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# INFLUENCING THE SOCIAL, INTERGOVERNMENTAL AND INTERNATIONAL LEVEL – HOW DO NGOS FUNCTION?

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Influencing the social, Intergovernmental and International level – How do NGOs Function?

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# **Influencing the social, intergovernmental and international level – How do NGOs function?**

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## **Abstract**

This paper discusses the concept of NGOs as well as the role of the NGOs in various theoretical approaches. It demonstrates that NGOs are successful only in connection with the states and their public as well as other international organizations. The human rights change in a state takes place at different levels: social, intergovernmental and international. NGOs function at all these levels. They maintain continuity by denouncing violations of human rights internationally and place pressure on states within the international community. They build on the monitoring systems of the existing human rights institutions at an intergovernmental level and replace missing resources and expertise. They can highlight the duties to the states with quasi-universal validity of human rights and can always bring human rights violations into the political agenda.

## **Introduction**

Non-Governmental Organizations (NGOs) have time and again proved their significance in promoting human rights in the last few decades. Human rights are rights that human beings inherit by virtue of being humans. The state guarantees these rights, yet the support of the underlying values provided by the civil society should not be underestimated. Therefore, not only state officials, but also various social groups deal with questions of political relevance across national borders. In order to investigate the effects and effectiveness of NGOs, this paper examines the appropriate theoretical fundamentals based on different sources and explores the role and functions that NGOs assume in international human rights regimes. Firstly, the concept of NGO is discussed. Then the role of NGOs in various theoretical approaches is illustrated in

order to address to the association between NGOs and international human rights regimes. Finally, the previous statements are validated through an empirical case study.

### **Definition**

The term “Non-Governmental Organization” has been used widely since 1945, after it was introduced in the UN – Charter, while in 1914 there were about forty such organizations. The *Mainzer Rheinschifffahrtskommission* of 1815, the *British and Foreign Anti-Slavery Society* of 1823, and the *World's Evangelical Alliance* of 1845 (Boeckh 1993:545) are amongst the first international NGOs according to its contemporary understanding.

“The term [...] NGO [...] indicates organizations bound in the realm of civil society, which can be seen unlike the state and the market. Their predominant feature lies in the fact that they are independent of the government (not tied to the government), i.e., they are autonomous of the state, are not motivated by any profit, and are not led by any commercial interests. [...]” (Nohlen 2001: 324). An NGO is thus a social institution in the sense that it is based on certain standards and rules and thus acts as a social control system regulating conduct as well as the reliability of expectations (Czada 1995: 205).

Take (2002) states that an NGO operates independent of the government or the state and has neither government resources nor state agencies. He continues that they operate as not – for – profit, perceive exclusive public interests (in a stand – in function), operate according to universal principles and common public interest, pursue political goals, and obtain their resources by donation. Nohlen and Take term both national and international organizations with appropriate features as NGOs. Thus, national and international civil associations can use international aspects from time to time, such as trade unions dealing with the labor laws in China (Forsythe 2000: 165). Although only international NGOs play a role predominantly in international politics, these definitions reflect the close connection of national and international NGOs with civil society. With that in mind, the international NGOs examined in this paper exhibit the following features:

- Independent of the government, i.e., they are autonomous of state influence and are only accountable to their members
- No subject status according to international law
- No financial interests and no orientation towards profit earning

- Concrete organizational structures
- Long term interests
- Related to the problem field

Even the differentiation between the NGOs and intergovernmental organizations is not always clear, as shown by Rittberger / Zangl in the examples of the International Labor Organization (ILO), where the non – government representatives contribute along with the governmental representatives in the central decision making bodies. The criterion regarding differentiation, as suggested by Rittberger / Zangl, for non – government and the state – owned international organizations to be considered “pertains to a direct or indirect, multilateral governmental constitutive instrument” (2003: 27). Moreover, they subdivide the class of NGOs into transnational umbrella organizations, profit oriented transnational organizations (for instance, BASF, Microsoft) and non – profit oriented organizations. Rittberger / Zangl furthermore involve the dimension of the process function of politics, wherein they differentiate between programme organizations and operative organizations (2003: 30). A similar differentiation has been made by Forsythe including the terms *relief and development agencies versus advocate agencies* (2000: 180). The NGOs primarily distinguish themselves from *development NGOs*, which are NGOs providing active humanitarian assistance (for example *Médecins Sans Frontières*). NGOs, moreover, differ from civil movements in not having any distinct organizational structure or a concrete mid-term goal. Likewise, movements involving many government and non – government actors and single persons, come to certain goals (e.g., the Anti-Landmines Movement). If this crosses national borders, then they are also termed “Transnational Networks.”

