human Rights and Democracy as another document was signed by Council of EU in 2012. This document consists of two aspects: Strategic Framework and Action Plan. In terms of strategic framework, the aim is to combine the international human rights law's principles with the EU's own internal and external policies. In terms of Action Plan, the aim is to define a roadmap in order to protect the human rights of every citizens from different member states[62].

This document led to the creation of the EU Special Representative (EUSR) for Human Rights. The EU has special representatives in different countries and regions of the world about different topics[63]. The EUSR for human rights is one of them

---

[60] Council of European Union, (2009) European Security Strategy: A Secure Europe in A Better World, Belgium, Retrieved from:
 https://www.consilium.europa.eu/media/30823/qc7809568enc.pdf (accessed on 12 February 2019)

[61] European Union External Action Service, (2018), A Global Strategy for the European Union, p.1, Retrieved from: https://eeas.europa.eu/topics/eu-global-strategy/49323_en (accessed on 29 May 2019)

[62] Sharma, Bahuli, (2015), The EU Strategic Framework on Human Rights and Democracy 2012 – A right step in the right direction, South Asia Democratic Forum, Retrieved from: https://www.sadf.eu/the-eu-strategic-framework-on-human-rights-and-democracy-2012-a-right-step-in-the-right-direction/

[63] European Union External Service Website, Retrieved from:https://eeas.europa.eu/headquarters/headquarters-homepage_en/3606/EU%20Special%20Representatives (accessed on 29 May 2019)

created for only promoting human rights and democracy in 2012. The aim of this post is to improve human rights, strength the democracy and international humanitarian law.

Another document of the Council can be the EU Human Rights Guidelines. As a foreign policy tool, these guidelines are crucial instruments of the human rights policy of EU. They are not binding but they have important effects on political actions of the EU whose actors use these guidelines in order to develop human rights policies. Torture to the children affected from armed conflict, death penalty, violence against women and protection of freedom of religion are the examples of guidelines determined by the EU[64].

The other instrument could be an institution established in 2007 under the name of ''European Union Agency for Fundamental Rights''. The aim of this agency is to help protecting fundamental rights in Europe and providing connections with other international actors. This agency provides expert advice to both Union's institutions and to the member states directly by collecting data, sharing experiences and raising awareness. [65]

Another institution in the Union about human rights can be European Court of Justice (ECJ). ECJ is a Supreme Court in the Union. It is the last station for member states in order to solve any problems referring EU laws.[66] Due to the lack of reference to the fundamental human rights in the founding treaties of EU, most problems about these issues has solved with the decisions of ECJ. In the early years, ECJ was not willing to deal with the issues about human rights. However, when coming to the end of 1960s, ECJ began to make interpretation about fundamental rights. Its interpretations

---

[64] European Union External Action Service, (2016), Human Rights Guidelines, Retrieved from: https://eeas.europa.eu/node/8441_en (accessed on 29 May 2019)

[65] European Union Agent for Fundamental Rights, About FRA, Retrieved from: https://fra.europa.eu/en/about-fra (accessed on 29 May 2019)

[66] Ministry of Foreign Affairs of The Republic of Turkey website, European Union Court of Justice, Retrieved from: https://www.ab.gov.tr/_45632.html (accessed on 29 May 2019)

can be considered as the accumulation of European norms, international agreements and general principles of Union.[67]

All these tools are crucial for the human rights policies of the EU. Because, the EU seeks to distribute its own values and principles about human rights firstly among its member states internally and then among non-member states via its external policies. The development of human rights both internally and externally is important to provide a complete and coherent human rights policy. In order to have an effective human rights policy in international order, Union firstly has to provide internally coherent human rights policy through its institutional capability. These external and internal dimensions of human rights policy are defined as the *two sides of the same coin* by Alston and Weiler[68]. Therefore, these documents and institutions are the main tools and the first steps of Union in establishing the coherent human rights policies among member states. After the generally accepted human rights policy of Union has been actualized, it is easier to spread this accepted values, norms and policies to the other states with coherent policies of all member states.

To sum, when looking at the relationship between human rights and EU, it can be said that this relationship between EU and human rights has both positive and negative critiques. Positively, EU as a Union has a role to develop human rights, democracy and rule of law in Union level and to spread these values to non-member states. The Union's approach to the human rights can be considered as a broad and holistic approach. This means that EU links the human rights with the democracy and rule of law. These three principles are very connected with each other and requires a holistic, thick and substantive approach[69]. This holistic approach and increasing role of Union

---

[67] Deniz, Y. Bahar , Fundamental Rights In EU Law And Their Interactions With European Convention On Human Rights System, TBB Journal, p. 58, Retrieved from: http://tbbdergisi.barobirlik.org.tr/m2011-97-1106 (accessed on 16 May 2019)

[68] Alston, Philip & Weiler J.H.H. (1998), "An 'Ever Closer Union' in Need of a Human Rights Policy", EJIL, p.664.

[69] Häusler, Katharina &Timmer, Alexandra (2015), Human Rights, Democracy and Rule of Law in EU External Action: Conceptualization and Practice", European Yearbook on Human Rights, p.232.

about human rights gives Union a responsibility to protect human rights by affecting the human rights policies of other states in cooperation with international organizations. However, besides positive approaches, Union has been criticized for its lack of fully developed policies on human rights by some scholars. According to Wetzel and Orbie, the relationship between democracy and human rights of Union has not been defined clearly. There is ambiguity and lack of clarification in explaining the relationship between democracy and human rights[70]. Some critics has also been done by Hillion[71], Lerch and Schwellnus[72]. For these scholars, there is incoherency between the internal and external policies of Union about human rights. This situation has affected the credibility and reliability of Union both in Union and in international level. Minority and counterterrorism policies of Union has been defined as examples which lessens the credibility of Union in terms of dealing with human rights problems[73]. These concerns undermine the human rights due to strategic interests or secure borders. Therefore, Union has been claimed to have double standards[74].

2.4.Civilian, Normative and Transformative Power of Europe

After the 1980s and the fall into a decline of the Cold War, the concept of power began to change. The hard power diminished its importance and gave its place to the soft power because there were many actors in the international system beside the states and the interdependency had made difficult to use the hard power in this new system. Therefore, under these circumstances, the concept of power had to be evaluated in a multidimensional way. The concept of Normative Power Europe (NPE) was

---

[70] Wetzel, Anne & Orbie, Jan, (2012), The EU's Promotion of External Democracy: In search of the plot, CEPS Policy Brief, p.4-5.

[71] Hillion, Christophe, (2013) Enlarging the European Union and deepening its fundamental rights protection, SIEPS European Policy Analysis.

[72]Lerch, Marika & Schwellnus, Guido, (2006). Normative by nature? The role of coherence in justifying the EU's external human rights policy, Journal of European Public Policy.

[73] Yazgan, Hatice, (2017). European Unıon's Human Rıghts Polıcy: An Analysıs from External Relatıons Perspectıve, Çankırı Karatekin University, Adam Akademi, 7/1, p.54.

[74] Tilley, Ryan, (2012). Normative Power Europe and Human Rights: A Critical Analysis, University of Leeds, POLIS Journal Vol. 7, Summer, p.484.

established in this period in order to explain the EU's role in the international system. Since the establishment of EU, it is controversial whether EU is a regional or international actor in international arena. In the early stages of EU, European integration was totally about the economic integration which was the founding aim of Union. However, Union gained political dimension in time besides economic aspects[75]. In this sphere, with the effects of globalization, increased interdependency and diminishing roles of super powers became more apparent in the international system together with their soft powers. This era demonstrates that Union has not only focused on economic rights but also given importance to political, social and cultural rights.

Before looking at the historical background of the power concepts of EU, it is essential to define what the norm and the power is. Norms is defined by Zaki Laidi referring to Martha Finnemore and Kathryn Sikkink in his article as "standards aiming at codifying the behavior of actors sharing common principles and this in order to generate collective disciplines and to forbid certain conducts in the different fields of public policy". [76] For the definition of power, Joseph Nye's approach can be analyzed as the well accepted approach. In his book *Soft Power: The Means to Success in World Politics*, Nye makes differentiation between hard and soft power. According to him, hard power is defined as "the ability to coerce through threats" while soft power is defined as "the ability to influence the behavior of others to get the outcomes one wants" [77] The definitions of power and norms are crucial because both have a capability to affect the other's behavior via different ways.

The most influential analyses of the EU's role are civilian, normative and transformative power concepts. One of the most influential theories comes from

---

[75] Kıraç Selda & İlhan Buket, (2010), Avrupa Birliği Oluşum Süreci Ve Ortak Politikalar, Milli Eğitim Journal, Number 188, Spring, p. 191.

[76] Laïdi, Zaki (2008), *European preferences and their reception.* EU Foreign Policy in a Globalized World, Normative Power and Social Preferences, Routledge, p.5.

[77] Nye, Joseph (2004), Soft Power: The Means to Success in World Politics, New York: Public Affairs, p.5.

François Duchene's notion of Europe as a *civilian power*. In the beginning of 1970s, Duchene saw the EU as an important international actor which motive civilian forms of influence and action. He argued that Europe has inclined to prefer economic and political means instead of military ones.[78] According to him, it is the best choice to provide cooperation based on economy and trade. Therefore, European integration seen as a good tool for providing influence over the world by EU. [79] In Duchene's theory, there are two main features. The first one is about being a civilian group with economic and trade power which refers to more civilian notion. The other one is about being a force with democratic capability which refers to more normative bases. [80] Therefore, he gives importance to promote of the EU's democratic and civilian standards internally and externally in order not to become a part of power politics imposed by stronger powers.

By developing Duchene's ideas, Ian Manners conceptualized the role of Europe under the idea of NPE. Drawing on the previous theory of Duchene, he argued that the EU could be described as a normative power, that is, EU inclines to use persuasion and soft power rather than coercion and military power[81]. In his concept of normative power, he focuses on neither military nor only economic power. Rather, he focuses on ideas and opinions. The core norms such as democracy, rule of law, and human rights gained more attention in post-cold war era due to the threat of communism. Therefore, the democratic transition of the post-cold war states in CEE got more value in this process by referring to Copenhagen criteria which identifies the suitability of

---

[78] Orbie, Jan, (2006) Civilian Power Europe: Review of the Original and Current Debates, Cooperation and Conflict 41; 123.

[79] Özer, Yonca, (2012). The European Union As A Civilian Power: The Case Of The EU's Trade Policy, Marmara Journal Of European Studies, Volume 20, No:2, p.66. Retrieved from: https://dergipark.org.tr/download/article-file/1310

[80] Ibıd, p.72.

[81] Manners, Ian, (2009), The EU's Normative Power in Changing World Politics, Normative Power Europe in a Changing World: A Discussion, A. Gerrits (ed.), Netherlands Institute of International Relations.

candidate countries in terms of the EU membership.[82] These mentioned norms above have also been put forward in several treaties of the EU such as the Treaty of Rome and the Treaty on European Union or other crucial documents such as the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union which analyzed in the former part. The theory of Manners has also some links with the Joseph Nye's soft power concept, "the ability to get what you want through attraction rather than coercion or payments. It arises from the attractiveness of a country's culture, political ideas, and policies."[83]

Besides the proponent ideas over NPE, several criticisms have been made about the Europe's normative power. The most common one comes from Hedley Bull. In his criticism of Duchene's concept of civilian power, Bull argues that it was an ineffective concept; the European countries cannot provide their security without military power such as United States forces or NATO power. According to him, it needed to focus on developing its military capabilities in order to make them more self-sufficient. The second reason of Bull's criticism has been about the Soviet threat. Bull has thought that the idea of abandonment of nuclear powers is mistaken because, in the long run, this can be caused by the domination of the Soviet Union in the region. The third reason of Bull about developing military capabilities is due to the regeneration of Europe. A dependent Union to Russia or America could not remove the obstacles to its regeneration. In the lights of these arguments, Bull has mentioned the importance of the military capability and power in European side[84].

Similar to Bull's arguments, Adrian Hype-Price also suggests that civilian and normative power of EU is a kind of understanding which stems from liberal-idealist approach. This understanding has a weakness due to its neglect of power. Therefore,

---

[82] Manners, Ian, (2002) Normative Power Europe: The International Role of the EU, Journal of Common Market Studies, Vol. 40, pp. 242-244.

[83] Nye, Joseph, (2004), Soft Power: The Means to Success in World Politics, New York: Public Affairs, p.5.

[84] Bull, Hedley, (1982). Civilian Power Europe: A Contradiction in Terms?, Journal of Common Market Studies, Volume 22, Issue 2, pp. 151-152.

he advocates structural realist tradition rather than reductionist notion of understanding. [85] This idea of Hype-Price has also been supported by another neo-realist Zaki Laïdi. According to Laïdi, political bargaining of EU is difficult due to its lack of power. There are no tools of EU in order to pressure and convince, for example non-ratification of US in Kyoto Protocol. For him, EU could not be a super power because EU could be effective in the only soft issues such as environment and sustainable development but not in hard politics. [86]

The last concept is the transformative power of EU. There is also rich literature on this concept. Especially Heather Grabbe and Tanja Börzel are the main definer and supporter of the transformative power concept. The transformative power concept has its roots from CEECs because the accession process of CEECs was different from other accessions. These countries had to adopt themselves to the EU both economically, politically and socially under the accepted Copenhagen criteria in 1993. This transformative concept has also been used in the European Neighborhood policies. The transformative power concept of the EU depends some conditions such as providing a membership for the candidate countries. Therefore, conditionality is an important part of the transformative power of the EU. Also, coherence in the external governance consists an important part of the effectiveness of the EU's transformative power[87]. In the transformative power concept, the literature focused on two kind of thinking, social constructivist and rationalists approaches explained in the next chapter as the integration models[88]. Therefore, transformative power includes cost-benefit analysis together with the social expectations. In the transformative power literature, according to Grabbe, EU uses its transformative power over CEECs

---

[85] Hyde-Price, Adrian (2006) Normative power Europe: A Realist Critique, Journal of European Public Policy, 13:2, p.218.

[86] Laïdi, Zaki (2008), European preferences and their reception. EU Foreign Policy in a Globalized World, Normative Power and Social Preferences, Routledge, pp.6-7.

[87] Börzel, T. Lebanidze B., (2017), The transformative power of Europe beyond enlargement: the EU's performance in promoting democracy in its neighbourhood, East European Politics, Vol.33, p.1.

[88] Börzel, T, (2010), The Transformative Power of Europe reloaded:The Limits of External Europeanization, KFG Working Papaer No.11 p.6.

through Europeanization with the conditionality. Europeanization is defined as a concept that involves both processes in which each sides tries to find the best deal and in which candidate countries adjust their system with EU and being like a member states[89]. It is more related with the politics of the enlargement itself[90].

When comparing these three concepts, it can be said that all concepts defends the importance of ideas and norms which make the EU attractive and important to be a part of it[91]. When comparing to normative power, soft power and transformative power concepts are more linked to economic aspects and economic interdependence. The economic role and effects of the EU on the candidate countries are underlined under these two concepts. The transformative power is supported by the reforms and rewards such as being a member or providing visa liberalization. It is more general and inclusive concept of power when comparing with the soft and normative power[92].

Especially increased terrorist attacks in the all over the world caused a security challenge. These terrorist attacks increased the needs for effective counter-terrorist strategy and this situation undermined the importance of normative principles such as democracy and human rights. These norms are strictly defended by the EU, however, *War on Terror* discourse following the 9/11 terrorist attack decreased the importance of them and gave priority to strategic security over development aid[93].

As a transformative power, EU has used some instruments in order to spread its norm base structure. One of the main instruments of EU's transformative power can be

---

[89] Grabbe, Heather,(2006), The EU's Transformative Power: Europeanization Through Conditionality in Central and Eastern Europe, Palgrave Macmillan UK, pp. 2-3

[90] Ibid, p.47.

[91] Dimitrova, A, Boroda M., Chulitskaya T., Berbeca V.and Parvan T. (2016), Soft, Normative or transformative power ? What do EU's communicat.ions with Eastern partners reveal about its influence? EU-STRAT Working Paper no:1, p.10.

[92] Ibid, pp. 11-12.

[93] Manners, Ian (2006) European Union Normative Power and the Security Challenge, European Security, Vol.15 No.4, p.410.

defined as European Enlargement Policy. The European enlargement is an important tool for EU. By setting the rules for a country, EU can promote the norms throughout its accession process and use its power to involve these states into the Union. The details of European enlargement will be analyzed in the following part.

Besides the enlargement policy of Union, another important tool of EU can be defined as European Neighborhood Policy (ENP) which was launched in 2004 with a strategy paper of European Commission as an alternative to the EU membership then reviewed in 2015[94]. General objectives of this policy is to provide privileged relationships and promote economic and political status of the neighborhood states. Within this policy, EU aims to include more sustainable democracy, freer elections, fairer judgments, more freedom in expression and more economic development. Also, EU has given the importance to the role of civil society in this process in order to make more progress towards democratic reforms[95].

In many cases EU failed to deal with some issues in the world politics which affects its normative power. For example, migration is one of the problematic issues. The increased migration to European countries especially in the 21th century has changed the viewpoints of member states and made them more worried about their future. This situation triggered the *xenophobia* in Europe in general. The migrants were seen as the main causes of terrorism in Europe[96]. However, in fact, migration is a primary human right. These migrants have to survive in a one way. Therefore, the Syria crisis can be evaluated as an important fail for the Europe due to the high rates of refugees not welcomed by many European countries. European Commission had many times tried to tackle with the refugee problems especially giving to importance humanitarian

---

[94] European Union External Action Service Website,(2016) European Neighbourhood Policy, Accessible on this website: https://eeas.europa.eu/diplomatic-network/european-neighbourhood-policy-enp/330/european-neighbourhood-policy-enp_en (accessed on 29 May 2019)

[95] Ibid.

[96] International Migration, Racism, Discrimination and Xenophobia, (2001), A discussion paper prepared by: International Labour Office (ILO) International Organization for Migration (IOM) Office of the United Nations High Commissioner for Human Rights (OHCHR), p.1.

side of migration. However, the decisions taken by Commission was not binding. Therefore, member states have only accepted 32 thousand refugees.[97] After 2014, approximately 22.500 refugees lost their lives in the way of reaching Europe.[98] Despite the efforts to consist a policy on migration in EU, efforts stayed non-efficient in solving the refugee problems. Also, the late response of EU to the crises such as Arab Spring, Ukraine civil rebellion and Gaza strip attacks caused to be questioning of Union's normative power in providing democracy and peace. Besides, EU's policies in Yugoslavia could be portrayed as incoherent which lessen the credibility of Union in international arena. In the Yugoslavian case, EU members could not cease the crisis in the region due to their lack of common policies on military intervention and recognition of breakaway republics.[99] This failure proofed that persuasive diplomacy without military forces could not be successful in preventing and managing conflicts alone.[100] This changing international environment and increased militarization in world have also affected the normative concept of EU. According to revisited approach of Ian Manners, EU should attempt the military missions only under the UN forces, otherwise, he suggests that militarization of EU through external actions has diminished the normative power of the EU. For him, the sustainable peace should be the central norm when the Union decide to any kind of external action[101].

In general, it can be said that mostly neighborhood countries of Union have more willing to define Union as a normative power because of their hopes to get a link with EU. Therefore, it can be wrong to say that EU is a global normative power accepted

---

[97] Vatandaş, Selim (2016), Avrupa'ya Göçmen Akışı ve Türkiye'de Göç Politikaları, Bilgi Analiz, İstanbul, p.13.

[98]Dehghan, Saeed Kamali, (2017), The Guardian, Migrant Sea Route To Italy Is World's Most Lethal, Retrieved from: https://www.theguardian.com/world/2017/sep/11/migrant-death-toll-rises-after-clampdown-on-east-european-borders (accessed on 09 July 2019)

[99] Kaya, Taylan Özgür, (2008), A Coherent and Effective Foreign and Security Policy For the European Union?: The Cases of the Yugoslav Crisis and the Iraq Crisis, Journal of Yaşar University, p.9

[100] Ibıd, p.15.

[101] Manners, Ian, (2006), Normative Power Europe Reconsidered: Beyond the crossroads, Journal of European Public Policy, p.195.

by the whole world. Rather, the economic power of EU is more valuable and acceptable for many regions of the world[102]. For example, according to views of Australians, Canadians and New Zealanders, they think that economic power of EU is more dominant from its normative power[103]. On the contrary to the westerns side of the world, the neighborhood countries of the EU such as Moldova, Armenia, Ukraine, Georgia and Azerbaijan are more favor of the normative power of Union. According to these countries, human rights and democracy closely associated with the Union itself. They have not ignored the economic power of the EU, but they give the priority to the developer role of Union in terms of norms such as human rights and democracy[104].

In the light of these three concepts of power, this thesis adopts that the eastern enlargement can be evaluated under the transformative power concept. Because, besides the democratic side, there is an economic and security sides which made this eastern enlargement possible. Also, the conditionality principle-being a member state-was provided in the end of this accession process. And these economic and security concerns require to evaluate this enlargement under rationalist approach involved in transformative power concept besides the constructivist approach involving social construction. Also, besides the aims to spread of its norms and values such as democracy, human rights and rule of law to the post-communist states, EU and CEECs also made this enlargement with the aims of providing security in the region and to bolster the economic capabilities which will be explained in the next chapter.

When looking at the relationship between the human rights and these three concepts of power, it can be said that they are very linked to each other. Human rights is at the crux of the crucial norms of the EU which have to be protected via rule of law. This value is not to be provided by military and economic power. It could not be provided

---

[102] Larsen, H. (2014). The EU as a Normative Power and the Research on External Perceptions: the Missing Link, Journal of Common Market Studies, Volume 52, Issue 4, pp. 906-907.

[103] Ibıd, p.904.

[104] Bengtson, R. and Elgström, O. (2012) Conflicting Role Conceptions? The European Union in Global Politics, Foreign Policy Analysis, Volume 8, p.99.

by solely military power because military power creates the pressure and could be used by the superior authority against minorities or different groups supporting different ideas if there is a lack of rule of law or non-effective judicial system. This situation diminishes the equality and creates fear that harms the nature of human rights. Just as in the case of military power, sole economic power can be insufficient to provide and protect human rights. Economic power creates interdependency both at local and global level. Economically strong state can set the rules and violate the human rights if there is lack of rule of law because economic sanctions and trade wars are the main harmful measures taken by the governments in today's world. Under these circumstances, importance of the civilian, normative and transformative power concepts have been brought to the fore in the international agenda. With the rule of law and without any pressure on anybody or on any entity, human rights could be provided and protected properly in an equal environment by norm-setters. This demonstrates the strong relationship between normative power and human rights. The EU as a norm setter and protector has the presider position in this atmosphere. It gives importance to the determined values and norms. In this direction, the EU's approach to provide and protect human rights can be considered as a part of the EU's civilian, normative and transformative power.

CHAPTER 3

ENLARGEMENT AND THE EUROPEAN UNION

3.1.The Process of European Enlargement

The European project began with the establishment of European Coal and Steel Community in 1951 by six founder states, Belgium, Germany, France, Italy, Luxembourg and Netherlands. The aim was to diminish the tension by creating a single market for coal and steel and to control the production and consumption of these materials.

In the earliest periods, due to the needs for reunification of Europe and Soviet threat; in the 1990s, due to the dissolution of Soviet Union and threat of Communism; in the 2000s, due to the increasing globalization, Union was in a position to adopt itself to the changing structure of world politics. In this process, widening and deepening of EU become crucial.

Especially in the cold war, Europe was divided geographically. USA became an insider actor in Europe with their famous Containment Policy against the threat of Soviet Union in this era[105]. Within this policy of USA, Europe and USA had a strong alliance in order to provide political and economic recovery, especially in Western Europe. The Marshall Plan was the first policy implemented under the Containment Policy with the aim to create immediate economic recovery in Western Europe[106]. This Plan can be considered as the short-term response to recovery. The Marshall Plan initiated the first institutionalization in Europe under the Organization of European

---

[105] Office of the Historian, Department of State of USA, Retrieved from https://history.state.gov/departmenthistory/short-history/kennan

[106]Marshall Foundation Website, Retrieved from:
 https://www.marshallfoundation.org/marshall/the-marshall-plan/history-marshall-plan/

Economic Cooperation[107]. However, European integration can be considered as a kind of long-term response to recovery because, when coming the end of the Second World War, Europe found itself in the efforts of cooperation in the region in order to avoid any other threat. The main aim for all European countries was to make a cooperation in order to provide peace in the region.

Also the changes in the international system in 1970s triggered the Europe to develop and strengthen the cooperation in European region against the hegemony system of US. Before 1970s, economic system based on US parity with the Bretton Woods System (BWS) and International Monetary Fund (IMF) and General Agreement on Tariff and Trade (GATT) were under the influence of US[108]. However, with the collapse of BWS in 1971, US dominated monetary system was broken down and US began to lose power. Under this atmosphere, European countries began to recover themselves and increased their economic power[109]. Besides economic crises and collapse of BWS, the second change in international system is about the oil sector. Underdeveloped and developing countries revealed their dissatisfaction with US dominated trade and oil system and Organization of the Petroleum Exporting Countries (OPEC) was founded as a reaction to US[110]. Then, oil prices increased dramatically and oil crisis brought out. After this crisis, Europe initiated new policies

---

[107]Organization of European Economic Cooperation Website, Accessible on: http://www.oecd.org/general/organisationforeuropeaneconomicco-operation.htm

[108] Igwe O.C. Isaac, History of the International Economy: The Bretton Woods System and its Impact on the Economic Development of Developing Countries, Athens Journal of Law - Volume 4, Issue 2, p. 105.

[109] Yiğenoğlu, Kaan (2016), Changıng Power Equılıbrıum From The Second World War Up To Date And Pacıfıc Regıon Strategy Of Unıted States: Sample Of Transpacıfıc Partnershıps, Akademik Bakış Dergisi Vol: 58, p. 331.

[110] Ilie L. (2007). "Economic considerations regarding the first oil shock, 1973–1974",
MPRA paper, p.4.

to Middle East in order to break US superiority[111]. Within this international context, enlargement became the major policy tool of the EU.

There were two enlargement strategies of Union. The first one is the expansion towards United Kingdom in order to show EU dominance than European Free Trade Association (EFTA). The second one is the expansion towards Mediterranean region (Southern Europe). In this direction, Denmark, Britain and Ireland in 1973; Greece in 1981; Spain and Portugal in 1986 became members of Union. The Southern Europe enlargement can be considered as a challenging one due to the inclusion of periphery side of Europe such as Greece, Spain and Portugal. Compared to West Europe, economically these countries were not rich and politically they had authoritarian regimes before[112]. It is crucial that European integration was more about economic matters until this enlargement. However, after this enlargement, integration process became also involved with political issues. Then, this would be converted into *a political criteria[113]* for the applicant countries. Therefore, latter enlargements are important ones due to leading to a political criteria in integration policy.

Following the end of Cold war, the fourth enlargement was fulfilled with the membership of Finland, Sweden and Austria in 1995. This enlargement can be considered as the easier and successful one due to closer cultural and historical roots of these countries to founding member states of Union[114].

When coming to 2000s, twelve new countries became the member of the EU under the name of fifth enlargement. This was the largest enlargement in the history of the

---

[111] Pešek Pavel, Effects of the 1973 Oil Crisis on Europe, Retrieved from: https://www.academia.edu/30748611/Effects_of_the_1973_oil_crisis_on_Europe?auto=download. (accessed on 08 February 2019)

[112] Ministry of Foreign Affairs of the Republic of Turkey, The EU Enlargement, Retrieved from: https://www.ab.gov.tr/avrupa-birliginin-genislemesi_109.html (accessed on 08 February 2019)

[113] Political criteria can be defined as multi-party system, democratic regime and civilian military relations. Retrieved from: European Commission Website, https://ec.europa.eu/neighbourhood-enlargement/policy/glossary/terms/accession-criteria_en (accessed on 08 February 2019)

[114] Ministry of Foreign Affairs of the Republic of Turkey, The EU Enlargement, Retrieved from: https://www.ab.gov.tr/avrupa-birliginin-genislemesi_109.html (accessed on 08 February 2019)

EU with reference to people and number of countries. This 5th enlargement occurred in two steps. Firstly, Republic of Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia became the member of the EU in 2004.[115] Then, Romania and Bulgaria followed them in 2007. Last enlargement to the Union is the accession of Croatia in 2013.

