

Chapter Four

Relations between Turkey and the European Economic Community: An Association with a Full Membership Objective¹

Yonca Özer

Turkey's relations to the European integration process trace back to 1959, when Turkey sent in an official application to the then-European Economic Community (EEC),² the predecessor of the European Union (EU). A gradual integration process began with an association agreement—the Ankara Agreement—planned to lead to Turkey's full membership in a successive stage-process. The 1963 Ankara Agreement was designed to provide a pre-accession process that would allow Turkey to prepare for membership through closer economic and political cooperation. However, this process lasted much longer than planned. It took nearly four decades for Turkey to be declared a candidate country for EU membership—in 1999—and accession negotiations were finally launched in 2005. Considering the current state of affairs, there are convincing reasons to be pessimistic about Turkey's chance for full membership, and Turkey-EU relations may develop into an alternative form. This chapter looks back over several decades and analyzes relations with the EEC, with the understanding that the Ankara Agreement constitutes the basis of long-standing

¹ A more detailed analysis of this topic can be found in Nas, Çiğdem and Özer, Yonca. *Turkey and EU Integration: Achievements and Obstacles* (London and New York: Routledge, 2017): pp.13-28.

² The European Coal and Steel Community (ECSC), the EEC, and the European Atomic Energy Community (Euratom) signified the European integration processes, with the EEC as the most comprehensive and significant aspect. The three communities, while having a shared assembly and court, retained separate executive institutions (Commission and Council of Ministers) until 1967, when they were merged to form the European Communities (ECs) [Derek W. Urwin, "The European Community: From 1945 to 1985, in *European Union Politics*," ed. Michelle Cini and Nieves Perez-Solorzano Borrigan (Oxford: Oxford University Press, 2013): p. 23.] The EEC continued to exist until the Maastricht Treaty of 1992. Through this treaty, it became the European Community (EC) and along with the other communities, it started constituting one of the three pillars of the EU. The ECSC came to an end in 2002 in accordance with the Paris Treaty of 1951. In 2009, through the Lisbon Treaty, all three pillars of the EU were incorporated to a single-pillar structure and the legal personality of the EC was inherited by the EU.

relations. Accordingly, the chapter will provide an analysis regarding the characteristics and objectives of the agreement, and its implementation process until Turkey's membership application in 1987. In addition, the chapter will comparatively examine the concurrent Greek-EU integration process in order to provide a full assessment of the origins of relations. The motivations behind the association having full membership objective, its evolution over time, successes, failures, and obstacles are relevant issues tackled in this analysis.

Motivations of the Parties and Leading Processes for Turkey-EEC Association

Turkey is highly integrated into the EU, and the association relationship between Turkey and the EU constitutes the basis of this integration. The association relationship was originally established with the EEC through the Ankara Agreement, signed on September 12, 1963 and entered into force on December 1, 1964 after ratification by Turkey and the member states in accordance with the procedure laid down in Article 238 of the EEC Treaty.³ The Turkish application in 1959 to the EEC and the negotiations that followed led to the conclusion of the Ankara Agreement.

Political, security, and economic factors all played an important role in Turkey's application. Since the foundation of the Turkish Republic in 1923, Westernization has been the main objective of Turkish foreign policy, with the construction of a Western model as the fundamental concern. Turkish policymakers have been preoccupied with the aim of catching up with Western civilization in terms of economic, legal, and political standards. Since Western civilization was mainly represented by Europe, taking Europe as a model to reach this aim became the *modus operandi* of the Turkish Republic. Although the establishment of the Republic of Turkey under the leadership of its first president, Mustafa Kemal Atatürk, represented the start of European objectives and "Europeanization" of Turkey, the process of modernization and state formation along the lines

³ For the Ankara Agreement, see: Official Journal of the EC, *Agreement establishing an Association between the European Economic Community and Turkey (signed in Ankara, 12 September 1963)*, L361/29, December 31, 1977. Accessed September 22, 2015. http://eur-lex.europa.eu/resource.html?uri=cellar:f8e2f9f4-75c8-4f62-ae3f-b86ca5842eee.0008.02/DOC_2&format=PDF

of the European model had already been under way to a certain extent since the Tanzimat reforms in 1839.⁴