The degree of independence is primarily influenced by the funding of NGOs. Although receiving the consultative status is not a prerequisite, since NGOs are not permitted to receive any state grants, Amnesty International (AI) has stipulated that no money be accepted from the governments. However, lesser-known NGOs having many members depend on subsidies for their work. Since these subsidies often come with conditions, they may give rise to conflicts of interest, which may also result out of personal integration. Further nomenclature has been formulated for international NGOs as a result of these conflicts in interest, such as Quangos (Quasi - NGOs), which are identified through 100% external financing.

## **Theoretical approach on NGOs**

Different explanations of the international system and its relevant actors can be provided depending upon cognitive interest. Since this work primarily pertains to international institutions, those theories whose basic assumptions on the international system consider the effects of the international institutions are used. As a tradition concerning realistic theories, the international institutions, however, have very little or absolutely no influence on the conduct of nations (Donnelly 2000: 132ff.). States are the bearing elements of the international system where there is anarchy and thus every sovereign state strives for power in order to ensure its self – preservation. Institutions appear only as the epiphenomena of the distribution of power and facilitate the implementation of hegemonic social order. Social processes, whether territorial or terrestrial, therefore do not have to be considered as they do not play any significant role in international politics from a realistic perspective. In the course of globalization, the international system is intertwined at various social and governmental levels. “Despite anarchy, states interact not in a characterless void but within a complex web of constraining, enabling, and transforming norms and institutions” (Donnelly 2000: 156). Thus, this theoretical perspective masks a better part of the international relations and the international system. Opposing that are the approaches of institutionalism, that consider the international (governmental and non – governmental) organizations apart from the states as further actors in the international system. These approaches differ in terms of the action – theoretical premises, i.e., they explain the existence of cooperation on the basis of different causal mechanisms or motives of the actors.

“A general central concern of the constructivist approaches of the theory of international politics is to indigenize the action guiding values of the actors” (Schimmelfennig 1997: 223). They assume a reflexive concept of action, which is followed by actors regarding a rationale of appropriateness (Rittberger / Zangl 2000: 43). The stipulated values and norms specify which conduct is expected of which actors and seen as appropriate. Constructivists assume that individuals are integrated in society and social structures and that they continue reproducing and changing through daily interactions (Risse et al. 2003: 17). A few constructivist approaches go a step further in assuming that the actors not only act guided by the norms, but also challenge the implicit claims of validity of these norms. Communicative understanding leads to persuasion processes having the norms (Risse et al. 2003: 21). International organizations become arenas where certain values can be advertised transnationally. NGOs assume a central function. They can take care of the education for common values that are taken over by socially integrated groups in each state. Thus, the resulting transnational networks may influence each state substantially.

“Transnational *advocacy coalitions* are defined as networks of individual and collective actors, that are bound by common values, a common discourse and a close exchange of information and services” (Gränzer et al. 1998: 10). Transnational networks play a special role in the implementation of human rights, characterized with the boomerang-effect in various studies (Keck and Sicking 1998). Transnational networks accordingly exert pressure on the repressive government from “above” and from “below”. After the social opposition groups or NGOs first get in touch with transnational networks, which mobilize international organizations and other states, they are then prompted to exercise pressure on the target government. The transnational organizations, furthermore, provide the social opposition with resources and access to the world public.

The research group for human rights from the University of Konstanz (Risse 2003/2004; Gränzer et al. 1997) has developed the boomerang-effect further to the “spiral model of human rights norms change.” The Spiral model “makes the image of the boomerang-effect dynamic, for conceptualizing the effect of these integrations between the social, transnational and international actors on the internal political change” (Gränzer et al. 1998). It describes the development of human rights in five phases, where the transition from one phase to the next depends upon the effect of transnational networks. However, the case demonstrates the criticalness of the central actors and their position in transnational networks. Furthermore, the spiral model sets the presence of the human rights standards as a prerequisite, to which the transnational network refers to in regards to the world public. The norm diffusion can be explained on this basis rather than its generation. Neoinstitutional and regime theoretical approaches assume that the international organizations are more than the instruments of the respective actors of the state, which are the most powerful. From neorealism, these theoretical approaches take over the perception of the international system as anarchy without central arbitration, where politics is no longer decided only by the states (Meyers 2000: 450). The structure of the international system and the conduct of the states are rather influenced by institutions, regimes and non – governmental actors.