Today, the EU has 28 member states that have common policies on different kind of issues such as agriculture, shared currency and migration under Union. However, in fact, the adoption of a country to the Union is not an easier process. It can be said that every country being a part of the Union has increased the burden of Union and has necessitated institutional changes beside the changes in decision making system of Union. Despite all the negative sides and disadvantages of enlargement, the EU has always opened the door for the inclusion of new countries to Union.

There are so many reasons underlying of the enlargement of the EU. The main aims can be underlined as to promote economic growth, to provide security in the region and to strength the democracy in the countries. Because, as a soft power, the EU has a transformational role. Also, becoming a unified Europe is one of the founding aims of Union. In this direction, the EU is eager to provide stability and peace in the region[116]. In order to provide peace and security in European region, EU has used its normative power to spread its values such as democracy, human rights and rule of law to all over the region by determining a target called as membership. Therefore, it can be said that there is a strong relationship between enlargement and European values namely democracy and human rights.

Besides spreading values, enlargement is one of the most important foreign policy tools of Union in world politics. The political effectiveness of Union in world politics

---

[115] In this thesis, fifth enlargement has generally been used for ten countries which completed their accession in 2004. The detailed analyzed of this Eastern Enlargement is made in the following part of this thesis.

[116] European Commission – Directorate General for Enlargement Good to know about EU Enlargement Luxembourg: Office for Official Publications of the European Communities, 2009, p.2. Retrieved from: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/publication/screen_mythfacts_a5_en.pdf

has mainly stemmed from its regional power and its increased member capacity. The more European states become a part of Union, the more Union has a voice in world politics as an international organization. In enlargement issue, European citizenship has also importance in integrating states into the European system. As the mentioned in Maastricht Treaty[117], citizens of any member states are considered as the citizens of the Union when they have completed the accession process. This makes the enlargement more valuable for the candidate countries.

Also, economic reasons are important for the Union to enlarge. The main reason of the establishment of the EU was economic. A single market and single currency were the basic aims of the Union. Therefore, economically Union has leaned towards enlargement and economic unity[118]. It can be said that the economic benefits of enlargement are limited in the short and middle run. However, although the general benefit to Union is limited, some member states can get benefits from enlargement in the short run. This makes important the utility analyses when deciding the enlargement.

In addition to trigger factors of EU enlargement, it can be talked about enlargement fatigue which has been popularized by mainly media. In simple terms, the meaning of enlargement fatigue refers to being unwilling to widening of Union[119]. In fact, it can be said that enlargement fatigue has been on the agenda throughout the European enlargement history. France's rejection of UK in 1960s; François Mitterrand's reluctance about the Greece and Spain memberships in 1970s and general unwillingness for the eastern enlargement in 2000s are some examples of enlargement

---

[117] Maastricht Treaty, Article 20, Retrieved from: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:12016E020

[118]Sjursen, Helene, Why Expand?, The question of justification in the EU's enlargement policy, ARENA Working Papers, WP 01/6, Retrieved from:
https://www.sv.uio.no/arena/english/research/publications/arena-working-papers/2001-2010/2001/wp01_6.htm

[119] Szołucha, Anna. (2010). The EU and Enlargement Fatigue: Why has the European Union not been able to counter enlargement fatigue?, Journal of Contemporary European Research, Volume 6, Issue 1, p.2.

fatigue in EU. However, this concept has become more apparent after the 2005. In this year, the Constitutional Treaty of Union were served to public for referendum in Netherlands and France and it was rejected[120]. This reluctance of public made stronger the claims about enlargement fatigue in the world agenda. The reluctance of some European countries and mainly of the EU citizens has become more apparent about further enlargements.

Also, EU has suffered from many crises since 2005. Economic problems are the main triggering factor for the increased unwillingness to enlarge. The financial global crisis which began in 2008 affected Eurozone tragically. The enthusiasm for adopting Euro diminished and the credibility of Union was shaken due to uncertain economic future of the Union[121]. Beside the economic reasons, there was also important crisis about refugees mainly coming from Syria, Afghanistan and Iraq. This refugee crisis created a security problem in Europe. Due to the Schengen agreement and lack of internal borders inside the EU, the countries which have a border to the East have had to deal with refugee problems more than other member states. This situation increased the concerns to enlarge the borders of Union. Also, the first attitude of Union about the refugee crisis was negative and inadequate[122]. The soft power concept of the EU has been shaken with the refugee crisis and this has caused suspicion whether Union could deal with the problems institutionally if further enlargement happens.

3.2. Theoretical Approaches

In order to explain the underlining reasons of EU enlargement, international theories have a crucial role in helping to understand the behaviors of Union. Theories in general have not an ability to say what is happening but they provide a road map and

---

[120] O' Brennan, John, (2013) Enlargement Fatigue and its Impact on the Enlargement Process in the Western Balkans, London School of Economics and Political Science, p.37. Accessible on this website: https://www.academia.edu/12882126/Enlargement_Fatigue_and_its_impact_on_the_Enlargement_Process_in_the_Western_Balkans

[121] Jónsson, Stefán Daníel, European Union Enlargement Policy: The Emergence of Enlargement fatigue and Possible Future Developments, Reykjavík, Ísland 2017, pp. 36-37.

[122] Ibıd, pp.38-39.

explain the reasons behind the decisions. Integration theories has an important place to understand and analyses EU enlargement which consist the bigger part of European integration process. In this part, integration theories will be analyzed regarding the contributions and critiques of them to the enlargement process of the EU. By analyzing these theories, it is important to keep in mind that enlargement is strongly linked to spreading of democracy and human rights to European continent and neighborhood. Therefore, all these theories have made contributions to the development of human rights and democracy through making contributions to the enlargement process.

The first political philosophy is Federalism. According to federalist, the permanent peace can only be provided by federal kind of organization. They mainly focus of high politics and the importance of political power. The aims are to provide the continuation of reform process triggering European deepening and to provide the orientation of candidate countries to Union without giving any damage to acquis communautaire[123]. The pioneers of this idea can be considered as Altiero Spinelli and Jean Monnet. According to Spinelli, he favors instantaneous and revolutionary transfer to federalist European state. He mainly focuses on equality, liberty and social justice. He underlined that the national state sovereignty is the main source of the conflicts and the only solution can be establishing a form of a federal state[124]. According to Monnet, contrary to Spinelli's revolutionary transformation, it is better to provide smoother and step by step transformation. The only thing that provides the peace in Europe is to combine the coal and steel sectors under an authority called as federation. This understanding has a great impact on the establishment of Union following the World War 2. Also, the protection of the common policies and

---

[123] Burggess, Micheal (2004), "Federalism", In A. Wienner ve T. Diez (der.), European Integration Theory, Oxford University Press, 25-41.

[124] Lehmann Wilhelm (ed.) (2007), Altiero Spinelli - European Federalist, Directorate-General Internal Policies Policy Department, Citizens' Rights and Constitutional Affairs, European Parliament, p.8, accessible on this website: http://www.europarl.europa.eu/document/activities/cont/200903/20090316ATT51977/20090316ATT51977EN.pdf

institutions of Union in the enlargement process were the main issues of federalist to deal with in providing the continuation of Union[125]. Therefore, it can be said that federalism is open to the enlargement in general. Also, federalism, democracy and human rights has a special relationship with each other. Although there is no direct relationship between human rights and federalism, it can be said that federalism is linked with democracy which is dependent on human rights. This means that there is no federalism without human rights[126]. For example, institutions are one of the crucial points in federalism. Rather than functioning in an opposite way to each other, it is suggested to work together in a harmony in order to provide common grounds in federalism. This also demonstrates the importance of democracy in federalist approach.

According to another theory, Functionalism, the main aim is also to reach a European Union but, the methods used for this aim is different from federalism. Functionalism underlined the importance of technical issues and low politics rather than high political issues because it is thought that any system under the hegemony of nation-states would not bring peace[127]. The pioneer of this integration model is David Mitrany. In his famous book, *A Working Peace System*, he underlines that other actors besides the nation-states should take part in the system such as international organizations in order to reach permanent peace[128]. In his theory, he focuses on welfare rather than power; non-political rather than political and global integration rather than regional integration by giving more role for technocrats and experts.

---

[125] Aytuğ, H.K., (2008), The View of Integration Theories on European Union Enlargement, Celal Bayar University, Administration and Economics, 15/1, p. 152.

[126] Mahendra P. Singh, (2005), Federalısm, Democracy And Human Rıghts: Some Reflectıons, Journal of the Indian Law Institute, Volume 47, No. 4, p. 441.

[127] Gehring Thomas, (1996), Integrating Integration Theory: Neo-Functionalsm and International Regimes, Global Society, Vol.10, No.3 p. 228.

[128] Alexandrescu Mıhaı, (2007), David Mitrany: From Federalism to Functionalism, Transylvanian Review, p.23.

According to Neo-Functionalism, this model can be defined as the blend of Federalism and Functionalism. The founding father of this ideology is Ernst B. Haas. He has explained his ideas on his book namely, Uniting of Europe[129]. According to him, neo-functionalism refers to spill-over effect. This means that integration should be gradual and should start from economic domain rather than politics[130]. This spill-over effect has proved itself in the European model and the economic integration has brought the political integration in progress of time, especially following the end of the Cold War. When focusing on neo-functionalism, Haas shared some communalities with Mitrany's functionalism such as focusing on welfare and advocating of gradual and long-term approach. However, due to the pluralist notion of Haas, he gives more importance to elites. Also, neo-functionalism gives importance to the affecting capacity of supranational institutions with the common interests.

When looking at the role of neo-functionalism in the enlargement process, it can be said that EU enlargement reflects the gradual process characteristic of neo-functionalism. Candidate states have many steps in order to finalize their memberships. They have to adopt themselves to main criteria defined by Union and then they will be accepted as member states. This situation can be explained by the spill-over effect of neo-functionalism, that is, the one action of states brings the other achievement gradually[131]. Neo-functionalism can also be used to explain the role of European Commission as a supranational entity dealing with the negotiation process of candidate countries. The role of European Commission in enlargement process can be an example of its affecting capacity defended in neo-functionalist approach.[132]

---

[129] Niemann, A. & Schmitter, P. (2009) 'Neo-functionalism', in: Wiener, Antje and Diez, Thomas (eds) Theories of European Integration, Oxford: Oxford University Press, 2nd Edition, p.1. Retrieved from: https://international.politics.uni-mainz.de/files/2018/11/Niemann_Schmitter_2009-1.pdf

[130] Aytuğ, H.K., (2008), The View of Integration Theories on European Union Enlargement, Celal Bayar University, Administration and Economics, 15/1, p. 152.

[131] Niemann, A. & Schmitter, P. (2009) 'Neo-functionalism', in: Wiener, Antje and Diez, Thomas (eds) Theories of European Integration, Oxford: Oxford University Press, 2nd Edition, pp. 45-66.

[132] Ibıd, pp. 45-66

When coming to mid-1960s, intergovernmentalism gained importance and developed by the works of Stanley Hoffman and then Andrew Moravcsik. Both criticize the neo-functionalist approach by supporting realist point of view. According to Hoffman, intergovernmentalism is characterized by state-centrism and cost-benefit of nation-states. Therefore, integration process is a kind of zero-sum game and inter-state bargain[133]. Building on Hoffman's theories, Moravcsik's liberal intergovernmentalism proposed that economic aspects are the main drivers in European integration. He mainly focuses on preferences, bargaining and institutions[134]. He suggests that states are the main actors which try to maximize their utilities through bargaining and negotiating. Therefore, states make integration when states have similar commercial interests[135].

In terms of the EU enlargement policy, the liberal intergovernmentalism can explain the behavior of member states whether accepting a candidate state to the Union or not. The veto of France against the membership of Britain in 1960s due to economic concerns can be an example of this approach. Although Britain had an opposition to the Common Agricultural Policy (CAP) of Union, France had a crucial economic benefit from CAP and it would not want to give up from this benefit, thus it rejected the membership of Britain[136]. This demonstrates the importance of state's interest defended by intergovernmentalism. The drivers and brakemen discourse can be used in Eastern enlargement which demonstrates that some states have a driving force while other has not for enlarging to Central and Eastern Europe. This situation

---

[133] Cini, Michelle & Borragán, Nieves Pérez-Solórzano, (2019), Intergovernmentalism, European Union Politics, Chapter:5, Sixth edition, Oxford Press.

[134] Schımmelfennıg, Frank (2004), "Liberal Intergovernmentalism", In A. Wienner ve T. Diez, European Integration Theory, Oxford University Press., p.86.

[135] Moravcsik, Andrew (1998), The Choice for Europe: Social Purpose and State Power from Messina to Maastricht, Cornell University Press, p.26.

[136] Schımmelfennıg, Frank (2004), "Liberal Intergovernmentalism", In A. Wienner ve T. Diez, European Integration Theory, Oxford University Press pp.86-87.

represents the importance of states' interest and their economic benefits from this enlargement.[137]

The other approach is the new institutionalism. This approach consists of three main institutionalism called as rational choice, historical and sociological institutionalism. According to the individualistic and materialist understanding of rational-choice institutionalism, the actors are selfish and self-interested. The preferences of countries about enlargement is defined by the cost and benefit analysis[138]. In the fifth enlargement, member countries want to enlarge to the CEE by thinking to increase the commercial opportunities and provide the consistency in the region. The CEECs also want to be a part of the Union because of developing the strong political ties with west, being a part of the common market and providing democracy and human rights in their region[139]. According to the historical institutionalism, they mainly focus on the long-run effects of enlargement. In the fifth enlargement, their attention is about the reform processes of the CEES, how the membership promises of Union affects the economic and political integration process of CEECs[140]. As for sociological institutionalism, they try to explain why Union wants to enlarge and began to negotiate with the CEECs despite of the economic and institutional risks of this

---

[137] Jónsson, Stefán Daníel, European Union Enlargement Policy: The Emergence of Enlargement fatigue and Possible Future Developments, Reykjavík, Ísland 2017. Retrieved from: https://skemman.is/bitstream/1946/27314/1/Ritgerd%20-%20loka%20.pdf.

[138] Schimmelfennig, Frank, (1999), The Double Puzzle of EU Enlargement: Liberal Norms, Rhetorical Action and the Decision to Expand to the East, Arena working papers, p. 3.

[139] Moravcsik, Andrew ve Vachudova, Milada Anna (2002), Bargaining Among Unequals: Enlargement and the Future of European Integration, European Union Studies Association, Vol.15, No:4, Fall, p.1.

[140] Rosamond, Ben (2003), New Theories of European Integration, In European Union Politics by M. Cini, Oxford University Press., New York, p.117.

enlargement[141]. Their response to enlargement is explained by the common norms and values, the collective identity of the Union and cultural factors[142].

The last approach is a newer one called as Social constructivism. Following the 1990s, Alexander Wendt has worked on this approach. According to social constructivism, everything that happens between states is socially constructed[143]. Therefore, European Union could not be considered as a separate entity from social environment. Also, Thomas Risse and Antje Wiener have further expressed that European norms and policies has a constitutive effect for newcomers of Union.[144]

With the Copenhagen criteria, Union established some common values such as human rights, democracy and rule of law which consisting the European identity. These values can be considered as the accumulation of European experiences. And the candidate counties have to interiorize this value in order to be a member. Therefore, both the desire of Union to spread European identity and the desire of candidate countries to be a part of the European identity can be a point in explaining enlargement in terms of social constructivism.

Eastern Enlargement can be explained partly with rationalist institutionalism and social constructivism. The cost-benefit analysis, increased foreign investments, being a part of the EU's decision making system, promoting democracy and increasing welfare are main triggers of this enlargement. However, besides these material factors, there are social norms and values which support the rationalist think of understanding. In this sphere, social constructivism reveals as an approach which makes easier the

---

[141] Pollack, Mark A. (2008), The New Institutionalism and European Integration , Constitutionalism Web-Papers, ConWEB No. 1/2008, p.13.

[142] Schımmelfennıg, Frank, (1999), The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union, International Organization, vol. 55, issue 01, p.61.

[143] Wendt, Alexander,(1992) Anarchy is what States Make of it: The Social Construction of Power Politics , International Organization, Vol. 46, No. 2, pp. 395.

[144] Wiener, Antje & Diez, Thomas, (2009), European Integration Theory, Chapter 8: Social Constructivism and European Integration by Thomas Risse, Oxford University Press, p. 151.

fifth enlargement by giving importance to the liberal democratic norms and values.[145] Therefore, in this thesis, the fifth enlargement is evaluated under the transformative power concept which defends the rationalist and constructivist approaches of integration.

In general, when looking at these approaches, it would be wrong to say that this theory fit well to the European integration. All these theories have own strengths and weaknesses. Therefore, it is better to evaluate certain periods with different integration models which is fit best.

Within these different perspectives, European enlargement can be defined as a process for the countries desiring to join the European Union since the establishment of EU. It is an important policy tool in foreign relations of Union in order to provide unification of Europe, to promote economic growth and to strengthen democratic capabilities in countries. However, this process is complex thing because it has different dimensions such as economic, political, cultural, social, historical and emotional ones.

Enlargement shapes the European Union in terms of not only population and number of member states but also Union's institution and decision-making system. It gives a role to Union in order to provide stability and democratic transition in the region. Also, EU provides diffusion of its norms via enlargement. It is the strongest mean that encourage the countries to get membership. Therefore, enlargement policy can be characterized as the important instrument of European normative power[146].

---

[145] Aytuğ, H.K., (2008), The View of Integration Theories on European Union Enlargement, Celal Bayar University, Administration and Economics, 15/1, pp. 158-159

[146] Whitman, Richard G., (2011). Normative Power Europe: Empirical and Theoretical Perspectives, Chapter: The European Union As A Regional Normative Hegemon: The Case Of European Neighborhood Policy by Hiski Haukkala, DOI: 10.1057/9780230305601_3

3.3.Fifth Enlargement

Until 1990, the eastern border of the EU was Soviet Union. After the dissolution of Soviet Union, the east border of EU has become controversial. Therefore, Europe was worried about any kind of instability in this region, EU would be considerably affected from it. This situation has made the CEECs more important than the other candidate countries. In this atmosphere, enlargement became again a crucial foreign policy instrument for Union in order to provide transformation of candidate countries.

When looking at the CEECs side, the aspiration was mainly a *Return to Europe* because these former Soviet states had been forcibly separated from Europe for decades. Therefore, CEECs did not want to be far away from being a part of EU no longer and began to seek freedom, security and prosperity under the roof of Europe[147]. However, *Return to Europe* and transition from communist regime to a democratic one was not easy for the CEECs.

On May 1, 2004, eight CEECs (namely Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia) with Cyprus and Malta became the members of the European Union. This fifth enlargement can be categorized as a different case in Union because of its unique structure. The reason why this enlargement is considered as the most striking one is because of its size, scale and transformative role. This was the largest one in the history of Union. After this enlargement, EU expanded to 25 member states suddenly and the population of EU increased to approximately 450 million[148].

Also, this enlargement has put the different economic, social and political experiences together. Besides the size and scale, this enlargement to CEECs proves the transformative power of EU[149]. It is accurate that EU accession of CEECs has

---

[147] Heinisch R. and Landsberge C., 'Returning to Europe' East Central Europe's Complex Relationship with European Integration and its Repercussions, Salzburg University, p.5.

[148] Eurostat, Population projections 2004-2050, STAT/05/48, 8 April 2005.

[149] Grabbe, Heather,(2006), The EU's Transformative Power: Europeanization Through Conditionality in Central and Eastern Europe, Palgrave Macmillan UK.

beneficial for these countries in terms of internalizing European values and norms. However, these states are part of the Union institutionally but it is not easy to say that these states are the part of the European economic and political system totally. Rapid turnover in governments of these states takes place often and the corruption is still an important problem[150]. Also, the numbers of demonstrations made by citizens have also crucial in order to get political demands in these states.

The case of CEECs are more confusing when compared with the other accessions, especially Southern European enlargement (Spain, Portugal and Greece) considered as the one of the problematic ones. What makes the difference is that CEECs had no functioning market economy therefore they had to reestablish market economy from very beginning. Also, politically, the communist regime was in every area of the daily life of CEECs. Thus, it was harder to make the transformation in these countries in a short time.

The reasons of fifth enlargement for both EU and CEECs can be categorized under the three main headlines[151]. The first one is the security concerns. The reasons to join EU were more straightforward for CEECs in security side. They have suffered from expansionist policies of the countries taking place in the East and West of them historically. Therefore, they desired to be in a safer and freer structure under the roof of Europe. Also, in case Russia retrieve its power and abuse it, CEECs applied for the membership to NATO besides EU due to a need for safety. Membership to the EU was perceived as a chance for the end of divergence in Europe for both Europe and CEECs. This dissolution also revealed new state structures in the region. EU has been considered as off-hook led for their economic, political and social recovery. The

---

[150] Batory, Agnes, (2012), Why Do Anti-Corruption Laws Fail in Central Eastern Europe? A Target Compliance Perspective, Department of Public Policy, Central European University, Regulation & Governance, Budapest, Hungary, p.2.

[151] Kok, Wim, (2003) Enlarging the European Union: Achievements and Challenges, Report To European Commission, European University Institute, Robert Schuman Centre for Advanced Studies, p.2.

accession to EU was regarded as a chance to reach stable and secure structure[152]. This was the security concern of EU and CEECs in Eastern enlargement. Also, for the EU, there were some reasons to enlarge. After the cold war, EU had a need to defend and develop its position in international system[153]. Despite its powerful role in international context, the power of EU was not an unchallenged one. Therefore, security concerns were also crucial for EU itself in the path of enlargement to Central and Eastern Europe. Also, EU has desired to make Europe more secure. For this aim, it had to include the states taking part in European continent into its own economic and political system in order to provide cooperation and to spread the values which leads to peace and dignity.

The second reason is economic concerns. Member states seen the enlargement process as bigger market, more investment opportunity and more employment[154]. Economically, enlargement was a useful process for EU in rivalry with United States in new emerging international system. Similar to neo-liberal understanding, it was expected that general economic welfare would increase because new comers would adapt their economies to the Union's. However, the effects would be out of expectations because the CEECs were the small economies and their accession would be costly when compared to former enlargements.

In terms of CEECs, before their accession to Union, they were suffering from economic challenges besides security and democratic concerns. These CEECs was suffering from unemployment, unsatisfactory public and private investments and uncompetitive market structure. Therefore, EU would be a chance to transform their economies to more liberal one and stabilize their domestic economies. When their

---

[152] Ibid. p.13.

[153] Canveren Ö & Öztürk Ç. Avrupa Birliği Genişleme Politikalarında Meşrulaştırma: Merkezi ve Doğu Avrupa Ülkeleri ile Batı Balkanların Karşılaştırmalı Analizi, Adnan Menderes University, Journal of Institute of Social Sciences, Vol.:5, No: 1, p.53

[154] Kok, Wim, (2003) Enlarging the European Union: Achievements and Challenges, Report To European Commission, European University Institute, Robert Schuman Centre for Advanced Studies, pp.10-12

accession is completed, it is expected that this would provide economic welfare, free access to single market and additional monetary assistance to the CEECs[155]. Also, EU has provided stabilized market economies and direct investments to CEECs. In this way, it is expected to increase economic recovery in CEECs.

The last reason is democratic concerns. Regarding this, consolidation of democracy, stabilization of division of powers, improvement of rule of law and human rights were main goals to achieve for both sides. EU has desired to provide democratic recovery in CEECs and CEECs has also desired to put into practice social and democratic progress. It is accepted idea that EU was in a position to spread its liberal and democratic norms to the CEECs. Also this enlargement moved the EU into another form which compel the Union to be in broader context. This is seen as an opportunity for EU to extent its effects and credibility in the region in the direction of its own values and norms[156].

Within this context and triggered factors, it was firstly announced that CEECs could get the membership if they fulfill the criteria set by Union in the Copenhagen Summit in 1993. This was a turning point in the relations between Union and CEECs. There are political, economic and legislative conditions mentioned in Copenhagen Summit. Political criteria is to guarantee democracy, rule of law, human rights and to protect minority rights; Economic criteria is to have a functioning market economy with the capacity of competitiveness; legislative criteria is to provide adaptation to acquis communautaire.

Following this, all candidate countries revised themselves by referring to this criteria and accelerate the political, social and economic integration process. All candidate countries were evaluated annually by referring to human rights, rule of law, economic capability and competence to acquis communautaire starting from 1993. Within this way, the negotiations which was began in 1998 with Hungary, Poland, Estonia,

---

[155] Ibid, pp.10-11.

[156] Ibid, pp.14-15.

Slovenia, Czech Republic and Southern Cyprus; and in 2000 with Bulgaria, Latvia, Lithuania, Malta, Romania, and Slovakia mostly completed in 2004 with the accession of ten countries to EU. And the number of EU has increased with the membership of Bulgaria and Romania in 2007 up to the 27 members.

When looking at the basic characteristic of 5th enlargement, it can be said that this enlargement was asymmetric. The candidate countries and EU were not under the same conditions in order to bargaining. This situation made the CEECs more worried about their future in the Union[157]. The desires of CEECs for membership were more than the member states wanted to accept them. This asymmetry opened the way for the EU to set up the rules in the accession process[158]. The accession of these states to the EU is totally better than no accession according to CEECs[159]. Also, this enlargement revealed the importance of unitary Europe notion. EU was in a position to impose its own model to the CEECs without giving any room. The expectancy from CEECs was to internalize all the existing European norms and values without modification or transformation of them. [160]

In this enlargement, every member state was not so enthusiastic about welcoming new member states from CEE. EU was divided into two. The first group (Austria, Finland, Denmark, Sweden, Germany and Great Britain) was called as *drivers*, that is, the advocators of this enlargement while *brakemen* (France, Belgium, Luxembourg, Ireland, Portugal, Spain, Greece and Italy) were reluctant for involving these states to the Union. [161] However, this reluctance was lessened after the enlargement of 1995.

---

[157] Zielonka, J, (2007), Plurilateral Governance in the enlarged the European Union, Journal of Common Market Studies, p. 187-209.

[158] Grabbe, Heather,(2006), The EU's Transformative Power: Europeanization Through Conditionality in Central and Eastern Europe, Palgrave Macmillan UK, p.52.

[159] Ibid, pp. 1-2

[160] Blokker, P (2008), From a Central European Identity to Post-Nationality?, European Journal of Social Theory, pp. 257-274.

[161] Schimmelfennig Frank. (1999), *The Double Puzzle Of Eu Enlargement Liberal Norms, Rhetorical Action And The Decision To Expand To The East*. In: UNSPECIFIED, Pittsburgh, PA. (Unpublished).

This divergence can be explained by geographical positions and international interdependence of member states[162]. The member states which is close to the east border of Union are more sensitive to the any development occurred in CEECs and any crises or wars taking place in CEE directly affects these member states and the region. Therefore, member states which takes place in the east border of EU were mainly open to the 5th enlargement in order to provide regional peace and security.

Another steering factor in the 5th enlargement can be the national policies of member states. In terms of European integration, it can be said that this enlargement is a real application of the Willy Brandt's *Ostpolitik*. This policy was initiated in 1967 in order to recognize East Germany; to break down US dominance; to expand commercial relations with other Soviet bloc countries and to improve the cooperation with them[163]. Within this enlargement, the post-Soviet countries were involved in EU and the US dominance were broken down in this sphere of Europe. This situation proves the importance of state preferences in the enlargement process.

In the 5th enlargement process, Conditionality is also important policy tool for EU. The main aim of this tool is to make eager candidate countries in order to reform their national policies and adopt to the EU values[164]. The nature of this policy comes from the logic of carrots and stick[165]. This means that the country can only be awarded if the determined conditions will be actualized. Therefore, the EU must provide the

---

[162] Keohane, Robert and Nye, Joseph, (1977), *Power and Interdependence: World Politics in Transition*, Boston.

[163] Özer Buğra & Karadağ Cafer T., (2017) The Legacy Of Willy Brandt's "Ostpolitik" In German Foreign Policy, Dumlupinar University, Journal of Social Sciences , number 52. Accesisible on: https://dergipark.org.tr/tr/download/article-file/304897

[164] Szołucha, Anna. (2010). The EU and Enlargement Fatigue: Why has the European Union not been able to counter enlargement fatigue? Journal of Contemporary European Research, Volume 6, Issue 1, p.6

[165] Mattelaer (ed.), Alexander, (2018). Exploring the Boundaries of Conditionality in the EU, European Policy Brief, No.51, p. 2, Retrieved from: http://www.egmontinstitute.be/content/uploads/2018/06/EPB-51-Conditionality-in-the-EU.pdf?type=pdf

conditions and rewards in order to make the conditionality successful[166]. It is also the core strategy of the Union when promoting the human rights and rule of law. This conditionality is seen as a tool which overcome domestic obstacles. EU uses this policy in order to provide necessary reforms in the candidate country. Therefore, this policy can be categorized as an important enlargement policy tool in 5th enlargement. The most apparent example of this conditionality is the Copenhagen Criteria which serves a set of conditions for candidate countries to fulfill. The main purpose was to provide common ground for the candidate countries and to prevent any discrepancy between member states and new comers after the accession period. CEECs were eager to develop their democracy, rule of law, the respect for human rights and market economy in order to get the membership. Being a part of the Union was the most crucial reward for them. Thus, the link between normative values of Union, enlargement and conditionality has been very strong.

