

BACK TO THE ORIGINS OF THE EUROPEAN UNION - TURKEY RELATIONS: ESTABLISHMENT OF AN INSTITUTIONALIZED PATHWAY AND ITS SHORTCOMINGS

Zeynep Özde ATEŞOK*
Araştırma Makalesi

Abstract

After the Athens Agreement signed with Greece, Turkey became the second associate member of the EEC with the signature of the 1963 Ankara Agreement which established an institutionalized pathway that is open to interpretation and contestation until today. The study offers an analysis based on archival data, secondary sources and a comparison of two association agreements which negotiated and signed at the same time-span but resulted in two different pathways. Based on new institutionalist approaches, the article aims to situate the agreement and the association in a historical and comparative context while tracing the origins and shortcomings of this institutionalized pathway which is still relevant for Turkey-EU relations.

Keywords: *New Institutionalism, Path Dependency, Ankara Agreement, Institutional Design.*

Türkiye-AB İlişkilerinin Başlangıcına Dönüş: Kurumsal Yapının İnşası ve Eksiklikleri

Öz

AET ve Yunanistan arasında imzalanan Atina Antlaşması sonrası, 1963 Ankara Antlaşması ile kurulan ortaklık tüm tartışmaları ve farklı yorumlarına rağmen bugün hala AB-Türkiye ilişkilerinin en temel kurumsal yapı taşı oluşturmaktadır. Bu bağlamda çalışma, müzakereleri paralel devam eden ve aynı dönemde imzalanan fakat AET ile ilişkilerde birbirinden farklı iki sürece yol açan

* Dr. Öğretim Üyesi, İstanbul Üniversitesi Siyasal Bilgiler Fakültesi, Kamu Yönetimi ve Siyaset Bilimi Bölümü, E-posta: zoatesok@istanbul.edu.tr, ORCID:0000-0002-0773-7270
Makalenin Gönderilme Tarihi: 05/12/2022, Kabul Edilme Tarihi:04/05/2023

iki ortaklık antlaşmasının karşılaştırılmalı bir analizini sunmaktadır. Açık arşiv dokümanları ve ikincil kaynaklar ile desteklenen çalışma Ankara antlaşması ile kurulan ortaklık yapısını yeni kurumsalçı yaklaşımlar ışığında karşılaştırmalı ve tarihsel bir analize tabii tutarak, ilişkilerin kurumsal temelini, tasarımı, içeriğini ve eksikliklerini, diğer antlaşma ile farklılıklarını tartışmayı ve günümüz ilişkilerine etkisini yeniden değerlendirmeyi hedeflemektedir.

Anahtar Kelimeler: *Yeni Kurumsalcılık, Patika Bağımlılığı, Ankara Antlaşması, Kurumsal Tasarım.*

Introduction

Since its first establishment in the 1950s, the European Union (EU)-Turkey relationship which has never followed a linear pathway has undergone a critical transformation but the Association Agreement of 1963 along with the accession process still forms the institutional foundations of the EU-Turkey relations.¹ This dynamic association framework continues amidst conflictual cooperation which prevents a break up due to the high costs involved but at the same time any form of comprehensive integration framework.² The agreement dating back to these years established an institutionalized path that is still in place for EU-Turkey relations and displays a resilient path dependency as a process.

The study argues that the origins of this complex and paradoxical relationship which exhibit clear signs of ambivalence and uncertainty can be traced back to the association agreement. To explore and bridge the questions of why and how the association is established and contested afterwards, the study aims to trace the origins and shortcomings of this institutionalized pathway. It focuses on the period between the Turkish application to the European Economic Community (EEC) and the signature of the association agreement (1959-63) based on a comparative historical document analysis with specific attention to the institution-building aspect of the agreement as well as its shortcomings. The analysis of the agreement process and comparison of the agreement with the Greek counterpart reveals that neither parties -EEC and Turkey- had strong clear specific interests in the association that the negotiation process resulted in a vague agreement

¹ Wulf Reiners and Ebru Turhan, *EU-Turkey Relations: Theories, Institutions, and Policies* (Springer Nature, 2021).

² Beken Saatçioğlu et al., "The Future of EU-Turkey Relations: A Dynamic Association Framework Amidst Conflictual Cooperation," (Istituto Affari Internazionali, 2019).

which opened the way for interpretation hence contestation till today. In the lack of clear material gains and shared beliefs between the signatory parties, the agreement and the institutionalized pathway it created had a limited capacity to constrain contestations rather than a detailed and specific agreement which would limit the scope of interpretation and provide a clear pathway.

The article is organized as follows: The first section explains and discusses the main assumptions and concepts of the new institutionalist research with a focus on the associated concepts of path dependency and critical junctures of historical institutionalism while stressing the overlooked issue of institution design and creation based on rationalist and sociological institutionalist accounts. The following section briefly describes the background of Turkish application to the EEC and the subsequent negotiations which construct a critical juncture in EU-Turkey relations through a review of the first and secondary resources. The third section then offers a comparative content analysis of the two association agreements while articulating the institutional design and its shortcomings. The findings are discussed in the following section in the light of the conceptual and analytical framework and finally drawing on these findings the conclusion section summarizes the discussion and articulates its implications for the current TR- EU relations and research.

