

THE TEACHING OF INTERNATIONAL RELATIONS IN TURKEY: REFLECTION IN FOREIGN POLICY OF INTERNATIONAL LEGAL HUMAN RIGHTS DEVELOPMENTS

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ABSTRACT

The article deals with the teaching of International Relations (IR) in Turkey from the perspective of international legal human rights developments and foreign policy. The relationship between IR and human rights dates back to the beginning of the Second World War. Since then, the principle of respect for human rights has become one of the fundamental principles of IR. No state currently challenges the idea that human rights must be respected everywhere in the world. It is generally accepted that human rights is not a domestic issue of states; but also important for and integrated with foreign policies. International legal human rights developments should thus be reflected in foreign policy with a human rights objective in teaching of IR. Despite the importance of the reflection in foreign policy of international legal human rights developments in teaching of IR, the results of an internet survey among the IR students in Turkey show a need to have more opportunity to be able to follow the international developments in the area of international law of human rights.

KEY WORDS

International Relations; Foreign Policy; Human Rights; Legal Developments; Courses; Turkish Universities.

1. Introduction

The principle of respect for human rights is today one of the fundamental principles of IR. It is typical of a new stage of development in the international society that can largely be traced back to the Second World War. The general principle, prohibiting gross and large-scale violations of basic human rights and fundamental freedoms, has gradually emerged. During the Cold War, human rights were competing with the traditional principles such as the respect for the sovereignty, the equality of states and the non-interference in the domestic affairs. However, especially after the adoption of the global and regional legal systems and instruments, no state currently challenges the idea that human rights must be respected everywhere in the world. The imposition of this principle on states is clear: the duty to refrain from gross violations of the rights rather than simply abiding to by specific regulations on human rights. Such rights cover the right not to be subjected to torture, the right to a fair trial, the right to be free from arbitrary arrest, etc.

This article is concerned with the importance of legal human rights developments (Sub-section 2) for a foreign policy with a human rights objective in teaching of IR in Turkey. Though there exist inescapable tension between human rights and foreign policy (Sub-section 3), it is also generally accepted that the issue of human rights is integrated with foreign policies of states (Sub-section 2) despite their constraints on human rights in general (Sub-section 4 and 5). Nonetheless, foreign policy with a human rights objective has various aims (Sub-section 6). In this article, before giving the theoretical explanations concerning the related concepts mentioned above,¹ the recent legal human rights developments and the results of an internet survey,² carried out in May 2001, will be presented. The main aim of the survey was to find out what was the percentage of an independent

¹For further details, see, F. Karaosmanoglu, *Human Rights, the OSCE Process, Law and Foreign Policy: The Case of Turkey*, Ankara, Nobel Yayinevi, 2000.

²This internet survey was carried out on 14-15 May 2001. The names of the web sites of the Turkish universities were taken from; [http://dir.yahoo.com/education/higher_education/colleges_and_universities/by_region/countries/turkey/complete_list/]. Other universities that do not appear in the above mentioned source were not included in the survey.

course on human rights in the undergraduate curriculum of the departments of IR in Turkish universities?

2. The Recent Developments on International Human Rights Law and The Internet Survey

Recent Legal Developments

It is clear that the issue of international legal developments is very important for the principle of protection of human rights in IR. Such developments should therefore be reflected upon. For instance, there exist the recent decisions (10 October 2000) of the European Court of Human Rights concerning *Akkoç* and *Satık* cases.³

In *Akkoç case*, the Court held that Turkey was to pay 89,000 sterling (UK) for the violation of Article 2 (right to life) of the European Convention of Human Rights (ECHR) on account of the failure of authorities to take preventive operational measures to protect individuals whose life are at risk from the criminal acts of another individual.

In *Satık case*, it was held that Turkey was to pay 55,000 sterling (UK) for the violation of Article 3 (prohibition of torture) of the ECHR in the absence of a plausible explanation where individuals are injured during police custody and the detainment in a prison. Also, it considered as a reason that there should exist some form of independent monitoring of the action of the security forces to ensure accountability for the force used. Such considerations suggest the importance of NGOs and the independent monitoring systems.

These legal approaches should be articulated more in IR by decision-makers, diplomats, the other related bureaucrats in the foreign policy decision making process, and the other actors of IR, despite their reluctance about human rights.

³[<http://www.echr.coe.int/>].

The Internet survey

The survey was conducted to find out to what extent were international legal human rights developments as such followed by undergraduate students in the departments of IR in Turkish universities?

The results of the Internet survey, which was carried out on 14-15 May 2001, show us that of 40 the Turkish universities having the Faculties of Economics and Administrative or Political Sciences, 26 have the departments of IR. Of 26 departments of IR, 12 have an independent course on human rights in their undergraduate programmes. These figures mean that in the teaching of IR in Turkey, the degree of having an opportunity for the undergraduate students of IR to follow international developments on human rights law is not satisfactory. Though the survey was carried out among the universities that were accessible through the above-mentioned source (see note 2) it can reasonably be assumed that the results would have not changed much if all the Turkish universities had been accessible.

3. The Relationship Between Foreign Policy and Human Rights

There is inescapable tension between human rights and foreign policies of states. Whereas the reference to human rights includes an implication of a global society, foreign policy is concerned with the world of states. In other words, governments act for their states, not for humanity. Can a solution to such tension be found simply by dropping the issue of human rights on the basis of the irrelevance to foreign policy? This option is no longer available. Today, agents of governments and foreign ministers are forced by international law to pay attention to what is happening on human rights internationally. Further, respect for human rights was adopted by the OSCE, including conformity with the UN Covenants, as well as the UDHR.