Frank Schimmelfennig and Ulrich Sedelmeier[167] gave importance to the two types of conditionality in Eastern enlargement, Democratic conditionality and Acquis conditionality. Democratic conditionality includes the transfer of the Union's fundamental principles such as human rights and democracy into domestic policies. On the other hand, Acquis conditionality includes the transfer of the rules found in the *Acquis Communautaire* into the domestic policies.[168] Democratic conditionality is used from the beginning of the transformation of CEECs in order to make the candidate countries politically ready for accession process and finish the transformation. One example of democratic conditionality could be association agreements which opens the way for the membership and the institutional ties which

---

[166] Wakelin, Elyse (2013), EU Conditionality: An Effective Means for Policy Reform?, e-International Relations. Retrieved from: https://www.e-ir.info/2013/11/01/eu-conditionality-an-effective-means-for-policy-reform/ (accessed on 19 March 2019)

[167] Schimmelfennig Frank, Sedelmeier Ulrich (2005), EU Enlargement Through CEECs, The Europeanization of Central and Eastern Europe, Cornell University Press, pp.211-212.

[168] Ibid, pp. 212-213

increases the participation in EU[169]. The other example can be the PHARE which offers technical and financial support to the candidate countries in order to provide transformation of their economies into functioning market economy[170]. On the other side, the acquis conditionality is about the rules of acquis communautaire. It takes into the agenda with the process of membership preparations. In the 5th enlargement example, this conditionality was applied following the year of 1995 through White paper[171].

In the fifth enlargement, another important point to evaluate this integration is Rhetorical action. According to Schimmelfennig, the 5th enlargement could be explained best with the rhetorical action. Following the end of cold war, member states of Union declared that every European state has a right to be a part of the Union. In Strasbourg Summit (1989), the main aim was to end the divergence in Europe. These positive claims of Union continued in the Copenhagen Summit. Member states came together and decided that CEECs would be members of Union if they could provide all the politic and economic necessities. In this way, a roadmap was defined for the CEECs to provide their accession. All these developments brought the Union a phrase to enlarge through CEECs. Therefore, according to Schimmelfennig, this enlargement is mainly about this rhetorical entrapment, that is, the strategic use of norm-based arguments.[172] Leaders of member states had given promises to CEECs and then they could not back down from their promises[173]. If Union had changed its

---

[169] Schimmelfennig, Frank, (2002), The Conditions of Conditionality, The Impact of the EU on Democracy and Human Rights in European Non-member states, ECPR Joint Session of Workshop, pp.3-4.

[170] Ibid, p.4

[171] Schimmelfennig F, Sedelmeier U. (2004), Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe, Journal of European Public Policy, p. 677.

[172] Schimmelfennig, Frank, (1999), The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union, Eastern Enlargement of the European Union, pp.66-67.

[173] Schimmelfennig, Frank, (1999), The Double Puzzle of EU Enlargement: Liberal Norms, Rhetorical Action and the Decision to Expand to the East, Arena working papers, Accessible on this website: https://www.sv.uio.no/arena/english/research/publications/arena-working-papers/1994-2000/1999/wp99_15.htm

positive appeals against CEECs, this could cause loss of reputation for EU itself. Also, for the EU, there was no other choice rather than enlarging to CEECs. Because, EU could not follow any colonist policy over CEECs due to its basic values and principles. In addition to that, rhetorical action was used against the opponents for Eastern enlargement by the candidate countries. The aim of CEECs was to use collective identity and liberal norms and shame the hesitant member states about the fifth enlargement[174].

3.4. Human Rights in Central and Eastern European Countries: Transformation of CEECs to Democracy and Human Rights

Historically, east of Europe is problematic. There are different nationalities with different languages, religions and cultures in this region. Until the First World War, Prussia and Germany had a dominance over the east of Europe, mainly in Poland and Czechoslovakia. Also, Austro-Hungary Empire had a rule over the Slovakia, Hungary, Slovenia and a part of Poland after 1878. These states under Austro-Hungarian Empire had little chance to develop their national movements. However, after the First World War, the new borders of Europe were drawn with the treaty of Versailles. The national self-determination concept mentioned by the US President Woodrow Wilson became apparent in the region and the new states were formed[175]. In this atmosphere, states were mainly unsuccessful in solving the problems such as minority problems and lack of economic capability. Also, these states did not have time to provide their defense and this made open these states to the outside manipulations. Within these disabilities, CEECs experienced the Second World War and this made the situation of these state worse. These states were unable to get back their strength militarily, politically and economically. This war was a disaster for most of the CEECs which suffered from loss of lives and destruction. After the end of the

---

[174] Hördegård Emma (2005), Eastern Enlargement of the EU : Unequal memberships despite rhetorical commitment, Lund University, Accessible on this website: http://lup.lub.lu.se/luur/download?func=downloadFile&recordOId=1331637&fileOId=1331638 .

[175] Epps, Valerie (1997), The New Dynamics of Self-Determination, ILSA Journal of International &Comparative Law, Volume 3, p. 434. Accessible on this website: https://core.ac.uk/download/pdf/51088966.pdf

Second World War, CEECs were mostly under the influence of communist regime until the dissolution of Soviet Union[176]. In this communist structure, communist party had the main responsibility and everything was owned by the government itself. State was the only employer in giving the jobs to its citizens. Also, in communist regime, collective rights prevail the individual rights. Therefore, individual rights such as freedom of speech and freedom of media were only accepted if these rights did not harm general political structure. The institutional structures and policy changes were made according to the communist regime in these states under the Soviet effect. Elections were made regularly however; the candidates were selected by the Communist Party. However, this strict communist regime was lessened by the death of the Stalin in 1950s. After Mikhail Gorbachev came to power, the CEECs became more comfortable to exercise their national policies in their countries without hard pressure of Soviet Union because his policies did not as strict as the policies of Stalin. In Gorbachev's policies such as *perestroika[177]* and *glasnost[178]*, CEECs had a room to go their own ways[179].

Following the end of communism, CEECs had to deal with the problems stemming from former communist regimes. Their motto was basically democracy, free market and *Return to Europe* during the transformation process. In terms of democracy, they revised the legal system, established multiparty system and improved the political institutions regarding EU suggestions; in terms of economy, they prioritized state assets, developed private enterprises and worked for the establishment of functioning

---

[176] Bideleux, Robert & Jeffries Ian, (1998), The Second World War and the Expansion of Communist Power in East Central and South Eastern Europe, In the book of A History of Eastern Europe: Crisis and Change, Routledge London and New York, pp.525-529

[177] *Perestroika* is a policy established under the rule of Mikhail Gorbachev in order to accelerate reconstruction of political and economic system in 1980s. This policy aimed to liberalize the economy in some sense.

[178] *Glasnost* is a policy established under the rule of Mikhail Gorbachev in order to develop trust to the political leaders. This aimed to provide freedom of expression in some sense.

[179] Sharon L. Wolchik (Editor), Jane L. Curry, (2015). Central and East European Politics: From Communism to Democracy, Chapter 2: The Political Transition by Valerie Bunce, Central and East European Politics, p.21.

free market[180]. Besides these economic and political developments, the membership for NATO and EU was the crucial points in the foreign policy of CEECs. Because, membership to these organizations would be a chance for CEECs to contact with the rest of the world and especially Europe.

In this process, political regimes of CEECs can be categorized in three types.[181] Poland, Czech Republic, Slovenia, Lithuania and Hungary takes place in the first type of political regime. These states were democratic ones which had free and competitive politics and gave importance to the rule of law and human rights in some sense. The second type is the countries which were more authoritarian in terms of political structure such as Croatia and Serbia-Montenegro. These states suffered from lack of competition, functioning institutionalized structure and protection of human rights. The third type is the countries falling between the dictatorship and democracy such as Albania, Bosnia, Macedonia, Romania, and Slovakia. In this type, it is appropriate to say that states had some characteristics of democracy however the process was not so trustable due to unfair elections, non-transparency, corruption and biases in media. Therefore, all states in CEECs was not under the same conditions to transfer their system from communism to democracy.

In general terms, all CEECs were lack of political power and experience which provide the efficiency in management when compared to the West Europe. They were mainly suffering from corruption and politicized administrations. The administrations were mainly under the control of political elites who used the legislative immunity against any illegal act. Under these circumstances, the EU membership was a kind of protection against corruption and politicized management in the eyes of CEECs. In other words, it was expected that being a member of EU would bring democracy, the protection of human rights and rule of law[182]. Under these circumstances, both EU

---

[180] Ibid, pp.29-30.

[181] Ibid, pp.34-35.

[182] Pedraza Lisdey Espinoza (2015), Central European Countries and EU Accession: A Blessing or a Curse?, E-International students, Accessible on this website: https://www.e-ir.info/2015/02/17/central-european-countries-and-eu-accession-a-blessing-or-a-curse/

and NATO offered a guarantee for this desire and accession process began. Therefore, this enlargement is also important in demonstrating the transformative power of EU through CEECs.

Also, when talking about the development of democracy and the protection of human rights, it is appropriate to talk about political culture in CEE. Because, political culture has strong ties with democracy and thereby human rights.

Political culture is a cumulative of belief, values and behaviors that shape the political order in society. Political culture defines the political liability of both individual and society in general[183].

After the collapse of Soviet regime in CEE, the democracy consolidation in these countries became a necessity. This democracy consolidation process of CEECs is defined as the *third wave of democratization* by Huntington[184]. It can be said that democracy is not a kind of thing which is granted. Democracy has been built simultaneously with state-building and the establishment of democratic and fair institutions[185]. However, the formal institutions are not sufficient enough in sustaining democracy. The values and shared ideas of public are also part of democratic systems[186].

Regarding this relationship between democracy and political culture, it can be said that political culture is necessary in order to talk about democratic rules. In establishing political culture, it is a necessity to provide the trust to the political leaders. The transparent media, freedom of expression, rule of law and respect to

---

[183] Berger Arthur (ed.), (1989). Political Culture and Public Opinion New Jersey, p.2.

[184] Huntington, Samuel P.,(1991). Democracy's Third Wave, Journal of Democracy Vol.2. No.2, p. 12, https://www.ned.org/docs/Samuel-P-Huntington-Democracy-Third-Wave.pdf

[185] Klingemann Hans-Dieter, Jan Zielonka Dieter Fuchs, (2006). Democracy and Political Culture in Eastern Europe, Tylor& Francis Group e-library, New York, pp.1-2.

[186] Blokker Paul, (2012). Multiple Democracies in Europe: Political Culture in New Member States, Democratization Studies,ResearchGate Website, Routledge, p.1

human rights are the strong components of political culture. Therefore, it is difficult to say that there is a strong political culture which develops and sustains democracy and human rights in CEE. Their political background consists of totally communist regime structures. The repression and authoritarian regimes in CEE before 1990s made difficult to develop free and fair political order. In the CEE, the political structure and institutions suddenly changed after the dissolution of Soviet Union. The communist regime fell down and the newly democratic regimes tried to be implemented in these countries. It is not an easy thing to adopt new rules and political structure both for newly revisited institutions and for the whole society which had to adopt themselves to this change[187]. Also, in CEECs, there is low level of trust to the political entities[188]. Publics are skeptical to the institutions and political elites due to their past experiences such as corruption, favoritism, lack of freedom in expression and daily life.

Another component of political culture can be citizens' participation to the political life. This is necessary for both the credibility of institutions and the ability of self-expression which are the main supporters of democracy[189]. Although the political processes were very different from today's democratic structure in CEECs before 1989, it can be said that the communist regime processes of CEECs have contributed positively to the political participation in these states after 1989. The citizens' participation in CEECs was mainly through protests and demonstrations to the governments rather than politically involvement in political system before 1989. Following the accession process of these states, the politically involvement and citizens' participation to current system through voting, political discussion, party

---

[187] Gallina Nicole,(2016). Political Culture in Eastern and Western Europe: The Role of Political Correctness, Culture of Political Elites in Eastern Europe, pp.3-5.

[188] Alla Marchenko (2016) Civic activities in Eastern Europe: links with democratic political culture, East European Politics,p.14.

[189] Letki Natalia, Explaining Political Participation in East-Central Europe: Social Capital, Democracy and the Communist Past, Nuffield College Politics Working Paper, 2003-W2
University of Oxford, p. 2.

membership and freedom of their desires politically became main issues to deal with in order to strengthen democracy and human rights[190].

Rule of law, democracy and human rights became the main issues of this region following the changes in political structures of countries. Within this context, CEECs was aware of that it was crucial to adopt new constitutions in order to catch up political and economic capability of Western Europe. These new constitutions involved freedom of speech, rule of law, freedom of assembly, division of powers and freedom of press. Besides constitutional reforms, with the effects of increased freedom in every sphere of life, the number of NGOs in the region has increased after 1989. Romania, Slovakia, Slovenia, Hungary and Poland are the important states which increased the number of its NGOs. In the NGOs side, Open Society Institutes (OSI)[191] is an important network founded by George Soros in order to promote democracies and good governance and to help society adjust to European integration. It was established after the 1991 in a limited state. When democracy began to develop, it took place in many CEECs and promoted the cooperation and connection between the Central and Eastern European States. Another NGO is Human Rights Watch[192] (HRW) established as Helsinki Watch in 1978. The aim is to investigate rights abuses in countries behind the Soviet Regime and support the citizen's group in the region. In the democratic transformations of CEECs, HRW had a crucial and converter role especially in the end of 1980s with its documentations, critical reports and high-profile campaigns. In the evolution of human rights in CEE, the Amnesty International (AI)[193] has also important role. AI is an NGO established in 1961 to promote human

---

[190] Ibid. pp.23-27.

[191] Open Society Foundations Website, Who we are? Human Rights Initiative, Accessible on this website: https://www.opensocietyfoundations.org/about/programs/human-rights-initiative (accessed on 17 April 2019)

[192] Human Rights Watch Website, History, Accessible on this website: https://www.hrw.org/history (accessed on 17 April 2019)

[193] Amnesty International Website, Who we are? Accessible on this website: https://www.amnesty.org/en/who-we-are/ (accessed on 17 April 2019)

rights by a worldwide campaigning movement[194]. According to this organization, change has come with cross- checked research into human rights, influencing the governments through good lobbying and campaigns in human rights. Their annual reports about Central and Eastern Countries are crucial in order to determine human right abuses.

Another development about human rights could be the establishment of Ombudsman. The aim of ombudsman is mainly to protect the individual rights and freedoms. Poland, Romania, Hungary are the CEECs which established this post[195]. Other human rights issue could be freedom of press and freedom of expression. During the Soviet regime over CEECs, the population under the pressure had less ability to explain their ideas. However, after 1989, the rights of thoughts and words became inviolable. They were guaranteed by the laws in real sense. This liberalization is also valid for the freedom of media. The number of newspapers, radio channels and publications dramatically increased following the year of 1989. The media became responsible to be the voice of population as it should be.

For example, the Romania constitution Article 30[196] says that:

> "(1) Freedom of expression of thoughts, opinions, or beliefs, and freedom of any creation, by words, in writing, in pictures, by sounds or other means of communication in public are inviolable. (2) Any censorship shall be prohibited. (3) Freedom of the press also involves the free setting up of publications. (4) No publication shall be suppressed."

Another issue underlined by the new constitutions is the freedom of religion. During the communist era, the religion was one of the highly suppressed issues. People were not in a situation to live their religion freely. However, this issue has also been a part

---

[194] Darko Silovic, (1999) Regional Study on Human Development and Human Rights in The Central and Eastern Europe, Human Development Report,p.34.

[195] Kucsko, Gabriele,(2009), The Spread of the Ombudsman Idea in Europe, University of Vienna, p.9.

[196] Romania Constitution, Retrieved from:
http://www.cdep.ro/pls/dic/site2015.page?den=act2_2&par1=2&idl=2 (accessed on 12 July 2019)

of the new constitutions and freedom of religion was also guaranteed by law. For example, the Article 13 of Bulgarian Constitution says that: [197]

> "(1) The practicing of any religion shall be unrestricted. (2) Religious institutions shall be separate from the State. (4) Religious institutions and communities, and religious beliefs shall not be used to political ends."

Besides internal developments about human rights, there are many external factors that triggered the advancement process of human rights. The most important factors are the European Organizations which encouraging and assisting human rights in the CEE.

One of the influential NGOs is the Organization for Security and Cooperation in Europe (OSCE). It can be said that OSCE was the first crucial organization taking role in supporting democratic transition in CEE. The establishment aim of OSCE was to terminate the division in Europe. This Organization has worked for strengthening the political pluralism and good governance with the democracy and rule of law. Especially in the election processes in CEECs, OSCE contributed these states to experience fair and democratic elections by sending observers to these states. Also, OSCE has three institutions in order to assist states and develop human rights. These are Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities and the Representative on Freedom of the Media. ODIHR established in 1990 by the Charter of Paris with the name Office for Free Elections. The main responsibility of ODIHR is to gather information, to give advises, to monitor the election processes and to give technical support for promotion democracy and human rights. Via the High Commissioner on National Minorities, OSCE has contributed to solve the minority problems and ethnic tensions in the region[198]. Via Representative on Freedom of the Media, OSCE has tried to provide cooperation and to improve the dialogue between media and government without

---

[197] Bulgaria Constitution, Retrieved from: https://www.mrrb.bg/en/constitution-of-the-republic-of-bulgaria/ (accessed on 22 April 2019)

[198]OSCE Office for Democratic Institutions and Human Rights, (2016). 25 Years of Defending Human Rights and Promoting Democracy: #ODIHR25, Retrieved from: https://www.osce.org/odihr/229731 (accessed 02 March 2019)

repression over media tools. Despite the fact that the decisions of OSCE is not binding[199], this is only a political commitment made by the participant states. Therefore, this has emerged as a weakness of OSCE. However, other organizations in the region such as NATO and EU could impose sanctions if one state does not behave according to the advice.

Another institution is Council of Europe. This institution was established in 1949 in order to protect and promote democracy, rule of law and human rights. The main instruments of Council of Europe are the European Court of Human Rights and European Convention of Human Rights. All member states have signed up to this Convention in order to protect the human rights and fundamental freedoms of every person in every member state of the Council of Europe.[200]. Council of Europe made its contribution to CEE through three different levels.[201] First was to increase the consciousness and information about human rights and democracy in the region. The second one was to provide assistance and cooperation for strengthening democratic transformations by the cooperation and assistance programs initiated in the early 1990s. The third one was to end the process with the integration of CEECs to the Council. In this process, there were many programs initiated by the Council of Europe such as *Demosthenes* for institution building and training of leaders; *LODE* for the democracy promotion and *Themis* for training the justice chain. For the CEECs, Council of Europe had a special importance because being a member of Council of Europe would prove the credibility of CEECs in terms of stable democracy and strong rule of law when they would try to be a part of EU. [202] Gabor Kardos underlines the important role of Council of Europe as:

---

[199] Scheffer Jaap de Hoop (2003), The OSCE: a unique organisation with distinctive added value, The Hague, p.2, retrieved from https://www.osce.org/cio/42489?download=true

[200] Council of Europe, Who we are? Retrieved from: https://www.coe.int/en/web/about-us/who-we-are (accessed on 16 May 2019)

[201] Pridham Geoffrey & Vanhanen Tatu, (2003). Democratization in Eastern Europe, Routledge, London and New York, pp.20-21.

[202] Ibıd. p.21.

> "The well-developed legal culture and the more sophisticated legal regulations of the West should find their way to CEE. The best method to pave the way for this process is to join the Council of Europe. This international organization can provide a kind of maturity test for these newly democratized states, before admitting them to the EC, which is of crucial importance." [203]

The European Union has the most crucial institution in the transformation process of CEECs especially in terms of human rights and rule of law. It affected the CEECs not only economically by providing financial support but also politically by providing humanitarian assistance. Economically, the first attempt of Union was to provide fund for the CEECs under the name of Poland and Hungary Assistance for the Restructuring of the Economy (PHARE). This aid was mainly for the countries, Poland and Hungary in the first attempt in order to make the reform process easier in these countries. Politically, the most important contribution of Union to the CEECs is the establishment of Copenhagen Criteria. These criteria have involved not only the CEECs but also all countries which aims to be part of the Union. Another Program established under the EU is PHARE Democracy Program[204] which was launched by the Commission in July 1992 in order to strengthen democracy in civil society through the encouragement of citizenship participation and the development of human rights.

This Program announced by Sir Leon Brittan, EC Commissioner for External Economic Affairs, as:

> "The PHARE Democracy Program is a concrete expression of the Community's support for the development of democratic institutions and practices in Central and Eastern Europe." [205]

This Program mainly focused on parliamentary practices, promoting human rights, independent and pluralistic media, transparency in public life, development of NGOs and other representative structures, equality and nondiscrimination.

---

[203] Kardos, G. (1991), All-European Human Rights Yearbook 1, p.152.

[204] European Commission Website, Press Release Database, Retrieved from: http://europa.eu/rapid/press-release_IP-93-292_en.htm

[205] Commission of The European Communities, PHARE Sectoral Information, p.33, Retrieved from: https://www.ircwash.org/sites/default/files/821-EUREAST93-11959.pdf (accessed on 16 May 2019)

Within all these support of Union to CEECs, candidate countries worked eagerly for developing their politic and economic structures in order to have more strength democracy, more equal treatments and more functioning economy.

CHAPTER 4

POLAND AS A CASE STUDY

In this chapter, I will focus on Poland as a case study in order to analyze the impact of the EU membership in the new member states' adoption and internalization of human rights norms. I will analyze the period following the Second World War until now.

I chose Poland as the case study due to its role and importance among the other Central and Eastern European countries. Besides, Poland is important in terms of its recent political history. Poland was a communist state ruled by an authoritarian regime following the end of the Second World War until 1989. Poland's transformation to democracy was a peaceful and non-violent one, albeit not an easy one.

Also demographically Poland is one of the most populous country of the Central and European Countries.[206] The population of Poland during the accession process was around 38 million (Figure 1). This number was greater than any other countries in the region (Figure 2 and 3). While candidate countries with small population such as Slovenia were better at adaptation to acquis communautaire of the Union due to their non-complex demographic structure; it was difficult for Poland with the largest population among the candidate countries of the time to adopt the changes and to bargain with the Union. Therefore, in the beginning of the accession period, Poland was seen as the *stumbling block* among the CEECs[207]. Because of its complex structure, Poland could have slowed down the accession process of other candidate

---

[206] Worldometers Website, World Population Rates, Accessible on this website: http://www.worldometers.info/world-population/europe-population/ (accessed on 29 July 2019)

[207] Friis L. & Jarosz A. (2000), When the going gets tough: The EU's Enlargement negotiations with Poland, Journal of European Integration, Vol.23, p.1.

countries. However, contrary to the popular belief, Poland became one of the most successful states, which adapt itself to the Union's structure.
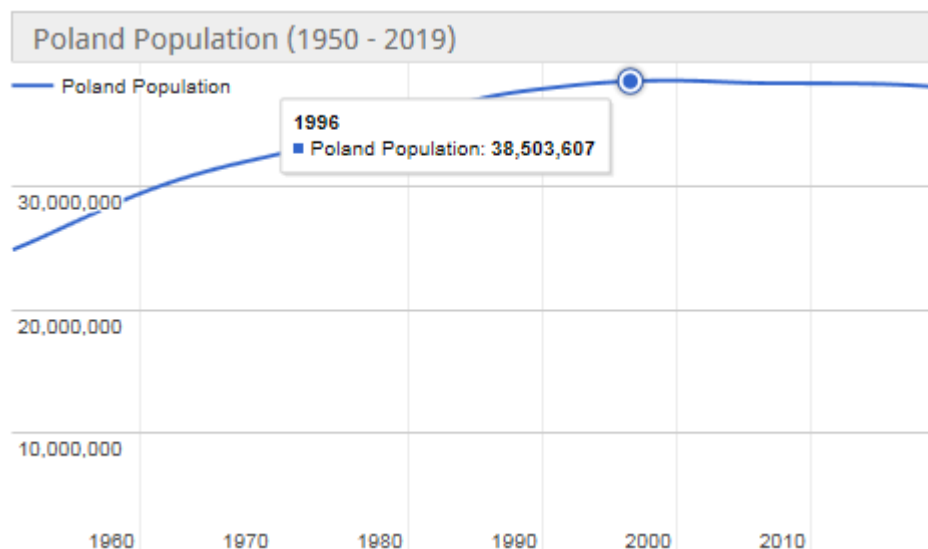

Figure 1: Population of Poland
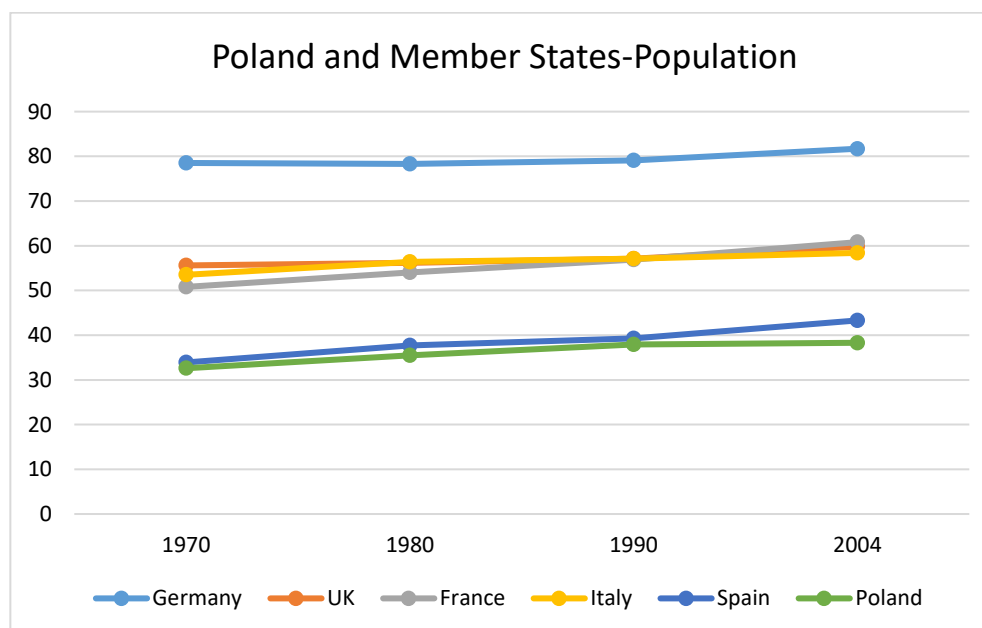
Source: Worldometers Website http://www.worldometers.info/world-population/poland-population/

Figure 2: Population of Poland and Member States

Source: Worldometers Website http://www.worldometers.info/world-population/poland-population/
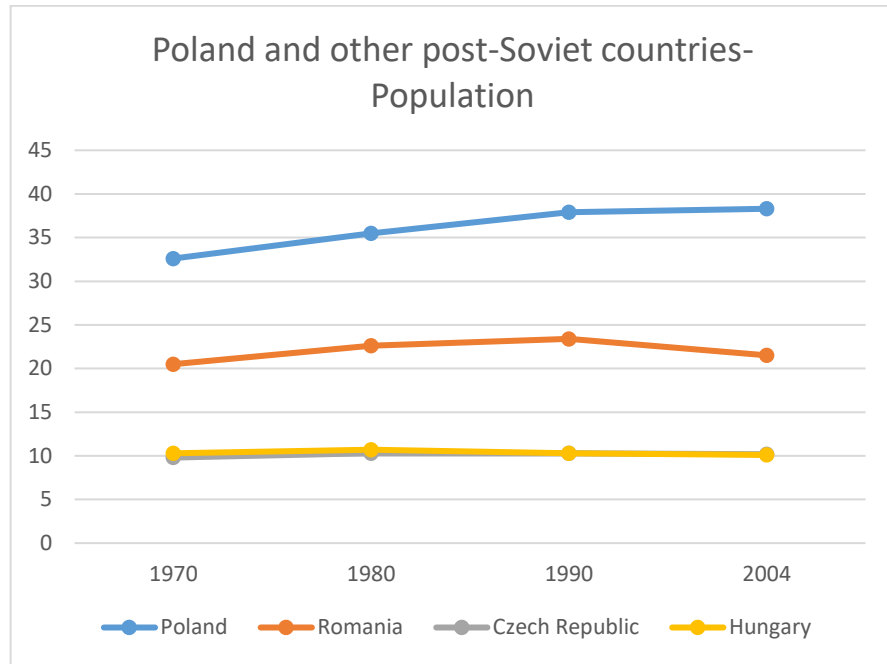
Figure 3: Population of Poland and Other Post-Soviet Countries

Source: Worldometers Website. http://www.worldometers.info/world-population/poland-population/

Poland's geographic position is also critical as it is a state seen as a frontier of the West due to its position to the Soviet Union before 1989. This position of Poland made it more strategic in the accession process. Geographically, Poland is located in a transit position from East to West. And, after the dissolution of Soviet Union, Poland has constituted the Eastern border of Europe to Russia. Besides the geographic position of Poland, its role in the region is also crucial. Poland has a special historical and cultural link to further Eastern countries such as Ukraine, Belarus and Russia.[208] This can be categorized under the transatlantic role of Poland in the EU. Due to its good relations with these Eastern states, Poland became an important actor in the designing

---

[208] Ilisulu, Başak, (2004). The Analysis of Poland's Accession Process to The European Union, Master Thesis, METU, p.21. Accessible on this website: https://etd.lib.metu.edu.tr/upload/3/12605514/index.pdf

of the foreign policy of the EU, especially on the European Neighborhood Policy. In the light of all these reasons, I chose the Poland as the case study of this thesis.