We are thus posed with the central question on the conditions of cooperation in a world of egoists without central authority. International regimes facilitate cooperative structures of rational actors, who survive even without hegemony. In the anarchy of the international world of states, international regimes may be the elements of order (Donnelly 1986: 301). They increase the level of information for the actors, reduce the transaction costs and generate reliability of expectations. Regimes thus do not demonstrate any explicit instruments for implementing specific interests, but can be understood as an expression of situations, in which the orientation

towards individual criteria of rationality pertaining to the conduct by the actor for the individual produces inferior results than the orientation to the overall interest of all regime actors. Accordingly, international regimes make the violent outbreak of conflicts improbable, because an outbreak concerning a rule-governed conflict brings about lesser social costs than a lawless one recurring on violence. (Meyers 2000: 456). The action of the actors is identified by rationality through cost–benefit-maximization.

The structures and the strengths of the system, opining Krasner (1993), depends upon which states support the regime, who opposes and who promotes the regime, as there are always the “makers, breakers and takers of (potential) international regimes” present in every area (quoted in Donnelly 1986:614). Regimes arise from the perspective of the liberal theory of cooperation, as a certain kind of institution for implementing common gains and to bring about the Pareto-Optimum. They are thus a medium for overcoming the problem of market failure and their success or failure depends upon the disbursement of profits (Krasner 1993: 139). How are these theoretical statements on the regime now being seen in regards to our political field of human rights? Prior to the First World War, the first approaches of international human rights regimes were restricted to limited problem cases like the prohibition of the international slave trade or the stipulation of the minimum standards of labor protection (Krasner 1999: 106). While analyzing international human rights regimes, it becomes clear that the supporting (*promotional*) regimes are not exceptional as they demand a certain level of commitment. The individual regimes defining the active implementation of human rights (*enforcement*-regime in Donnelly’s terminology) are regional by nature. A global human rights regime of this strength, according to Donnelly, does not reflect the interests of the states or a coalition, which it would be prepared to offer (2003: 136).

The liberal approach wishes to cover this explanatory gap, in which it visualizes states as socially integrated actors. The positions of national governments in international politics depend upon the respective internal political (domestic) interests, that staying in power should guarantee. Moravcsik (2000) terms his approach as republican liberalism. National governments cooperate when international institutions secure their specific preferences for the future and thus serve reinsurance. Moravcsik uses his approach on the formation of the European Court of Human Rights, to show why states are ready to give up a part of their sovereignty to a supranational institution. Rittberger / Zangl (2003) represent this case on the specific features of the problem field ‘human rights’, falling under the area of governance. That being said, even in international politics, ‘governance’ pertains to the territorial, personal and structural governance of a state internally. As opposed to other areas like safety or well-being, there are no direct action

dependencies at the intergovernmental level in the area of governance. Moreover, an intrusion or encroachment on the internal affairs in the modern public international law is perceived as a violation of the principle of sovereignty (Krasner 1993 and see below).

Mutual benefits and reciprocity are missing in the problem field 'human rights' as a further condition for the formation of international institutions. How a state handles its citizens does not have any direct influence on the other state; therefore, there is no immediate compulsion for cooperation (Rittberger / Zangl 2003: 290). In addition, even the absurdity of the mutual reciprocity hampers the states from cooperating, as the violations of the human rights by the state cannot be reciprocated with the same actions such as in the area of wellbeing in case of tariff increases (Rittberger / Zangl 2003: 293). From the cooperation – theoretical point of view, the costs for procuring a human rights regime are far greater than the benefits since the violations of the human rights do not demonstrate a collective problem and thus there is no prevalence of market failure.

Why was the Charter of the United Nations formulated in 1945 despite the first global human rights regime based on certain values? Donnelly and Rittberger / Zangl assume a moral interdependence of the states for clarifying the formation of the Charter regarding the United Nations and the further human rights regime. The power of morality, however, does not exceed the formation of *promotional* regimes and Donnelly explains that the normative strength and the institutional weaknesses of the regimes are a result of political decisions (1986: 614). When are political decisions rational and when are they moral? Schimmelfennig bases his theory on the explanatory gaps of rationalism and constructivism and develops the approach of the "rhetoric action" as an action-theoretical alternative. "Rhetoric action as opposed to that is defined thereby that the action-oriented government actors in the international system in fact (also) are based on values, the means of action which they use for spreading their values in international politics, but are chosen success oriented and not in the interest of communication" (1997: 220).