In accordance with this “Western” orientation of Turkish state policy, Turkey became involved in a multitude of European political, economic, and military organizations formed after World War II. Turkey joined the Organization for European Economic Co-operation (OEEC)⁵ in 1948 and the Council of Europe in 1949 as a founding member, and also became a member of the North Atlantic Treaty Organization (NATO) in 1952. As Arıkan stated, Turkey viewed its membership in European institutions as a validation of its European outlook.⁶ Consistently, it deemed EEC membership as a reward for its Westernization and modernization policies, and an association agreement with the EEC as a crucial stepping stone to becoming an integral part of Europe. Although the newly-elected Turkish government emphasized its political desire to take part in European integration only a few months after the conclusion of the EEC Treaty in 1957,⁷ domestic economic and political instability hampered immediate action. However, Turkey’s inactivity in this respect did not last long, and shortly after Greece’s association agreement application to the EEC in July 1959, Turkey applied to the EEC with the same aim. It was obvious that Greece’s application for association expedited Turkey’s decision on what kind of relationship it wanted to establish with the EEC.⁸ Like Greece, Turkey based its application on Article 238 of the EEC Treaty, which regulates association relations of the Community with non-members.⁹ Thus, both Turkey and Greece applied for association status to the EEC with the objective of gradually becoming a full member.

Turkey’s quick response to the Greek application was primarily because of its concern that Greece would use its possible association relationship

⁴ Brusse Wendy A. and Griffiths, Richard T. “Good Intentions and Hidden Motives. Turkey-EU Relations in an Historical Perspective,” in *Turkey and the EU Enlargement: Processes of Incorporation*, ed. Richard T. Griffiths and Durmuş Özdemir (Istanbul: İstanbul Bilgi University Press, 2004): pp.15-16.

⁵ OEEC was reformed into the Organization for Economic Co-operation and Development (OECD) in 1961.

⁶ Arıkan, Harun. *Turkey and the EU: An Awkward Candidate for EU Membership* (Aldershot: Ashgate, 2003): p.53.

⁷ Arıkan, Harun. *Turkey and the EU*, p.53.

⁸ Tsakaloyannis, Panos. “The EC and the Greek-Turkish Disputes,” *Journal of Common Market Studies*, 11 (1980): p.43.

⁹ Saraçoğlu, Tefvik. “Türkiye-Avrupa Topluluğu İlişkileri (Turkey-European Community Relations),” *Marmara Journal of European Studies*, 1(1991): p.49.

with the EEC (and the potential political and economic advantages that come with it) to the disadvantage of Turkey. Politically, Turkey had long-standing contentious relations with Greece and was preoccupied with the concern that Greece would gain European concessions regarding its bilateral disputes with Turkey. That is why Turkey's foreign policy towards Greece depended on the principle of being represented in every international platform where Greece was represented.¹⁰ Additionally, Turkey wanted to obtain the same trade concessions as Greece through the customs union that would be established within the framework of the association agreement. Otherwise, Turkey would lose its competitiveness against Greek products in European markets since Turkey exported similar products to the EEC.

Security concerns also played an important role in Turkey's decision to apply for establishing an association relationship with the EEC. During World War II (WWII), Turkey kept its neutrality until 1945. But remaining neutral in the postwar climate of the Cold War was no longer a reasonable option considering the concerns arising from Soviet claims on the Turkish Straits and the north-eastern part of Turkish territory, as well as the fear of communist ideology. Accordingly, Turkey chose to be affiliated with the Western alliance. The United States supported Turkey to associate itself with Western postwar institutional design when considering the increasing communist influence in Italy, Greece, and Iran. Indeed, it provided Turkey, along with 15 other European countries—including Greece—with economic aid through the Marshall Plan, also known as the European Recovery Program, and military aid through the Mutual Defense Assistance. Turkey became one of the founding members of the OEEC, established to continue work on the recovery program and in particular to supervise the distribution of aid. In other words, in response to the rise of Soviet claims and communist threat, and in accordance with the U.S. containment policy, Turkey identified its foreign policy in line with the Western alliance.¹¹ Consequently, it considered integration with the EEC as one of the major components of being a part of the Western alliance. Turkey expected to be anchored more firmly to the Western alliance through economic and political integration with the EEC.¹²

¹⁰ Birand, Mehmet A. "Turkey and the European Community," *The World Today*, (1978): p.52.