I- Theoretical and Methodological Underpinning: New Institutionalism

New institutionalism that seeks to understand the role of institutions on social and political outcomes had been an influential array in European studies which is considered to be the most institutionalized international organization of our time.³ Although it does not represent a structured, unified body of thought, three different analytical approaches come to the fore with different analytical strengths and weaknesses; historical institutionalism, rational choice institutionalism and sociological institutionalism.⁴

Historical institutionalism is a loose term combining different political and social science research and methods with history while recognizing that

³ Paul Pierson, "The Path to European Integration:A Historical Institutional Analysis," *Comparative Political Studies* 29, no. 2 (1996).

⁴ Peter A Hall and Rosemary CR Taylor, "Political Science and the Three New Institutionalisms," *Political studies* 44, no. 5 (1996).

political and social processes must be understood as historical phenomena. The approach emphasizes that political and social development is understood as a process that unfolds over time. These temporal processes are embedded in institutions that can be defined as formal rules, policy structures, or norms.⁵ As its most influential concept, path dependency had been long used in comparative politics whilst a clear definition is usually rare. In its broader sense path dependence refers to a casual relevance of temporally linked sequences in which previous events at an earlier point in time would influence the possible outcomes and trajectories of a sequence of events at a later point in time.⁶ A narrower definition of the concept focuses on mechanisms like increasing returns in which relative benefits increase over time or entrenchment of certain institutional arrangements rise costs of exit or reversal. Accordingly, institutional choices in the past persist and create lock-in effects which shape and constrain the actors' present choices.⁷ Along with path dependence which is a crucial causal mechanism, critical junctures is another essential concept of historical institutionalism. The term refers to the brief phases during which dramatic changes may punctuate relatively long and stable periods of self-enforcing path-dependent processes.⁸ In these brief periods of change, institutional arrangements are placed on paths or trajectories which may be difficult to alter. Hence critical junctures are generally considered the starting or branching points for many path-dependent processes for many researchers who focus on the moments of institutional formation. In critical junctures, structural influences on political action are significantly relaxed for a relatively short period of time during which the range of plausible choices for political actors expands substantially. The consequences of these decisions would potentially have a significant impact on subsequent decisions. The choices during critical juncture trigger a path-dependent process that constrains future options and choices.⁹

In addition to historical institutionalism and its associated concepts, there are other branches of new institutionalism that focus on the

⁵ Pierson.

⁶ "Increasing Returns, Path Dependence, and the Study of Politics," *American political science review* 94, no. 2 (2000).

⁷ Mark A Pollack, "The New Institutionalisms and European Integration," (University of Hamburg, Faculty for Economics and Social Sciences, Department ..., 2007).

⁸ Hall and Taylor.

⁹ Giovanni Capoccia and R Daniel Kelemen, "The Study of Critical Junctures: Theory, Narrative, and Counterfactuals in Historical Institutionalism," *World politics* 59, no. 3 (2007).

institutional origins and design rather than the effects of institutions.¹⁰ The simplistic functional vision of institutional design explains institutional creations as the results of intentional and far-sighted choices and consequences of rational, purposive, and instrumental actors. Hence the rational institutionalist accounts emphasize the rational choice, the need for or functions of institutions, and the reasonably efficient nature of institutions like decreasing transactional costs, rationalization of information, and facilitation of agreement. In spite of their functionality, which explains the presence of these institutions, there may be other factors like conditions at the design stage or the presence of favorable environments. The sociological institutionalist approach, on the other hand, explains actors' motivations through the logic of appropriateness which motivates institutional design that is perceived to be appropriate, not just instrumental. They emphasize shared, collective process of interpretation and concerns for legitimacy in contrast with a mere logic of consequence and instrumentality based on efficiency.¹¹ Despite this divide between the ideas and material interest-based explanations, in reality, political actors constantly shift between these two levels of debate during the institutional creation.¹² Polity ideas and shared beliefs –that actors consider appropriate and legitimate – along with interest-based accounts may paramount during different phases of institutional creation and design discussions which are also mediated by historical contextual forces.

Then there is the problem of institutional shortcomings and flaws. While there are certain limitations in institutional design, the institutions being subject to tensions, contractions, and contestations can also be the case which requires an analysis of institutional creation and operation.¹³ Actors' time horizons and ambiguity involved are the main constraints in design. Although actors are perceived to have short horizons without regard to long-term consequences, institutions persist and have long-term consequences which can be the byproduct of short-sighted decisions. Thus, institutions can be designed for lengthening these time horizons in the search for credible commitments. That is why institutions are usually change-resistant as political actors bind themselves and restrict their freedom in exchange for

¹⁰ Pierson, "The Path to European Integration: A Historical Institutional Analysis."

¹¹ Hall and Taylor.

¹² Johannes Lindner and Berthold Rittberger, "The Creation, Interpretation and Contestation of Institutions—Revisiting Historical Institutionalism," *JCMS: Journal of Common Market Studies* 41, no. 3 (2003).