Rhetorically, rational actors possess a moral obligation towards the values on which their identity and legitimacy are based. This is predominantly valid for states having to legitimize their claim to power on the basis of values and ideologies. This significance of a transnational public is then transformed to the arena of ideological debates on interstate and intrastate power organizations. Governments of liberal states have a moral obligation to then fight for human rights in other nations, if there is no direct self interest arising, since they belong to the basic foundations of their regime (Schimmelfennig 1997: 233-35). Nevertheless, human rights are not only values based on abstract ideas, but are values that can be converted into certain social practices (Donnelly 2003: 11, 23).

Based on moral interdependence, the non – government actors contribute towards the implementation of human rights, where they act within the transnational public. The function of procuring and spreading information plays a special role at various levels (Take 2002). They appear neutral as states, as they do not have to legitimize their claim to power and can help intrastate social groups for building pressure. NGOs base their work on presently existing human rights regimes.

### **The international human rights regime**

Depending upon the theoretical viewpoint, the various interdependencies arise between the UN and the NGOs, whose work revolves around the problems in the field of human rights. Does the boomerang-effect enable NGOs to exercise strong pressure on the states, so that they fight for the implementation of the existing norms? Or does the UN- human rights regime only serve as the reference system for passing criticism on the violation of human rights, so that the NGOs only have the function of information? The answers to these questions refer to the efficiency and effectiveness of NGOs. However, NGOs have taken over significant functions in the UN-System and thus have an effect, although its magnitude is difficult to isolate due to the close working of NGOs with other actors in the international system like the UN; therefore, it is worth analyzing interdependencies.

The United Nations is an interstate organization comprising 193 nations. A nation is recognized along with the membership of the UN as such and can be based on the principle of sovereignty, which demonstrates the legal basis of the UN. “Sovereignty is a system of political order based on territory” (Krasner 1993: 141). Therefore, no nation can intrude into the domestic affairs of other nations. The principle of sovereignty was however restricted by the General Human Rights Declaration of 1948. The General Declaration of Human Rights specifies the minimum conditions under which an individual can live with dignity (Donnelly 2003: 15). It thus describes the relation between the state and its citizens. Human rights can be both guaranteed and violated by the state.

The organs of the UN are only conditionally capable of acting as they otherwise would violate international state sovereignty because the dealings of the state or of the society with an individual fall within the domestic affairs of the state (Gareis / Varwick 2002: 158). It can however be seen as a restriction of the national sovereignty, if the violations of human rights become a topic of the UN. Another declaration would be the changing significance of national sovereignty. Dunne / Wheeler thus, on the formation of the General Declaration of Human

Rights pronounce: “Sovereignty remained the constitutive norm of the society of states, but the meaning that was given to sovereignty had been modified” (1999: 2). Despite the changing importance of sovereignty, it has only been challenged in the international community of states in cases of general violations regarding human rights like genocide. According to chapter 7 of the UN- Charter, the Security Council has the right to enact the so-called humanitarian interventions such as wars of intervention for protecting human rights, where it declares serious human rights violations as a threat to world peace.

The General Declaration of Human Rights with regards to 1948 is purely declaratory, i.e., not legally binding. Apart from the General Declaration of Human Rights, comprehensive human rights have been stipulated in six central agreements, which on average account for 156 contracting parties (Donnelly 2003: 38): the international pacts on civil and political rights, as well as on social and cultural rights, the agreement on prohibiting apartheid (racial discrimination), for prohibiting discrimination against women, against any kind of torture and on the rights of children. The nations have thus formed a comprehensive human rights regime acting upon pressure from numerous NGOs. The standards of human rights stipulated in the contracts can be drawn as a yardstick for legitimizing state action on the basis of which NGOs act. The high number of contracts signed demonstrates the acceptance of states all over the world concerning the active promotion of the UN and thus for accepting these norms per se.