¹¹ Brusse and Griffiths, "Good Intentions and Hidden Motives," pp.16-17.

¹² Arikan, Harun. *Turkey and the EU*, p.54.

The application for an association relationship with the EEC was also prompted by economic considerations, including the benefits of preferential market access and the need for economic aid to implement its economic development program and to reduce economic disparities between Turkey and the EEC countries. An additional economic motive behind the application was the expectation of foreign direct investment (FDI) both from the EEC members and from other developed countries encouraged by the prospect for increasing economic stability and development through close relations with the EEC.

The EEC soon accepted Turkey's application and negotiations started in September 1959. The EEC's economic interest in accepting the application and establishing an association relationship was evidently less important than its security and political interests in view of the huge developmental gap between the EEC and Turkey. Security concerns regarding the communist threat during the post-World War II era were the main reason for the EEC's approach in its association policy with both Turkey and Greece. The two countries both had a strong strategic and geopolitical importance on the south-eastern flank of the Western alliance as buffers against Soviet expansion towards Southern Europe. EEC members desired to bind those countries closer to the West since they were regarded as necessary allies in countering the strategic threat from the Soviet Union. They were perceived as very important elements of the alliance's "containment policy." As Arıkan states, deepening relations with Turkey was regarded as necessary for European security and for the strategic objective of strengthening NATO's south-eastern flank by ensuring the economic and political stability of Turkey.¹³

Additionally, the Turkish and Greek applications provided important support for a newly-established integration initiative which had not yet had much influence in the international arena. The EEC considered the establishment of association relations with those European countries as a good way of expanding its influence. The EEC's association policy towards Turkey and Greece should thus be assessed in the context of the EEC's willingness to acquire friends in its formative years, given that the direction of European integration was uncertain.¹⁴ These applications indicated the EEC's early attraction as a newly established integration initiative that

¹³ Arıkan, Harun. *Turkey and the EU*, p.54.

¹⁴ Redmond, John. *The Prospective European: The New Member of European Union* (New York: Harvester Wheatsheaf, 1994): p.8.

led the EEC in gaining prestige in political terms. According to Tunç Aybak, the association agreements with Greece and Turkey were examples for other countries that were not yet willing or capable to join the EEC.¹⁵

Association negotiations with Turkey lasted four years and were concluded two years after the conclusion of the negotiations with Greece, even though they had started earlier.¹⁶ This long negotiation process was the result of several setbacks experienced during negotiations. Due to May 27, 1960 military coup, negotiations were stopped until July 24, 1962.¹⁷ The military intervention generated doubts among EEC members on whether Turkey was a suitable country for association status. For example, French President Charles de Gaulle favored the suspension of relations with Turkey after a series of death penalty convictions followed the coup. Another factor that protracted the negotiation process was disagreement on the type of relations. Turkish negotiators, highlighting Turkey's geo-strategic importance for the EEC, insisted on their demands to reach an association agreement identical to the Athens Agreement signed with Greece in 1961.¹⁸ However, as Sena Ceylanoğlu said, the Commission's concern of backwardness of the Turkish economy and EEC's overstretched capacities resulted in unwillingness to offer Turkey terms similar to the Athens Agreement.¹⁹ On the other hand, the Council of Ministers, aware of the importance of treating Greece and Turkey equally, decided to conclude an association agreement with Turkey in parallel to the Athens Agreement. Eventually, the association agreement with Turkey was signed in September 1963, and involved the establishment of a customs union and the prospect of full membership.

¹⁵ Cited in Arıkan, *Turkey and the EU*, p.55.

¹⁶ Association negotiations with Turkey began in September 1959, while association negotiations with Greece started in March 1960.

¹⁷ Müftüleri-Baç, Meltem. *Türkiye ve AB: Soğuk Savaş Sonrası İlişkiler [Turkey and the EU: Post-Cold War Relations]* (Istanbul: Alfa, 2001): p.27.

¹⁸ Arıkan Harun. *Turkey and the EU*, p.56.