¹³ Ibid.

stability and predictability. But then there is the problem of ambiguity that increased interactions, growing complexity, and loose links between actions and outcomes render the political environment uncertain. Therefore, even policymakers focus on long-term effects, unintended consequences are likely to emerge due to complex social processes which involve large number of actors in institutional design and implementation.¹⁴ As designers may make the institutions change resistant through institutional arrangements, institutional continuity may also be the result of rising costs as previous actions may create lock-in and path dependencies as suggested by historical institutionalists that emphasize the temporal aspect and process over time. However, both lock-in and path dependence had been criticized for being broad metaphors that require more precise hypotheses and a more elaborated understanding of their mechanisms. As most critics suggest these mechanisms can only be identified through theoretically grounded historical research of how institutions constrain the context for future decisions. As well as the functionalist hypothesis of institution creation and design, we should consider the non-functionalist roots of institutions along with temporal aspects and dynamic processes which also require historical research.¹⁵

In that regards the long history of EU-Turkey relations which displays a resilient path dependency offers a very good case and rich process to study for historical institutionalism that emphasizes process over time with temporality and context. The establishment of the association framework with the signing of the Ankara Agreement and subsequent Additional Protocol, the Customs Union, granting of candidate status, the decision to open negotiations, and finally accession framework which is frozen but still in place create transactional and institutional costs that make breaking up even harder for both parties. Despite this certain degree of path dependency and lock-in, the uncertainty embedded in relations since the signing of the association agreement prevailed and become acute in relations. Unspecified waiting periods, protracted negotiations, delays, and occasional suspensions had been the main motifs as the relations persist as well as the prospects for membership.

There is solid literature that evaluates key turning points and milestones of EU-Turkey relations through a variety of theoretical and conceptual

¹⁴ Paul Pierson, "The Limits of Design: Explaining Institutional Origins and Change," *Governance* 13, no. 4 (2000).

¹⁵ *Ibid.*, 494.

frames. Rational approaches based on material cost-benefit calculations, or sociological approaches emphasizing identity issues and ideational roots of Europeaness have captured the relations but as asserted by historical institutionalist research, these approaches generally fail to comprehend the historical and institutionalist factors shaping the relations.¹⁶ The enduring relationship in historical institutionalist literature is generally characterized by its highly path-dependent nature based on material and economic benefits, security concerns and ideational aspects such as upholding the westernization and modernization process, democratic values, and liberal-democratic reputation of the EU.¹⁷ In an attempt to contribute to this literature, the study focuses on the beginning of the association framework which constitutes the formal institutional foundation of this path dependency. The Ankara Agreement and commitments arising from this agreement represent the beginning of institutionalized relations. Despite the certain degree of interest towards historical institutionalist explanations, this line of research fails to question the creation and design of institutions in our case which is the Ankara agreement establishing a long-lasting association between Turkey and EEC – later EU.

Therefore, the study offers a detailed comparative document analysis of two association agreements –namely Ankara and Athens Agreements- which were negotiated and signed at the same time period but resulted in two different pathways for these two countries in their relation to the EU. Hence the research questions are why and how the association is established with a focus on the design and creation process. What was the outcome of the process, how was it different from the Athens Agreement, and why? The study further aims to expand the literature by an evaluation of the institutional creation of the association through a historical comparative analysis of the Ankara Agreement which is considered to be a critical juncture in this highly institutionalized path-dependent relationship. Through this analysis, the study requires to contribute to the systematic exploration and investigation of these concepts that had been suffering from fuzziness and over-stretching.¹⁸

To that end, comparative document analysis is the general method employed in the text along with cross-case comparison and systematic

¹⁶ Isa Camyar and Halit Mustafa Tagma, "Why Does Turkey Seek European Union Membership? A Historical Institutional Approach," *Turkish Studies* 11, no. 3 (2010).

¹⁷ Gülay Icoz and Natalie Martin, "Historical Institutionalism and EU–Turkey Relations: Path Dependence and Critical Junctures in the Accession Process," in *EU-Turkey Relations* (Palgrave Macmillan, Cham, 2021).

¹⁸ Pierson, "Increasing Returns, Path Dependence, and the Study of Politics."

process tracing which are widely used in institutionalist and qualitative research.¹⁹ Identifying and comparing different cases in similar historical contexts and processes where the same kind of actors act in a similar strategic environment, face similar challenges in which different decisions give rise to different outcomes is a methodological tool for understanding and revealing institutional mechanisms. Comparisons are among the most common research designs for analyzing and understanding variations which are generally the results of decisions and strategic interaction.²⁰ Successively process tracing is the systematic analysis of each decision-making step, plausible options available and viable to the political actors, and the subsequent consequences. It is a fundamental tool that offers a systematic examination and analysis of evidence in light of research questions and hypotheses that are built on casual-process observations, careful description and sequences of independent, dependent and intervening variables.²¹

II- Background: Greek and Turkish Application to the EEC

On 15 July 1959, only two years after the establishment of the European Economic Community (EEC), Greece submitted an application for association based on article 238 of the Rome Treaty. It was the first country to apply to the EEC and shortly after, in 16 days Turkey followed Greece in its application. It was the early years of the EEC and the application of these two countries aroused excitement and a kind of victory over the rival organization EFTA.²² The foreign policy objective and attitudes of Turkey and Greece after WWII have been nothing but parallel. During the first years of the Cold War, participation in the Council of Europe, OEEC and NATO were the primary goals in the foreign policy agenda of both countries. Their positions with respect to the emerging EEC also imply a lot of similarities, politically both were trying to consolidate their place in the Western world and both were characterized by low per-capita incomes, high trade balance

¹⁹ Andrew Bennett, Tasha Fairfield, and Hillel David Soifer, "Comparative Methods and Process Tracing," *American Political Science Association Organized Section for Qualitative and Multi-Method Research, Qualitative Transparency Deliberations, Working Group Final Reports, Report III 1* (2019).