Despite the wide acceptance of international human rights norms, systematic violations of human rights occur worldwide. The gap between acknowledging the norms and implementing them is quickly spreading and seem to be affirming the theory that the worldwide institutionalization of human rights is a necessary but not sufficient condition for implementing it at international level. Finnemore and Sikkink (1998) term this phenomenon as “cascading of norms,” i.e., etiquette in the international community of states demands to accede to the Human Rights Agreement, to belong to it or not to be declared as a rogue nation (quoted from Rittberger 2003: 6).

This comes with the observation of substantial differences between the regional human rights regimes with reference to the degree of legalization. “The lesser the human rights are needed the stronger are they protected regionally, namely in the parts of the world dominated substantially by legal and liberal democracies (Risse 2004: 228).

*„[...] there has emerged a growing moral awareness among world public opinion of human rights issues and concerns, reflected in the existence of NGOs like Amnesty International which act as the conscience of the regime“ (Dunne/Wheeler 1999: 2).*

This cascading of norms leads to the central function of NGOs: as socially integrated actors they have to spread awareness on human rights violations worldwide at all levels. Within the UN, which is at an interstate level, this is done through the central human rights organs. NGOs, upon fulfilling certain criteria, may receive a consultative status, giving them the authority to attend meetings, distribute documents and the right to speak at some of the conferences. The so called 1503- procedure of the Human Rights Commission serves researching complaints in serious and systematic violations of human rights. NGOs have the facility to submit such complaints and to interrogate the government representatives of the Human Rights Commission. The NGOs thereby take over the function of the *agenda settings* exactly as in liberal democratic states, i.e., they always insist to put human rights violations on the daily agenda and to integrate them in civil discourses.

Like NGOs and AI, Human Rights Watch thus utilizes many resources for gathering accurate information and ensures its timely circulation. They have more staff at their disposal like some UN – organs: AI for instance has a research staff of 320 in London (Forsythe 2000: 166), which analyses worldwide human rights violations. UN organs like the Human Rights Commission have been predominantly assigned for information on NGOs. However, scientific studies are increasingly using the data material of NGOs like AI or Freedhouse as an empirical basis (Gränzer et al. 1997: 6; Schimmelfennig 2003: 562). Based on the action-theoretical assumption of learning by the actors, the circulation of information within and outside the UN system convinces the public authorities and supports the long-term education of society (Forsythe 2000: 167). Numerous scientific publications contribute to the development of the so-called epistemic communities, leading to the formation of concordant cognitions by these transnational expert networks (Rittberger / Zangl 2003: 46). Teaming with the UN therefore is beneficial for NGOs, since many organs and conferences of the UN serve as a platform for exchanging information and networking. As shown in the following case, there are worldwide active NGOs, financially strong with many members such as AI that rely on network building, for approaching nationally and regionally active NGOs, who provide them with information.

### **Case study**

As mentioned earlier, NGOs have rightly to allude to the serious and systematic human rights violations in certain nations at an intergovernmental level and to bring them into their political agenda. The NGOs can directly approach the governments at a governmental level, whereas they try to build a network with national NGOs at a social level. The conviction of the Kurdish

Member of Parliament, Leyla Zana, demonstrates that the pressure from above and below by the NGOs has improved the human rights situation of the Kurdish minority in Turkey. However, the role played by other actors remains to be determined. The spiral model in regards to the human rights norms change serves here as the research framework, since it facilitates classification of the case into different phases and thus helps in structuring diverse information. The case of this work is substantially different from the nations researched by Risse et al. due to the actor constellation of the transnational network, since the European Commission as a quasi- state actor has substantial influence on the human rights development in Turkey.

The dependent variable is the domestic change in Turkey due to improved human rights practices against the Kurdish people. The situation of the Kurdish people in Turkey has increasingly improved in recent years within many areas: capital punishment and military security courts were abolished, the first Kurdish newspaper was published, and the Kurdish language can be taught in private schools. Even if drafting legal provisions is not always accompanied by the implementation of human rights, the process seems to have begun, as demonstrated by the release of Leyla Zana. AI publicly lauded the process of reform and criticized only its complete implementation in practice. Only in 1999, did the then speaker of AI in Germany cite any attempts at reform as cosmetic amendments. These following developments should be categorized at various levels on the basis of the phases of the spiral model of human rights norms change.

Leyla Zana and three more Kurdish Members of Parliament of the pro-Kurdish Democratic People's Party (DEHAP) were sentenced to 14 years of imprisonment in 1994 for using Kurdish (language) in the Turkish Parliament, when they had been elected in free and democratic elections as the representatives of their voters in the parliament. Basic political and civil rights were thus first guaranteed to the Kurdish people.