¹⁹ Mayer, Matthias M. "Germany's Preferences on the Ankara Agreement: Ministerial Actors Between Cold War Security Concerns, Turkish European Ambitions and the Wirtschaftswunder" (paper presented to the Fourth Pan-European Conference on EU Politics of the ECPR - Standing Group on the European Union, University of Latvia, Riga, September 25-27, 2008), p.9. Accessed October 5, 2015. <http://www.jhucb.it/ecpr-riga/virtualpaperroom/121.pdf>

Objectives, Characteristics, and Instruments of the Association Agreement

The Ankara Agreement was the second such agreement to include a full membership clause, following the Athens Agreement, both different from the association agreements EEC concluded with the other European countries. Article 238 of the EEC Treaty, (that regulates the association relationship with non-member countries) represented a legal base of the Ankara and Athens Agreements.²⁰ According to EU law, an association agreement is a *sui generis* international treaty, signifying a less-than-membership status to the EU but representing more than a mere trade agreement.²¹ The association agreements with Greece and Turkey were designed as preparation for full integration into the EEC, envisioning the establishment of a customs union as a tool for obtaining eventual membership.

The Ankara Agreement covered not only economic development objectives and trade-related matters as regulated by Article 2, but also the political objective of ultimately becoming a full member state, referred to in the fourth paragraph of the preamble. Additionally, Article 28 of the agreement clearly regulates the prospect of full membership by committing the contracting parties to examine the possibility of Turkey's accession to the EEC. Yet it does not clearly state that Turkey will become a member of the EEC, indicating intention and expectation of the parties to reach that goal.²² It regulates rather that whenever Turkey reaches a level at which it can fully assume the obligations arising from the EEC Treaty, the possibility of Turkey's accession will be examined. That is, this provision states that a certain level of economic development is a precondition for Turkey's accession.²³ According to Article 28, there is no automatic transition from the status of an associated state to full membership upon the completion of the program laid down by the association agreement.²⁴ Instead, any status change would require further examination.

Nevertheless, since it was a precise intention of the contracting parties to use the association agreement as a stepping stone to accession, Article

²⁰ Saraçoğlu. "Türkiye-Avrupa Topluluğu İlişkileri," p.49.

²¹ Lasok, Dominik. "The Ankara Agreement: Principles and Interpretation," *Marmara Journal of European Studies*, 1 (1991): p.27.

²² Lasok. "The Ankara Agreement," p.36.

²³ Can, Hacı and Özen, Çınar. *Türkiye-Avrupa Topluluğu Ortaklık Hukuku (Turkey-European Community Association Law)* (Ankara: Gazi Kitabevi, 2005): p.22.

²⁴ Lasok, "The Ankara Agreement," p.36.

28 provides a clear full membership perspective as the ultimate aim of the association.²⁵ Subsequent association agreements with other countries have not included a provision similar to Article 28, although the Stabilization and Association Agreements (SAAs) with the countries of the Western Balkans refer to the “potential candidate” status of the Western Balkan partners.²⁶ The Ankara Agreement did not only envisage an association for the purposes of Turkish economic development, but appeared to serve as a pre-accession agreement to prepare Turkey for full membership. That is why it was regarded as a *Beitrittsassoziation* (accession association) agreement.²⁷ While the association was mainly based on a customs union between Turkey and the EC, it envisaged closer and deeper economic relations in accordance with its ultimate aim. It regulated not only the free movement of goods, but also the free movement of services, workers, and capital between the parties by predicating on the relevant provisions of the Treaty establishing the EEC. Since its objective was far more ambitious than merely establishing a customs union, it aimed at developing other areas of economic integration in order to serve as a preparatory stage to membership of the Community.²⁸ In this notion, the agreement envisaged the customs union as an instrument which would ultimately facilitate the way towards Turkey’s accession to the community.²⁹

As Ahmet Gökdere³⁰ and Burak Erdenir³¹ stated, like the Athens Agreement, the Ankara Agreement is first and foremost a “framework agreement”. Framework agreements or treaties have a “programmatically character providing a broad framework for further integration.”³² They establish an institutional structure and authorize the institutions to execute their programs and, therefore, to reach their objectives. The Ankara Agreement describes the framework of a program to establish a customs union in three successive stages to integrate the Turkish economy gradually into

²⁵ Ibid.