²⁰ Capoccia and Kelemen.

²¹ David Collier, "Understanding Process Tracing," *PS: Political Science & Politics* 44, no. 4 (2011).

²² Tuğrul Arat and Çağrı Erhan, "AET'yle İlişkile," in *Türk Dış Politikası*, ed. Baskın Oran (İstanbul: İletişim Yayınları 2009), 814; Mehmet Ali Birand, *Türkiye'nin Büyük Avrupa Kavgası, 1959-2004* (Doğan Kitap, 2005), 55-57.

deficits, and limited industrial development compared to the community standards.

According to Kalamotousakis along with the political concerns - strengthening traditional ties with Western countries, consolidation of democracy in the aftermath of civil war, and fear of isolation- the motives behind Greece's association with the EEC were mainly economic.²³ Regional attempts of Western countries to promote economic growth and industrial development were of particular interest to Greece. Greece has also participated in the OEEC negotiations to create a Free Trade Area (FTA) covering all western European countries, until the refusal of the French government in 1958.²⁴ Also excluded from the EFTA²⁵ due to its negative attitude to preferential treatment requested by developing countries, Greece was concerned with its relations with the EEC and decided to approach the Community in the summer of 1959. Besides, while the EEC was completing its second successful year, EFTA was not very promising. From the Greek point of view, economic gains of integration were obvious due to a stronger competitive position within a larger market, economies of scale, and improvement in the trade level which would eventually lead to a higher rate of industrial growth and better per capita income. Thus the fear of being excluded from regional economic and political grouping among which Greece had traditional commercial, political, and defense relations was another factor behind the application.²⁶

Due to its long-rooted westernization agenda from the Ottoman times, membership applications to the OEEC, Council of Europe, and NATO have been among the most important Turkish foreign policy priorities. Applying to the EEC was a further confirmation of the Western orientation of the country and its commitment to the Western alliance.²⁷ However, going through rough times both economically and politically Turkey remained unresponsive and indifferent to the European integration process. The

²³ George J Kalamotousakis, "Greece's Association with the European Community: An Evaluation of the First Ten Years," in *The Eec and the Mediterranean Countries*, ed. A Shlaim and G.N. Yannopolulus (Cambridge: Cambridge University Press, 1976), 150-51.

²⁴ Kazuhiro Nose, "External Policy of the European Economic Community During the Association Negotiations with Turkey (1959-63): Reconsidering the Origin of Eu-Turkey Relations," *国際公共政策研究* 25, no. 1 (2020).

²⁵ Conseil des Ministres de la Communauté Economique Européenne, *Note D'information Confidentielle (26 Février 1959)* CM 2/1959 vols. (Archive Historiques de l'Union Européenne-Florence, 1959).

²⁶ Kalamotousakis.

²⁷ Harun Arıkan, *Turkey and the EU: An Awkward Candidate for Eu Membership?* (Routledge, 2017).

common attitude to the EEC was prudent if not defensive considering the liberal economic character of the community and the uncertainty about its success as a newly established organization with gallant objectives like economic integration among members. This atmosphere started to change by the end of the 1950s due to the need to diversify external ties and reduce their over-dependence on the USA.²⁸ Turkey was passing through rough times due to intense relations with the USA as the financial aid was decreasing.²⁹ Whilst the integration process proved to be successful, the EEC emerged as an alternative in trade and as a source of financial aid and loans.³⁰

There were different opinions concerning the possible benefits of membership among the ruling liberal populist Democrat Party (DP) leaders. While some argued for the economic and political benefits of the membership, some hesitantly warned about the possibility of increased economic dependency which would harm the nascent industry and already troubled economy. However, the main motive underlying Turkey's application in 1959 shortly after Greece, was the fear of not being left out or left behind Greece considering their long-standing rivalry.³¹ As their export items were identical, Turkey aimed to prevent Greece from gaining unfair advantage through an association with the EEC. Traditionally for both countries, trade with the Community members were constituting the biggest share of their exports. This association could have disturbed the delicate geopolitical balance between both countries in south-eastern Europe and would mean a prestige problem in domestic policies. Thus, as in the membership negotiations to the Council of Europe and NATO, similar criteria would have been applied to both countries and not to follow Greece would be a rejection of a historic opportunity for Turkey.³² The decision to apply was made behind closed doors by a couple of DP leaders after a brief discussion at a cabinet meeting in the presidential palace. It was not brought to the Turkish Grand National Assembly nor debated with the

²⁸ Z. Öniş, "The Role of the European Union in Greek-Turkish Relations: Perpetuator of Conflict or Contributor to Peace?," in *Greece and Turkey in the 21st Century: Conflict or Cooperation. A Political Economy Perspective*, ed. C. Kollias and G. Günlük-Şenesen (New York: Nova Science Publishers, 2003), 166.

²⁹ Spyros A. Sofos, "Reluctant Europeans? European Integration and the Transformation of Turkish Politics," in *Europeanization and the Southern Periphery*, ed. Kevin Featherstone and Geōrgios A. Kazamias (London: Frank Cass, 2001), 246.

³⁰ Arat and Erhan.