It is also a moral imperative to make the promotion of human rights a major goal of foreign policies of states.⁴ Those who accept national interest as the only major goal of foreign policy, might be convinced in the way that moral consideration can only be eliminated as *extra muros* when IR are "a hell of inexpiable hatreds" and life-and-death situations. Additionally, it is a political imperative to make the promotion of human rights a major goal of foreign policies. We live in a world in which many issues such as trade, communications, and nuclear proliferation concern transnational flows that no single government can control. Similarly, in the realm of human rights, although they seem to consist mainly of national struggles between individuals (or groups) and their governments, the massive violations that occur today are likely to provoke flows of refugees seeking asylum abroad, affecting other nations. Moreover, national attempts to regulate the flow of migrant workers are also likely to result in violation of human rights.

It is clear that early human rights laws served state's own political or economic purposes. This was in parallel with other international law issues, as international law in general is made in to serve common or reciprocal national interests. However, today's international law of human rights no longer serves any patent, particular interest; it is not reciprocal between states; and there is no other state that is the victim or is otherwise offended when a state violates its human rights undertakings.⁵

This also raises the question of universality of human rights. Although there is the assertion that universal rights exist, what these rights are is unclear. Universalism is an elusive and contested concept. Although there is a lack of agreement over the essential meaning of human rights today, they play a vital part in IR, and the discussion about the definition of human rights reminds us of the primacy of human rights. Some experts claim that civil and political rights are

⁴S. Hoffmann, 'Reaching for the Most Difficult: Human Rights as a Foreign Policy Goal', *Daedalus*, Vol. 112 (4), 1983, pp. 19-49.

⁵L. Henkin, *The Rights of Man Today*, London, Stevens & Sons, 1978, p. 94.

basic and indisputable;⁶ they require some kind of abstinence or forbearance on the part of government. However, they are not self-generating; they need legislation, promotion, and protection. Some others claim that economic and social rights are basic; they, by contrast, call for governments to provide resources of various kinds.⁷ However, the issue of the primacy of the rights has become unimportant towards the end of the 20th century especially after the collapse of the Soviet Union. According to CANİM model suggested by the author, it is in fact unnecessary to give priority to civil and political rights over the social and economic rights, and vice versa.⁸

The idea of universal human rights meets the need for human beings to establish a moral basis for politics. In the world of relations between states, the concern must be relational, particular and immediate. Although international society, operating under the guidance of the UN, agrees on an international rights regime, it does not relate very readily with what is happening at the grassroots in the regions and among non-governmental organisations (NGOs). The Third World states in general also challenge the claim to Universalism as the last step of a cultural imperialism that tries to impose inappropriate western forms of thinking on the rest of human kind.

It can be argued that human rights is basically a moral phenomenon. The difficulty here is to go on from this position to a general notion of universal human rights. This can be proved by the

⁶See J. Donnelly, *International Human Rights*, Boulder/San Fransisco/Oxford, Westview Press, 1993, p. 25. See also M. N. Shaw, *International Law*, Third Edition, Cambridge, Grotius Publications Limited, 1991, pp. 190-192.

⁷D. M. Hill, 'Human Rights and Foreign Policy: Theoretical Foundations', in Dillys M. Hill (ed.), *Human Rights and Foreign Policy*, London, The Mcmillan Press Ltd., 1989, p. 3.

⁸For this model, see, F. Karaosmanoglu, 'Avrupa İnsan Hakları Mahkemesi'nin Akkoç v. Türkiye Davasında Verdiği Kararın Kolluk ve Diğer Kamu Görevleri Bakımından İrdelenmesi' *Polis Bilimleri Dergisi*, Vol. 3, No. 1-2, 2001, pp.133-151. Basically, this model offers five human values (life, intelligence, generation, belief, property) as the foundation of human rights. All human rights protects these values (superior values) or their versions (inferior values). Human is a human with these values. All human rights should therefore be protected and promoted simultaneously and cumulatively.

fact that, while there is a lack of a universal definition of human rights, violations can be recognised when they occur because of popular imagination. There is a common belief that "the claim that there is no universal consensus on the definition of human rights should not of itself deter us from alleviating suffering and injustice".⁹ This moral attitude is the basis of a successful implementation. Critics of international human rights code indeed often point to its origins in the various bill of rights and constitutions of the liberal democracies. The moral basis of human rights, as we are all human beings, exist in our common humanity. Their implementation, however, varies through politics: Though the moral humanitarian obligation is the fundamental one, every state chooses independently how to respect these obligations. Whether everyone agrees that a particular phenomenon is a human right or not is one test of universality, but this is a sociological one. In fact, whether or not all cultures agree is discernible. However, in the eyes of realists, morality and foreign policy coexist uneasily. If we are to take human rights seriously as moral rights, then we must accept that the relevant moral community is the human community. There still remains a fundamental problem: Who can claim to have the moral authority to judge the failings of states about human rights in an international system based on the sovereign equality of states, with no higher authority to hand down judgement.¹⁰

Another significant point, regarding the relevance of human rights to the foreign policy, is the growth of international human rights law, which suggests that human rights now play a part in the decision about the legitimacy of a state, as well as other actors and institutions in international society. The recognition of a state or being a sovereign is not enough any more. The state should also, domestically, be the guarantor of basic human rights. Whilst the question of what these basic rights are may not yet be resolved in international law, this should not be understood that there are none.¹¹ How the real world of diplomacy is penetrated by the human rights concern is the key question here. There are two levels: Standard setting and standard keeping. The latter is more problematic than the former. Rustow

⁹Ibid., p. 7.