²⁶ Cremona, Marise. “The European Union and Regional Trade Agreements,” in *European Yearbook of International Economic Law 2010*, ed. Christop Herrmann and Jörg P. Terhechte (Berlin: Heidelberg, 2009): pp.250-251.

²⁷ Can and Özen, *Türkiye-Avrupa Topluluğu*, p.22.

²⁸ Lasok. “The Ankara Agreement,” p.27; Can and Özen, *Türkiye-Avrupa Topluluğu*, pp.22-25.

²⁹ Can and Özen, *Türkiye-Avrupa Topluluğu*, p.21.

³⁰ Cited in Can and Özen, *Türkiye-Avrupa Topluluğu*, p.24.

³¹ Erdenir, Burak. “Vize [Visa],” in *Avrupa Birliği: Tarihçe, Teoriler, Kurumlar ve Politikalar [European Union: History, Theories, Institutions and Policies]*, ed. Belgin Akçay and Ilke Göçmen (Ankara: Seçkin Publishing, 2012): p.478.

³² Cremona. “The European Union and Regional Trade Agreements,” p.252.

the EEC. It stipulates general rules and principles, rather than laying down clear commitments, and implementation of its provisions are largely left to the discretion of the parties.³³ Subsequent developments in the association relationship were enabled through the Additional Protocol³⁴ signed on November 23, 1970 (annexed to the Ankara Agreement), and through decisions of the Association Council.³⁵ While providing a general framework for the association, the Ankara Agreement gave content details of just the first stage³⁶ through the Provisional Protocol and the Financial Protocol³⁷ attached to it.

The Ankara Agreement does not have a provision for its termination. Its existence can only come to an end when the objectives of the agreements are fully achieved. In other words, the Ankara Agreement will terminate when Turkey reaches full EU membership. Similarly, the Athens Agreement came to an end when Greece became a full member of the EEC. Another important feature of the Ankara Agreement is that it envisages an asymmetrical relationship concerning the reciprocal commitments of the contracting parties. Asymmetry, in this case, means a more rapid trade liberalization on the EEC's side than on the Turkish side. For example, in the first stage of the association, only the EEC assumed obligations in terms of tariff reductions, and in the second stage it performed its obligations arising from the Additional Protocol of 1970 to establish the customs union earlier than Turkey.

³³ Can and Özen. *Türkiye-Avrupa Topluluğu*, pp.24-25.

³⁴ For the Additional Protocol, see: Official Journal of the EC, *Additional Protocol*, L 361/1, December 31, 1977. Accessed September 22, 2015. http://www.ab.gov.tr/files/AB_Iliskileri/tur_en_realitons/protocol_1977.pdf.

³⁵ As the main institution of the association, it was established to oversee the functioning of the agreement and to ensure the implementation of its provisions and the progressive development of the association. The Association Council was given authority to take decisions for attaining the objectives of the agreement and to settle disputes arising in relation to the application or interpretation of its provisions. Decisions are taken by unanimous voting. The EU as a whole and Turkey have one vote each. The EU reaches this common position, or voice, in the Council of Ministers by unanimous voting before the meetings of the Association Council. Since the decisions taken by the Association Council are binding to the parties, each of the parties must take the measures necessary to implement the decisions. The importance of the Association Council arises from the fact that it provides for the progressive development of relations and the implementation of the Ankara Agreement by laying down specific rules and precise obligations for both parties.

³⁶ Saraçoğlu. "Türkiye-Avrupa Topluluğu İlişkileri," p.49.

³⁷ These protocols regulated the details regarding the commercial and financial privileges unilaterally provided by the EEC in the preparatory stage of the association.

Obviously, the structural characteristics, contents, objectives, and even the wording of some provisions of the Ankara and Athens agreement are identical. There is only one difference: in the case of the Ankara Agreement, the association was constructed gradually in three stages, while the Athens Agreement envisaged the association and the customs union to be completed in one stage.³⁸ The Ankara Agreement envisages a progressive and gradual integration process through the establishment of a customs union between the parties, and this process is designed to be completed in three stages: a preparatory, transitional, and final stage. According to Article 4 of the agreement, the transition from the preparatory stage to the transitional stage would not be automatic, but through a negotiated protocol which would include details on the conditions of the transitional period. However, the process of transition to the third (final) stage was not regulated by the agreement, and was left to the discretion of the parties.³⁹ The Ankara Agreement left the length of the final stage undetermined. Transition from the status of associated country to membership status would take place with the successful conclusion of accession negotiations.