³¹ Öniş, 165; Birand.

³² Arat and Erhan, 813-16.

representatives of the civil society. Within 16 days after the Greek application, Turkey applied to the EEC on 31 July 1959. According to Birand, if Greece had not applied, it would have taken longer for Turkey to decide on the kind of relationship to establish with the EEC and act upon it.³³

Surprised and thrilled by the opportunity to show the world that they are not an exclusive club, the EEC evaluated and accepted both applications on 11 September 1960. Considering the similarities of the two countries and the delicate situation between them, the EEC decided to negotiate with both countries on parallel basis, while maintaining a balance policy.³⁴ This was the second year of the community; a coherent foreign policy and a consolidated institutionalized structure for enlargement, were yet to be developed. However, the Community was off to a strong start. With the final objective of establishing a Common Market, the first round of intra-tariff reductions had already been accomplished and subsequent rounds were on the way for the immediate task of establishing a customs union with a common external tariff.³⁵ So it was unclear whether these two applicant countries with low per capita incomes, high trade balance deficits, and nascent industries would be able to catch up with the integration process. The real conditions of these two applicants, whether Turkish and Greek economies would be able to take on the economic obligations of the Community were not clear to the EEC. Turkey specifically with its growing economy, population, and geostrategic position seemed to be an attractive market with a high degree of risk. While considering the economic weakness of these two countries, the main concern was geopolitical rather than economic.³⁶ It was the period after the WWII, concerns like democratization, human rights were not fully institutionalized. Religious and cultural differences thus were not voiced among the European leaders as the main concern was to establish the Western Bloc against Soviet aggression. Countries' Western orientations were articulated during the negotiations. Not to offend Greece and Turkey which were accepted as main pillars of NATO in Southern Europe was among the main concerns of the EEC.

³³ Mehmet Ali Birand, "Turkey and the European Community," *The World Today* 34, no. 2 (1978).

³⁴ *Türkiye'nin Büyük Avrupa Kavgaı, 1959-2004*, 70-71.

³⁵ Desmond Dinan, *Ever Closer Union: An Introduction to European Integration* (Palgrave Macmillan, 2005), 47-48.

³⁶ Kalamotousakis, 141; Iacovos S Tsalicoglou, *Negotiating for Entry: The Accession of Greece to the European Community* (Dartmouth Publishing Company, 1995), 9.

As the early process of European integration was proceeding at bureaucratic and technocratic levels, the association negotiations and agreements received very little attention and went almost unnoticed by the media and general public. Therefore, the public opinion had not influenced preference formation, the negotiation process, and the signing of the agreements in the member states.³⁷ The negotiations were under the Commission's responsibility; it was the Council that concluded the agreements through a unanimous vote. Despite the requirement for consultation with the Parliament, the Council has not consulted the Parliament before concluding both of Athens and Ankara Agreements. Although the Parliament objected to the method, a reservation declaring that the EEC would be obligated by the agreements only after the procedures described by the Treaty of Rome had been completed was included in the signature.

III- Association Agreements of Ankara and Athens

An association agreement in the most general terms is a typical international treaty - but a sui generis kind- which creates reciprocal rights and obligations for the signing parties to establish a relationship that exceeds a trade or commercial accord while falling short of an accession agreement. In the case of an association with the EEC -which itself is based on the concept of a customs union- the primary objective is to establish a customs union between the Community and the associated state but it is more ambitious in the sense that it is less than an admission but more than a trade agreement according to the EU law.³⁸

Greece was the first country to conduct bilateral negotiations for a separate agreement with the EEC and the agreement concluded was the first agreement of its kind.³⁹ It is accepted to be the most wide-ranging arrangement ever undertaken by the Community so far.⁴⁰ Following two

³⁷ Matthias M Mayer, "Governmental Preferences on Liberalising Economic Migration Policies at the Eu Level: Germany's Domestic Politics, Foreign Policy, and Labour Market" (London School of Economics and Political Science, 2011).

³⁸ Dominik Lasok, "The Ankara Agreement: Principles and Interpretation," *Marmara Üniversitesi Avrupa Topluluğu Enstitüsü Avrupa Araştırmaları Dergisi* 1, no. 1&2 (1991): 27-28; Werner Feld, "The Association Agreements of the European Communities: A Comparative Analysis," *International Organization* 19, no. 2 (1965): 227.

³⁹ Tsalicoglou, 9.

⁴⁰ Panos Kazakos, "Greece and the Ec: Historical Review," in *Greece and Ec Membership Evaluated*, ed. Panos Kazakos and P.C. Iokimidis (London: Pinter Publishers, 1994), 1..

years of intensive negotiations, on 9 July 1961, Greece and the EEC signed an Association Agreement, known as the Athens Agreement,⁴¹ that entered into force on 1 November 1962 and provided the creation of a customs union between Greece and the Community at the end of a 22-year transitional period. In addition to the free movement of goods under the customs union, the free movement of persons, services, and capital was to take effect as well as the harmonization of certain policies, with particular regard to agriculture and taxation. Concerning the Turkish application, the CEE simultaneously accepted the application on September 1959 and negotiations started immediately. After 9 rounds of negotiations, four years of intense bargaining and discussions to reach common ground, Turkey signed an Association Agreement, known as the Ankara Agreement⁴², with the EEC on 12 September 1963, 2 years after Greece's signature. The agreement which came into force on 1 December 1964 provided for the gradual establishment of a customs union in industrial and agricultural products, freedom of movement and establishment for workers, freedom of movement for services, and the application of the Community's rules on competition. Different than Greece, the agreement supplemented by an additional protocol which was signed on 23 November 1970 and came into force on 1 January 1973, was establishing a timetable to achieve the objective of a customs union within 22 years.