¹⁰M. Wright, 'How Problematical are the Moral Foundations of Human Rights', in Hill (ed.), *Human Rights and Foreign Policy*, p. 45.

¹¹I. Brownlie, *Principles of International Law*, Oxford, Clarendon Press, 1979.

expresses this problematic character of standard keeping by arguing that, while diplomats sought the codification of human rights for some decades, two major controversies arose from the effort: First, the definition of human rights; and second, the method of their global application.¹² As members of the international society, all states engage in the process of standard setting. For various reasons, however, governments are quite ready to endorse these standards despite the absence of a will to comply with these standards.¹³ The following section will look at the consequences of non-compliance with the human rights by the states

4. Foreign Policy Constraints on Human Rights

If it is accepted that human rights is now part of the calculation of what is legitimate internationally, it might be expected that diplomats regard them in their policy making. The first function of diplomacy is communication among states;¹⁴ That is, all governments have to deal with almost every other government in the world on many diverse questions. Then, it may be argued that if human rights is not dealt with, it becomes an obstacle to the fulfilment of such a function, especially if a state having an unsatisfactory human rights record is socially excluded from communication between states. As not only keeping relations, but also maintaining good relations with other states becomes the prime objective of diplomacy, there exist an inducement to play down the bad human rights records of certain states, especially if there are some special reasons why it is believed inadvisable to antagonise the other government concerned. In this regard, as Luard puts it, in some cases, other government may be considered important

¹²D. A. Rustow, 'Man or Citizen? Global Modernisation and Human Rights', in Paula R. Newberg (ed.), *The Politics of Human Rights*, New York and London, New York University Press, 1980, p.19.

¹³R. A. Falk, 'Theoretical Foundations of Human Rights', in Paula R. Newberg (ed.), *The Politics of Human Rights*, New York and London, New York University Press, 1980, p. 65.

¹⁴A. James, 'Diplomacy and International Society', *International Relations*, Vol. 6 (6), 1980.

for strategic, commercial reasons; it may be an important supplier of raw materials as South Africa has been to all Western countries.¹⁵

There is also the idea that free trade should have priority over human rights considerations. As the states have a mutual interest in trade, the mutuality of the interest would not be advanced by any opinion that an unsuccessful human rights performance ought to exclude other government from trade, or diminish its participation in it. According to the old fashioned liberal idea, trade also leads to peace as well as the transference of civilised values. This was the clear understanding for years among the Western countries in their "constructive engagement" with South Africa: "trade in the end will be good for human rights". However, in the meantime, it is generally accepted that the interruption of trade will highly unlikely bear any human rights fruit for the usual reasons that make sanctions prone to failure, which is also true for aid.¹⁶

Another connection of interest with human rights, apart from free trade, is security. This kind of national interest is most frequently played against human rights. Even where human rights has been put as an objective of foreign policy, the attention to human rights can be cancelled by extraordinary circumstances. To illustrate, the US Foreign Assistance Act, Section 502B, gave an exception to the rule that governments that engage in a consistent pattern of gross violations of international human rights should be deprived of military aid. This is the intervention of the national interest. During the Carter administration, the US gave military aid to Indonesia, Philippines, South Korea and Zaire, despite their poor human rights records. These states benefited either from their strategic position in the contest with the former USSR, or their natural resources, or both. This security argument applies to relations with adversaries as well as friends.¹⁷

¹⁵E. Luard, *Human Rights and Foreign Policy*, Oxford-New York, Pergamon Press, 1981.

¹⁶R. J. Vincent, *Human Rights and International Relations*, Cambridge, The Press Syndicate of the University of Cambridge, 1986, p. 129.

¹⁷S. B. Cohen, 'Conditioning US Assistance on Human Rights Practices', *American Journal of International Law*, Vol. 76, 1982, p. 270.

Attempts to undertake an active human rights policy may also be argued to be contrary to the rules of diplomatic intercourse. Traditionally, each state has a full sovereignty over its own territory. The prohibition of interference in such matters is said to reduce the danger of conflict among states.¹⁸ This rule precludes any criticism of the actions of other governments within their own countries.

To sum up, the human rights might be favoured by the foreign policy decision-makers in principle, and are preferred as standard setting.¹⁹ Although practical cases of human rights violations have shrunk, the decision-makers normally prefer bilateral diplomacy and public debate tending towards issues of principle. On the other hand, private negotiation inclines towards compromise and understanding of the other persons' idea; they prefer quiet diplomacy when considering a particular case. Even if human rights is taken up reluctantly, they are not received as a solution but a problem, and they are seen in the way of ordinary diplomacy.²⁰ The issue of human rights is normally expected to surface in two kinds of situations: When the interest of the state is plainly served, and when the attention of human rights does not damage the other interests of the state. This raises the problem of inconsistency or double standards.²¹

Those who are interested in human rights should not underestimate the arguments made under this sub-section. Although all of them may be challenged, they are not irrational altogether. The important point is that, whether or not they are true, they at least deter attempts by governments to pursue active human rights in their foreign policies.²²

¹⁸Vincent, *Human Rights and International Relations*, p. 132.

¹⁹D. Owen, *Human Rights*, London, Cape, 1978, p. 44,

²⁰A. Watson, *Diplomacy: The Dialogue Between States*, New York, McGraw-Hill, 1983, p. 80.