Performance of the Parties in Implementing the Association Agreement

During the preparatory stage, started on December 1, 1964, when the Ankara Agreement entered into force, security concerns were of primary importance, and Turkey's geostrategic importance took a central role. The EEC provided financial aid and implemented tariff reductions on Turkish agricultural exports like hazelnuts, tobacco, dried figs, and raisins, which did not pose a burden for the EEC. The Turkish economy benefited greatly from this financial aid of approximately 200 million dollars, and from the increasing trade with the EEC members resulting from the tariff reductions. This induced the Turkish side to enter the next stage with the expectation that the transitional stage would provide even greater access to EEC goods and labor markets, and that Turkey would receive even

³⁸ Saraçoğlu. "Türkiye-Avrupa Topluluğu İlişkileri," p.49.

³⁹ For the decision, see: Official Journal of the EC, *Decision No 1/95 of the EC-Turkey Association Council of 22 December 1995 on implementing the final phase of the Customs Union (96/142/EC)*, L 035, February 13, 1996. Accessed September 21, 2015. [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21996D0213\(01\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21996D0213(01):EN:HTML).

more financial aid.⁴⁰ Therefore, the Turkish government applied to the EEC to start the transitional stage two years earlier than had been initially planned. Although the EEC was reluctant to negotiate the transitional stage with Turkey believing Turkish economy was unprepared to meet the necessary requirements to establish a customs union, it agreed to start negotiations due to security concerns arising from regional instabilities (like the Arab-Israeli dispute and the military takeover in Greece). The EEC felt that the stability of Turkey had to be supported through further economic aid and preferential access of Turkish goods into European markets. Therefore, the transitional stage was launched on January 1, 1973 with the entry into force of the Additional Protocol, signed in November 1970 at the end of the negotiations that began in 1968.

According to Article 4 of the Ankara Agreement, the aim of the transitional stage was to establish a customs union between Turkey and the EEC on the basis of mutual and balanced obligations and to align the economic policies of Turkey with those of the EEC. The Additional Protocol provided for conditions, detailed rules, and timetables for the implementation of the transitional stage and the completion of the customs union. The EEC and Turkey would progressively abolish all trade barriers on imports (customs duties and all charges having an equivalent effect, quantitative restrictions and all other measures having an equivalent effect) from each other in industrial goods⁴¹—between 12 to 22 years from the entry into force of the Protocol to ensure a free movement of goods. Additionally, Turkey would gradually align its customs tariffs against third countries with the Common Customs Tariff of the EEC in order to establish a customs union with the EEC. As the ratification of the Additional Protocol by all member states' Parliaments (and the Turkish Parliament) was expected to take a long time, a Provisional Protocol was signed in September 1971, in order to implement the commercial provisions of the Additional Protocol.⁴² Indeed, the EEC abolished customs duties on imports (and charges having equivalent effect) from Turkey immediately after the Provisional Protocol entered into force. That is, the EEC performed its obligations for the customs tariffs and charges before it was

⁴⁰ Arıkan. *Turkey and the EU*, p.59.

⁴¹ Turkey was obliged to adjust its agricultural policy over a period of 22 years starting in 1973, with a view to adopting the measures of the Common Agricultural Policy (CAP) of the EEC. In other words, the Additional Protocol made it necessary for Turkey to adjust its agricultural policy to the CAP in order to gain free access to the Community's agricultural markets.

⁴² Saraçoğlu. "Türkiye-Avrupa Topluluğu İlişkileri," p.51.

obliged to. The Ankara Agreement in Article 4(2) regulated the transitional stage to last 12 years with some exceptions, which were envisaged not to impede with the final establishment of the customs union within a reasonable period. It should be noted that the customs union was intended to be completed in its entirety at the end of the twenty-second year of the Additional Protocol.