Beginning with the Athens and Ankara Agreements, the EEC concluded a series of association agreements based on Article 238 of the Rome Treaty.⁴³ The associate status in the article was flexible and in the absence of a well-defined association doctrine, two alternative interpretations of the article emerged: association seen as an objective for the alignment with the EEC for countries who don't have the option of full membership according to article 237⁴⁴ or association as a temporary first step leading to full

⁴¹ "Agreement Establishing an Association between the European Economic Community and Greece (63/107/EEC)." <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31963D0106&from=HR>.

⁴² "Agreement Establishing an Association between the European Economic Community and Turkey ".-https://eur-lex.europa.eu/resource.html?uri=cellar:f8e2f9f4-75c8-4f62-ae3fb86ca5842eee.0008.02/DOC_2&format=PDF.

⁴³ Article 238; The Community may conclude with a third country, a union of states or an international organization agreements creating an association embodying reciprocal rights and obligations, joint actions and special procedures. Such agreements shall be concluded by the Council acting by means of a unanimous vote and after consulting the Assembly.

⁴⁴ Article 237; Any European state may apply to become a member of the Community. It shall address its application to the Council which after obtaining the opinion of the

membership for European states with aspirations to join the Community but unable to fulfill the conditions for accession.⁴⁵ These two agreements- Athens and Ankara- which were anticipated to lead to a full membership in an unspecified future were different in character compared to the other association agreements signed in the same decade with Morocco, Tunisia, Malta, and Cyprus.⁴⁶ Accordingly, in a report by the European Commission, it was confirmed that the association formula developed for Turkey and Greece was different from other association agreements of the EEC. Association was considered as preliminary to accession process in which article 238 was used as a form of pre-accession.⁴⁷ Furthermore, it was apparent among some political figures and member states that the association formula which is structured and modeled according to the Treaty of Rome was a precursor that would lead to an eventual EEC membership.⁴⁸

Primarily, although the objective in both agreements is the establishment of a customs union between the EEC and the associate country, the scope of the agreements is beyond a mere trade agreement with specific provisions on progressive securing of freedom of movement, abolishing restrictions on freedom of establishment and freedom to provide services. With direct references to the provisions of the Treaty of Rome⁴⁹ which aim to establish a common market based on four freedoms – namely free movement of persons, goods, services, and capital- the treaty serves as a model for these two association agreements. Secondly, following the same structure of the Treaty of Rome, the association agreements contain further economic provisions regarding, transport, competition, taxation, balance of payments, and movement of capital for a possible establishment of an economic union. The framework represents an extension of the Common

Commission, shall act by means of a unanimous vote. The conditions of admission and the amendments to this treaty necessitated thereby shall be the subject of an agreement between Member States and the applicant State. Such agreement shall be submitted to all contracting States for ratification in accordance with their respective constitutional rules.

⁴⁵ Tsalicoglou, 10.

⁴⁶ Feld; Avi Shlaim, "The EEC and Eastern Europe," *Cambridge Books* (2008); Kalamotousakis.

⁴⁷ European Commission, "Turkey-EEC Relations 1963-1967," (Brussels 1968).

⁴⁸ Catherine Lalumiere, 2006; Tefik Saraçoğlu, "Türkiye-Avrupa Ekonomik Topluluğu İlişkileri," *Marmara Üniversitesi Avrupa Topluluğu Enstitüsü Avrupa Araştırmaları Dergisi* 1, no. 1&2 (1992); Mayer.

⁴⁹ Both agreements directly refer to the freedom of movement based on articles 48-50, freedom of establishment based on articles 52-56, 58 and freedom to provide services based on articles 55, 56, 58-65 of the Treaty of Rome.

Market system and allows associate states to participate in the realization of the objectives of the Treaty of Rome.⁵⁰

Against these claims of similarity, this section aims to compare the content and scope of these two agreements in order to test these arguments and evaluate the foundations of the institutional design of these two countries' relations with the EEC. At first glance, both agreements share a common structure, shape, and flow with similar chapters and headings. Following the same structure, both preambles are almost identical and both agreements establish associations between the EEC and two countries (articles 1). In both agreements the aim is *“to promote the continuous and balanced strengthening of trade and economic relations between Parties, while taking into full account of the need to ensure an accelerated development of the Greek/Turkish economy and to improve the level of employment and living conditions of the Greek/Turkish people”* (articles 2.1). And accordingly, in order to attain these objectives both agreements aim the establishment of a customs union (articles 2.2). In both agreements the customs union is agreed to *“cover all trade in goods and involve the prohibition between Member States of the Community and Greece/Turkey, of customs duties on imports and exports and all charges having equivalent effect”* and *“the adoption by Greece/Turkey of the Common Customs Tariff of the Community in its relations/trade with third countries”* (article 6/article 10). Although the definition and scope of the customs union are identical in both agreements, starting from this point, these two agreements follow very different patterns concerning the regulations governing the establishment of the customs union.