4.1. Historical Background of Poland

Throughout history, because of its geographical position between East and West, Poland experienced many wars and conflicts on its territory.

In the 16th century, Poland was at the top of its power. With the beneficiary effects of Renaissance, Poland made huge progress in culture, science and literature. The political system was mainly noble democracy, that is, ruling was made by nobility and elected kings. However, Poland experienced a political decline in the 17th and 18th centuries. The foreign influence and invasion over Poland made this country dependent on different countries such as Austria, Prussia and Russia. The First World War changed this dependency of Poland. The Second Polish Republic was established and the centenarian dependency of Poland lasted until the inter-war period. When coming to the end of the 1930s, the rising power of Nazi Germany under the leadership of Adolf Hitler negatively affected the independent structure of Poland. The aggressive policies of Hitler and its invasion of Poland made the country again dependent on foreign influence[209]. In this invasion, Polish people was very eager and strong in order to resist the invasion of Germany. Therefore, many Polish people during this process was dead and injured. Especially, the Polish Jews was suffered from the fascist policies of Nazi Germany in this era. Nazi Germany destroyed nearly three million of Polish Jews during this period[210].

After the Second World War, the Yalta Agreement made Poland a satellite state to the Soviet regime under Josef Stalin who was the strong communist leader of the Soviet

---

[209] Center for Russian and East European Studies, (2004), Poland: The Land and Its People, University Center for International Studies, University of Pittsburg. p.21. Accessible on this website: https://www.ucis.pitt.edu/outreach/sites/default/files/Poland.pdf

[210] Ibıd. p.25.

Union[211]. Between 1945 and 1948, the policies of Stalin over Poland intended to reshape Poland parallel to the Soviet model through communist policies. Also, the international system played a crucial role in the dependency of Poland to the Soviet Union. This means that this era was the era of two great powers, the USA and the Union of Soviet Socialist Republics (USSR). The small or medium powers had very little role for creating policies in international system. Therefore, it can be said that the Cold War structure had a strong force on Poland to be dependent on the USSR indirectly.

In this era, state took control over the whole industry and avoided all private enterprises. The communist regime forced the workers to work more in line with centralized state planning. Poland exercised a limited autonomy until the dictator Stalin died in 1953[212]. Following the death of Stalin, the strong pressure on Poland became looser. The first crucial mass protest occurred in Poznan in 1956. This uprising under the motto of *freedom and bread* demonstrated the unwillingness of Polish people, especially Polish workers about the communist regime structure.[213] After this protest known as the Polish October, there were many protests against the policies of the communist regime and against increasing food prices. This uprising demonstrated that regime in Poland could use the military power against any protesters who threatened the current political order. In this uprising, over a hundred people were killed and hundreds wounded.[214] When coming to the 1970s, due to the increased poverty and desperateness, another protest began in Gdansk and Szczecin then spread to the whole country. This uprising was also suppressed by the police and

[211] Szafraniec, Jaroslaw, (2008), From Totalitarianism To Democracy: The Case Of Poland, Controversies And Heritage Of Communism, Monterey California, Naval Postgraduate School, p.5. Accessible on this website: https://calhoun.nps.edu/handle/10945/4009

[212] Castle, Marjorie & Taras Ray, (2002), *Democracy in Poland*, Westview Press, pp.29-30

[213] Zuzowski, Robert, (1992) Political Dissent and Opposition in Poland: The Workers' Defense Committee "KOR", Praeger; First Edition, p.24.

[214] Bittner, Karolina, Victims of the Poznań June 1956, Institute of National Remembrance, Accessible on this website: https://june56.ipn.gov.pl/j56/victims/2277,Victims-of-the-Poznan-June-1956.html (accessed on 07 June 2019)

military force[215]. Another uprising was experienced in 1980 in Gdansk, which brought an agreement between the government and the Inter-factory Strike Committee. This Committee was an action committee established by Lech Walesa in order to end the dissatisfaction of workers[216]. The role of this Committee in the establishment of Gdansk Agreement was very crucial. There were 21 demands of this Committee from the ruling government in order to end the labor strikes in 1980. Some of these demands were allowing free trade unions, a guarantee of the right to strike, freedom of speech, press and publication and improvement of working conditions and health services[217]. The Gdansk Agreement was as a result of the awareness of both the government and the resistance movement. According to this agreement, many demands of the workers accepted. However, the most crucial demands of the Committee were rejected such as freedom of media and establishment of free labor unions[218]. This agreement demonstrated that workers were able to affect the policies of the government in a non-violent manner.

This Gdansk Agreement and Inter-factory Strike Committee were important triggers for the establishment of the Solidarity movement. Following this agreement, Solidarity as an independent trade union was established under the leadership of Lech Walesa[219]. Solidarity movement is an important step for Poland in the struggle for democracy and human rights. Especially for the citizen participation, this movement was crucial through choosing delegates for regional movements. Also, it demonstrated that movements should be done in a non-violent manner. When the Gdansk

---

[215] Zuzowski, Robert, (1992) Political Dissent and Opposition in Poland: The Workers' Defense Committee "KOR", Praeger; First Edition, p. 45

[216] Szafraniec, Jaroslaw, (2008), From Totalitarianism To Democracy: The Case Of Poland, Controversies And Heritage Of Communism, Monterey California, Naval Postgraduate School, p.13. Accessible on this website: https://calhoun.nps.edu/handle/10945/4009

[217] 21 Demands of Interfactory Strike, Accessible on this website: http://latecoldwar.blogspot.com/2010/07/21-demands-of-inter-factory-strike.html (accessed on 07 March 2019.)

[218] Szafraniec, Jaroslaw, (2008), From Totalitarianism To Democracy: The Case Of Poland, Controversies And Heritage Of Communism, Monterey California, Naval Postgraduate School, p.15.

[219] Kemp-Welch, A.,(1983), The Birth of Solidarity, St. Martin's Press, New York, p.207

Agreement was not actualized by the government in Poland, Solidarity began to exercise pressure on the government via uprisings and strikes[220]. However, there was a part of society unsatisfied by the activities of Solidarity. They were afraid of communist order coming to an end and announced the Solidarity as a threat to state security[221]. Under this atmosphere, military took power in Poland in 1981 and this process of martial law negatively affected the movement of Solidarity. Many leaders of Solidarity were arrested; national and international communications cut down; newspapers were shut down and activities of many organizations were banded under martial law in this atmosphere[222]. All this repression on Polish public made resistance even harder. Also in this era, Western countries became one of the supporters of Solidarity movement through providing financial assistance and supervising the activities of Solidarity. The coordinating office was established in 1982 in Brussels. This office was the main player in the functioning of Solidarity in Poland. It helped to keep Solidarity consolidated by centralizing the assistance coming from the West. It provided not only financial aid but also published appeals and helped with organized action. Also this Office provided the connection of Solidarity with the international organizations such as Amnesty International, the UN High Commissioners for Political Refugees and International Red Cross. [223]

In the late 1980s, new strikes began due to the increased food prices again. In this time, Solidarity was not alone as a resistant group, there were other resistance groups who demanded real changes in the lives of Poles far away from any oppression[224].

---

[220] Szafraniec, Jaroslaw, (2008), From Totalitarianism To Democracy: The Case Of Poland, Controversies And Heritage Of Communism, Monterey California, Naval Postgraduate School, p.17.

[221] Andrews G. Nicholas, (1985) Poland 1980-81. Solidarity versus the Party National Defense University Press,p. 120.

[222]Szafraniec, Jaroslaw, (2008), From Totalitarianism To Democracy: The Case Of Poland, Controversies And Heritage Of Communism, Monterey California, Naval Postgraduate School, p.19.

[223] Cwiek-Karpowicz Jaroslaw &Kaczynski, Piotr Maciej (2006). Assisting Negotiated Transition to Democracy: Lessons From Poland 1980-1999, Institute Of Public Affairs, pp.52-55.

[224]Szafraniec, Jaroslaw, (2008), From Totalitarianism To Democracy: The Case Of Poland, Controversies And Heritage Of Communism, Monterey California, Naval Postgraduate School, p.21.

This process was important for Poland to exercise the transformation from a totalitarian regime to a more pluralistic one. The new uprisings all over the country forced the regime to sit at the table to negotiate and solve the problems of Poland. Negotiations called as Roundtable Talks between the communist regime and the democratic opposition began in 1989. Approximately 450 people participated in this negotiation. The reason for using round table talks was that everyone on the table was equal and that there was no superiority between them. This was a kind of roadmap for the new political order. The aim was to lessen the confrontation and to protect the interests of all Poles[225]. There were important consequences of this Roundtable Talks. The second chamber of parliament namely the Senate was established; access to media by opposition became possible and the registration of the associations such as Solidarity became possible[226]. The importance of this roundtable talks is that it made democratization process of Poland possible. This proved that the central authority agreed to make negotiations with a trade union Solidarity. Poland was the first country which finalized the political transformation process in CEE[227]. In the elections of 1989, Tadeusz Mazowiecki came to power as the first non-communist leader in Poland.

By the end of the 1990, with the dissolution of the Soviet Union and its effects on Poland, free elections were conducted in Poland and Solidarity leader Lech Walesa came to power as the president. This was another big step for transition to democracy in Poland[228]. This was a success for the Poland because the regime change was done

---

[225] Stokes, Gale, (1993), The Walls Came Tumbling Down. The Collapse of Communism in Eastern Europe, Oxford University Press, p.125.

[226]Cwiek-Karpowicz Jaroslaw &Kaczynski, Piotr Maciej (2006). Assisting Negotiated Transition to Democracy: Lessons From Poland 1980-1999, Institute Of Public Affairs, p.27

[227]Suchocka Hanna, (2015). Lustration: Experience Of Poland, Council of Europe, European Commission For Democracy Through Law, The Institute of International Relations, Prague, p.4, Accessible on this website:
 https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2015)029-e

[228]Szafraniec, Jaroslaw, (2008), From Totalitarianism To Democracy: The Case Of Poland, Controversies And Heritage Of Communism, Monterey California, Naval Postgraduate School, p.25. Accessible on this website: https://calhoun.nps.edu/handle/10945/4009

in a peaceful manner through dialogue and negotiations, without using armed forces and bloodshed[229].

However, it is wrong to say that change from totalitarian regime to democracy happened overnight because it took many years to eliminate the communist understanding from political and social life in Poland.

4.2.Human Rights in Poland

The cold war period was not very conducive to the development of human rights in many parts of the world. There were many unfortunate events especially in the communist world with regard to human rights. Helsinki Conference Final Act in 1975 (The Conference on Security and Cooperation in Europe Final Act) was a turning point for such regimes including Poland. With this Act, the communist regimes had to recognize the importance human rights. Also, after the martial law imposed in Poland, Helsinki Committee was established in 1982 in order to monitor the protection of human rights. This Committee broke the monopoly of the communist regime which restricted information-sharing with the Western world by publishing reports on what was happening in Poland[230]. Following the activities of this Committee, the Helsinki Foundation for Human Rights (HFHR) in Poland was founded in 1989 as an NGO with the responsibility of focusing on the human rights issue in both national and regional level[231]. One of the main contributions of the HFHR was about the international education programs. Via these programs, the experts of the HFHR had a chance to reach the society to create awareness on their rights and respecting human rights. Beside this, the HFHR provided assistance to the

---

[229] Ibıd, p.28

[230] Helsinki Foundation for Human Rights website, Accessible on :
 https://www.hfhr.pl/en/helsinki-committee/about-the-committee/

[231]Liberties Website, Polish Helsinki Foundation For Human Rights, Accessible on this website: https://www.liberties.eu/en/organisation/polish-helsinki-foundation-for-human-rights (accessed on 27 April 2019)

refugees and the minorities in the society and conducted researches and projects about the human rights[232].

Another important step for Poland in the path of human rights was the establishment of the institution of Ombudsman**.** This is an important step for human rights in Poland and modeled after the Swedish Ombudsman. However, the tasks it was dealing with in communist Poland was very different from its Western counterparts[233]. The main responsibilities of Ombudsman in Poland were to avoid politics; to provide transparency and to pay attention to the role of media. With the works of Ombudsman, media gained more power and became an important source of information in Poland. It also played a crucial role to educate both journalists and civilians about human rights and the rule of law. Also, Ombudsman has a responsibility to examine the issues and raise awareness on any kind of issue related with the violation of human rights[234]. This institution is now called the Commissioner for Human Rights of Poland and is an independent body. Everyone in the country can request the assistance of Ombudsman. Also the commissioner has been elected with an act of Sejm (This is the larger, more powerful and lower house of the Polish parliament.) and approved by the Senate. The current elected person for this post is Adam Bodnar.

Another important institution in Poland regarding human rights is the network of Human Rights Plenipotentiary for Equal Treatment[235]. It has a special importance because it is a unique mechanism to Poland and works against any kind of discrimination. The responsibility of this institution is to coordinate the actions of government in terms of equal treatment. There are also regional plenipotentiaries working towards providing equality at the regional level. However, they are appointed

---

[232] Human Rights House Website, About, Accessible on this website: https://humanrightshouse.org/human-rights-houses/warsaw/#About (accessed on 29 May 2019)

[233] Cwiek-Karpowicz Jaroslaw &Kaczynski, Piotr Maciej (2006). Assisting Negotiated Transition to Democracy: Lessons from Poland 1980-1999, Institute of Public Affairs, pp.40-41.

[234] Budapest Centre, (2017) Capabilities of The Visegrad Group In Preventing Extremism, Foundation for the International Prevention of Genocide and Mass Atrocities, p.28, Accessible on this website: http://www.genocideprevention.eu/wp-content/uploads/2016/05/Report_V4_2017_A4_web.pdf

[235] Ibıd p.29

by the Prime Minister therefore, it can be said that this post does not have autonomy separate from the power of the government.

Also, National Human Rights Institutions (NHRIs)[236] is another mechanism in the protection of both national and international human rights. This mechanism provides the interaction between the government and the society. The conditions for the establishment of NHRIs were determined in the Paris Principles under the UN General Assembly in 1993. The main responsibilities of NHRIs are to deal with individual problems about the violation for human rights, to determine gaps between the national human rights law and international human rights law, to make recommendations to governments about the protection of human rights and to review the international mechanisms about human rights. The Polish Ombudsman is accredited as an NHRI[237].

Following 1989, the main aim of Poland was to meet the conditions in order to become a NATO and EU member state. Poland mainly worked towards the exercise of this aim. On the process of membership to the EU, Poland became the member of Council of Europe in 1991 and ratified the ECHR in 1993. Within these developments, Venice Commission (European Commission for Democracy through Law), which is an advisory organ of the Council of Europe, gave assistance to Poland in order to review the Constitution of Poland according to the ECHR. Following the collapse of the Soviet regime, the assistance to the CEECs about constitutional law was provided by the Venice Commission. This was crucial for Poland because the Council of Europe provided necessary assistance to Poland before the EU. The recovery and assistance increasingly continued in the accession process of Poland to the EU. [238]

---

[236] Organization for Security and Cooperation in Europe Website, National Human Rights Institutions, Accessible on this website: https://www.osce.org/odihr/national-human-rights-institutions (accessed on 24 July 2019)

[237] European Union Agency for Fundamental Rights, (2012),Handbook on The Establishment and Accreditation of National Human Rights Institutions in The European Union, Publications Office of the European Union, Accessible on this website: https://fra.europa.eu/sites/default/files/fra-2012_nhri-handbook_en.pdf

[238] Cwiek-Karpowicz Jaroslaw &Kaczynski, Piotr Maciej (2006). Assisting Negotiated Transition to Democracy: Lessons from Poland 1980-1999, Institute of Public Affairs, pp.37-39.

The 1952 Polish Constitution was revised in 1992 in order to actualize transformation of Poland to parliamentary democracy[239]. In 1997, the new constitution was accepted which has crucial importance in terms of human rights and democracy. In this Constitution, the human rights and protection of freedoms is secured under Chapter 2. This Chapter underlines the importance of civil, political and social rights. It mentions that Poland is a democratic country ruled by law and social justice[240]. The equal treatment of every member of society by the public authorities; avoidance and non-acceptance of any totalitarian, fascist or communist modes of activities; freedom of media and other communication ways are some of the issues mentioned in this 1997 Constitution of the Republic of Poland.

Also, the 1997 Constitution refers to the protection of minorities' rights and their equality in the territories of Poland. In terms of religious authorities, the Catholic Church which has a strong influence on political life and decision-making of ruling government due to the public trust, it is underlined that every religious organization have equal rights and all religious organizations have their own autonomy[241].

Besides membership to CoE, Poland became a member of NATO in 1999 despite the objections of Russia. This was also one of the priorities of Poland in the transformation process. In this direction, Poland was one of the first post-Soviet country who became a member of NATO[242]. NATO membership was a kind of way to improve the security standards of Poland and its status in the international sphere[243].

---

[239] Agenda 2000, (1997), Commission Opinion on Poland's Application for Membership of the European Union, Brussels, DOC/97/16.

[240] The Constıtutıon Of The Republic Of Poland of 2nd April, (1997), Article 2. Accessible on this website: https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm (accessed on 15 July 2019)

[241] Ibid.

[242] European Commission, (1997) Central and Eastern Eurobarometer. Accessible on this website: http://ec.europa.eu/commfrontoffice/publicopinion/archives/ceeb/ceeb8/ceeb08.pdf

[243] Ministry of Foreign Affairs of the Republic of Poland, (2016), Poland in NATO, NATO Summit, Warsaw. Accessible on this website: https://www.msz.gov.pl/en/foreign_policy/nato_2016/poland_in_nato/ (accessed on 17 June 2019)

As an organization in providing and protecting peace and human rights, the NATO membership has a crucial importance in Poland's transformation. Under the roof of NATO, Poland involved in many operations with humanitarian aims such as ISAF in Afghanistan (2004-2014), SFOR in Bosnia and Herzegovina (1996-2004), AFOR in Albania (1996) and Swift Relief in Pakistan (2005-2006)[244].

Following these memberships, the top priority of Poland was certainly to be a part of EU. In the following part, the process of EU membership and its effects on the development of human rights will be analyzed.

4.3. The European Union and Poland

The diplomatic relations of Poland with the Union began in 1988 with economic and trade partnership and continued with the Association Agreement in 1991. The hard negotiation process of Poland was concluded in 2003 and Poland became a member state in May 2004 with nine other CEECs.

According to Sergiusz Trzeciak, there are two important trigger factors behind Poland's desire to be a member of EU. The first one can be categorized under the community of values and European identity. Poland had the desire to be a part of the EU in the early stages of its history. After the collapse of the Soviet regime, Poland always used the term "reunification to EU" as opposed to "the joining to the EU" due to its perception of itself as already part of Europe and having a European identity. Poland visualized itself within Europe and European values. The dominant idea of Poland was to return to Europe. There were no other strong, alternative views within the government or public. Becoming a member of the EU was perceived as the historical justice. Therefore, this consisted the basic aim of Poland's foreign policy. Also, according to Poles, there was no other solution for the EU except enlarging to CEE in the path of providing a united Europe. This enlargement was a kind of historical responsibility of the Union to the CEECs. The second reason behind the

---

[244] Ministry of Foreign Affairs of the Republic of Poland, Polish Commitment to Operations and Missions. Accessible on this website: https://brukselanato.msz.gov.pl/en/poland_in_nato/polish_commitment_to_operations_and_missions/ (accessed on 17 June 2019)

EU accession for Poland can be categorized under the community of interests. Poland was eager to be a part of the Western world and enlargement was seen as an opportunity for Poland because the EU accession was seen as a cornerstone in order to complete the transformation of Poland's rule of law, human rights, democracy and market economy. Therefore, Poland should be the part of the Union not because of its self-interests but because of considering themselves as part of the European values and identity[245].

Poland's accession process took fifteen years from 1989 to 2004. The membership of Poland to the EU was closely related with the dissolution of the Soviet Union. The membership was seen as an opportunity for both political and economic integration. With the membership, economy of Poland would be liberalized, the free market structure would be established and all these developments would improve democratic institutions. However, the EU membership was a complicated process due to differences in constitutions between Poland and other member states.

The first interaction with the EU began with an Agreement on trade and commercial issues in 1989. This agreement was limited to the economic issues and did not have any reference to the non-economic issues. In the pre-accession period, the EU began to assist Poland economically in order to promote democracy in these countries. The most important of this financial aid was PHARE. This is a program established in order to provide financial and technical assistance to CEECs, mainly to Poland and Hungary. This program was accepted in the G24 conference of July 1989 for more coherent and collective approach[246]. Main focus was to support economic transformation in terms of some sectors such as industry, agriculture and energy. Beside these, this program also involved the humanitarian support to these countries such as strengthening human rights and rule of law. The assistance programs provided

---

[245] Trzeciak Sergiusz, (2012). Poland's EU Accession, Routledge Contemporary Russia and Eastern Europe Series, London and New York, pp.38-42.

[246] O' Brennan, John, (2006), The Eastern Enlargement of the European Union, Routledge; 1 edition p.17.

over 10 billion Euros in total.[247] The aim of this financial program is mainly to provide the transformation of these states to the EU more rapidly.

Following these developments, the membership process began in 1990 with an official application of Poland for negotiating the Association Agreement or Europe Agreement, which was signed in 1991 and ratified in 1994. With this agreement, a legal framework for economic, political and social cooperation was created[248]. Also, this agreement added impetus to internal reforms of Poland and consisted the legal base of the relations with the EU. The basic aim under this agreement was to remove all the remnants of the communist regime in Poland and to get the country in harmony with the legal frameworks of the Union.[249] However, this document had weaknesses about the future plans and membership; there was no special reference for the full membership of Poland in this Agreement.

The main reference was made under the decisions taken by the European Council in the Copenhagen Summit in 1993. The European Council formulated eligible criteria for the countries, which want to be a part of the EU. According to these criteria, a candidate country has to achieve the stability of institutions, strengthening of its democracy, the rule of law, human rights and respect for minority rights and a functioning market economy. This criteria made clear that states would be full members if they fulfill the criteria mentioned by the Union.

During this period and following the 1993 election in Poland, the Democratic Left Alliance (SLD) came to power. This party followed pan-European policies and after the association membership status, the application for the full membership was done by this government with the approval of Sejm in 1994. This was important not only because it symbolized the beginning of Poland's Return to Europe but also turning its

---

[247] Ibid, pp.17-18.

[248] Cordell, Karl (ed.) (2000), Poland and the European Union, Routledge Press, p.145

[249] Ibid, p.16.

back on Russia.[250] Also in this process the EU was a watchdog in order to monitor the changes in CEE.

Following this application for the full membership, another important stage for Poland in the accession process was the White paper of 1995. This document was mainly for the economic recovery and for adaptation to a free and competitive market economy. This document did not have any reference to the political structure of Poland nor its functioning. It mainly aimed to guide the candidate countries in terms of legislative manners. There was a suggestion of Commission about establishing structural dialogue. In line with this aim, the pre-accession strategies of the CEECs were accepted in the European Council Summit in Essen in order to provide the gradual transformation of acquis to the national legal system[251].

During the pre-accession process, there were two important formations encouraging Poland's accession. The first one was the Weimar Triangle of Germany, France and Poland. This entity was formed in 1991 with the aim to integrate the CEECs institutionally to the EU. This was a kind of instrument for the transition.[252] In the earlier period of Weimar Triangle, it could be considered as a successful institution of the Union. Besides the contribution of the political dialogue, social and cultural dialogue between these three countries was bolstered by this Triangle. It can be said that this triangle had a win-win dimension. For Poland, it was an important step in order to make itself accepted among the EU and NATO by strengthening relations and cooperation with France and Germany[253]. For France and Germany, Poland was

---

[250] Ibid, p.18.

[251] Borkowski, Jan, (2001) . Polish Integration Policy in the Context of the European Union's Accession Strategy, Yearbook of Polish European Studies, Warsaw University Centre for Europe.

[252] Koopmann, Martin, (2016). Europe needs Weimar: Perspectives on the Weimar Triangle in times of crisis, Genshagener Papiere, Number 18. Accessible on this website: http://www.stiftung-genshagen.de/uploads/media/Genshagner_papiere_18_web_englisch.pdf

[253] Mierzejewski, Dominik, (2018), Poland External Relations Briefing: Reviving the Weimar Triangle and Rapprochement with the West, China- CEE Institute, Volume 6, Number 4. Accessible on this website: https://china-cee.eu/wp-content/uploads/2018/05/2018er424%EF%BC%883%EF%BC%89Poland.pdf

a chance to be closer to the Eastern Europe in order to provide their national security against Russia.

In addition to the Weimar Triangle, Poland engaged in the creation of the Visegrád Group (V4) in 1991. The establishment aim of this group was to support mainly Poland, Czechoslovakia and Hungary in the membership process to the EU and NATO. After the accession of these countries to the Union in 2004, new objectives was set up and V4 began to work with the EU. In 2004, prime ministers of these V4 came together in Kroměříž and established a declaration underlining that V4 should continue to contribute to the values and aims of EU and to share their experience and knowledge with the Eastern and Southern Europe[254]. Also, there is a fund under V4 called as the International Visegrád Fund to support the cultural and trade-related activities.

After the dissolution of the Soviet Union, Poland was in a position to establish new alliances in order to avoid economic and security problems. Therefore, it can be said that these two alliances helped Poland and other CEECs in promoting their cooperation with the member states and the institutions of the Union in general in the areas related to security, trade and culture.

In 1997, the winner of the elections in Poland was the Solidarity Electoral Action (AWS) under the leader Jerzy Buzek[255]. This party also followed pan-Europeanist policies and the negotiations with the Luxembourg group began in 1998 for the accession. The accession process of Poland began very fast but the process did not continue as fast as it was in the beginning. The reason of this was mainly due to the huge population and complex structure of Poland. Therefore, it was expected that the adaptation process of Poland would be slower and more cautious. Beside this reason,

---

[254] Visegrad Group Website,(2004) The Kroměříž Declaration, Accessible on this website: http://www.visegradgroup.eu/2004/declaration-of-prime (accessed on 14 March 2019)

[255] Cordell, Karl (ed.) (2000), Poland and the European Union, Routledge Press, p.32.

the Buzek government was strictly criticized due to its weak and inconsistent policies in the process of the EU membership.

In this period of time, the Commission established a report in order to evaluate the CEECs' application process under the name of Agenda 2000. Commission underlined that the democracy in Poland was in the positive line and the progress was satisfactory. The elections were considered as free and fair in the evaluation of the Commission[256]. Also it was mentioned that there were satisfactory institutions providing the protection of human rights and rule of law in Poland. Poland was only criticized because of its weak judicial system and high level corruption[257].