²¹Vincent, *Human Rights and International Relations*, p. 129.

²²Luard, *Human Rights and Foreign Policy*, p. 6.

5. Degree of the Importance of Foreign Policy Constraints

Vincent suggests that human rights might get in the way of communication among states, even though governments are obliged to deal with each other all the time on a wide variety of issues, and most of these relations would continue whatever posture one government may adopt on human rights issues.²³ Therefore, NGOs role in promoting human rights as a foreign policy dimension becomes important. Many human rights publications of NGOs, facilitated by the advanced communication systems and questions asked about what foreign ministers are going to do about them, have rewarded their efforts. This is one way in which human rights has become a subject about which states have to communicate with each other.

There is little evidence, however, for the assumption that expressions of concern by one government on human rights will totally prejudice the conduct of normal business with the government criticised. It will depend partly on other factors governing the relationship between the two states, and even more on the manner in which the issue is raised.²⁴ Thus, a relationship may be seriously damaged when: a) Complaints are aired in a polemical and highly political style, or, pursued obsessively. They should be made in reasonable terms and in the proper forum; and b) The charges made are vague and generalised rather than specific, factual, and backed by firm evidence. In other words, the charges made should not create the belief that they are inspired by malice or political prejudice.

Moreover, the danger that any expression of concern on such matters can be used by other governments as justification for breaking off or damaging relations has been reduced by the fact that human rights issues have already become one of the normal concerns of international politics. Not only Western countries, but also developing states, have become increasingly active over such issues and play a growing role in the responsible international bodies. Also, the growth of regional organisations has emphasised this trend, from which no government can be insulated at the international level.

²³Vincent, *Human Rights and International Relations*, p. 129.

²⁴Luard, *Human Rights and Foreign Policy*, p. 6.

The attempt to claim domestic sovereignty over such issues is now rightly rejected by most states. It is now almost universally recognised that serious violations of human rights are a matter of concern to the international community. The diplomatic intercourse has also been changing quite dramatically for forty years in this regard; under the UN Charter, the discussion of human rights is possible in the Organisation and in other organs such as the Commission on Human Rights.²⁵ Regional Organisations such as the European Court of Human Rights, Inter-American Commission of Human Rights and the Helsinki Final Act (HFA) of the OSCE have also reinforced this change of diplomatic intercourse. The HFA incorporates the substance of all the main instruments of human rights diplomacy. Moreover, international law has never been a static and inflexible body of rules; the definition of what is "essentially within the domestic jurisdiction of state, as well as sovereign rights of states is continually evolving. It is therefore less and less likely that inter state relations will be fatally damaged" by taking up human rights issues in foreign policies.²⁶

One may also be sceptical about the argument for free trade when it is deployed against attention to human rights. "The cobdenite connection between trade, peace, and global solidarity is now confronted by the idea that trade can easily buttress uncivilised values as carry civilised ones".²⁷ Furthermore, in the world in which the multiplication of contacts among societies has been allowed by technology, trade no longer bears the principal burden of communication among them. Thus, there is less reason to regard the free trade as untouchable.²⁸ Even if the general argument that no attention to human rights in foreign policy should be paid in the interest of maintaining free trade was successful, this does not mean that trade should be manipulated at the drop of a political hat, but we should be doubtful about its universal claim to sovereignty.²⁹

²⁵Ibid., p. 12.

²⁶J. P. Salzberg, 'The Carter Administration and Human Rights', in David D. Newsom, (ed.), *The Diplomacy of Human Rights*, Lanham/New York/London, University Press of America, 1986, p. 24.

²⁷Vincent, *Human Rights and International Relations*, p. 138.

²⁸Ibid.

²⁹L. Schoultz, *Human Rights and United States Policy towards Latin America*, Princeton, Princeton University Press, 1981, p. 66.

Aid, on the other hand, is easier to manipulate because it is more firmly in the hands of governments. An example of this is that during the Carter Administration, there was an attempt in the US Congress to use the reduction of economic and military aid to discomfort repressive regimes. Despite the small impact of this, it however offered encouragement to domestic dissent.

Regarding the issue of security, it is no doubt however that *raison d'état* should prevail in great emergencies. However, the tendency of the argument of security against human rights is to stretch implausibly the idea of emergency. As every totalitarian regime also requires its security to be defended, this devalues genuine security arguments. Even if there are genuine security arguments for attachment to a questionable regime, they should not be used merely to shore up the regime.

In the meantime, where the integration of human rights in foreign policy is domestically pushed, the rights of some individuals abroad might be taken up with more enthusiasms than others, which is called as 'double-standards' or 'inconsistency'. In the past, the Reagan Administration was criticised in the US for finding fault on human rights grounds, principally with communist 'enemies'. The main point about human rights is their equal application to friends and enemies. States should pay attention to consistency, but not in such a way as to allow anything to be done. Here it must be stressed that the Aristotelian consistency (i.e. since the world is imperfect, then foreign policy is justified in treating unequal cases unequally) is itself not a persuasive argument against implanting human rights into foreign policy.³⁰

Regarding the issue of the inclusion of human rights in foreign policy, it is true that the human rights are one more thing for diplomats to be unenthusiastic about. The reason is practical as well as doctrinal. Human rights in foreign policy are not merely about standard setting, public pronouncements or quiet words with the minister about particular cases; they are also matters that affect the great purposes of the state in securing and nourishing its citizens.