The Additional Protocol involved provisions regulating the objectives of the free movement of workers, services, and capital, as well as free movement of goods since it envisaged an economic integration between Turkey and the EEC beyond merely establishing a customs union. Indeed, Article 36 of the Protocol, which depended on the principles set out in Article 12 of the Ankara Agreement, provided a timetable for the gradual realization of the free movement of workers. This was expected to be realized between the end of the 12th and 22nd year after the entry into force of the Ankara Agreement. Therefore, the free movement of workers should have been achieved between the end of 1976 and 1986. Additionally, Article 36 required the Association Council to decide on the detailed rules and procedures necessary for achieving the free movement of workers by the stated deadlines.

In contrast to the preparatory stage, the transitional period turned out to be quite problematic. Turkey's economic incapacity in the 1970s and political issues related to the military coup in the 1980s deeply affected relations between the EEC and Turkey. In fact, Turkey was not ready to start the transitional stage—which imposed reciprocal obligations on the parties for liberalizing trade between them—as its economy was protected by import substitution policies which ran completely in contradiction to the liberal economic policies of having a free movement of goods.⁴³ Turkey underestimated the unpreparedness and incapacity of its economy to adapt to an important degree of trade liberalization, even being gradual in nature. Indeed, Turkey experienced serious problems in complying with its contractual commitments due to its economic inadequacies.

The Turkey's decreasing enthusiasm regarding the customs union resulting from its economic incapacity was aggravated because of the concerns arose from developments in the EEC's external policies. Due to the Mediterranean Policy of the EEC, adopted in 1975, trade concessions that Turkey obtained in the framework of the Ankara Agreement and the Additional

⁴³ Uğur, Mehmet. *The European Union and Turkey: An Anchor/Credibility Dilemma* (Aldershot: Ashgate, 1999): pp.5-6.

Protocol became insufficient for providing preferential treatment or privileges to Turkey vis-a-vis Mediterranean countries. The policy gave similar trade concessions, particularly to those countries producing substantially similar products to Turkey, and whose exports competed with Turkey's exports to the EEC markets. Turkey also had concerns about the EEC's first enlargement that included the UK, Ireland, and Denmark, and its forthcoming Mediterranean enlargement that included Greece, Spain and Portugal.⁴⁴ Turkey's preferential access to EEC agricultural markets was also undermined by the UK's accession as it extended the EU's preferential treatment to those countries where the UK had colonial ties. Turkey regarded all these developments as undermining the privileges which it had obtained from its association relationship. Because the association agreement with Turkey went beyond a mere trade and cooperation agreement with ultimate objective of full membership, Turkey claimed that the EEC should have provided it with further privileges in order to offset the negative impacts of changes occurred through the Community's external policies.⁴⁵

Because of all these reasons, Turkey failed to integrate its economy with the EEC through the customs union. Indeed, Turkey's performance concerning its commitments in the transitional stage was quite weak.⁴⁶ In 1978, when Turkey faced important economic and political difficulties, the coalition government in Turkey proposed to suspend its commitments unilaterally for a period of 5 years, and to require further financial assistance and new concessions regarding agricultural and sensitive industrial goods.⁴⁷ Although the new government, which came to power at the end of 1979, withdrew the decision regarding suspension, obligations arising from the customs union could not be met until the early 1990's because of economic and political disturbances in Turkey.

⁴⁴ Roswitha Bourguignon, "The History of Association Agreement between Turkey and the European Community," in *European Community and Turkey*, ed. Ahmet Evin and Geoffrey R. Denton (Opladen: Springer, 1990), 55.

⁴⁵ Arıkan, *Turkey and the EU*, 62.

⁴⁶ Only two tariff reductions for EEC imports, at 10 percent each, were realized for barriers subject to elimination in 12 years, and of 5 percent each for the barriers subject to elimination in 22 years in 1973 and 1976. The adjustment to the CCT had not even started, and the process of reducing quantitative restrictions on imports from the Community also came to an end in 1976 after hardly having been launched. [Heinz Kramer, "Turkey and the European Union: A Multi-Dimensional Relationship with Hazy Perspectives," in *Turkey between East and West: New Challenges for a Rising Regional Power*, ed. Vojtech Mastny and R. Craig Nation (Boulder: Westview Press, 1996), 207.]

⁴⁷ Mehmet A. Birand, *Türkiye'nin Ortak Pazar Macerası: 1959-1990 (Turkey's Common Market Adventure)* (Istanbul: Milliyet Publishing, 1990), 384-388.