Following the positive progress of Poland towards the full membership, the European Council decided to open negotiations with Poland and the other candidate countries, Cyprus, Czech Republic, Estonia, Hungary and Slovenia. Poland formally began the accession negotiations with the EU in 1997[258]. The European Commission continued to publish its report once a year regularly until the accession was accomplished. In none of the reports of the Commission after 1997, there was no specific opposition against the membership of Poland regarding the Copenhagen criteria. The new 1997 Constitution was welcomed by the Commission as providing stabilization in Poland[259]. Only specific issues such as judicial problems, corruption and freedom of expression were negatively underlined. In the elections of 2001, the Democratic Left Alliance under the Leszek Miller rule, which previously criticized the Buzek administration came to power. The pace of the accession was accelerated and Poland became a part of the closed negotiation chapters.

Finally by 2003, nine CEECs including Poland signed the treaty of accession to the EU, which came into force on May 1, 2004. With this accession, Poland became the

---

[256] Agenda 2000 - Commission Opinion on Poland's Application for Membership of the European Union, p.13.

[257] Ibid, p.18.

[258] Cordell, Karl (2000), Poland and the European Union, Routledge Press, p.19.

[259] 1999 Regular Report from The Commission on Poland's Progress Towards Accession. p. 12.

sixth largest member of the Union and the largest of the CEES concluding membership.

4.4.Poland as a Member State to the EU

The accession of Poland to the EU has brought many benefits along with costs. Most importantly, this membership process supported and accelerated the modernization of Poland. After being a part of the Union, Poland got a chance to affect the internal and external policies of the Union.[260] Especially, the Polish Presidency of the Council of the EU in the second half of 2011 was an important chance to consolidate the country's position in the Union. Poland's presidency process was mainly considered as positive.

Poland's economic transition including its economic recovery and its economic strength after the full membership was impressive. The economic crisis of 2008 did not harm the Polish economy compared to the other European countries[261]. However, the political and social integration of the country was not an easy process and there were many crisis experienced between Poland and the Union.

The first important crisis between the Union and Poland came before the accession of Poland. In the Intergovernmental Conference (IGC) held in 2003, Poland officially joined the meeting with the other CEECs whose accession would be completed in 2004. In the negotiations over the Constitutional Treaty of the EU, Poland became one of the member states to reject this Constitution. One of the main reasons of this rejection was about the change in the voting system. Poland wanted to retain the system as same in the Nice Treaty[262] because the current system recognized more

---

[260] Kolodziejczyk, Katarzyna, (2016). Poland in the European Union: Ten Years of Membership, UNISCI Journal, Number 40, University of Warsaw, p.17. Accessible on this website: https://www.ucm.es/data/cont/media/www/pag-78913/UNISCIDP40-1Katarzyna%20K.pdf

[261] Ibid, pp.17-21.

[262]BBC Turkey, AB Anayasası: Sorular-Cevaplar, Retrieved from: http://www.bbc.co.uk/turkish/indepth/story/2004/03/printable/040326_ab_anayasa_sorucevap.shtml#8 (accessed on 18 June 2019)

rights regarding their population in the Union. Therefore, there were strong slogans in Poland to protect of Polish privileges in Nice Treaty saying that *Nice or Death* in order to underline the opposition to the Constitutional Treaty[263] which would diminish the privileges of Poland in voting. In this way, Poland became one of the states which cause to the failure of approval of the Constitutional Treaty in 2003. This can be evaluated as a sign of Poland's future behavior as a member state[264].

Also, another confrontation took place in 2007 IGC about the Charter of Fundamental Rights (CHFR). Poland opposed to some articles of this Charter. Polish claims for rejection were mainly about the principles regarding the rights of minorities, LGBT rights, women's freedom on their bodies and family planning. Besides, it was criticized that there was no reference to the Christianity in this draft. Therefore, Poland signed the Lisbon Treaty and CHFR together with an opt-out protocol like the UK. As a result, the provisions of CHRC became unenforceable and non-applicable for Poland[265]. Despite the opt-outs of Poland with the UK, CHRC has been applied in Poland but its effectiveness and reference to this Charter in Poland has not been much as the references to the European Convention on Human Rights[266].

In the Polish elections of 2005, a coalition government with Eurosceptic parties was established. The Law and Justice Party (PiS) won the elections. During this Eurosceptic process, the notion of *awkward member* was used for the Poland by

---

[263] Laursen,Finn,(2008).The Rise And Fall of the EU's Constitutional Treaty, Constitutional Law Library, Volume 5.

[264] Grabbe, Heather,(2006), The EU's Transformative Power: Europeanization Through Conditionality in Central and Eastern Europe, Palgrave Macmillan UK, p. 204.

[265] Barnard, Catherine, (2008). The 'Opt-Out' for the UK and Poland from the Charter of Fundamental Rights: Triumph of Rhetoric over Reality?, ResearchGate, University of Cambridge.

[266]Kastelık-Smaza, Agnieszka, (2018). The Application of the Charter Of Fundamental Rights of the EU in Poland, Acta Universitatis Carolinae, Accessible on this website: https://www.prf.cuni.cz/res/dwe-files/1404059561.pdf

member states and institutions[267]. Poland was seen as a socially conservative and unconformable with the Union's tradition of decision making[268].

The elections of 2007 gave power to a more integrationist party namely the Centre-Right Civic Platform (PO). The coalition was between the PO and the Polish People's Party. The head of the government was Donald Tusk who changed the country's foreign policy. This change in government had also changed the view of Europe. This process was named as the second return to Europe[269]. The foreign policy of the new government under Tusk highlighted important tasks in the foreign policy of Poland in this era. The aims were about the transition of new democracies in the post-communist states and to democratize the Middle East region[270].

In the 2011 elections, PO again won the elections and formed the government with a coalition with Polish People's Party (PSL)[271]. PO continued its EU proponent policies during its rule. The following party coming after PO was the PiS. This elections proved the rising power of the PiS. In the 2015 elections, the result was different than expected because the winner party became the PiS[272]. This election result has become an exam for the EU in dealing with the problems such as rule of law and human rights because after PiS government took the power, the general attitude of Poland about rule of law and human rights has changed negatively and EU has been hard to cope with these issues.

---

[267] Szczerbiak, Aleks, (2012). Poland within the European Union, Routledge Advances in European Politics, London and New York, p.1.

[268] Copsey Nathaniel, (2005). Chapter 8: Poland, An Awkward Partner Redeemed, The Member States of the European Union, Oxford University Press, p. 187.

[269] Swieboda, Pawel, (2007). Poland's Second Return to Europe, European Council of Foreign Relations, Policy Brief. Accessible on this website: https://www.files.ethz.ch/isn/91756/Poland_2_Return_1207.pdf (accessed on 13 July 2019)

[270] Ibid, p.3.

[271] OSCE/ODIHR Election Assessment Mission Report,(2011) p.22, Accessible on this website: https://www.osce.org/odihr/elections/87024?download=true (accessed on 13 July 2019).

[272] Ibid.

The EU has always been a normative power both for its member states and for the neighbor countries through its values, rules and policies. The norm setter role of Union is an undeniable fact since its establishment. However, the EU has faced not only economic but also political challenges in today such as Brexit, refugee crisis and economic problems. Also the rising nationalism in Europe has led members to act more in their self-interests and these states became more unwilling to fulfill actions on behalf of the Union by paying attention to their own domestic interests.

In this atmosphere, Poland has also become one of the main concerns of the Union due to its changing attitudes after the election of 2015. Elections in 2015 changed the political sphere in Poland from the centrist political party namely, the Civic Platform (PO) Party to a more nationalist one, Law and Justice Party (PiS)[273]. PiS, under the leadership of Jarosław Kaczyński, gained an important success by being the first government of Poland which did not share the power with any other party in a coalition. The rulership of the PiS can be perceived as a backsliding of democracy and human rights in Poland for the international arena. Since 2015, Poland has been following policies which are in direct contrast with the general values of the Union. PiS party has tried to implement its policies without giving any room to other institutions and tried to provide whole control over them.

This PiS government rule negatively affected the democratic development process of Poland. The changes made in the areas of media, civil service and the Constitutional Tribunal were the first attempts of the PiS government after coming to the rule. Then, they continued with reducing the independence of Supreme Court and the national judiciary system. Also, PiS government began to increase its pressure on the NGOs and cut their financial support. As of 2017, the undemocratic policies of the PiS government included discriminatory policies. Government began to develop a discourse against the minorities, especially Muslims and LGBTs.

---

[273] Matthes C. & Markowski R.& Bönker F., (2018), Poland Report, Sustainable Governance Indicators, Accessible on this website: http://www.sgi-network.org/docs/2018/country/SGI2018_Poland.pdf

This process affected the international status of Poland negatively. The limitations on media and the restrictions on judiciary created worries among international bodies. The EU has also expressed concerns about the changing structure of Poland and that it violated the European values and rule of law.

During the PiS government rule, there were several problems. The first and the most important one is the threat against the independence of the Judiciary. After the PiS government came to the power, the independency of Polish judiciary became a controversial issue. This new government replaced some of the constitutional court judges and removed the head of the Constitutional Tribunal from the post, which were regarded as unconstitutional by the Tribunal[274]. The Tribunal monitors the compliance to the laws and tries to solve problems stemming from the constitutional actions of Poland. For the rule of law, this mechanism has a special importance. However the PiS, they began to intervene the Tribunal by replacing the judges and making new appointments in unconstitutional ways.

The other controversial action of the PiS government was its interference in the freedom of expression and media. Media is an important tool in democratic. The PiS government tried to control the media and restrict the freedom of expression. They established new legislation for the media sector. Within these legislations, they ended transparency in media sector and dismissed some journalists by changing the managers of some channel. They appointed their own senior managers to the National Broadcasting Council which takes place in the decision making process. Also, many journalists lost their jobs for political reasons after PiS came to the power in Poland[275].

---

[274]Wlodarczak, Anna, (2018), Chronolgy: Poland Clashes with EU over judicial Reforms, Rule of Law, Reuters Website. Accessible on this website: https://www.reuters.com/article/us-eu-poland-chronology/chronology-poland-clashes-with-eu-over-judicial-reforms-rule-of-law-idUSKBN1JU25U (accessed on 22 July 2019)

[275] Matthes C. & Markowski R.& Bönker F., (2018), Poland Report, Sustainable Governance Indicators, p.19. Accessible on this website: http://www.sgi-network.org/docs/2018/country/SGI2018_Poland.pdf

Another controversial issue under the PiS rule was about the restriction of women's reproductive rights. Abortion was a controversial issue in Poland from the very beginning. PiS government has made the abortion more controversial. They proposed a regulation about abortion by limiting the accession of women to this procedure. Also, the sales of the morning-after pills, which are used after unprotected sex or in case of rape, have also been restricted. All these negative developments caused protests against the government. Although Poland has an Anti-Discrimination Act, which is compatible with the EU directives since the beginning of 2011, the PiS government has been unwilling to develop anti-discriminative policies[276].

Another criticized issue can be about interference of the government with the civil society and freedom of association. With the PiS government, the state funding for the civil society groups has become difficult to get[277]. The sharing of funding depends on not the equality but the perception of the government itself. Also, when establishing a new legislation, government did not get the opinion of any civil association. Along with the cutting of financial support, the PiS government criticized the National Human Rights Institution of Poland, limited the activities of this institution and wanted the Commissioner of National Human Rights Institution resign from its job[278]. Therefore, these situations caused an increased discontent in the civil organizational sphere.

In the next part, I aim to analyze the transformation process of Poland in terms of human rights and democracy by focusing closely on the foreign policy of Poland, the attitude of Poland towards the recent refugee crisis and the rule of law problems in the country.

---

[276] Matthes C. & Markowski R.& Bönker F., (2018), Poland Report, Sustainable Governance Indicators, p.21, Accessible on this website: http://www.sgi-network.org/docs/2018/country/SGI2018_Poland.pdf

[277] Human Rights Watch, (2017). Eroding Checks and Balances Rule of Law and Human Rights Under Attack in Poland, p. 26. Accessible on this website: https://www.hrw.org/sites/default/files/report_pdf/poland1017_web.pdf (accessed on 07 May 2019)

[278] Ibid. p. 27

4.4.1. The Foreign Policy of Poland

In the post-accession process of Poland, it can be said that Poland has become an important political player in Europe. The successful presidency in 2011 increased its popularity and effectiveness in policy-making under EU roof. Under the Visegrád Group and Weimar Triangle, Poland has strengthened its power in EU with the coalitions[279]. Also its foreign policy as a member state can be considered as a reflection of Union's soft power. From the very beginning of its accession, Poland has become a responsible and an active actor in EU's foreign policy and in spreading the European values, democracy and human rights to the other regions through some policies and instruments. This is an important indicator of Union's impact on Poland in terms of democracy and human rights[280].

While Poland is most of the time in the same line with the foreign policies of the Union, it does not favor any policy which conflicts with the foreign and security policies of NATO and the Transatlantic Alliance. Poland has keen on developing the transatlantic relations along with the European neighborhood policy. Poland developed good relations with the US and views the US as a guarantor state in terms of its military capability. Poland was the supporter of the US in the events such as the Iraqi invasion and its War on Terror[281]. Poland therefore views the CSDP of the Union as a competitive institution to NATO. Because especially for France, CSDP was considered as a tool to reduce the US involvement in Europe in general. Poland's view of the CSDP caused uneasiness among the founding member states, France and Germany and Poland was defined as a Trojan *horse* in the Union[282]. Especially after the 2015 elections during the PiS government rule, the US alliance and NATO power

---

[279] Ministry of Foreign Affairs of the Republic of Poland, (2014), Poland's 10 Years in the European Union, p. 11.

[280] Karolewski I. Paweł & Wilga Maciej, (2018), Poland and the European Union, World Politics Online.

[281] Ibid. p.1.

[282] Ibid. p. 21

became an important part of Poland's foreign policy. PiS government showed the desire to be more independent from EU politics and has seen the US as a security guarantor against Russia in its foreign policy[283].

Another important contribution of Poland to the Union's foreign Policy is through its Eastern policy. The policy prioritizes developing relations with the post-soviet countries such as Ukraine, Armenia, Georgia, Moldova, Azerbaijan and Belarus. With the strong support of Poland and Sweden, the EU initiated its Eastern Partnership in 2009. Especially after the PiS came to the power, Poland followed a more active policy on the Eastern cooperation. They have supported a more strict partnership with Ukraine, reduced relations with Russia and strong support to Georgia and Moldova in the path of EU membership[284]. Poland, with the efforts to spread Eastern partnership under the roof of the Union, has a laudable position in the democracy promotion and the protection of human rights in these Eastern neighbors.

When looking at the examples of Poland's foreign policy, Poland can be considered as the most important actor in terms of determining the course of action of the Union both in the Ukrainian crisis in 2013-2014 and then in the Ukraine-Russian conflict. In the Crimean annexation of Russia, Poland supported imposing some restrictions to Russia such as the annulment of the EU-Russia 2014 Summit. Poland continued to exercise this policy against Russia unlike Hungary, Cyprus and Italy, which were more cautious about imposing restrictions to Russia. During this period, Poland also separately supported Ukraine by providing economic funds around €900 million in 2015 beside the economic aid of the Union to Ukraine[285].

---

[283] Ras, Maciej, (2017), Foreign and Security Policy in The Party Discourse in Poland: Main Futures, Institute of International Relations, University of Warsaw, UNISCI Journal, number 43, p. 136.

[284] Babakova, Olena, (2017), Polish Eastern Policy under the Law and Justice Government, Aspen Review, Issue 1, Accessible on this website: https://www.aspenreview.com/article/2017/polish-eastern-policy-under-the-law-and-justice-government/

[285] Karolewski I. Paweł & Wilga Maciej, (2018), Poland and the European Union, World Politics Online.

Another important role of Poland in terms foreign policy in the EU was the war between Russia and Georgia in 2008. This was an important turning point for Poland because in the earlier policies, Poland was not so willing to be a part of the CSDP, however during this conflict, it gave more attention to the common security and defense policies and began to be a part of the missions[286]. The participation of Poland to the EU Battlegroups which is an integral part of the European Union's military capacity to respond against any emerging crises and the EU Force in Bosnia and Herzegovina (EUFOR) could be the examples of active participation of Poland.

These Eastern policies of Poland have been a good opportunity for the neighboring countries to exercise trade negotiations, to tackle with visa issues and to make their position stronger in the international sphere with the support of the Union. Therefore, this policy can be considered as the success of Polish diplomacy in the EU politics.

Poland also used Structured Dialogue model in its foreign policy. This Dialogue refers to increase cooperation and communication between the youth of Europe and decision-makers in order to include the younger population in the policy making process[287]. Poland has worked for to improve this Dialogue and played an important role to provide the stability in Yugoslavia through this way[288].

All these examples suggest that Poland has an ability to use its normative power through foreign policy over the neighbors. This situation proves that Poland has become successful in adopting the soft power concept of the Union and worked for strengthening these values such as human rights, democracy and the rule of law among the non-member states.

---

[286] Chappell, L. (2012) Germany, Poland and the Common Security and Defense Policy: Converging Security and Defense Perspectives in an Enlarged EU, Hampshire; New York: Palgrave Macmillan, p.170.

[287] European Commission Youth Website, Structured Dialogue, Accessible on this website: https://ec.europa.eu/youth/policy/implementation/dialogue_en (accessed on 09 July 2019)

[288] Agenda 2000, (1997), Commission Opinion on Poland's Application for Membership of the European Union, Brussels, DOC/97/16, p. 10.

4.4.2. Refugee Crisis

Refugee problem occupies the global political agenda in the recent decades mainly due to civil wars. Especially after 2003 migration became a complex issue for the European region in general. Problems and wars in the neighborhood increased the pressure on Europe in terms of its dealings with ever increasing migration and refugees. Instability in Syria, Iraq, and Afghanistan and in other countries experienced Arab Spring contributed to the refugee problem. Until 2015, the EU did not determine any regular policy to tackle with this issue. After 2015, the EU had to put this issue in its agenda because of the flow of refugees crossing EU border. According to the data of the United Nations, the number of refugees and migrants arrived at the EU border was more than 1 million in 2015[289]. The first reaction of the EU to the refugee crisis was not so successful. The EU did not have a common policy on migration and asylum and it lacked experience in dealing with the high number of refugees in this time sphere. It was criticized by both member states and international sphere because of lack of coherent policies on this refugee crisis. Today, the EU is more experienced on this issue and has developed various strategies on this. Part of the reason for the EU's initial failure was the unwillingness of member states in dealing with this issue. Many member states were reluctant to accept refugees in their territories. Especially Greece and Italy are the most affected countries from the refugee crisis due to their geographic positions. These countries have also complained about the lack of support from other member states. Due to these complaints, the EU set a quota in the relocation of refuges throughout the member states in 2015 by the decision of the Council. According to this decision, 160.000 refugees in Italy and Greece will be relocated to the other member states until the last quarter of 2017[290]. However despite the support of Germany and Sweden to this relocation framework, mainly Central and Eastern States

---

[289] UNHCR Operational Portal, Refugee Situations, Accessible on this website: https://data2.unhcr.org/en/situations/mediterranean

[290] European Parliament, (2015). Implementation of the 2015 Council Decisions Establishing Provisional Measures in the Area of International Protection for the Benefit of Italy and Greece, p.18.Accessible on this website: http://www.europarl.europa.eu/RegData/etudes/STUD/2017/583132/IPOL_STU(2017)583132_EN.pdf (accessed on 09 July 2019)

became the main opponents of this relocation and refused to accept the refuges into their territories.

The refugee crisis began in 2011 and reached to top level in 2015 with over one million refugees in the EU border[291]. In 2014, only 7 percent of the population[292] was worried about the refugee problem but this rate increased to 17 percent in 2015 due to concerns about immigrants. [293]

In this context, Poland became one of the Central and Eastern States, which refused to accept refugees. It rejected the relocation policy of the Union by saying that refugees were a potential threat for the security of European countries. As a reaction to the negative attitude of some CEECs, the European Commission initiated legal action by penalizing such countries, which rejected the relocation policy of Union with 250.000 Euro per migrant[294].

Before the 2015 elections, Civic Platform (PO) had an EU strategy which tried to locate Poland in the Union as a reliable member state. Therefore, Poland under the PO government mainly followed positive policies for not harming the relations with Union. However, Poland changed its policy towards refugees after the 2015. With the 2015 elections, PiS government has begun to follow more aggressive policies. Their reaction to the flow of migrants was totally negative. Migrants were seen as a danger for the PiS government to spoil the national identity of Poland. Poland under the PiS government became one of the member states which rejected the relocation plan of

[291] Győri, Gábor, (2016) The Political Communication of The Refugee Crisis in Central And Eastern Europe, Policy Solutions, Foundation for European Progressive Studies, p.49.

[292] European Commission, (2014), Public Opinion in The European Union, Standard Eurobarometer, p. T18, Accessible on this website: http://ec.europa.eu/public_opinion/archives/eb/eb82/eb82_anx_en.pdf (accessed on 16 May 2019)

[293]Ibid. T31.

[294] Winneker, Craig, (2016), Price for rejecting refugees: €250,000 per head, Politico Website. Accessible on this website: https://www.politico.eu/article/commission-wants-to-make-eu-countries-pay-for-not-accepting-refugees/ (accessed on 16 May 2019)

the Union on refugees[295]. Poland did not take any migrants to its territory however it has given the support in the preservation of the EU's external borders and in allocation of the funds. The PiS government mainly accused the former government of their undermining of Polish security and nationality under the EU oppression. The Eurosceptical attitude of the PiS government has weakened the position of Poland in the Union.

Another problem rose in the period of the PiS government was about the support of the Church. Church has had a strong influence on Poles since very early times. Therefore, getting support of the Catholic Church is an important strategy for the ruling governments in Poland. Despite the fact that the PiS government gives credence to the approaches of the Church, they conflicted in migration issues. Catholic Church did not approve the attitudes of the PiS government in the migration issues and suggested to provide a humanitarian corridor in order to provide medical treatment while PiS government made a suggestion to open hospitals in refugee camps instead of taking the refuges into the city[296].

In sum, refugee crisis has still been a big and controversial issue for both the Union and Poland. Poland has been criticized due to its refusal of Union's decisions about refugee crisis at the Union level and at the international level. It can be said that Poland could not serve its normative power through the refugee policies, which is used for Eastern countries. This is mainly because of its realist foreign policy. For Poland and its current PiS government, security has a priority. Especially after the terrorist attacks in European countries, this security dimension of Poland has gained more attention and increased Islamophobia through country.

---

[295] Szczerbiak, Aleks, (2017), How is the European migration crisis affecting Polish politics?, LSE European Politics and Policy (EUROPP) Blog. Accessible on this website: http://eprints.lse.ac.uk/83900/1/europpblog-2017-07-06-european-migration-crisis-affecting-polish.pdf (accessed on 13 July 2019)

[296] Ibid, p.4.

4.4.3. The Rule of Law Crisis

In general terms, the rule of law means that the authority of law is above all other governmental and individual activities. Every governmental entity and individual are bound by law and have to respect the superiority of law[297]. After the Second World War, the importance of this concept increased with the establishment of the Universal Declaration of Human rights in 1948.

Before looking at Poland in terms of rule of law, it is important to explain the relationship between human rights and rule of law. Rule of law has a strong connection with human rights as the rule of law is an important guarantor for the human rights. It is a kind of vehicle both to promote and protect the rights of humans. Without the rule of law, it is hard to talk about the protection of human rights. It is a mechanism in exercising human rights in real life. Therefore these two concept have strong ties and relationship with each other. Also, in the Council of Europe's Report of the Committee on Legal Affairs and Human Rights (2008), the relationship between democracy, human rights and rule of law is defined as the Figure 4[298]. In this report, it is said that "…there can be no democracy without the rule of law and respect for human rights; there can be no rule of law without democracy and respect for human rights, and no respect for human rights without democracy and the rule of law…[299]"

---

[297] Valcke, Anthony, (2012), The Rule of Law: Its Origins and Meanings, Accessible on this website: http://ssrn.com/abstract=2042336 (accessed on 16 May 2019).

[298] Council of Europe, (2008), Relationship between rule of law, democracy and human rights, 1042bis Meeting, p.5. Accessible on this link:
https://www.coe.int/t/dc/files/Ministerial_Conferences/2009_justice/CM%20170_en.pdf (accessed on 16 May 2019)
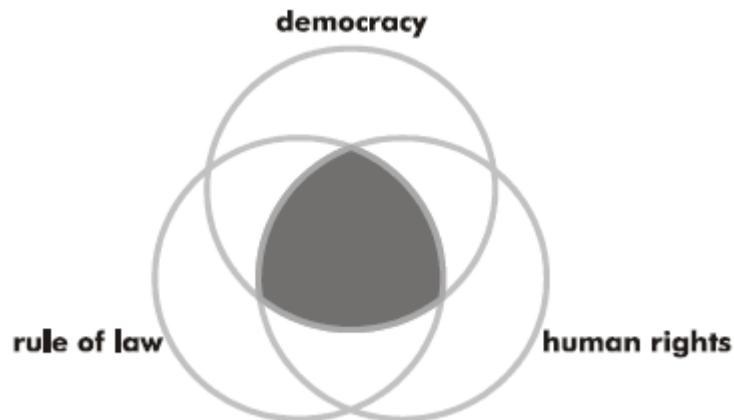
[299] Ibid. p.5

Figure 4: The Relationship between Human Rights, Rule of Law and Democracy

Declarations or institutions dealing with human rights have generally addressed the importance of rule of law in their text. For example, in the Preamble of the Universal Declaration of Human Rights which is the core text regarding human rights, it is mentioned that "…if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law…[300]"

At the EU level, the rule of law is one of the most important concepts both as a common European value and as a benchmark for the candidate countries in the accession process[301]. This concept is a part of the constitutional structure of all member states under the Article 2 of TEU. Also, rule of law is a part of the Copenhagen political criteria at the EU level. This means that it is a key requirement for the membership of EU.

Besides the member states, European institutions have also a responsibility to provide respect for the rule of law. The European Commission and European Council are the

---

[300] United Nations, Universal Declaration of Human Rights, Accessible on this website: https://www.un.org/en/universal-declaration-human-rights/ (accessed on 16 May 2019)

[301] Pech, Laurent, (2012), Rule Of Law As A Guiding Principle Of The European Union's External Action, Centre For The Law of EU External Relations, p.10, Accessible on this website: https://www.asser.nl/media/1632/cleer2012-3web.pdf

main responsible organs of the EU in strengthening and protecting the rule of law[302]. European Commission established a Rule of Law Framework in 2014 in order to make structured dialogue between the EU and member states possible in case of any threat to the rule of law. Until today, this aforementioned framework has only been applied to the Poland[303]. Besides the Commission and the Council, the European Parliament has also responsibility in the protection of rule of law. Its role is mainly to make recommendations and to provide the enforcement of EU values. In 2016, the European Parliament gave a recommendation to the Commission in order to establish a EU mechanism on democracy, the rule of law and fundamental rights called as the EU Pact for Democracy, Rule of law and Fundamental Rights[304].

When looking at Poland, It was in a satisfactory position in terms of the rule of law and democracy in the accession process. All the Commission reports and evaluations made by the EU underlined the sufficiency of Poland meeting the Copenhagen criteria. This positive image of Poland made accession process easier. However, this image has changed after the 2015 election. The PiS government won the elections and has begun to change the judicial structure of Poland. The PiS government has been criticized by international community because of endangering the separation of power and protection of democracy in Poland. PiS government's ruling of Poland without a coalition makes the Party' hand stronger in taking decisions. This has caused manipulations and threatening decisions in terms of the rule of law and democracy.

When looking at the main changes in the judicial system, PiS has limited the authority of the Constitutional Tribunal and given more power to the political authority in

---

[302] European Parliament, (2019) Establishing a EU Mechanism on Democracy, The Rule of Law and Fundamental Rights, Legislative Train, Accessible on this website: http://www.europarl.europa.eu/legislative-train/theme-area-of-justice-and-fundamental-rights/file-eu-mechanism-on-democracy-the-rule-of-law-and-fundamental-rights (accessed on 09 November 2019)

[303] European Commission,(2019) Rule of Law Framework, Accessible on this website: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/effective-justice/rule-law/rule-law-framework_en (accessed on 21 July 2019)

[304] European Parliament, (2016) EU Mechanism on democracy, the Rule of Law and Fundamental Rights, European Parliament Resolution. Accessible on this website: http://www.europarl.europa.eu/doceo/document/TA-8-2016-0409_EN.html (accessed on 09 July 2019)

appointing new judges which affect the objectivity of the Tribunal[305]. The control over the Constitutional Tribunal and appointment of new judges by the government brought Poland into conflict not only with Polish people but also with the international community, especially with the EU.