³⁰Hill, 'Human Rights and Foreign Policy: Theoretical Foundations', p.19.

The argument that the inclusion of human rights by governments in their foreign policies is ineffective is also contrary to the facts. There have been many cases where international pressures, including public expressions of concern by other governments, have resulted in significant improvements in the human rights policies of particular states. On the other hand, it would be a misconception to hope that the government being criticised is suddenly going to reverse all its policies and become all at once a model of virtue. In the short term, little may happen. However, there might be a number of indirect effects: Firstly, the government criticised may be gradually brought to realise that the type of policy being pursued has a significant external cost. At least, its foreign office, which is usually most aware of foreign criticisms, may become an influence within the government for a reform of policy. Secondly, new hope and encouragement may be given to human rights campaigners within the country concerned. The international climate will be changed by expressions of concern on such matters. As the new forms of behaviour to be expected from civilised governments are established, and regional organisations become more active in the human rights area, the governments might become more responsive to such pressures.³¹

6. Main Aims of Foreign Policy with a Human Rights Objective (FPHRO)

The FPHRO is concerned, partly, with the general recognition of the importance of human rights all over the world, as well as the definition of the rights that all governments should protect, and also with the prevention or deterrence of particular violations of rights in individual countries. Luard suggests four main aims of FPHRO;³² first, to ensure that human rights concerns remain constantly at the top of the international agenda, secondly, to ensure that the minimum standards of human rights which civilised states expect to see observed are satisfactorily defined; thirdly, to improve the international machinery which at present exists for promoting and protecting such rights; and finally, to bring direct influence on governments all over the world so that the grave violations of human rights are less likely to

³¹Luard, *Human Rights and Foreign Policy*, p. 13.

³²*Ibid.*, p. 15.

occur. In other words, action must be taken by individual governments to cause improvements in the human rights situation elsewhere.

The achievement of the first aim is the easiest one, because every government in the world declares, in general terms, its concern for this issue. In this regard, what the US President Jimmy Carter did in this field was just to publicly demonstrate the importance that his government, as well as himself, attached to the question of human rights, and that it had become an integral part of the US foreign policy. According to Luard,³³ two types of rights (civil and political, and economic and social) are complementary. One does not have preference over the other. He also gives examples to prove his point on the basis of countries arguing that the standards should be those that are generally applied in the international community as a whole, he goes on to say that the assertion of the entitlement of the "Universal" Declaration of Human Rights was that the standards would be attained in any country regardless of the size or poverty of a country.

Vincent, on the other hand, argues that an international programme for the achievement of human rights might be laid down on the formulation of these basic rights.³⁴ His central thesis is that, as a project for international society, the acknowledgement of a universal right to subsistence as priority over other human rights is necessary. These rights are interrelated to the three generations of human rights. They form part of the right to life, which is the assertion of the first generation. They are also the central of social and economic rights, which is the second generation of human rights. Finally, they are essential to the emergent solidarity right to development, which is the third generation right. In his view, the place of basic rights in foreign policy is, however, not located by the decision on priorities among rights. Although a series of choices is involved in this, it is not easy.

International bodies, in the last forty years, have made progress over the second aim raised by Luard. The UDHR first included the essential minimum standards of human rights, which were amplified by the two UN Covenants of 1966. There emerged also specialised and regional instruments such as International Convention Against Torture

³³Ibid.

³⁴Vincent, *Human Rights and International Relations*, p.142.

and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, European Convention on Human Rights of 1950, American Convention on Human Rights of 1969, African Charter on Human rights and Peoples' Rights of 1981. One of the continuing objectives of governments through such a policy is to clarify and amplify this code, particularly, by extending it in certain specialised areas. As the means regarding the second aim are well established, no revolutionary changes are needed. Concerning the human rights, any convention reflects the views of the international community, generally. Thus at present, it can only emerge from a process of international negotiation. However, there may be room for improving the procedures used for this purpose. Luard, on the other hand, argues that such international human rights bodies are not well equipped for this difficult and very important task.³⁵ According to him, it really requires a legal forum rather than a political one. Thus, he suggests the involvement of the International Law Commission (ILC) in the future process. Interestingly, ILC has not taken part in drafting conventions in the field of human rights. Therefore it is still vital that satisfactory texts should be achieved, which can significantly influence the behaviour of governments in these areas.

With regard to the third aim, it is generally believed that the UN bodies responsible should move on from legislation to the process specified as implementation. However, because of the principle of sovereignty and non-interference in the domestic affairs, it is really difficult to improve this machinery. Globally, the main body that relate to this issue is the UN Commission on Human Rights. Luard has the view that there has been a significant improvement in this area, though there exists criticism over the UN Commission.³⁶ On the other hand, the regional bodies can be more influential regarding to the third aim. For instance, already in America, the Inter-American Commission of Human Rights probably plays a more effective part in judging and deterring human rights violations than any UN body. Similarly, the European Court of Human Rights have been given much greater power than the UN Commission.