Turkey was not solely responsible for the failure to properly implement the Ankara Agreement and the Additional Protocol. Although the Community abolished all customs duties and quantitative restrictions by 1973 for Turkish manufactures, trade in textiles and clothing constituted an important exception to the elimination of trade barriers on Turkish exports. The EEC had protected its domestic producers from Turkish textiles (through quotas in the framework of voluntary export restraints) until the customs union was operational in 1996. Additionally, although in 1987, the Community abolished all customs duties for agricultural imports from Turkey, trade in agriculture remained restricted by the CAP's very effective non-tariff barriers on the grounds that Turkey's commitment to align its agricultural policy with the CAP remained unfulfilled.⁴⁸

Another issue of Turkish concern was the non-fulfilment of obligations concerning the free movement of workers. At the beginning of 1973, the German government imposed a ban on the recruitment of migrant workers from non-EEC countries, and the other member states soon followed. This ban was later supplemented by the introduction of visa requirements for Turkish citizens visiting Germany and other member states. Since then, immigration from Turkey into the EEC has only been possible if family members join an already legally settled worker. The German government, due to economic and social concerns, exerted great efforts to prevent the relevant provisions of the association agreement from being effectively implemented by vetoing the related agenda of the Association Council in the Council of Ministers.⁴⁹ Other member states supported German efforts by remaining silent. The Association Council could not take decisions necessary to lay down specific rules for securing (by stages) the freedom of movement of workers as required by the Additional Protocol. Consequently, one of the important pillars of the association could not be implemented.⁵⁰

Conclusion

Due to the failure of the association relationship in the 1970s, and its suspension after the 1980 military coup, Turkey had to bypass the indirect and problematic association path towards its membership objective and

⁴⁸ Kramer, "Turkey and the European Union," pp.205-206.

⁴⁹ The agenda of the Association Council is decided unanimously in the Council of Ministers.

⁵⁰ Kramer, "Turkey and the European Union," p.206.

opted for a shortcut in 1987. It applied for full membership on the basis of Article 237 of the EEC Treaty, which regulated this process. However, the European Commission in its ‘Opinion’ for this application recommended reviving the existing association relationship and establishing a customs union instead of proceeding on the second path, opened via Turkey’s full membership application. Consequently, a customs union between Turkey and the EU was established in 1996.

However, since the declaration of Turkey’s candidacy for full membership in 1999, and the launch of accession negotiations in 2005, relations have proceeded on two parallel paths. Both the association and accession “paths” had full membership as their objective. One could argue that a third path was opened in 2016 through the Refugee Deal between Turkey and the EU. Certain chapters in the accession negotiations were opened because of the cooperation on the refugee issue, but the issue itself was dealt with on a separate ground, independent from the process of accession negotiations. Considering the unpromising course of accession negotiations and Turkey’s deteriorating performance on EU reforms, Turkey’s EU membership prospect now seems farther away than ever before. However, cooperation on the refugee issue—representing an interest-based and pragmatic way of governing relations—has constituted an example for future relations. In this respect, views regarding ad hoc and thematic cooperation processes induced by mutual interests—particularly on issues such as the refugee flows, economic relations, energy, and counter-terrorism—could become a new model for Turkey-EU relations have started to emerge.⁵¹ Considering the political deadlock in accession negotiations, cooperation on these issues should serve not as an alternative but as a complement to the existing negotiations. The parties should supplement existing areas of cooperation with a long-term strategic approach that would support accession negotiations. Otherwise, ad hoc and pragmatic types of cooperation that ignore the accession process will turn relations into a mere partnership, which should certainly not be a priority for both parties.

⁵¹ Ülgen, Sinan. *New Models of Economic Integration for Turkey and the UK*, Carnegie Europe, October 3, 2016. Accessed May 22, 2017. <http://carnegieeurope.eu/2016/10/03/new-models-of-economic-integration-for-turkey-and-uk-pub-64791>; and: Ülgen, Sinan. *Turkey Needs a Soft Exit From the EU*, Carnegie Europe, November 22, 2016. Accessed May 22, 2017. <http://carnegieeurope.eu/2016/11/22/turkey-needs-soft-exit-from-eu-pub-66228>.