The reactions of the international arena came mainly from the EU, CoE and UN. In 2016, the European Commission decided to use the rule of law mechanism against the actions of Polish government. This was the first use of this mechanism in the history of the EU[306]. Along with the EU, the UN and CoE tried to alter the behavior of PiS. They made many recommendations in order to protect human rights and rule of law but Polish government failed to fulfill these recommendations. Under these circumstances, Poland was warned due to its intervention on Constitutional Tribunal. However Poland did not pay much attention to these remarks of the Union.

Following this, the European Commission gave some recommendations and trimester time to Poland in order to deal with the problems about its judiciary and Constitutional Tribunal. However, Polish government rejected the recommendations of the Commission by saying that these recommendations had biased information about the functionality of the judiciary system of Poland.

During the 2017 EU Summit in Brussel, French President Emmanuel Macron criticized Poland and Hungary strongly because of their attitude in the Union disregarding EU values and norms. He said that "The European Union was no "supermarket" where they could pick and choose the parts of EU membership that they liked without regard for the bloc's values.[307] "

---

[305] The Economist Website, (2018). Poland's Ruling Law And Justice Party Is Doing Lasting Damage, Accessible on this website: https://www.economist.com/europe/2018/04/21/polands-ruling-law-and-justice-party-is-doing-lasting-damage (accessed on 15 July 2019)

[306] López Garrıdo D. & López Castıllo A. (2019) The EU framework for enforcing the respect of the rule of law and the Union's fundamental principles and values, Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, p.16.

[307] Baczynska Gabriela, (2017), Poland, Hungary Scold Macron After His Warning On Values, The Reuters Website. Accessible on this website: https://www.reuters.com/article/uk-eu-summit-macron-

Then, in the last quarter of 2017, European Parliament suggested to use Article 7 against the intolerable actions of Poland and restrictions of Poland's voting rights in the Commission was put on the agenda. European Commission underlined that they can use the Article (7) of Lisbon Treaty against Poland due to its violations of common values of the EU. According to this Article (7), all member countries have to respect the common values of the Union. The reason why this article exists is to hold the countries accountable against any violation. If there is a risk for any violation of the EU values such as human rights, rule of law and democracy by any member states, EU could impose sanctions and suspend voting rights of this member state[308].

The tensions between Poland and the EU in general caused the partial isolation of Poland from the Union and made Poland more connected with the V4.

Along with the EU, CoE has also criticized the Polish government. CoE expressed its uneasiness about the recent amendments on the Constitutional Tribunal in Poland and made some recommendations in order to protect the efficiency of the rule of law through mainly Venice Commission. Also regarding the media laws in Poland, CoE criticized the Poland not to be transparent and equal. They mentioned the importance of plurality in media.

Polish government accepted the recommendation of CoE and invited Venice Commission to Poland in order to investigate the constitutional problems in 2015. According to the report of the Venice Commission, the changes made in Tribunal and the laws in general by the PiS could pose a threat to the rule of law and human rights.[309]

---

easteurope/poland-hungary-scold-macron-after-his-warning-on-values-idUKKBN19D2HK (accessed on 30 June 2019)

[308] Hervey Ginger & Livingstone Emmet, (2016), What is Article 7?, Politico Website, Retrieved from: https://Www.Politico.Eu/Article/Hungary-Eu-News-Article-7-Vote-Poland-Rule-Of-Law/ (accessed on 18 July 2019)

[309] Venice Commission, Opinion on Amendments to The Act Of 25 June 2015 on the Constitutional Tribunal of Poland, p.24. Accessible on this website: https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)001-e (accessed on 12 July 2019)

Another critic came from the UN[310]. The UN Human Rights Committee had also mentioned concerns about the independency of the Tribunal, freedom in media and other discriminatory and undemocratic policies of the PiS government such as the termination of pregnancy and anti-terror acts. This Committee warned the Polish government and gave suggestions in order to protect the independency of judicial system in Poland and to guarantee the human rights and equality in general. However, all these attempts were not welcomed by the PiS government[311].

In sum, the rule of law is a kind of guarantee in order to protect human rights. Despite the fact that Poland was a good example in the rule of law during the accession period, especially after the PiS government, Poland's attitude towards this concept has been shaken. This is a worrisome situation in the evaluation of Poland's human rights. Also, the negative attitude of Poland has shaken the authority of the Union itself. The Union has failed to tackle with the Poland in this case and the sanctioning power of the Union was insufficient. The EU's normative power over the member states is not proven to be effective and thus the normative power concept of the Union has become a controversial issue. This demonstrates the importance of the national interests of member states in their national legislative system. Their cost-benefit analysis can matter in their internal system.

---

[310] Polish Helsinki Foundation for Human Rights, (2016), Concered Un Critizes State ofHuman Rights in Poland, Liberties Website, Accessible on this website: https://www.liberties.eu/en/news/human-rights-committees-recommendations-for-poland/10601 (accessed on 12 July 2019)

[311] Human Rights Watch, (2017). Eroding Checks and Balances Rule of Law and Human Rights Under Attack in Poland, Accessible on this website: https://www.hrw.org/sites/default/files/report_pdf/poland1017_web.pdf (accessed on 12 July 2019)

CHAPTER 5

CONCLUSION

Human rights as a historical concept have increased its importance after the Second World War. Universal Declaration of Human Rights under United Nations, European Convention on Human Rights under the Council of Europe and Charter of Fundamental Rights under the European Union have formed the major documents which increased the international attention to the human rights.

In this framework, this study demonstrated that the EU has a strong transformative power in terms of spreading human rights and democracy to the post-communist European states. The EU used this power over CEECs through its enlargement policy as one of the most effective tools to spread the norms and values of the Union. The Copenhagen Criteria has a special role in the increased importance of political matters. By setting criteria about human rights, rule of law and democracy, the EU has defined its standards for new comers. EU has a holistic and broad approach to human rights. It has given importance to the values accepted by Union in broad terms. Not only human rights but also the rule of law and democracy are closely related to each other. These are complementary concepts. If there is a lack of one of these concepts, it is almost impossible to talk about the others. Therefore, the EU first tried to protect and highlight these values internally. It is necessary to have a strong internal consistency between the member states in order to be a global actor. After providing this, the Union became more active in the international arena in establishing and spreading norms and values. In this direction, institutions, treaties and documents established by the Union have increased the role of human rights and the rule of law.

In this thesis, the fifth enlargement is evaluated under the transformative power concept which defends the rationalist and constructivist approaches of integration.

This fifth enlargement has a special importance in the European enlargement history. This enlargement is an indicator of European transformative power. CEECs did achieve a great success in the transformation process with the support of the Union. These states adopted new democratic constitutions, which respect for the human rights is a vital component. The communist institutional structure changed and more democratic and transparent institutions were established in order to guarantee liberal and democratic state structures. Their economies were recovered and economic capability of these states were provided. The European Union made crucial contributions to this process of the CEECs by increasing consciousness in terms of human rights, bolstering assistance and training programs and providing financial aid towards this goal.

In this process, the contributions of the NGOs have been undeniable. NGOs are strongly related with the promoting and protecting human rights. Both in encouraging public participation and lobbying international and national authorities, NGOs became important actors in the transformation process of CEECs. The growing effectiveness of NGOs in the CEECs has enhanced the awareness of these countries on the issues related to human rights, the rule of law and democracy. HRW, AI and OSI are some of the NGOs, which contribute to this process.

This thesis mainly sought to answer the following question: What are the effects of the EU on CEECs in terms of human rights? and Whether the fifth enlargement of the EU is successful in terms of human rights.

While the founding aims of the EU were mainly economic and for providing peace in general, the EU gained transformative soft power in time. This transformative role of the Union in international arena cannot be neglected.

Despite the controversies on the Union's normative power, this thesis defined the EU as a transformative power in Europe but not a global norm setter. In the neighborhood, EU is an enviable organization, which many states desire to be a part of it. The accession of the CEECs can be considered as the best example of this willingness after the dissolution of the Soviet Union.

This thesis argues that the fifth enlargement could be considered as a successful one although this was one of the most difficult enlargements due to the large number of states, their massive population and the lack of economic and political capacities. It would be appropriate to evaluate the success of this enlargement in line with what the objectives of the EU and CEECs were and to what extent these objectives were achieved.

From the EU perspective, the first goal can be defined as to provide a secure Europe without any communist threat. Due to its lack of military capability, Union had to do it via economic and political tools. The impact of the European transformative power in the fifth enlargement began at this point. The Union felt itself responsible in the region to protect these states from any kind of instability because any crisis in the neighborhood would also affect the Union directly. After the CEECs became the members of the NATO and then EU, the main security concern was eliminated and one of the aims for the fifth enlargement was reached for the EU.

The second aim of the EU can be defined as mainly economically oriented. Although economic side matters more for the CEECs due to their lack of free market and non-functioning economic structure, this enlargement was also conceived as important for the EU to provide the common market in the region and to create recovery and more labor force. From this perspective too, the enlargement can be perceived as successful.

A major goal of the EU through this enlargement was to help with the political transition in these countries and shape this process with the European norms and values. This thesis evaluated whether the CEECs' adoption of such values were successful or not. I discussed how the transformative power of the EU towards the CEECs contributed to the respect for human rights, functioning democracy and the rule of law in these countries.

In the accession process, all these CEECs made important changes in their constitutions by focusing on the EU norms and values with the technical and economic support of the Union. These countries tried to construct a new political and economic order, protecting the rule of law and human rights, valuing the public opinion, media

and the activities of NGOs. Under the Copenhagen Criteria, most of these aims were achieved with the completion of accession period. In terms of the EU, this enlargement can be considered as a successful proof of the EU's transformative power. Also, after being part of the Union, most of these countries became strong supporters of the European Neighborhood Policy. These countries have been working towards spreading European values and norms to the neighborhood. This can also be perceived as a result of the successful transformative power of the Union over these CEECs.

Another important achievement for the EU through this enlargement was the opportunity to extend its effect and credibility in the region in the direction of its norms and values. This enlargement compelled the Union to broader and comprehensive context with an increased number of member states. By involving ten states into the Union, the EU would become more active in regional and in world politics.

According to a survey done by Eurobarometer in 2017[312], it was asked what the main values that come to mind when the EU was mentioned. The top three answers were peace, human rights and democracy. This demonstrates that the EU has still an important actor in terms of norms and values representing its normative power.

In terms of the CEECs, the accession process can be evaluated as a very difficult but successful one. For security concerns, being part of the NATO and the EU made the CEECs more confident and secure. The communist threat was diminished. For economic concerns, this enlargement provided the establishment of a free and a functioning market economy. It increased the economic recovery and welfare of these states by supporting their developments.

It can be said that the EU's one of the most important contribution to the CEECs was in the human rights realm. The CEECs were states that their democracies were repeatedly interrupted, were repressed by the larger countries constantly and suffered

---

[312] Vatandaş, Selim, (2018), Avrupa Birliği'nin Normatif Gücü: İnsan Hakları ve Demokrasi İdeali Bağlamında Bir Analiz, Bilge Strategy, Volume 10, Number 19, Spring, p. 158.

from the lack of respect for human rights. Especially, the society had to deal with many problems such as injustice, unproportioned use of force, repressed media and lack of transparency and lack of freedom of expression under the communist regime. Therefore the EU became an ideal organization for CEECs to take part in. Therefore, it can be said that the transformative power of Europe has become successful in the CEECs. The importance of "*conditionality*" is important in this point because these countries received the membership to the Union by the end of the accession process. The effect of conditionality became a trigger factor that accelerated the accession process in the fifth enlargement and made the transformative power of EU effective in CEECs.

The success of the CEECs can also be explained by "*Return to Europe*" concept. These countries perceive themselves as a part of Europe. This perception became a trigger factor, which accelerated the accession process. In the ambiguous process pursuing the end of the Cold War, this sense of belonging helped these countries to decide where to go. This point is also very important to demonstrate the normative power of the EU. In particular, these countries have made major changes in their constitutions, establishing democratic regimes, and completing the accession process with the support of the EU in order to prioritize human rights and the rule of law in their democratic systems. Therefore, this transformation process of CEECs can be named as the "*third wave of democratization*"[313].

Although the accession process was more positive than expected, the problems faced by the EU caused the questioning of the Union among the member states. Especially after the 2000s, these controversies have become more apparent in the world agenda due to the crisis experienced by the Union. The lack of coherent policies on refugee crisis, the belated response to the conflicts in the near geographies, the different policies adopted by the national authorities of the member states and increased economic crisis have become some of the problems to be reckoned.

---

[313] Huntington, Samuel P.,(1991). Democracy's Third Wave, Journal of Democracy Vol.2. No.2, p. 12, https://www.ned.org/docs/Samuel-P-Huntington-Democracy-Third-Wave.pdf

Not each member state observes the EU's norms and values defined in the Lisbon Treaty at the same rate. Also, the increase in the number of member states has made it difficult to adopt a common attitude in the Union. The 21th century is a period where the Union has experienced many challenges that led to the questioning of the normative power of Union. The economic crisis in the early 2000s, the Arab Spring, the Syrian crisis and the increased refugee problems have been the main issues that the EU had to deal with. The rise of the extreme right wing movements and xenophobia in member states has negatively affected the policies of the Union in this period. Migration, as a basic human right, has become problematic and the Union has been inefficient to respond and tackle with this crisis. All these issues have reopened the discussions whether the EU is a normative and transformative power.

According to Ian Manners, the sustainability of being a normative power depends on the perceptions and attitudes of the related actors[314]. The effectiveness of the EU's normative power is mostly related to the policies and contributions of member states. One of the main weaknesses of the normative power is this dependency. As Thomas Diez argues that the members' clash of interests with the EU norms is inevitable[315]. If the member states do not contribute to the normative base of Union, it is not possible for the Union to keep its normative bases alive.

Within this framework, I analyzed Poland as a case study to evaluate the impact of the EU membership in realms of human rights, rule of law and democracy. In the Polish case, the changes in the ruling party have also changed the priority of rule of law, human rights and freedom of the expression. New policies of the current government have conflicted with the defended norms and values of the Union. However, the Union became mostly inefficient to manage these conflicts due to its lack of coercive policies and power.

---

[314]Manners, Ian, (1944) Normative Ethics of the EU, International Affairs, London, p. 46.

[315]Diez, Thomas, (2005) Constructing the Self and Changing Others: Reconsidering 'Normative Power Europe', Millennium: Journal of International Studies, Vol.33, No.3, pp. 624-26.

Poland's changing attitude after the PiS' coming to power demonstrates the importance of domestic policies of the member states in protecting the normative power of EU. The negative rhetoric and policies of the PiS government in the protection of human rights and rule of law has shaken the authority of the Union. The EU made recommendations and used Article 7 against these intolerable actions of Poland as a last resort. However, these attempts of Union were inadequate to deal with the violations of the PiS government.

Also, Poland's refusal of the EU's decisions about refugees has become another controversial issue. The PiS government claimed that its security and national interests are under threat and rejected the Union's policies to accept refugees in Poland.

The EU as a transformative power achieved a major success in the fifth enlargement by helping with the transformation of these states in terms of human rights, democracy and the rule of law. However, the national policies of every member states are crucial to maintain this power of the Union, as if the EU could not act internally as an efficient transformative power, it is difficult for the organization to use its transformative power in the international arena.

BIBLIOGRAPHY

1999 REGULAR REPORT from The Commission on Poland's Progress Towards Accession.

21 DEMANDS OF INTERFACTORY STRIKE, Accessible on this website: http://latecoldwar.blogspot.com/2010/07/21-demands-of-inter-factory-strike.html (accessed on 07 March 2019)

AGENDA 2000, (1997), Commission Opinion on Poland's Application for Membership of the European Union, Brussels, DOC/97/16.

AGENDA 2000, Commission Opinion on Poland's Application for Membership of the European Union.

AKIN, İlhan F., (1990). *Kamu Hukuku*, 6th Edition, Beta Press. İstanbul.

ALEXANDRESCU Mıhaı, (2007), David Mitrany: From Federalism to Functionalism, Transylvanian Review.

ALLA Marchenko (2016) *Civic activities in Eastern Europe: links with democratic political culture*, East European Politics, 32:1, 12-27, DOI: 10.1080/21599165.2015.1130698

ALSTON, Philip & WEILER J.H.H. (1998), "*An 'Ever Closer Union' in Need of a Human Rights Policy*", EJIL, pp. 658-723.

AMNESTY INTERNATIONAL Website, Who we are? Accessible on this website: https://www.amnesty.org/en/who-we-are/ (accessed on 17 April 2019)

ANDREWS G. Nicholas, (1985) Poland 1980-81. Solidarity versus the Party National Defense University Press.

ATA, Funda K., (2013*). Avrupa Birliği ve İnsan Hakları*, Siyasal Bookstore, Ankara.

AYTUĞ, H.K., (2008), The View of Integration Theories on European Union Enlargement, Celal Bayar University, Administration and Economics, 15/1, p. 152.

BABAKOVA, Olena, (2017), Polish Eastern Policy under the Law and Justice Government, Aspen Review, Issue 1, Accessible on this website: https://www.aspenreview.com/article/2017/polish-eastern-policy-under-the-law-and-justice-government/

BACZYNSKA Gabriela, (2017), Poland, Hungary Scold Macron After His Warning On Values, The Reuters Website. Accessible on this website: https://www.reuters.com/article/uk-eu-summit-macron-easteurope/poland-

hungary-scold-macron-after-his-warning-on-values-idUKKBN19D2HK
(accessed on 30 June 2019)

BARNARD, Catherine, (2008). The 'Opt-Out' for the UK and Poland from the Charter of Fundamental Rights: Triumph of Rhetoric over Reality?, ResearchGate, University of Cambridge.

BATORY, Agnes, (2012), *Why Do Anti-Corruption Laws Fail in Central Eastern Europe? A Target Compliance Perspective*, Department of Public Policy, Central European University, Regulation & Governance, Budapest, Hungary, p.2.

BAUMANN Rainer and STENGEL A. Frank, (2014), *Foreign policy analysis, globalisation and non-state actors: State-centric after all?,* Journal of International Relations and Development, Number 17.

BBC Turkey, AB Anayasası: Sorular-Cevaplar, Retrieved from: http://www.bbc.co.uk/turkish/indepth/story/2004/03/printable/040326_ab_an ayasa_sorucevap.shtml#8 (accessed on 18 June 2019)

BENGTSON, R. and Elgström, O. (2012) *Conflicting Role Conceptions? The European Union in Global Politics*, Foreign Policy Analysis, Volume 8.

BERGER Arthur, (1989). *Political Culture and Public Opinion*, New Jersey.

BERNSTORFF Jochen von, (2007), *Non-State Actors In Law-Making And In The Shaping Of Policy On The Legality And Legitimacy Of NGO Participation In International Law*, The Konrad-Adenauer-Foundation's Conference on International Law.

BIDELEUX, Robert & JEFFRIES Ian, (1998), *The Second World War and the Expansion of Communist Power in East Central and South Eastern Europe*, In the book of A History of Eastern Europe: Crisis and Change, Routledge London and New York

BITTNER, Karolina, Victims of the Poznań June 1956, Institute of National Remembrance, Accessible on this website: https://june56.ipn.gov.pl/j56/victims/2277,Victims-of-the-Poznan-June-1956.html (accessed on 07 June 2019)

BLOKKER Paul, (2012). *Multiple Democracies in Europe: Political Culture in New Member States*, Democratization Studies, ResearchGate Website, Routledge.

BLOKKER, Paul (2008), *From a Central European Identity to Post-Nationality?*, European Journal of Social Theory, pp. 257-274.

BORKOWSKI, Jan, (2001). Polish Integration Policy in the Context of the European Union's Accession Strategy, Yearbook of Polish European Studies, Warsaw University Centre for Europe.

BÖRZEL, T, (2010), The Transformative Power of Europe reloaded:The Limits of External Europeanization, KFG Working Papaer No.11 p.6.

BÖRZEL, Tanja, LEBANIDZE Bidzina, (2017), The Transformative Power Of Europe Beyond Enlargement: The Eu's Performance In Promoting Democracy In Its Neighbourhood, East European Politics, Vol.33.

BUDAPEST CENTRE, (2017) *Capabilities of The Visegrad Group In Preventing Extremism*, Foundation for the International Prevention of Genocide and Mass Atrocities, p.28, Accessible on this website: http://www.genocideprevention.eu/wp-content/uploads/2016/05/Report_V4_2017_A4_web.pdf

BULGARIA CONSTITUTION, Retrieved from: https://www.mrrb.bg/en/constitution-of-the-republic-of-bulgaria/ (accessed on 22 April 2019)

BULL, Hedley, (1982). *Civilian Power Europe: A Contradiction in Terms?*, Journal of Common Market Studies, Volume 22, Issue 2.

BURGGESS, Micheal (2004), "Federalism", In A. Wienner ve T. Diez (der.), European Integration Theory, Oxford University Press, 25-41

ÇALIK, Etem, (2017). D*evelopment of Human Rights Issue and Its Relation with Social and Political Factors*, Volume 6, Number 16, Spring. https://dergipark.org.tr/download/article-file/369317

CANVEREN Ö & ÖZTÜRK Ç. *Avrupa Birliği Genişleme Politikalarında Meşrulaştırma: Merkezi ve Doğu Avrupa Ülkeleri ile Batı Balkanların Karşılaştırmalı Analizi*, Adnan Menderes University, Journal of Institute of Social Sciences, Vol.:5, No: 1, p.53

CASTLE, Marjorie & Taras Ray, (2002), *Democracy in Poland*, Westview Press.

CENTER FOR RUSSIAN AND EAST EUROPEAN STUDIES, (2004), *Poland: The Land and Its People,* University Center for International Studies, University of Pittsburg. p.21. Acccessible on this website: https://www.ucis.pitt.edu/outreach/sites/default/files/Poland.pdf

CHAPPELL, L. (2012) Germany, Poland and the Common Security and Defence Policy: Converging Security and Defence Perspectives in an Enlarged EU, Hampshire; New York: Palgrave Macmillan.

CINI, Michelle & BORRAGÁN, Nieves Pérez-Solórzano, (2019), Intergovernmentalism, European Union Politics, Chapter:5, Sixth edition, Oxford Press.

COMMISSION OF THE EUROPEAN COMMUNITIES, PHARE Sectoral Information, p.33, Retrieved from: https://www.ircwash.org/sites/default/files/821-EUREAST93-11959.pdf (accessed on 16 May 2019)

CONFERENCE ON SECURITY AND CO-OPERATION IN EUROPE Website, Final Act, Helsinki 1975, pp.6-7, Retrieved from: https://www.osce.org/mc/39501?download=true (accessed on 16 May 2019)

CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, (1950), Rome, Retrieved from: https://www.echr.coe.int/Documents/Convention_ENG.pdf (accessed on 03 March 2019)

COPSEY Nathaniel, (2005). Chapter 8: Poland, An Awkward Partner Redeemed, *The Member States of the European Union*, Oxford University Press.

CORDELL, Karl, (2000). *Poland and the European Union*, Routledge-Taylor&Francis Group, London and New York.

COUNCIL OF EUROPE, (2008), Relationship between rule of law, democracy and human rights, 1042bis Meeting, Accessible on this link: https://www.coe.int/t/dc/files/Ministerial_Conferences/2009_justice/CM%20170_en.pdf (accessed on 16 May 2019)

COUNCIL OF EUROPE, Who we are? Retrieved from: https://www.coe.int/en/web/about-us/who-we-are (accessed on 16 May 2019)

COUNCIL OF EUROPEAN UNION, (2009) European Security Strategy: A Secure Europe in A Better World, Belgium, Retrieved from: https://www.consilium.europa.eu/media/30823/qc7809568enc.pdf (accessed on 12 February 2019)

CREIG, Paul, (2013), Lisbon Treaty: Law, Politics, and Treaty Reform, Chapter:9, Freedom, Security, and Justice, Oxford Press.

CWIEK-KARPOWICZ Jaroslaw & KACZYNSKI, Piotr Maciej (2006). *Assisting Negotiated Transition to Democracy: Lessons from Poland 1980-1999,* Institute of Public Affairs.

DANCHIN, Peter, Discussion Preamble Section 1, Columbia University, Retrieved from: http://ccnmtl.columbia.edu/projects/mmt/udhr/preamble_section_1/discussion_3.html

DARKO Silovic, (1999) *Regional Study on Human Development and Human Rights in The Central and Eastern Europe,* Human Development Report.

DE SCHUTTER, Olivier, (2010). *"La Charte sociale européenne: une constitution sociale pour l'Europe" (Avrupa Sosyal Şartı: Avrupa İçin Yeni Bir Sosyal Anayasa*), Council of Europe, Ankara. https://www.anayasa.gov.tr/media/3681/avrupasosyalsarti2.pdf

DEHGHAN, Saeed Kamali, (2017), The Guardian, Migrant Sea Route To Italy Is World's Most Lethal, Retrieved from:

https://www.theguardian.com/world/2017/sep/11/migrant-death-toll-rises-after-clampdown-on-east-european-borders (accessed on 09 July 2019)

DEMIRDELEN, Gözde, (2014). *Magna Carta Libertatum*, Bilkent Newspaper, http://www.gazetebilkent.com/2014/01/25/magna-carta-libertatum/ (accessed on 16 March 2019)

DENIZ, Y. Bahar , *Fundamental Rights In EU Law And Their Interactions With European Convention On Human Rights System*, TBB Journal, Retrieved from: http://tbbdergisi.barobirlik.org.tr/m2011-97-1106 (accessed on 16 May 2019)

DIEZ, Thomas, (2005) Constructing the Self and Changing Others: Reconsidering 'Normative Power Europe', Millennium: Journal of International Studies, Vol.33, No.3.

DINÇ, Cengiz, (2012) *European Union's Fifth Enlargement Process: Economic and Political Dimensions*, Ege Academıc Revıew, Volume 12, No.1, pp. 79-96

DÖNER, Ayhan, (2003) *İnsan Haklarının Uluslararası Alanda Korunması ve Avrupa Sistemi*, Seçkin Press, Ankara.

EFE, Haydar, (2010) *Evolution of Human Rights in the European Union*, Journal of the Institute of Social Sciences, Number 5.

EPPS, Valerie (1997), The New Dynamics of Self-Determination, ILSA Journal of International &Comparative Law, Volume 3, Accessible on this website: https://core.ac.uk/download/pdf/51088966.pdf

ERDOGAN M. & ARSLAN Z. & UZAK A. & ALTUNTAS M. (2006). *Insan Haklari: Temel Bilgiler, Koruma Mekanizmaları, İl ve İlçe İnsan Hakları Kurulları*, Matus Press, Ankara.