Fifteen million Kurds live in Turkey amongst a total population of around 70 million. The Kurds have opposed Turkish centralism ever since the proclamation of the Republic. Subsequently the respective positions became hardened in the eighties, as a state of emergency was proclaimed in the numerous provinces in the south eastern parts of the country and numerous military actions were taken costing thousands of human lives. Furthermore, many human rights were denied to the Kurdish minority: using the Kurdish language in both public and private was banned and could entail punishment under the accusation of terrorism, which resulted in the severe restriction on the freedom of the press, freedom of opinion and freedom of assembly, and the right to physical integrity was violated with severe torture. Fostering their culture was thus not possible for the Turkish Kurds.

The transition to the second phase of the spiral model takes place on the basis of sharing the information with transnational human rights networks (Gränzer et al. 1999: 13). It is difficult to determine which actors advanced the transition to the second phase. In order for this to occur, determining which actors exactly form the transnational network must be completed first.

AI has pointed at the restriction of human rights for the Kurdish in Turkey in its annual reports on the human rights situation in Turkey and above all the systematic torture by the police and in prisons. Leyla Zana was quoted by the German Press at many events related to Turkey, but it is not known who supplied the information. Thus, Leyla Zana herself was not quoted in the AI annual reports of Turkey in 1994 and 1995, but only her husband Mehdi and the press releases published by AI Germany since 1998 do not mention Zana.

AI also engages in national lobby activities in the sense of the boomerang-effect. NGOs having a strong member base like AI have a significant advantage, since they are supported by a group of voters and thus have easy access to national politicians. AI is therefore on the side of national politicians at an intergovernmental level with expertise, primarily when this is necessary in daily political discussion.

How much support Zana garnered from AI in establishing contact with prominent media is not clear. Zana thus wrote an open letter to prominent media in December 1994 shortly after her conviction, which was first published in the Washington Post, followed by many German newspapers. She had also given interviews in German broadcasts even before her arrest. Zana thus had the knowledge of using the media for her causes which made her far better known nationally and internationally than her other Kurdish parliamentary colleagues. As a result, AI still attempted to build pressure from all sides. It points out at the successful cooperation with OSCE (1995) and the Human Rights Commission of the UN (1996) in exposing violations of human rights in its annual reports.

Zana was stylized as the Jeanne d'Arc of Turkey by the German press. She could thus remain in the public spotlight during her arrest and was mentioned in the report on the events such as the visit of the German Federal President Johannes Rau to Turkey. Furthermore, close contact was maintained for many years with Claudia Roth, the Human Rights Commissioner of the Federal Government, who also tried visiting Zana in prison, although permission was refused.

The European Parliament indirectly criticized the human rights situation in Turkey by awarding Zana the Sakharov award in 1995 for freedom of opinion. Zana was however not permitted to receive the award personally. Moreover, she was also awarded the International Charlemagne

Prize of the City of Aachen and she was also nominated for the Nobel Peace Prize in 1995 by the Norwegian Parliament.

At the intergovernmental level the ECHR, in 2001, adjudged the court procedure as unfair and biased. The procedure was also additionally criticized by the parliamentary Assembly of the Council of Europe with the request of declaring sanctions against the government councilor.

The Turkish government was thus pressured at various levels and reacted as described by Risse and Gränzer in their works: the government of Turkey has denied any violation of human rights standards with reference to the Kurds and pointed to its national sovereignty.

The transition to this phase first and foremost depends upon how “vulnerable the government violating human rights is to international pressure” (Gränzer et al. 1998: 15). This is predominantly evident in our case. Turkey ignored any pressure from European nations in the nineties and its policy on minorities had only slightly changed as it relinquished any hope of early accession to the European Union (EU). This changed as the European Council recognized Turkey formally in December 1991 as a candidate country. The biggest pressure most likely came from the resolution of the European Council in December 2002 following a report and a recommendation from the European Commission at the end of 2004 that stipulated the beginning of accession talks with Turkey. A concrete perspective thus was seen for the EU membership. This may begin, as far as the political conditions of the Copenhagen criteria are fulfilled. The Copenhagen criteria of 1993 made preserving human rights a condition of EU membership and thus formalized this as a part of European identity. This demonstrates that ideas as well as interests steer politics.