³⁵Luard, *Human Rights and Foreign Policy*, p.13

³⁶*Ibid.*

The fourth aim is the most difficult one as well as the most important to achieve, because it is also concerned with the security of the countries. To ensure their survival, the governments may feel that subversive forces in their countries should be prevented or suppressed. They also may feel that their repressive policies are the inevitable cost of maintaining power or bringing a disturbed situation under control. In such situations, the governments may also ignore the opinions of other countries about respecting basic human rights. They may, hence, appear impervious to any appeals of other countries on that issue. Nonetheless, whatever the attitudes of such governments, it is a main aim of the FPHRO to bring effective influence on governments. To be able to pursue this aim, what means are available to an individual government to influence a situation of other countries concerned? According to Luard, although the list is not exhaustive, the following, in ascending order of urgency, are the main types of response in dealing with such questions:³⁷ a) Confidential representations to the government concerned; b) Joint representations made with other governments; c) Public statements of concern in parliament or elsewhere; d) Support for calls in international bodies for investigation of the situation; e) Direct initiation of such action in international bodies; f) Cancellation or postponement of ministerial visits; g) Restraints on cultural and sporting contacts; h) Embargoes on arms sales; i) Reduction in aid programmes; j) Withdrawal of an Ambassador; k) Cessation of all aid; l) Breaking of diplomatic relations; and m) Trading sanctions.

There are many states, which rarely, if ever, undertake any of these steps. Even governments in the West, having FPHRO, do not often proceed beyond the first two or three steps. For effective action along the above mentioned lines, the following conditions must be fulfilled:

- The pursuance of such a policy must be consistent, regardless of political prejudice or diplomatic convenience. Sometimes, difficult and unwelcome choices, both for governments and diplomats, will be involved in this. Diplomats abroad tend to become gradually committed to the existing regime, and are reluctant to take any steps, which may be unwelcome to them.

³⁷Ibid.

- Contacts should be made with a broad section of the population, including political opponents of the government. However, there is a corollary for this condition: The disadvantage in a total severing of relations. This, in practice, is the worst case scenario: not only the hope to influence the targeted regime is lost, but also an isolated regime often becomes more brutal than before. Newsom calls this situation "the high stakes",³⁸ which is one of the problems and limitations of human rights diplomacy. He shows that the fear of a threat to its own power becomes easily a reason for brutality for targeted regimes. Thus it has been generally agreed that the promotion of contacts provides at least a chance to influence the climate of opinion within other countries.

- Aid should be provided to the people directly, not to the government concerned. Luard also argues that, although small-scale assistance can be given, independently of the regime in power, to groups in the country concerned running projects in the field to help those most in need, it should go primarily to educational and agricultural projects or small scale co-operatives, which will make the biggest contribution in creating employment and meeting basic needs, rather than to large scale dams, roads or steel mills, which bring little direct benefit to most of the population.³⁹ Where aid is providing direct benefit to the people, there should be no cessation because of human rights violations, thereby penalising the people, in order to punish the sins of the rulers in the country concerned, except possibly in the most exceptional circumstances. Otherwise, it would be wrong and illogical.

- Military assistance, on the other hand, has a different position on the effective action on the above mentioned lines. Where human rights violations occur in the country concerned, arms supplies and other kinds of military assistance should be halted, as one of the first steps taken to prevent such assistance being directly used or possibly being used by the government concerned in its oppression of its population, and that it can therefore reasonably be claimed by the recipient government as a mark of friendship and approval. Therefore,

³⁸Newsom (ed.), *The Diplomacy of Human Rights*, p. 9.

³⁹Luard, *Human Rights and Foreign Policy*, p. 30.

the regular reappraisal of programmes regarding military assistance and arms supplies is needed to ensure that the human rights policy of the state concerned is satisfactory.

- Among the above-mentioned steps, the most serious one is the breaking off of trade relations. Thus, it will only be considered in the most extreme cases. Concerning this action, if a country has a bad human rights record, investment in such a country could be prevented and discouraged at earlier stages. The same is true for the breaking off of diplomatic relations. Where there is always some value in maintaining contacts, almost the best thing is to retain diplomatic representation in some form.

- The argument that the most drastic step is always the most influential is unacceptable because direct representations to the government concerned is sometimes the most influential one. The minister of the country concerned can be approached by the visiting ministers, even if they have arrived for other purposes, to make clear the concern caused in their own country by reports of serious human rights violations. Then, the influence of the minister approached within the government may be used to cause changes in policies. If representations on such matters derive from more than one government they carry far greater weight, as well as reducing the political costs of taking action and lessen the problem of *locus standi*, that is the right of governments to intervene in matters in which their own nationals are not directly concerned.

- The importance of the NGOs is clear. One of the most useful ways in which governments can influence the government concerned, at least indirectly, is to provide assistance to NGOs because they are indeed in some ways more effective on this subject than governments. Their concern on the subject can be spoken and published more freely. They are less likely to be accused of political bias. How they can be assisted is the important question. Usually financial support is unwelcome because it might be thought that their independence has been prejudiced. However, regular exchanges of information and ideas and a pooling of knowledge about the situation in particular states, joint seminars or other activities to educate the public and co-operation in international human rights bodies can be envisioned.

- The availability of information about the situation that exists in different countries all over the world is necessary for both the public and the governments that will play a more effective role in preventing human rights violations elsewhere. Although most people, at present, learn vaguely about what is happening in other countries, it cannot be said that impressions are generally very clear. One reason for this is that they are largely based on occasional newspaper reports rather than reliable and systematically compiled evidence. Also, in practice, the degree of concern depends upon the agenda of the press and television. On the other hand, the information supplied by the governments should be *objective*. Governments usually only take action when their own public opinion is aroused. Thus, a better-informed public opinion would make a function more in stimulating more effective action by governments. In this regard, the most useful action by NGOs is the publication of an annual survey of the human rights situation in individual countries, with some indication of the gravity of the situation in each case.