EUROPEAN COMMISSION Website, Press Release Database, Retrieved from: http://europa.eu/rapid/press-release_IP-93-292_en.htm (accessed on 19 May 2019)

EUROPEAN COMMISSION, (2014), Public Opinion in The European Union, Standard Eurobarometer, Accessible on this website: http://ec.europa.eu/public_opinion/archives/eb/eb82/eb82_anx_en.pdf (accessed on 16 May 2019)

EUROPEAN COMMISSION, (2015), Questions and Answers: What is the EU doing for women's rights and gender equality?, Accessible on: https://ec.europa.eu/commission/presscorner/detail/en/MEMO_15_4563 (accessed on 16 May 2019)

EUROPEAN COMMISSION, (2019) Rule of Law Framework, Accessible on this website: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/effective-justice/rule-law/rule-law-framework_en (accessed on 21 July 2019)

EUROPEAN COMMISSION, Press Release Database, Accessible on this website: http://europa.eu/rapid/press-release_IP-86-264_en.htm (accessed on 16 May 2019)

EUROPEAN EXTERNAL ACTION SERVICE Website, Accessible on https://eeas.europa.eu/headquarters/headquarters-homepage/82/about-european-external-action-service-eeas_en (accessed on 09 May 2019)

EUROPEAN PARLIAMENT, (2015). Implementation of the 2015 Council Decisions Establishing Provisional Measures in the Area of International Protection for the Benefit of Italy and Greece, p.18.Accessible on this website: http://www.europarl.europa.eu/RegData/etudes/STUD/2017/583132/IPOL_STU(2017)583132_EN.pdf (accessed on 09 July 2019)

EUROPEAN PARLIAMENT, (2016) EU Mechanism on democracy, the Rule of Law and Fundamental Rights, European Parliament Resolution. Accessible on this website: http://www.europarl.europa.eu/doceo/document/TA-8-2016-0409_EN.html (accessed on 09 July 2019)

EUROPEAN PARLIAMENT, (2019) Establishing a EU Mechanism on Democracy, The Rule of Law and Fundamental Rights, Legislative Train, Accessible on this website: http://www.europarl.europa.eu/legislative-train/theme-area-of-justice-and-fundamental-rights/file-eu-mechanism-on-democracy-the-rule-of-law-and-fundamental-rights (accessed on 09 November 2019)

EUROPEAN PARLIAMENT, Accessible on this website: http://www.europarl.europa.eu/hearings/20000222/libe/art6/default_en.htm (accessed on 09 July 2019)

EUROPEAN PARLIAMENT, Fact Sheets on the European Union, Accessible on this website: http://www.europarl.europa.eu/factsheets/en/sheet/7/the-principle-of-subsidiarity (accessed on 09 July 2019)

EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS, (2012),Handbook on The Establishment and Accreditation of National Human Rights Institutions in The European Union, Publications Office of the European Union, Accessible on this website: https://fra.europa.eu/sites/default/files/fra-2012_nhri-handbook_en.pdf

EUROPEAN UNION AGENT FOR FUNDAMENTAL RIGHTS, About FRA, Retrieved from: https://fra.europa.eu/en/about-fra (accessed on 29 May 2019)

EUROPEAN UNION EXTERNAL ACTION SERVICE, (2016), European Neighborhood Policy, Retrieved from: https://eeas.europa.eu/diplomatic-network/european-neighbourhood-policy-enp/330/european-neighbourhood-policy-enp_en (accessed on 29 May 2019)

EUROPEAN UNION EXTERNAL ACTION SERVICE, (2016), Human Rights Guidelines, Retrieved from: https://eeas.europa.eu/node/8441_en (accessed on 29 May 2019)

EUROPEAN UNION EXTERNAL ACTION SERVICE, (2018), A Global Strategy for the European Union, Retrieved from: https://eeas.europa.eu/topics/eu-global-strategy/49323_en (accessed on 29 May 2019)

FRANKLIN Roosevelt, The Four Freedoms Speech, Retrieved from: https://www.fdrfourfreedomspark.org/fdr-the-four-freedoms (accessed on 09 March 2019)

FRIIS L. & JAROSZ A. (2000), *When the going gets tough: The EU's Enlargement negotiations with Poland*, Journal of European Integration, Vol.23, pp.29-61.

GALLINA Nicole, (2016). *Political Culture in Eastern and Western Europe: The Role of Political Correctness,* Culture of Political Elites in Eastern Europe.

GANAIE, Mohd Ashraf, (2016), Globalization and Human Rights, The Journal of Infection in Developing Countries, Vol.6, No. 12.

GEHRING Thomas, (1996), Integrating Integration Theory: Neo-Functionalsm and International Regimes, Global Society, Vol.10, No.3.

GOEL Vaibhav and TRIPATHI Manoj Kr., (2010). The Role of NGOs in the Enforcement of Human Rıghts: An Overview, the Indian Journal of Political Science, Vol. 71, No. 3.

GRABBE, Heather,(2006), The EU's Transformative Power: Europeanization Through Conditionality in Central and Eastern Europe, Palgrave Macmillan UK.

HÄUSLER, Katharina &TimmER, Alexandra (2015), *Human Rights, Democracy and Rule of Law in EU External Action: Conceptualization and Practice*, European Yearbook on Human Rights.

HEINISCH R. and LANDSBERGE C., *Returning to Europe' East Central Europe's Complex Relationship with European Integration and its Repercussions*, Salzburg University.

HERVEY Ginger & LIVINGSTONE Emmet, (2016), What is Article 7?, Politico Website, Retrieved from: https://Www.Politico.Eu/Article/Hungary-Eu-News-Article-7-Vote-Poland-Rule-Of-Law/ (accessed on 18 July 2019)

HILLION, Christophe, (2013) *Enlarging the European Union and deepening its fundamental rights protection,* SIEPS European Policy Analysis.

HÖRDEGÅRD Emma (2005*), Eastern Enlargement of the EU : Unequal memberships despite rhetorical commitment*, Lund University, Accessible on this website: http://lup.lub.lu.se/luur/download?func=downloadFile&recordOId=1331637&fileOId=1331638

HUMAN RIGHTS HOUSE Website, About, Accessible on this website: https://humanrightshouse.org/human-rights-houses/warsaw/#About (accessed on 29 May 2019)

HUMAN RIGHTS THEORIES, Classical Perspective: Aristotle, Retrieved from: https://www.mtholyoke.edu/~gerla22f/classweb/Human%20Rights%20Theories%20-%20Classic%20Perspectives.html (accessed on 13 February 2019)

HUMAN RIGHTS WATCH Website, History, Accessible on this website: https://www.hrw.org/history (accessed on 17 April 2019)

HUMAN RIGHTS WATCH, (2017). Eroding Checks and Balances Rule of Law and Human Rights Under Attack in Poland, Accessible on this website: https://www.hrw.org/sites/default/files/report_pdf/poland1017_web.pdf (accessed on 07 May 2019)

HUNTINGTON, Samuel P., (1991). *Democracy's Third Wave,* Journal of Democracy Vol.2. No.2. Accessible on this website: https://www.ned.org/docs/Samuel-P-Huntington-Democracy-Third-Wave.pdf

HYDE-PRICE, Adrian (2006) *Normative Power Europe: A Realist Critique*, Journal of European Public Policy, 13:2.

IGWE O.C. Isaac, History of the International Economy: The Bretton Woods System and its Impact on the Economic Development of Developing Countries, Athens Journal of Law - Volume 4, Issue 2.

ILIE L. (2007), "Economic considerations regarding the first oil shock, 1973–1974", MPRA paper.

ILISULU, Başak, (2004). *The Analysis of Poland's Accession Process to The European Union, Master Thesis,* METU, p.15. Accessible on this website: https://etd.lib.metu.edu.tr/upload/3/12605514/index.pdf

INTERNATIONAL LABOUR OFFICE (ILO) International Organization for Migration (IOM) Office of the United Nations High Commissioner for Human Rights (OHCHR), International Migration, Racism, Discrimination and Xenophobia, (2001), A discussion paper prepared by. Retrieved from : https://www2.ohchr.org/english/issues/migration/taskforce/docs/wcar.pdf

ISHAY, R. Micheline (2008). *The History of Human Rights from Ancient Times to Globalization Era*, University of California Press, Berkeley.

JÓNSSON, Stefán Daníel, (2017) *European Union Enlargement Policy: The Emergence of Enlargement Fatigue and Possible Future Developments*, Reykjavík, Ísland, Retrieved from: https://skemman.is/bitstream/1946/27314/1/Ritgerd%20-%20loka%20.pdf

KARDOS, G. (1991), *All-European Human Rights Yearbook 1*.

KAROLEWSKI I. Paweł & WILGA Maciej, (2018), Poland and the European Union, World Politics Online.

KARPOWICZ Jaroslaw Cwiek, (2006). *Assisting Negotiated Transition to Democracy: Lessons from Poland 1980-1999,* Institute of Public Affairs, Warsaw.

KASTELIK-SMAZA, Agnieszka, (2018). The Application of the Charter Of Fundamental Rights of the EU in Poland, Acta Universitatis Carolinae, Accessible on this website: https://www.prf.cuni.cz/res/dwe-files/1404059561.pdf

KAYA, Taylan Özgür, (2008), *A Coherent and Effective Foreign and Security Policy For the European Union? The Cases of the Yugoslav Crisis and the Iraq Crisis*, Journal of Yaşar University.

KEMP-WELCH, A.,(1983), The Birth of Solidarity, St. Martin's Press, New York.

KEOHANE, Robert, and Nye Joseph, (1977), *Power and Interdependence: World Politics in Transition*, Boston.

KIRAÇ Selda & ILHAN Buket, (2010), *Avrupa Birliği Oluşum Süreci ve Ortak Politikalar*, Milli Eğitim Journal, Number 188, Spring, p. 191.

KLINGEMANN Hans-Dieter, Jan Zielonka Dieter Fuchs, (2006). *Democracy and Political Culture in Eastern Europe*, Tylor& Francis Group e-library, New York.

KOK, Wim, (2003) E*nlarging the European Union: Achievements and Challenges,* Report to European Commission, European University Institute, Robert Schuman Centre for Advanced Studies.

KOLODZIEJCZYK, Katarzyna, (2016). Poland in the European Union: Ten Years of Membership, UNISCI Journal, Number 40, University of Warsaw. Accessible on this website: https://www.ucm.es/data/cont/media/www/pag-78913/UNISCIDP40-1Katarzyna%20K.pdf

KOOPMANN, Martin, (2016). Europe needs Weimar: Perspectives on the Weimar Triangle in times of crisis, Genshagener Papiere, Number 18. Accessible on this website: http://www.stiftung-genshagen.de/uploads/media/Genshagner_papiere_18_web_englisch.pdf

KUCSKO, Gabriele,(2009), The Spread of the Ombudsman Idea in Europe, University of Vienna.

LAÏDI, Zaki (2008), *European Preferences and Their Reception,* EU Foreign Policy in a Globalized World, Normative Power and Social Preferences, Routledge.

LANGLOIS J. Anthony, *Normative and Theoretical Foundations of Human Rights,* Human Rights: Politics and Practice, 2nd Edition, Oxford University Press, https://www.researchgate.net/publication/263224112_Normative_and_Theoretical_Foundations_of_Human_Rights

LARSEN, H. (2014). *The EU as a Normative Power and the Research on External Perceptions: The Missing Link*, Journal of Common Market Studies, Volume 52, Issue 4.

LAURSEN, Finn, (2008). The Rise And Fall of the EU's Constitutional Treaty, Constitutional Law Library, Volume 5.

LERCH, Marika & Schwellnus, Guido, (2006). *Normative by nature? The role of coherence in justifying the EU's external human rights policy,* Journal of European Public Policy.

LETKI Natalia,(2003) *Explaining Political Participation in East-Central Europe: Social Capital, Democracy and the Communist Past,* Nuffield College Politics Working Paper, University of Oxford.

LIBERTIES Website, Polish Helsinki Foundation For Human Rights, Accessible on this website: https://www.liberties.eu/en/organisation/polish-helsinki-foundation-for-human-rights (accessed on 27 April 2019)

LÓPEZ GARRIDO D. & LÓPEZ CASTILLO A. (2019) *The EU Framework For Enforcing The Respect Of The Rule Of Law And The Union's Fundamental Principles And Values*, Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, p.16.

MAHENDRA P. Singh, (2005), *Federalism, Democracy and Human Rights: Some Reflections*, Journal of the Indian Law Institute, Volume 47, Number 4.

MANNERS, Ian (2006) European Union Normative Power and the Security Challenge, European Security, Vol.15 No.4.

MANNERS, Ian, (1944) *Normative Ethics of the EU*, International Affairs, London.

MANNERS, Ian, (2004), *Normative Power Europe Reconsidered*, CIDEL Workshop, Oslo.

MANNERS, Ian, (2006), N*ormative Power Europe Reconsidered: Beyond the crossroads*, Journal of European Public Policy.

MANNERS, Ian, (2009), *The EU's Normative Power in Changing World Politics*, Normative Power Europe in a Changing World: A Discussion, A. Gerrits (ed.), Netherlands Institute of International Relations.

MARKS, P., Stephen (2016). *Human Rights: A Brief Introduction*, Harvard University. Retrieved from: https://cdn1.sph.harvard.edu/wp-content/uploads/sites/134/2016/07/Human-Rights-A-brief-intro-2016.pdf

MATTELAER (ed.), Alexander, (2018). *Exploring the Boundaries of Conditionality in the EU,* European Policy Brief, No.51, Retrieved from: http://www.egmontinstitute.be/content/uploads/2018/06/EPB-51-Conditionality-in-the-EU.pdf?type=pdf

MATTHES C. & MARKOWSKİ R.& BÖNKER F., (2018), Poland Report, Sustainable Governance Indicators, Accessible on this website: http://www.sgi-network.org/docs/2018/country/SGI2018_Poland.pdf

MERAY, Seha L., (1975). *Devletler Hukukuna Giriş*, Second Volume, 4th Revised Edition, Ankara.

MIERZEJEWSKI, Dominik, (2018), *Poland External Relations Briefing: Reviving the Weimar Triangle and Rapprochement with the West*, China- CEE Institute, Volume 6, Number 4. Accessible on this website: https://china-cee.eu/wp-content/uploads/2018/05/2018er424%EF%BC%883%EF%BC%89Poland.pdf

MILLER A. Eric and YETIV A. Steve, (2001). *The New World Order in Theory and Practice: The Bush Administration's Worldview in Transition*, Presidential Studies Quarterly, Volume 31, Number 1.

MINISTRY OF FOREIGN AFFAIRS of the Republic of Poland, (2014), Poland's 10 Years in the European Union.

MINISTRY OF FOREIGN AFFAIRS of the Republic of Poland, (2016), Poland in NATO, NATO Summit, Warsow. Accessible on this website: https://www.msz.gov.pl/en/foreign_policy/nato_2016/poland_in_nato/ (accessed on 17 June 2019)

MINISTRY OF FOREIGN AFFAIRS of the Republic of Poland, Polish Commitment to Operations and Missions. Accessible on this website: https://brukselanato.msz.gov.pl/en/poland_in_nato/polish_commitment_to_operations_and_missions/ (accessed on 17 June 2019)

MINISTRY OF FOREIGN AFFAIRS of The Republic of Turkey website, European Union Court of Justice, Retrieved from: https://www.ab.gov.tr/_45632.html (accessed on 29 May 2019)

MIX, Derek E., (2013), *The European Union: Foreign and Security Policy*, Congressional Research Service. Accessible on this website: https://fas.org/sgp/crs/row/R41959.pdf

MORAVCSİK, Andrew (1998), The Choice for Europe: Social Purpose and State Power from Messina to Maastricht, Cornell University Press, p.26.

MORAVCSİK, Andrew ve VACHUDOVA, Milada Anna (2002), "Bargaining Among Unequals: Enlargement and the Future of European Integration", European Union Studies Association, Vol.15, No:4, Fall, pp. 1-3

NIEMANN, A. & Schmitter, P. (2009) *'Neo-functionalism'*, in: Wiener, Antje and Diez, Thomas (eds) Theories of European Integration, Oxford: Oxford University Press, 2nd Edition. https://international.politics.uni-mainz.de/files/2018/11/Niemann_Schmitter_2009-1.pdf

NYE, Joseph (2004), *Soft Power: The Means to Success in World Politics*, New York: Public Affairs.

O' BRENNAN, John, (2006), The Eastern Enlargement of the European Union, Routledge; 1 edition.

O' BRENNAN, John, (2013) *Enlargement Fatigue and its Impact on the Enlargement Process in the Western Balkans,* London School of Economics and Political

Science, Accessible on this website: https://www.academia.edu/12882126/Enlargement_Fatigue_and_its_impact_on_the_Enlargement_Process_in_the_Western_Balkans_

OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES, (1987) *Single European Act*, No: 169/1 Retrieved from: http://www.avrupa.info.tr/fileadmin/Content/EU/bir_bakis/SingleEuropeanAct-TekSenet.pdf (accessed on 22 July 2019)

OPEN SOCIETY FOUNDATIONS Website, Who we are? Human Rights Initiative, Accessible on this website: https://www.opensocietyfoundations.org/about/programs/human-rights-initiative (accessed on 17 April 2019)

ORGANIZATION FOR SECURITY AND CO-OPERATION in Europe (OSCE) Website, What we do? Human Rights, Retrieved from: https://www.osce.org/human-rights (accessed on 03 March 2019)

ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE Website, National Human Rights Institutions, Accessible on this website: https://www.osce.org/odihr/national-human-rights-institutions (accessed on 24 July 2019)

ORGANIZATION OF EUROPEAN ECONOMIC COOPERATION Website, Accessible on: http://www.oecd.org/general/organisationforeuropeaneconomicco-operation.htm (accessed on 24 July 2019)

OSCE Office for Democratic Institutions and Human Rights, (2016). 25 Years of Defending Human Rights and Promoting Democracy: ODIHR25, Retrieved from: https://www.osce.org/odihr/229731(accessed on 02 March 2019)

ÖZCAN, Mehmet, (2012), *Avrupa Birliğinde İnsan Hakları*, Ankara Strategic Institute, Hayat Press, Istanbul.

ÖZER Buğra & KARADAĞ Cafer T., (2017) The Legacy Of Willy Brandt's "Ostpolitik" In German Foreign Policy, Dumlupinar University, Journal of Social Sciences , number 52. Accesisible on: https://dergipark.org.tr/tr/download/article-file/304897

ÖZER, Yonca, (2012). *The European Union as A Civilian Power: The Case of The EU's Trade Policy*, Marmara Journal of European Studies, Volume 20, No:2.

PECH, Laurent, (2012), Rule of Law as a Guiding Principle of the European Union's External Action, Centre for the Law of EU External Relations, p.10, Accessible on this website: https://www.asser.nl/media/1632/cleer2012-3web.pdf

PEDRAZA Lisdey Espinoza (2015), Central European Countries and EU Accession: A Blessing or a Curse?, E-International students, Accessible on this website:

https://www.e-ir.info/2015/02/17/central-european-countries-and-eu-accession-a-blessing-or-a-curse/

PEŠEK Pavel, Effects of the 1973 oil crisis on Europe, Academia.edu Website, Retrieved from: https://www.academia.edu/30748611/Effects_of_the_1973_oil_crisis_on_Europe?auto=download (accessed on 08 February 2019)

POLISH HELSINKI FOUNDATION FOR HUMAN RIGHTS, (2016), Concered Un Critizes State ofHuman Rights in Poland, Liberties Website, Accessible on this website: https://www.liberties.eu/en/news/human-rights-committees-recommendations-for-poland/10601 (accessed on 12 July 2019)

POLLACK, Mark A. (2008), The New Institutionalism and European Integration , Constitutionalism Web-Papers, ConWEB No. 1/2008.

PRIDHAM Geoffrey & VANHANEN Tatu, (2003). *Democratization in Eastern Europe*, Routledge, London and New York.

RAS, Maciej, (2017), Foreign and Security Policy in The Party Discourse in Poland: Main Futures, Institute of International Relations, University of Warsaw, UNISCI Journal, number 43.

ROMANIA CONSTITUTION, Retrieved from: http://www.cdep.ro/pls/dic/site2015.page?den=act2_2&par1=2&idl=2 (accessed on 12 July 2019)

ROSAMOND, Ben (2003), "*New Theories of European Integration",* In European Union Politics by M. Cini, Oxford University Press., New York, p.117.

SCHEFFER Jaap de Hoop (2003), The OSCE: a unique organization with distinctive added value, The Hague, p.2, retrieved from https://www.osce.org/cio/42489?download=true

SCHIMMELFENNIG F, SEDELMEIER U. (2004), *Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe*, Journal of European Public Policy.

SCHIMMELFENNIG Frank& SEDELMEIER Ulrich (2005), *EU Enlargement Through CEECs, The Europeanization of Central and Eastern Europe*, Cornell University Press.

SCHIMMELFENNIG, Frank (2004), *"Liberal Intergovernmentalism*", In A. Wienner ve T. Diez, European Integration Theory, Oxford University Press., p.86.

SCHIMMELFENNIG, Frank, (1999), *The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union*, International Organization, vol. 55, issue 01.

SCHIMMELFENNIG, Frank, (1999), *The Double Puzzle of EU Enlargement: Liberal Norms, Rhetorical Action and the Decision to Expand to the East*, Arena

working papers, Accessible on this website: https://www.sv.uio.no/arena/english/research/publications/arena-working-papers/1994-2000/1999/wp99_15.htm

SCHIMMELFENNIG, Frank, (2002), *The Conditions of Conditionality, The Impact of the EU on Democracy and Human Rights in European Non-member states*, ECPR Joint Session of Workshop.

SHARMA, Bahuli, (2015), *The EU Strategic Framework On Human Rights And Democracy: A Right Step In The Right Direction*, South Asia Democratic Forum, Retrieved from: https://www.sadf.eu/the-eu-strategic-framework-on-human-rights-and-democracy-2012-a-right-step-in-the-right-direction/

SHARON L. Wolchik & Jane L. Curry, (2015). *Central and East European Politics: From Communism to Democracy*, Central and East European Politics, Rowman & Littlefield.

SOLEMN DECLARATION ON EUROPEAN UNION, Stuttgart, 1983, Bulletin of the European Communities, Retrieved from: http://www.internationaldemocracywatch.org/attachments/298_Solemn%20Declaration%20on%20%20European%20Union%20Stuttgart%201983.pdf (accessed on 13 July 2019)

STOKES, Gale, (1993), The Walls Came Tumbling Down. The Collapse of Communism in Eastern Europe, Oxford University Press

SUCHOCKA Hanna, (2015). *Lustration: Experience Of Poland*, Council of Europe, European Commission For Democracy Through Law, The Institute of International Relations, Prague, p.4, Accessible on this website: https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2015)029-e

SWIEBODA, Pawel, (2007). Poland's Second Return to Europe, European Council of Foreign Relations, Policy Brief. Accessible on this website: https://www.files.ethz.ch/isn/91756/Poland_2_Return_1207.pdf (accessed on 13 July 2019)

SZAFRANIEC, Jaroslaw, (2008), *From Totalitarianism To Democracy: The Case Of Poland, Controversies And Heritage Of Communism*, Monterey California, Naval Postgraduate School. Accessible on this website: https://calhoun.nps.edu/handle/10945/4009

SZCZERBIAK, Aleks, (2012). *Poland Within the European Union*, Routledge Advances in European Politics, London and New York.

SZCZERBIAK, Aleks, (2017), How is the European migration crisis affecting Polish politics?, LSE European Politics and Policy (EUROPP) Blog. Accessible on this website: http://eprints.lse.ac.uk/83900/1/europpblog-2017-07-06-european-migration-crisis-affecting-polish.pdf (accessed on 13 July 2019)

SZOŁUCHA, A. (2010). *The EU and Enlargement Fatigue: Why has the European Union not been able to counter enlargement fatigue?* Journal of Contemporary European Research, Volume 6, Issue 1.

THE AMSTERDAM TREATY, Consolidated Version of The Treaty of European Union, p.11. Accessible on the website: http://www.unhcr.org/41b6ccc94.pdf (accessed on 09 March 2019)

THE CONSTITUTION OF THE REPUBLIC OF POLAND of 2nd April, (1997), Article 2. Accessible on this website: https://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm (accessed on 15 July 2019)

THE ECONOMIST WEBSITE, (2018). Poland's Ruling Law And Justice Party Is Doing Lasting Damage, Accessible on this website: https://www.economist.com/europe/2018/04/21/polands-ruling-law-and-justice-party-is-doing-lasting-damage (accessed on 15 July 2019)

TILLEY, Ryan, (2012). *Normative Power Europe and Human Rights*: A Critical Analysis, University of Leeds, POLIS Journal Vol. 7.

TOSUN, Dr. Mebrure, *Hammurabi'nin Toprak Kanunları*, Ankara University, Retrieved from: http://dergiler.ankara.edu.tr/dergiler/26/1045/12626.pdf

TREATY ON EUROPEAN UNION, pp. 13-14, Accessible on this website: https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty_on_european_union_en.pdf (accessed on 08 March 2019)

TRZECIAK Sergiusz, (2012). *Poland's EU Accession*, Routledge Contemporary Russia and Eastern Europe Series, London and New York.

UNITED FOR HUMAN RIGHTS (UHR), A Brief History of Human Rights, Retrieved from: https://www.humanrights.com/what-are-human-rights/brief-history/declaration-of-independence.html (accessed on 18 February 2019)

UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER, What are the Human Rights? Retrieved from: https://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx (accessed on 13 February 2019)

VALCKE, Anthony, (2012), The Rule of Law: Its Origins and Meanings, Accessible on this website: http://ssrn.com/abstract=2042336 (accessed on 03 June 2019)

VATANDAŞ, Selim (2016), *Avrupa'ya Göçmen Akışı ve Türkiye'de Göç Politikaları,* Bilgi Analiz, İstanbul.

VATANDAŞ, Selim, (2018), Avrupa Birliği'nin Normatif Gücü: İnsan Hakları ve Demokrasi İdeali Bağlamında Bir Analiz, Bilge Strategy, Volume 10, Number 19, Spring.

VENICE COMMISSION, Opinion on Amendments to The Act Of 25 June 2015 on the Constitutional Tribunal of Poland, p.24. Accessible on this website: https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)001-e (accessed on 12 July 2019)

VISEGRAD GROUP Website,(2004) The Kroměříž Declaration, Accessible on this website: http://www.visegradgroup.eu/2004/declaration-of-prime (accessed on 14 March 2019)

WAKELIN, Elyse, (2013), *EU Conditionality: An Effective Means for Policy Reform?,* e-International Relations. Retrieved from: https://www.e-ir.info/2013/11/01/eu-conditionality-an-effective-means-for-policy-reform/ (accessed on 19 March 2019)

WENDT, Alexander,(1992) *Anarchy is what States Make of it*: The Social Construction of Power Politics , International Organization, Vol. 46, No. 2, pp. 395

WETZEL, Anne & Orbie, Jan, (2012), *The EU's Promotion of External Democracy: In search of the plot*, CEPS Policy Brief.

WHITMAN, Richard G., (2011). *Normative Power Europe: Empirical and Theoretical Perspectives*, The European Union as A Regional Normative Hegemon: The Case of European Neighborhood Policy by Hiski Haukkala, DOI: 10.1057/9780230305601_3

WIENER, Antje & DIEZ, Thomas, (2009), *European Integration Theory*, Chapter 8: Social Constructivism and European Integration by Thomas Risse, Oxford University Press. DOI:10.1093/hepl/9780199226092.003.0008

WINNEKER, Craig, (2016), Price for rejecting refugees: €250,000 per head, Politico Website. Accessible on this website: https://www.politico.eu/article/commission-wants-to-make-eu-countries-pay-for-not-accepting-refugees/ (accessed on 16 May 2019)

WLODARCZAK, Anna, (2018), Chronolgy: Poland Clashes with EU over judicial Reforms, Rule of Law, Reuters Website. Accessible on this website: https://www.reuters.com/article/us-eu-poland-chronology/chronology-poland-clashes-with-eu-over-judicial-reforms-rule-of-law-idUSKBN1JU25U (accessed on 22 July 2019)

WORLDOMETERS Website, World Population Rates, Accessible on this website: http://www.worldometers.info/world-population/europe-population/ (accessed on 29 July 2019)

YAZGAN, Hatice, (2017). *European Union's Human Rights Policy: An Analysis from External Relations Perspective,* Çankırı Karatekin University, Adam Akademi, 7/1.

ZIELONKA, J, (2007), *Plurilateral Governance in the Enlarged European Union*, Journal of Common Market Studies.

ZUZOWSKI, Robert, (1992) *Political Dissent and Opposition in Poland: The Workers' Defense Committee "KOR",* Praeger; First Edition.

APPENDICES

APPENDIX A: TURKISH SUMMARY / TÜRKÇE ÖZET

İnsan hakları, özellikle İkinci Dünya Savaşı sonrasında önemini artıran bir kavram haline gelmiştir. İkinci Dünya Savaşı sırasında yaşanan kötü tecrübeler, artan ırkçılık ve artan adaletsizlik dünya düzenine yeni bakış açıları getirmiş ve güç kavramının sorgulanmasına yol açmıştır. İkinci Dünya Savaşından sonra barışın özellikle en çok etkilenen Avrupa kıtasında sağlanması öncelik halini almıştır.