Another important similarity is the organizational structure devised for the functioning and controlling of these associations. Based on the principles of bilateralism and parity, both agreements have identical organizational features. Although both associated countries have demanded participation in the decision-making of the Community organs, their participation is only confined to the organizations established for the proper functioning and operation of the associations. However, it is also this organizational framework and institutional design that distinguishes the association with overreaching objectives from a simple commercial or cooperation agreement. This organizational structure is based on the Council of Association which is responsible for ensuring *“the implementation and*

⁵⁰ Feld, 244.

progressive development of the Association” (article 3/article 6). Powers conferred upon the Councils are described in articles 65 and 66 in the Athens Agreement and articles 22, 23 and 24 in the Ankara Agreement. Accordingly, the Councils which are responsible for achieving the objectives of the association agreements decide upon unanimity. They consist of the Commission, the Council of Ministers, and members of the governments of the Community as well as the members of the Greek/Turkish governments. The Council Presidency which provides leadership is held for 6 months by Community and the Associate Country alternately. In addition to rendering decisions, the Councils can make recommendations for the proper functioning of the associations and is the main organ for consultation and information sharing.

Lastly, the membership reference is implicitly present in both agreements; the wording in article 72 of the Athens Agreement and article 28 of the Ankara Agreement is not à mot the same: “*As soon as the operation of this Agreement has advanced far enough to justify envisaging full acceptance by Turkey/Greece of the obligations arising out of the Treaty establishing the Community, the Contracting Parties shall examine the possibility of the accession of Turkey/Greece to the Community.*” For both agreements, the vagueness of this provision is intentional. The full membership was not meant to follow automatically after the transitional period, as the provision did not bind parties either to a specific timetable or operational progress for membership.⁵¹

Despite the general resemblance and some identical provisions which are considered vague and broad, and inserted in the agreement by the constant demands of the Turkish side to catch up with the Greek side, the scope and nature of these agreements are very different from each other. First of all, the operational process and the governing regulations for the introduction of the customs union are different in both agreements. Notably, the Athens agreement is a fully-fledged association agreement with strict content, and timeframe for the establishment of a customs union with a comprehensive text over 58 pages consisting of 6 titles, 77 articles with 4 annexes listing the products subject to the different provisions and 20 Protocols enclosed.⁵² The Ankara agreement, on the other hand, is a broad

⁵¹ Lasok; Tsalicoglou, 10.

⁵² The respective titles of the Athens Agreement are; Principles (I), Free movement of goods (II), Movement of persons and services (III), Provisions relating to competition, taxation,

outline of the Athens Agreement with merely 15 pages consisting of 3 titles, and 33 articles including the Provisional and Financial Protocol without any concise provisions for the establishment and operation of the customs union.⁵³ The roadmap which will later be defined with an Additional Protocol to be negotiated and signed after the preparatory period. Therefore, while the Athens Agreement sets up a complex economic and legal framework for the Customs Union, Ankara Agreement is a preparation agreement to establish that framework which will be further detailed in the Additional Protocol after additional rounds of negotiations.⁵⁴

Following article 2.1 which is identical in explaining the objectives of the agreements, the agreements follow very different patterns. In order to attain the stated objectives, the Athens Agreement establish a roadmap and timetable for the association which entails; (a) the establishment of a customs union; (b) the promotion of joint measures by the parties and harmonization of their policies (c) the making available to the Greek economy, within the framework of the Financial Protocol to this Agreement of resources which will assist it to develop at a higher rate (article 2.2). In contrast, to attain the same objectives, the Ankara Agreement in article 2.2 state that: a customs union shall be progressively established and that the association shall comprise; (a) a preparatory stage (b) a transitional stage; (c) a final stage. Subsequent article 3 defines the preparatory stage, preceding the transitional stage, during which Turkey would not take any obligations such as tariff reduction or any other measures, just be responsible for preparing itself for the obligations arising from the customs union with the financial assistance given from the EEC. The Provisional Protocol attached regulates this preparatory period and the first article of the Protocol specifies that the passage to the transitional stage would not to be automatic, and be subject to the decision of the parties due to the preparedness of Turkish economy; *“Four years after the entry into of this agreement, the Council of Association shall consider whether, taking into account the economic situation of Turkey, it is able to lay down, in the form of an additional*

and approximation of laws (IV), Economic policy (V) and General and Final Provisions (VI).

⁵³ The respective titles of the Ankara Agreement are: Principles (I), Implementation of transitional stage (II) and General and Final Provisions (III). The main four titles of the Athens Agreement are incorporated in the Ankara Agreement as chapters (customs union (I), agriculture (ii), and other economic provisions (iii)) under the title “implementation of transitional stage” in a very brief and generic manner.

⁵⁴ Feld, 244.

Protocol, the provisions relating to the conditions, detailed rules and timetables for implementing the transitional stage referred to in Article 4 of the Agreement". The transitional stage which will progressively establish a customs union not more than twelve years is described in article 4 and explained in the subsequent title II "Implementation of the Transitional Stage". Title II consists of chapters on Customs Union (i), Agriculture (ii) and Other Economic Provisions (iii). And the final stage which "*shall be based on the customs union and shall entail closed coordination of economic policies*" is briefly mentioned in the article 5.