7. Conclusion

Given that in today's world, the issue of human rights are included in foreign policies of many states, and that foreign policy as the outside behaviour of a state is one of the elements of IR, the issue of legal human rights developments has become an important part for a foreign policy with a human rights objective. It also seems that its reflection in such a foreign policy is a key for the protection of human rights in IR. The reason is that the development of legal human rights makes the foreign policy with a human rights objective more effective. Not only those who are in foreign policy decision-making process, but also IR students are thus expected to take notice of such developments. The first step of this is of course the human rights education in IR departments of the universities.

The attached results of the Internet survey indicate that the IR students in Turkey need to have more opportunity to be able to follow the international developments in the area of international law of human rights. Accordingly, the followings are offered: All departments of IR at the universities in Turkey should have an independent course

of human rights; if possible, students who enrol at the departments of IR, should be able to take course from the faculties of law; if possible, students who are at the faculties of law, taking international law course, should also take various courses concerning IR theory.

APPENDIX: THE INTERNET SURVEY (Carried on 14-15 May 2001).

Abant İzzet Baysal University, Faculty of Economics & Administrative Sciences,
Department of International Relations does not seem to exist in the web site.

Source: <http://www.iibf.ibu.edu.tr/bolum/index.htm>

Adnan Menderes University, Faculty of Economics & Administrative Sciences,
The web page of Department of International Relations is not accessible.

Source: <http://www.adu.edu.tr/htm/fakulte/iktidr/bilgi/uluslararasıibölümü.htm>

Anadolu University, Faculty of Economics & Administrative Sciences,
Department of International Relations does not seem to exist in the web site.

Source: <http://www.anadolu.edu.tr/>

Ankara University, The Faculty of Political Sciences,
The web page of the Department of International Relations on courses is not accessible.

Source: <http://www.ankara.edu.tr/faculties/political/uluslar/>

Akdeniz University, Faculty of Economics & Administrative Sciences,
Department of International Relations does not seem to exist in the web site.

Source: <http://www.iibf.akdeniz.edu.tr/>

Atatürk University, Faculty of Economics & Administrative Sciences,
Department of International Relations does not seem to exist in the web site.

Source: <http://www.atauni.edu.tr/fakulteler/ibf/dersler.htm?>

Başkent University, Faculty of Economics & Administrative Sciences,
Department of Political Science and International Relations.

Courses: *Introduction to Law, International Law, and Human rights.*

Source: <http://www.baskent.edu.tr/html/akademik/32/333/program.php>

Bilkent University, Faculty of Economics, Administrative and Social Sciences.

Courses: *Selected topics in Turkish Law, Private International Law, European Union Law, Selected Topics in International Law, The Use of Force in International Law 1 and 2; International Protection of Human Rights.*

Source: http://www.bilkent.edu.tr/~ir/Ug/course_desc.html

Boğaziçi University Faculty of Economics & Administrative Sciences,
Department of Political Science & International Relations.

Courses: *Introduction to Law, Turkish Constitutional Law,*

Source: <http://registration.boun.edu.tr/scheduleframe.htm>

Çankaya University, Faculty of Economics & Administrative Sciences,
Department of International Relations does not seem to exist in the web site.
Source: <http://www.cankaya.edu.tr/akademik.html>

Çukurova University, Faculty of Economics & Administrative Sciences.
No students enrolled in the Department of International Relations.
Source: <http://idari.cu.edu.tr/ul-lisans.htm>

Cumhuriyet University, Faculty of Economics & Administrative Sciences,
Department of International Relations does not seem to exist in the web site.
Source: <http://www.cumhuriyet.edu.tr/birimler/index.html>

Doğuş University, Faculty of Economics & Administrative Sciences,
Department of International Relations.
Courses: *Introduction to Law, Constitutional and Administrative Law, International Law 1 and 2, International Legal Issues-Human Rights and Humanitarian Intervention.*
Source: <http://www1.dogus.edu.tr/dogustru/indexim.htm>

Dokuz Eylul University, Faculty of Economics & Administrative Sciences,
Department of International Relations does not seem to exist in the web site.
Source: <http://www.deu.edu.tr/akademi/index.html>

Ege University, Faculty of Economics & Administrative Sciences,
Department of International Relations,
Courses: *Fundamental Principles of Law, Constitutional Law, Administrative Law, International Law-1 and 2.*
Source: <http://bornova.ege.edu.tr/~wwwiibf/english/int.html>

Fatih University, Faculty of Economics & Administrative Sciences,
Department of International Relations,
Courses: *International Law-1, 2; Human Rights and Law.*
Source: <http://www.fatih.edu.tr/iibf/ui/lisans56.html>

Gazi University, Faculty of Economics & Administrative Sciences,
Department of International Relations.
Courses: *International Law-1 and 2; European Union Law, Citizenship Foreigners Law, Consular Law, International Protection of Human Rights.*
Source: <http://www.iibf.gazi.edu.tr/>

Gaziosmanpaşa University; web page does not appear.

Source: http://srd.yahoo.com/drst/15863052/*http://gaziosmanpasa.edu.tr/

Hacettepe University, Faculty of Economic and Administrative Sciences,
Department of International Relations.

Courses: Fundamental Concepts of Law, Introduction to Constitutional Law, International Law, International Criminal law, Private International Law, Public International Law, Human Rights Protection In International Relations, European Community Law.

Source: <http://www.hacettepe.edu.tr/english/prospectus/faculties/economic/inter.html>

İşık University, Faculty of Economic and Administrative Sciences,
Department of International Relations does not seem to exist in the web site.