Bu atmosfer içerisinde Avrupa Birliği kurulmuş ve kıtaya kalıcı barışı getirme amacı güderek değişen dünya düzenin ilk adımlarını atmıştır. Özellikle insan haklarının önemini vurgulamak ve dış ilişkilerinde belirlediği norm ve değerlere göre hareket etmek konusunda Avrupa Birliği, hem üye ülkeler hem aday ülkeler hem de yakın coğrafyasında yer alan ülkelere örnek teşkil etmiş ve yol gösterici bir rol edinmiştir. Normatif ve dönüştürücü bir güç olarak tanımlanan Avrupa Birliği, bölgede barış ve güvenliği sağlamak adına kendi kuruluş amaçlarını içeren ortak değerleri çerçevesinde bu gücünü kullanmaya çalışmıştır. Gerek ilk genişlemeden son genişlemeye kadar bünyesine yeni ülkeleri dahil ederek gerek ise uyguladığı komşuculuk politikalarıyla birlikte kendi normlarını dağıtmaya çalışarak bu gücünü her platformda kullanmıştır. Özellikle birliğin ortak değerlerinin en önemlileri olarak kabul edilen insan hakları, hukukun üstünlüğü ve demokrasiyi iletişim halinde olduğu tüm coğrafyalarda yaymaya çalışan Avrupa Birliği'nin kullandığı en güçlü yöntemin, uyguladığı genişleme politikaları olduğu söylenebilir. Bu genişleme dalgaları Avrupa Birliği için bir fırsat ve aynı zamanda yumuşak gücünü kullanması için Avrupa Birliği'nin bir çeşit uygulama stratejisi olarak tanımlanabilir. Her ne kadar genişleme konusu Avrupa Birliği için birçok zorluğu içinde barındırsa da; ülkeler üzerinde bu yolla dönüştürücü gücünü kullanmak için bir fırsat oluşturduğu söylenebilir.

Özellikle tezin konusu kapsamında ele alınacak olan Orta ve Doğu Avrupa Ülkeleri genişlemesi, Avrupa Birliği'nin karşı karşıya kaldığı en sancılı ve gerçekleştirmesi kendi içinde tezatlıklar barındıran en zor genişlemelerden biri olarak tanımlanabilir. Beşinci genişleme ya da Doğu genişlemesi olarak da tanımlanan bu genişleme, hem Avrupa Birliği için hem de Sovyetler Birliğinin yıkılması sonrasında oluşan yeni düzen içinde özel bir yere sahiptir. Bu genişleme, Sovyetler Birliğinin dağılmasını takiben, komünist rejimin hüküm sürdüğü, yeteri kadar gelişmemiş bir anayasal kapasiteye sahip, insan hakları ve demokrasi konusunda gelişmemiş, hukukun üstünlüğünün yeteri kadar hissedilmediği, yolsuzluğun süreklilik arz ettiği, medyanın bastırıldığı ve konuşma özgürlüğünün sınırlandırıldığı baskıcı rejimlerden gelen ülkeleri kapsamaktadır. Bu nedenle, genişlemeye konu olan Orta ve Doğu Avrupa Ülkeleri, Avrupa Birliği'nin bundan önceki genişlemelerinin konusu diğer ülkelerden farklılık arz etmektedir. Ayrıca, Sovyetler Birliğinin dağılmasının ardından bölgede bir boşluk ortaya çıkmış ve güvenlik endişesi oluşmuştur. Bu atmosfer içerisinde Avrupa Birliği ve NATO, komünist rejime karşı o coğrafyada güvenli görülen limanlar olarak ortaya çıkmıştır. Özellikle 1993 yılı sonrasında Birliğin genişlemenin gerçekleşmesi için ön koşul olarak ortaya koyduğu Kopenhag Kriterleri Avrupa Birliği'nin aslında önemli gördüğü üç noktayı belirlemiştir. Bunların ilki siyasi kriterdir. Buna göre aday ülkeler; demokrasinin ve hukukun üstünlüğünün olduğu ve insan hakları ile azınlık haklarını güvence altına almış ülkeler olmalıdırlar. Diğer bir koşul ekonomik yeterliliktir. Birliği üye olma yolunda olan ülkeler için getirilen ekonomik kriter, aday ülkelerin işleyen ve yeterli düzeyde bir pazar ekonomisine sahip olması zorunluluğudur. Bu aday ülkeler birlik içerisindeki baskılara ve serbest ekonominin getirdiği rekabete hazır ve dayanacak yeterlilikte olmalıdırlar. Bir diğer ve son kriter ise topluluk mevzuatına ilişkin kriterdir. Burada hedef ise Birliğin siyasi ve ekonomik hedeflerine sağdık kalarak üyelik için gerekli yükümlülükleri yerine getirerek Avrupa Birliği'nin müktesebatına uyumu sağlamaktır. Tüm bu kriterler, Avrupa Birliği'ne üyelik için ön koşul olarak sunulmakta ve aday ülkelerin üyelik sürecinin tamamlanması için yerine getirilmesi gerekmektedir. Bu kriterlerde de görüldüğü üzere, tezin konusunu oluşturan insan hakları zaten Avrupa Birliği'nin

üyeliği için bir ön koşul niteliğinde olup aday ülkelerde bu kapsamda değişiklikleri zorunlu kılmaktadır.

Bu kapsamda tezin asıl amacı, Avrupa Birliği'nin insan hakları açısından beşinci genişleme kapsamında etkilerinin ortaya koyulmasıdır. Bunu yaparken Orta ve Doğu Avrupa Ülkelerinin üyelik süreçleri ve bu ülkelerin komünist rejimlerden demokratik rejimlere geçiş süreci incelenmiştir.

Tezin araştırma sorusu ise Avrupa Birliği'nin Orta ve Doğu Avrupa Ülkeleri üzerinde insan hakları açısından etkileri nelerdir? Ve beşinci genişleme bu ülkelerde insan haklarının geliştirilmesi açısından başarılı olmuş mudur? olarak tanımlanabilir.

Tez geneli itibariyle giriş ve sonuç kısımları dahil toplam beş bölümden oluşmaktadır. İkinci bölüm, İnsan Hakları ve Avrupa Birliği başlığı altında incelenmektedir. Bu bölümde ilk olarak insan hakları kavramı tanımlanmış olup, insan haklarının tarihsel gelişim süreci incelenmiştir. Erken dönemlere ait insan haklarına atıfta bulunan belgeler ve olaylara bakılmıştır. Özellikle insan haklarının gelişimi için önemli dokümanlar olarak görülen Magna Carta, Haklar Bildirgesi, İnsan ve Yurttaş Hakları Bildirisi ve en önemlisi İnsan Hakları Evrensel Beyannamesi ele alınmıştır. Tarihsel gelişim sürecinin yanı sıra, insan hakları kavramının Avrupa'da doğuşu ve Avrupa kıtasında gelişimi de bu bölüm altında incelenmiştir. Avrupa kıtasında insan haklarının gelişimi için önemli dokümanlara, bu dokümanların insan haklarına yaptığı atıflara ve özellikle Avrupa Konseyinin insan haklarını geliştirmek adına yaptığı çalışmalara yer verilmiştir. Bu bölüm altında ele alınan bir diğer konu ise insan haklarının sağlanması ve korunması konusunda Avrupa Birliği'nin rolüdür. Avrupa Birliği, hem kurumları hem de kurucu anlaşmaları ile diğer dokümanları kapsamında incelenmiş; insan haklarının gelişimine hem kurumların hem de anlaşmaların Avrupa Birliği bünyesindeki katkıları ele alınmıştır. Bu kısımda, Avrupa Parlamentosu, Avrupa Konseyi ve Avrupa Komisyonunun yaptığı çalışmalara yer verilmiş; Avrupa Tek Senedinden Maastricht Anlaşmasına; Amsterdam Anlaşmasından Nice Anlaşması ve Lizbon Anlaşmasına kadar Avrupa Birliği'nin çalışmaları insan hakları boyutuyla ele alınmıştır.

Bu bölüm altında ele alınan son konu ise Avrupa Birliği'nin gücü konusudur. Güç kavramı özellikle 1980'lerden sonra soğuk savaşın zayıfladığı dönemlerde farklı boyutlarıyla tartışılmaya başlanmıştır. Birinci ve İkinci Dünya Savaşı sırasında ve sonrasında soğuk savaşın yükselişte olduğu dönemde askeri güç hep ön planda olmuştur. Artan silahlanma ve askeri güç, ülkelerin güvenliklerini sağlayacak en önemli kaynak olarak görülmüştür. Fakat soğuk savaşın zayıflamasıyla birlikte, uluslararası aktörlerin artması ve küreselleşmeye başlayan dünya düzeni içerisinde tek güçlü aktörlerin ulusal devletler olmaktan çıkması güç kavramında da değişikliği beraberinde getirmiştir. Küreselleşme ile birlikte ekonomik bağımlılık artmış ve ülkeler öyle ya da böyle birbirlerine bağlı hale gelmişlerdir. Bu da ülkeler arasında savaş ihtimalini azaltmış ve yumuşak güç kavramının önemini artırmıştır.

Bu atmosfer içerisinde ekonomik bir birlik olarak kurulmuş olan Avrupa Birliği de siyasi, sosyal ve kültürel haklara önem veren yumuşak güç olarak uluslararası düzende yerini almıştır. İlk olarak Duchene tarafından sivil güç olarak tanımlanan AB, daha sonrasında Ian Manners'ın normatif güç kavramıyla tanımlanmış ve son olarak Grabbe'nin çalışmalarında özellikle beşinci genişleme özelinde dönüştürücü güç olarak açıklanmıştır. Bu tezde beşinci genişleme, Avrupa Birliği'nin dönüştürücü gücü kapsamında ele alınmakta ve hem sosyal inşaacılık hem de realist bakış açısıyla değerlendirilmektedir.

Tezin diğer bölümü ise Genişleme ve Avrupa Birliği başlığı altında incelenmektedir. Bu kısımda öncelikli olarak Avrupa Birliği'nin genişleme politikası ele alınmakta olup, geçmişten günümüze tecrübe edilen genişlemeler genel hatlarıyla incelenmiştir. Özellikle ekonomik kapasitenin artırılması, güvenliğin sağlanması ve demokrasinin güçlendirilmesi Avrupa Birliği'nin genişleme isteğinin temel nedenleri olarak açıklanmıştır. Ekonomik nedenlere bakıldığında, Avrupa Birliği'nin kuruluş amaçlarından en önemlisinin aslında ekonomik olduğu ve genişleme sürecinde de ekonomik nedenlerin önemli bir yere sahip olduğu görülmektedir. Tek Pazar ve parasal birliğin sağlanması çerçevesinde genişleme politikalarında Avrupa Birliği aday ülkelerden ekonomik olarak belirli yeterlikleri karşılamalarının yanı sıra ekonomik olarak uluslararası konjonktürde Birliğin etkinliğinin artırılmasına önem

132

verdiği gözlenmektedir. Ekonomik getirilerin yanı sıra özellikle beşinci genişleme özelinde değerlendirildiğinde Avrupa Birliği'nin genişleme isteğinin güvenlik boyutu da önem kazanmaktadır. Sovyetler Birliğinin dağılması sonrasında coğrafyada ortaya çıkan boşluklar ve güvenlik endişesi Avrupa Birliği'nin bu bölgeye açılımını hızlandıran önemli faktörlerden biri olarak tanımlanabilir. Siyasi açıdan bakıldığında ise Avrupa Birliği, ortak politikaların oluşturulduğu ve ortak çıkarlar doğrultusunda hareket eden bir Birlik olarak karşımıza çıkmaktadır. Özellikle demokrasinin ve insan haklarının korunarak ve geliştirilerek bu kavramların siyasi hayatın her alanında uygulanmasını hedefleyen bir Birlik olarak genişleme politikası çerçevesinde bu norm ve değerleri genişlediği tüm ülkelere yayarak uluslararası alanda etkinliğini artırmaya da katkı sağlamaktadır.

Aynı bölümde devamla, Orta ve Doğu Avrupa Ülkelerinin üyelik süreci ele alınmakta olup, bu ülkeleri üyeliğe iten ana sebepler üzerinde durulmuştur. Avrupa Birliği ile benzer sebeplerin farklı boyutlarıyla bu ülkeler için de geçerliliğini koruduğu söylenebilir. Orta ve Doğu Avrupa ülkeleri için de ana sebepler ekonomik, siyasal ve güvenlik sebepleri olmuştur. Ekonomik olarak işleyen ve rekabetçi bir market ekonomisine sahip olarak dışa açılmak; güvenlik alanına ilişkin olarak komünizm tehdidinden uzak kendilerini yakın ve bir parçası hissettikleri Avrupa Birliği'nin içinde yer almak; siyasal olarak ise adaletli ve istikrarlı politik bir yapıya sahip olmak ve hukukun üstünlüğü çerçevesinde insan haklarına saygılı demokratik bir yapı tesis etmek olarak açıklanabilir.

Bu bölümde, Orta ve Doğu Avrupa ülkelerinin üyelik sürecinde önemli olduğu düşünülen kavramlara da değinilmiştir. Orta ve Doğu Avrupa ülkelerinin zaten Avrupa kıtasının bir parçası olduklarını ve aynı geçmişe sahip, benzer geleneklerden gelen ülkeler olduklarını savundukları *Avrupa'ya Dönüş* (*Return to Europe*) kavramı üyelik sürecinde aday ülkeleri ve Avrupa Birliği'ni olumlu yönde etkileyen faktörlerden biri olmuştur. Bunun dışında, Avrupa Birliği'nin dönüştürücü gücünün en önemli dayanaklarından biri olarak savunulan *Koşulluluk İlkesi* (*Conditionality*), beşinci genişlemede Orta ve Doğu Avrupa ülkelerinin üyelik koşullarını yerine getirmeleri konusunda bu ülkelere destekleyici bir güç olmuş; bu ülkeler, koşulları

yerine getirmeleri halinde üyeliği kazanacaklarının güvencesiyle hareket etmişlerdir. Bu nedenle, beşinci genişlemeyi tahmin edilenden daha az sancılı ve daha kolay kabul edilebilir yapan sebeplerden bir olarak bu koşulluluk ilkesi gösterilebilir. Bir başka kavram ise özellikle Schimmelfennig tarafından desteklenen *Retorik Eylem*dir *(Rhetorical Action)*. Verilmiş sözleri ifade eden bu kavram, Avrupa Birliği'nin beşinci genişleme konusu ülkelere üyelik sözü verdiği ve bu sözünden geri dönemeyeceği için bu sözün gerekliliklerini yerine getirme yükümlüğünde olduğunu ifade eden bir kavram olarak açıklanmaktadır. Bu görüşe göre bir nevi verilen sözlerin tutulmak zorunda olunması bu genişlemeyi zorunlu kılmış ve genişlemeyi kolaylaştıran faktörlerden biri halini almıştır.

Orta ve Doğu Avrupa ülkelerinin genişleme sürecinin incelenmesinin ardından bu ülkelerdeki baskıcı ve komünist rejimin demokratik rejime dönüşme süreci ele alınmıştır. Kolay olmayan ve birçok Orta ve Doğu Avrupa ülkesi için sancılı olan bu süreç özellikle İkinci Dünya Savaşı sonrası göz önünde bulundurularak değerlendirilmiştir. Özellikle komünist rejim döneminde rekabetten yoksun ekonomiler, sık seçimler ile ve yolsuzlukla mücadele eden politik düzen ve insan hakları konusunda kat etmesi gereken çok yolu olan bu aday ülkelerin nasıl demokratik rejimlere sahip olduğu ve bu yolda nasıl değişiklikler yaptıkları anlatılmıştır. Bu kısımda Açık Toplum Enstitüsü (Open Society Foundations), İnsan Hakları İzleme Örgütü (Human Rights Watch) ve Uluslararası Af Örgütü (International Amnesty) gibi sivil toplum örgütlerinin yadsınamayacak rolleri; insan hakları ve özgürlüklerini korumayı amaç edinen Ombudsmanlığın oluşturulması; din özgürlüğünün sağlanması; Avrupa Birliği'nin yanı sıra Avrupa Konseyi ve Avrupa Güvenlik ve İşbirliği Teşkilatı'nın da katkılarına yer verilmiştir.

Tezin son bölümünde ise Avrupa Birliği'nin insan hakları açısından başarısının beşinci genişleme kapsamında değerlendirilmesi amacıyla Orta ve Doğu Avrupa ülkelerinden biri olan Polonya analiz edilmiştir. Bu bölümde, Polonya'nın hem tarihsel gelişimi, hem komünist rejim altında yaşadıkları hem de Avrupa Birliği üyeliği çerçevesinde demokratikleşme yolunda izlediği yollar ve sonuçların değerlendirilmesi yapılmıştır.

Örnek olay analizi kapsamında Polonya bu tezin inceleme konusu olarak özenle seçilmiş bir ülkedir. Polonya'nın seçilme nedenleri ise sahip olduğu demografik özellikler, bulunduğu coğrafik konum ve üyelik sonrasında özellikle insan hakları ve hukukun üstünlüğü konusunda yaptığı değişikler ana nedenler olarak sıralanabilir. Demografik olarak Polonya, Orta ve Doğu Avrupa ülkeleri arasında en kalabalık nüfusa sahip olan ülkedir. Aday ülkeler arasında en geniş nüfusa sahip olan Polonya, diğer aday ülkeler tarafından üyelik sürecinde bir *engel (stumbling block)* olarak görülmüştür. Fakat Polonya karışık ve kalabalık nüfus yapısına rağmen süreçte sıkıntı yaşamayan ülkelerden olmuştur. Polonya'nın bir diğer seçilme nedeni ise coğrafik konumudur. Polonya bulunduğu konum itibariyle doğu ile batı arasında geçiş güzergâhında yer almaktadır. Avrupa Birliği'ne üyeliği sonrasında da Avrupa Birliği'nin kara dış sınırlarından birini oluşturmuştur. Bu yapısı itibariyle güvenlik anlamında Avrupa Birliği için önemli bir ülke konumundadır. Ayrıca doğu ülkelerine yakın konumu ve tarihsel geçmişi Polonya'nın seçilmesinde önemli nedenlerden biri olarak açıklanabilir. Bir diğer neden ise Polonya'da üyelik sonrası izlenen farklı politikalardır. Özellikle 2015 seçimleri sonrasında ulusal düzeyde Polonya yasal çerçevesinde hukukun üstünlüğünü zedeleyen ve genel Avrupa Birliği normlarına ve değerlerine aykırı olarak nitelendirilecek değişikliklerin yapılmış olması bu ülkenin tez kapsamında incelenmesinin bir diğer nedenini oluşturmaktadır. Avrupa Birliği'nin normatif ve dönüştürücü gücünün sürdürülmesi için öncelikle üye ülkelerde bu etkinin devam ettirilmesinin gerekli olduğu savunulmaktadır. Bu nedenle, Polonya'da iktidar partisinde yaşanan değişiklik ile birlikte özellikle insan hakları ve hukukun üstünlüğü konularında olumsuz yönde yapılan değişiklikler Avrupa Birliği'nin normatif ve dönüştürücü gücünün değerlendirilmesi açısından önemlidir.

Örnek ülke çalışması yapılırken ilk olarak 1990'ların sonundan itibaren Polonya'nın tarihsel gelişimi ele alınmıştır. Tarih boyunca çeşitli dönemlerde kesintiye uğrayan siyasi düzenlere atıfla 1990 sonrasında Sovyetler Birliği'nin dağılması sonrası bugünkü yapısına kavuşması ve bu süreçte gerek anayasal olarak gerekse toplumsal anlamda tecrübe edilen değişiklikler anlatılmıştır. Yalta konferansı sonrası komünist rejim baskısı altında kalan Polonya'nın Gdansk Anlaşması ve Yuvarlak Masa

görüşmeleri sonrasında özellikle *Solidarity* adı verilen işçi sendikasının başarılı politikalarına vurgu yapılmıştır. Daha sonra insan hakları özelinde Polonya'nın gelişimi değerlendirilmiştir. Özellikle tüm dünyada olduğu gibi Polonya'da da soğuk savaş sonrasında insan haklarına artan değer ve Avrupa Birliği'ne üyelik süreciyle başlayan köklü değişiklikler vurgulanmıştır. Polonya anayasasında yapılan değişiklikler, Ombudsmanlığın oluşturulması, sivil toplum örgütlerinin Polonya'daki insan haklarını geliştirmek amacıyla yaptığı katkılar ve Avrupa Konseyi ile NATO'nun bu süreçteki katkıları değerlendirilmiştir. Ayrıca, Avrupa Birliği ile Polonya ayrı bir başlık altında ele alınmış ve üyelik sürecinin başından sonuna kadar gerek finansal olarak gerekse anayasal uyum kapsamında Avrupa Birliği üyelik sürecinin Polonya'ya kazandırdıkları değerlendirilmiştir.

Son kısımda ise Polonya'nın Avrupa Birliği üyeliği sonrası dönemde tecrübe ettiği değişiklikler üç ayrı başlık altında ele alınmıştır. Bunlardan ilki Polonya'nın izlediği dış politikadır. Polonya, Avrupa'nın norm ve değerlerini komşuculuk politikası çerçevesinde özellikle doğu ülkelerine yaymak konusunda başarılı üye ülkeler arasında tanımlanabilir. Polonya'nın bu tutumu, Avrupa Birliği'nin yumuşak gücünün de bir yansıması olarak değerlendirilebilir. Ayrıca Polonya, dış politikada transatlantik ilişkileri de önem veren bir ülke olmuştur. ABD ve NATO ile ilişkilerini güçlendirmeye çalışan dış politika anlayışı, özellikle 2015 seçimlerinde iktidara tek başına gelen Hukuk ve Adalet Partisi sonrasında güç kazanmıştır.

Avrupa Birliği üyeliği sonrasında Polonya özelinde ele alınan bir başka konu ise Avrupa Birliği'nin de son dönemlerdeki en büyük sorunlarından biri olan mülteci krizidir. 2015 yılında bir milyondan fazla mültecinin Avrupa Birliği sınırlarına dayanması dolayısıyla en zorlu sürece giren mülteci krizi, Avrupa Birliği'nin kendi üyeleriyle sıkıntılar yaşamasına sebebiyet veren olaylardan biridir. Polonya da Birliğin mülteci krizi ile baş etmek adına aldığı kararlara uymayan ve bu sebeple en çok eleştirilen ülkelerden biri olarak değerlendirilebilir. Polonya özellikle 2015 sonrasında göreve gelen iktidar partisinin olumsuz tutumu ve mültecileri bir güvenlik sorunu olarak görmesi sebebiyle Birliğin mülteci krizi konusunda aldığı kararlara çoğunlukla uyum sağlamamıştır. Avrupa Birliği'nin bu sorunla mücadele etmek ve

insani çerçevede sorunlara çözüm bulmak adına atmaya çalıştığı adımların Polonya tarafından olumlu karşılanmaması ve Polonya'nın genel olumsuz tutumu uluslararası alanda tepki çekmiş, insan hakları açısından sorgulamalara sebep olmuştur. Bu nedenle, mülteci krizi Avrupa Birliği ile Polonya arasında sıkıntı yaratan ve Polonya'nın kendi güvenliğini öne sürerek insan hakları konusunda yapıcı bir rol edinemediği bir kriz olarak karşımıza çıkmaktadır.

Polonya başlığı altında son ele alınan konu ise Polonya'nın hukukun üstünlüğü kavramında meydana gelen değişikliklerdir. Polonya, Avrupa Birliği'ne üyelik sürecinde hukukun üstünlüğü konusunda çok sıkıntı yaşamayan bir ülke olmasına karşın 2015 yılında Hukuk ve Adalet Partisinin iktidara gelmesi ile birlikte bu alanda birçok değişiklik yaşanmış ve Polonya başta Avrupa Birliği olmak üzere uluslararası camiadan olumsuz tepkiler almaya başlamıştır. Özellikle hukuk sistemine hükümetin müdahalelerinin önünü açan kararlar alınması demokrasi ve hukukun üstünlüğü kavramlarının sorgulanmasına sebebiyet vermiştir. Polonya hükümetinin bu tutumu karşısında Avrupa Birliği, Polonya'nın Birliğin genel değerlerine karşı hareket etmesi sebebiyle yaptırım uygulama kararı almıştır. Bu yaptırım kararı sonrasında da tutumunda belirgin bir değişiklik gözlenmeyen Polonya, Avrupa Birliği'nin sınavı haline gelmiştir. Polonya'nın bu tutumu Avrupa Birliği'nin de uluslararası alandaki otoritesini sarsmış ve gücünün bir kez daha sorgulanmasına sebep olmuştur.

Sonuç olarak, bu tez, Avrupa Birliği'nin beşinci genişleme kapsamında dönüştürücü bir güç olduğunu kabul ederek bu genişlemenin hem akılcı hem de sosyal inşacı yaklaşımlar ile açıklanabileceğini savunmaktadır.

Bu tez çerçevesinde, insan haklarının yasal zemine oturtulması ve bu hakların korunması konusunda Avrupa Birliği'nin beşinci genişleme özelinde başarılı politikalar izlediği değerlendirilmektedir. Bu genişleme göstermektedir ki Avrupa Birliği'nin sahip olduğu normatif değerler ve dönüştürücü güç Avrupa Birliği'nin genişleme politikalarıyla uygulama alanı bulmuştur. Özellikle beşinci genişleme örneğinde görüldüğü üzere, Orta ve Doğu Avrupa ülkelerinin, Kopenhag kriterleri çerçevesinde komünist rejimlerden demokratik ve insan haklarına saygılı rejimlere

dönüşümünün başarılı bir şekilde gerçekleştiği değerlendirilmektedir. Fakat her ne kadar Avrupa Birliği'nin dönüştürücü gücü bu genişlemede başarılı sonuçlar doğursa da Avrupa Birliği'nin bu gücü devam ettirebilmesi öncelikle üye devletlere ve bu devletlerin üye olduktan sonraki ulusal politikalarına bağlı ve bunlar ile yakından ilişkilidir. Polonya örneği göstermiştir ki aday ülkeler adaylık sürecinde onlara sunulan üye devlet olma ödülünü kazanmak için daha hevesli ve daha ılımlı davranmaktadır. Polonya'nın üyelik sürecinde insan hakları ve hukukun üstünlüğü konusunda en çok gelişme kaydeden ülkelerden biri olması bunun göstergesidir. Fakat üyelik gerçekleştikten sonra Avrupa Birliği'nin normatif ve dönüştürücü gücünün etkisi üyelik sürecinki kadar güçlü hissedilmemekte ve üye ülkelerin ulusal politikalarından etkilenmeye başlamaktadır. 2015 yılı sonrasında Polonya'da göreve gelen iktidarın değişen tutumu ise ulusal politikalarda üye devletlerinin tutumunun ne kadar önemli olduğunun bir göstergesi olarak değerlendirilebilir. Polonya'nın hem mülteci krizindeki negatif tutumu hem de hukukun üstünlüğü ilkesini zayıflatan anayasal değişiklikler yapılması, Avrupa Birliği'nin uluslararası alanda saygınlığında üye devletlerin ne kadar büyük bir yere sahip olduğunu bir kez daha göstermiştir. Avrupa Birliği'nin uluslararası alanda etkili bir dönüştürücü güce sahip olması için öncelikle Birlik içerisinde bu gücün sürekliliğini sağlaması önem arz etmektedir.

APPENDIX B: TEZ İZİN FORMU / THESIS PERMISSION FORM

<u>**ENSTİTÜ /** INSTITUTE</u>:

Fen Bilimleri Enstitüsü / Graduate School of Natural and Applied Sciences ☐

Sosyal Bilimler Enstitüsü / Graduate School of Social Sciences ■

Uygulamalı Matematik Enstitüsü / Graduate School of Applied Mathematics ☐

Enformatik Enstitüsü / Graduate School of Informatics ☐

Deniz Bilimleri Enstitüsü / Graduate School of Marine Sciences ☐

<u>**YAZARIN /** AUTHOR</u>

Soyadı / Surname   : ERTEK
Adı / Name   : MÜŞERREF TUĞÇE
Bölümü / Department : EUROPEAN STUDIES

<u>**TEZİN ADI /** TITLE OF THE THESIS</u> (**İngilizce** / English): THE IMPACT OF THE EUROPEAN UNION MEMBERSHIP ON CENTRAL AND EASTERN EUROPEAN COUNTRIES: HUMAN RIGHTS IN POLAND.

<u>**TEZİN TÜRÜ /** DEGREE</u>: **Yüksek Lisans** / Master ■   **Doktora** / PhD ☐

1. **Tezin tamamı dünya çapında erişime açılacaktır. /** Release the entire work immediately for access worldwide. ■

2. **Tez iki yıl süreyle erişime kapalı olacaktır.** / Secure the entire work for patent and/or proprietary purposes for a period of **two years. *** ☐

3. **Tez altı ay süreyle erişime kapalı olacaktır.** / Secure the entire work for period of **six months**. *** ☐

* *Enstitü Yönetim Kurulu kararının basılı kopyası tezle birlikte kütüphaneye teslim edilecektir.*
  A copy of the decision of the Institute Administrative Committee will be delivered to the library together with the printed thesis.

Yazarın imzası / Signature   ....   **Tarih** / Date ………………