The majority of the Turks are in favor of their country acceding to the EU. The Recep Tayyip Erdogan government elected to power in March 2003 has strengthened the reform efforts of the previous governments and initiated numerous further legal reforms. These reforms, partially recommended by the EU – commission, have also substantially improved the human rights situation of the Kurds. In addition, this was substantiated by the progress report of 2003 by the European Commission on the development of Turkey as a candidate country.

A clear step towards strengthening human rights in Turkey also showed the ratification of the International Pact on civil and political rights and the International Pact on economic, social and cultural rights in September 2003.

Leyla Zana’s resumption process commenced on 28<sup>th</sup> March 2003 with a monthly hearing, after which Zana filed an application of resumption with the Security Court. This was only possible

due to the amendment, which now permits Turkish nationals to renegotiate before a court in Turkey after a proceeding won in ECHR. Only compensation was paid previously. Turkey thus acknowledges the ECHR judgments as binding. Zana and other members were released in June. Shortly thereafter Zana spoke with her followers at a demonstration in Kurdish language, acting upon which the police called for her arrest once again on the basis of an alleged violation of the law.

Although EU states can exert the maximum pressure for implementing reform processes, AI can repeatedly point at the discrepancies between the legal foundation and its implementation. Furthermore, there are interdependencies between states, international organizations and NGOs at the international level. Thus, it is important that legal reforms are implemented by the national courts so that the reforms are visible in practice and have an influence on the daily lives of people. It does not suffice for the Turkish government to implement legal reforms only, since NGOs repeatedly highlight the lack of implementation in individual cases.

A delegation of the AI- Section in February 2004 visited the Turkish Government (in particular the Foreign Affairs Minister) to discuss the human rights situation on site. This can be perceived as the Turkish Government acknowledging the work of AI, since the AI activists from Germany were permitted entry and contact with government authorities for the first time in many years.

In the last phase, the governmental actors have approved international human rights standards completely and have aligned their conduct towards it. There is then a high compliance in the sense that the human rights agreements are ratified and enshrined in national law, the monitoring systems have been established and a rule-guided conduct at the national level is observed (Schmitz / Sikkink 2002: 529).

It cannot be accurately determined whether the process of socialization described above was actually executed and that an internalization of human rights standards took place. National interests, namely the accession to the EU, had strong influence on the government in the area of human rights in the prior phase. The underlying *modus operandi* is difficult to determine.

Implementing human rights in particular is not a linear process where the development invariably only runs in a positive direction from one phase to another. This is seen in our case on the basis of the failure concerning the Turkish reform with regards to the criminal law shortly before the progress report was published by the EU commission. Erdogan perceives the political criteria for accession to the EU as fulfilled, and does not tolerate any meddling in the domestic affairs of Turkey (Relapse in Phase 2 of Denial). The Commission on the other hand presses for the implementation of the reform for criminal law to encourage freedom of opinion and the equal

footing of marital spouses and refers to future progress reports. However, it is surprising that the ensuing discussion led to the criminalization of divorce in Turkey, which raised public awareness in Turkey and abroad. This clarifies three points. Firstly, the transnational networks are indeed present, but are more loosely coupled than assumed. Leyla Zana has been present in the German press since her arrest. This is evident despite the intensive media reports of her passport issuance which enabled her to personally accept the Sakharov Award from the European Parliament. Secondly, human rights have indeed attained a high quasi-universal validity, despite the continued existence of divergent notions on the contents of human rights. Finally, it is unclear when and why governments buckle under international pressure and falter in the next phase and, if they do not, which modus operandi underlies the phases.

### **Conclusion**

Theoretical statements and one case review have been presented to demonstrate that NGOs are successful only in connection with the states and their publics and other international organizations. Affecting human rights change in a state takes place at different levels: social, intergovernmental and international. NGOs function at all these levels. They maintain continuity by denouncing violations of human rights internationally and place states within the international community under pressure. They build on the monitoring systems of the existing human rights institutions at an intergovernmental level and replace missing resources and expertise. They can highlight the duties to the states with quasi-universal validity for human rights and can always bring human rights violations into the political agenda. This paper has revealed that cases of punctual influence, which are exerted through friendly media, are generated from the media sector in the liberal public. NGOs such as AI try to act at all times with continuity and professionalism. With this in mind, they are the conscience of the international human rights regime.

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