Source: http://www.isikun.edu.tr/academics/academic_units.html

İstanbul Bilgi University, Faculty of Economics & Administrative Sciences,
Department of International Relations.

Courses: General Principles of Law, Constitutional Law, International Law-1 and 2.

Source: <http://www.ibun.edu.tr/faculties/economics/intercur.htm>

İstanbul Technical University, Department of International Relations does not seem to exist in the web site.

Source: <http://www.itu.edu.tr/1-4-18tr.htm>

İstanbul University, Faculty of Political Sciences, Department of International Relations.

Courses: Introduction to Law, Constitutional Law, International Law, Civil Law, Administrative Law, Human Rights, International Private Law, International Panel Law.

Source: <http://www.istanbul.edu.tr/fakulteler/siyasal/dersler.htm>

Kahramanmaraş Sütçü İmam University, Faculty of Economics & Administrative Sciences, Department of International Relations, appears to have no web pages for the department.

Source: <http://www.ksu.edu.tr/yeniweb/turkish/index.html>

Karadeniz Technical University, Faculty of Economics & Administrative Sciences,
Department of International Relations,

Courses: Fundamental Concepts of Law, Constitutional Law, European Union Law and Turkey, International Law-1 and 2, Minority Rights in China, International Private Law, Human Rights (optional).

Source: <http://www.iibf.ktu.edu.tr/der.htm>

Koç University, College of Administrative Sciences and Economics, Department of International Relations.

Courses: The Turkish Constitutional System, Topics in Turkish Constitutional System, International Law.

Source: <http://www.ku.edu.tr/ir/>

Kocaeli University, Faculty of Economics & Administrative Sciences, Department of International Relations.

Courses: Fundamental Concepts of Law-1 and 2, European Union Law-1 and 2, International Law-1 and 2, International Private Law, International Human Rights-1 and 2,

Source: <http://www.kou.edu.tr/akademik/iktisat/uluslararasiiliskiler/index.htm>

Marmara University, Department of Political Science and International Relations.

Courses: Introduction to Law, Constitutional Law, International Law 1-2, Administrative Law, Commercial Law, Law of Obligations.

Source: <http://www.feas.marun.edu.tr/int/courses/courses.htm>

Middle East Technical University, Faculty of Economics & Administrative Sciences, Department of International Relations.

Courses: Introduction to Law, Public International Law 1 and 2, International Protection of Human Rights, International Private Law 1 and 2, Human Rights in World Politics.

Source: <http://www.ir.metu.edu.tr/frame/program/anasayfa.html>

Muğla University, Faculty of Economics & Administrative Sciences,

Department of International Relations does not seem to exist in the web site.

Source: <http://www.mu.edu.tr/akademik/akademik.html>

Nigde University, Faculty of Economics & Administrative Sciences,

Department of International Relations does not seem to exist in the web site.

Source: <http://www.nigde.edu.tr/>

Osmangazi University, Faculty of Economics & Administrative Sciences,

Department of International Relations does not seem to exist in the web site.

Source: <http://www.ogu.edu.tr/aiibf.html>

Sabancı University, Faculty of Arts and Social Sciences, Social and Political Sciences Programme.

Course: Constitutional Law.

Source: http://www.sabanciuniv.edu/akademik_ssbfb.html

Sakarya University, Faculty of Economics & Administrative Sciences,
Department of International Relations.

Courses: Introduction to Law, Introduction to Constitutional law, Civil Law, Turkish Constitutional law, Law of Human Rights, Law of Obligations, International Private Law 1 and 2, Commercial Law, Criminal Law, International Law of the Sea.

Source: <http://www.iibf.sakarya.edu.tr/intrel/curriculum.html>

Süleyman Demirel University, Faculty of Economics & Administrative Sciences,
Department of International Relations does not seem to exist in the web site.

Source: <http://www.sdu.edu.tr/old/akademik.htm>

Trakya University, Faculty of Economics & Administrative Sciences,
Undergraduate Education of the Department of International Relations has not started yet.

Source: http://www.trakya.edu.tr/Uluslararası_iliskiler/lisans.htm

Uludağ University, Faculty of Economics & Administrative Sciences,
Department of International Relations.

Courses: Introduction to Law, Civil Law, Constitutional law, Law of Obligations, Law of the Citizenship, International Law 1 and 2, Administrative Law, International Human Rights.

Source: <http://www.uludag.edu.tr/html/akademik.html>

Gaziantep University, Faculty of Economics & Administrative Sciences,
Department of International Relations does not seem to exist in the web site.

Source: http://www.gantep.edu.tr/academic/faculties/iktisadi_ve_idari_bilimler_fakultesi/

Yeditepe University, Faculty of Economics & Administrative Sciences.

The web page of the Department of International Relations is under construction.

Source: <http://www.yeditepe.edu.tr/7tepe/ulusiliskiler.html>

Yıldız Technical University, Faculty of Economics & Administrative Sciences.

The web page of the Department of Political Science and International Relations is not available.

Source: <http://www.yildiz.edu.tr/html/akademikf.html>

Zonguldak Karaelmas University, Faculty of Faculty of Economics & Administrative Sciences at Çaycuma, Department of International Relations does not seem to exist in the web site.

Source: <http://caycuma.karaelmas.edu.tr/>

The web sites of the Turkish Universities have been taken from:
http://dir.yahoo.com/education/higher_education/colleges_and_universities/by_region/countries/turkey/complete_list/