These provisions on the transitional stage mark the biggest difference with the Athens Agreement in which conditions, detailed rules, and timetable of the customs union are set concretely under the title "Free movement of goods". The "elimination of customs duties between the contracting parties" section covers the main duties, obligations, and actions to be taken in the concrete timetable (articles 12-19).⁵⁵ The subsequent "Adoption by Greece of the Common Customs Tariff" section explains the process of alignment of Greece's external tariffs to the CCT (articles 20-21).⁵⁶ Lastly, the "Elimination of quantitative restrictions between the contracting parties" are to be affected by the end of the transitional period according to the rules and time frame laid down in the subsequent Chapter 2 (articles 22-31). So, as the Athens Agreement provides a detailed framework for the establishment and implementation of the customs union and regulates the transitional stage with detailed provisions with a strict timetable and concrete guidelines, in a brief article (10) Ankara Agreement merely states that customs union should involve prohibition of customs duties and other charges having equivalent effect and the elimination of quantitative restrictions with the adoption of the CCT.

Chapter 2 of the Ankara Agreement on agriculture shares the same introductory provision with Chapter 3 of the Athens Agreement: "The

⁵⁵ Member states shall cut their tariffs immediately (article 14.1) while Greece would be applying successive reductions at an interval of eighteen months (article 14.2-4). Exceptions are also confirmed to protect the Greek economy. Within the prescribed limits on the condition that they would be abolished or reduced within 12 years, Greece is permitted to impose, reintroduce or increase existing duties (article 18). Thus, for a number of items that are enlisted in Annex I, an extended transitional period of twenty-two years would be applied (article 15).

⁵⁶ Within 12 years Greece's external tariffs will be aligned to the CCET (article 20.1) while a 4 steps process is stipulated for items permitted 22-year transition period (article 20.2) and an exceptional process is laid down in article 20.3.

Association shall ...extend to agriculture and trade in agricultural products”. However, as in the previous chapters, Athens Agreement continues with the provisions on how the agreement shall apply to agricultural products through harmonization of agricultural policies by the end of the transitional period with detailed guidelines. Comprehensive regulations for this process are provided in the following articles (33-36) and annexes 2 and 3 with product lists.⁵⁷

Following the title of the free movement of goods, Athens Agreement continues with three distinct titles: “movement of persons and services” (iii), “provisions relating to competition, taxation and approximation of laws” (iv), and “economic policy” (v). These three titles consisting of 20 comprehensive articles are combined in the Ankara Agreement under the last chapter (iii) titled “Other economic provisions” consisting of very brief 9 articles. These provisions generally replicate the first articles of each title of the Athens Agreement and skip the following articles that specifically provide further and concrete provisions for implementing and regulating these provisions.

The title of the “movement of persons and services” lays the general rules and provisions for securing the freedom of movement for workers, freedom of establishment, and freedom to provide services with references to the relevant articles of the Treaty of Rome. There is very comprehensive content for each freedom in the Athens agreement. Although they are also respectively spelled out in the Ankara Agreement, they are covered in a very simple and brief manner. For instance, concerning the provisions regarding the freedom of movement for workers, article 12 of the Ankara Agreement only states that “*The contracting parties agree to be guided by Articles 48, 49, and 50 of the Treaty establishing the Community for the purpose of progressively securing the freedom of movement for workers between them.*” Meanwhile, freedom of movement for workers is covered in three articles in the Athens agreement which begins with a similar wording but continues with further and concrete provisions for implementing and regulating these

⁵⁷ The Community accepts to take due account of Greek agriculture while establishing common agricultural policy (CAP) (article 33) and article 34 lays the provisions for this consultation process under the Council of Association. Plus, according to protocol no. 10, the Community agrees to obtain consent for any amendment to the CCT for items vital to the Greek economy– tobacco, dried grapes, olives, raisins, and turpentine-. Furthermore, considering the significance of tobacco for Greek exports, protocol no. 19 accepts that CAP for tobacco shall not be introduced or altered without the consent of the Council of Association.

freedoms. Article 44 states that: “*Freedom of movement for workers under Article 48 and 49 of the Treaty establishing the Community shall be secured between member states and Greece at a date and in accordance with rules to be determined by the Council of Association, but not before the transitional period*”. But meanwhile the Council “*may lay down the rules to be applied until the date to the movement of workers...*” (article 44) and shall determine measures for implementing the exchange of young workers and vocational training (article 45) and may consider preparation and development of technical assistance programs (article 46). This pattern continues in the other provisions for freedom of establishment, services and provisions concerning transport. Generally, in addition to articles securing and facilitating the freedoms, the Council of Association is held responsible for designing, extending, or implementing appropriate rules, measures, and timetables for the related provisions in the Athens Agreement.

Subsequently, provisions on harmonization of economic policies for the future establishment of the economic union are guided by the general principles and related articles of the Treaty of Rome with a rigorous consideration of the Greek economic situation in the Athens agreement. Despite the comprehensive provisions relating to competition, taxation, and approximation of laws (articles 51-57)⁵⁸ and economic policy (articles 58-64)⁵⁹, these topics are covered superficially in 5 brief articles in the Ankara Agreement (articles 16-21).⁶⁰ Following the same pattern noted above,

⁵⁸ Greece is to adopt the rules and conditions of the EEC’s principles of competition, but in return, aid to promote Greek economic development is conferred (article 52). Provisions concerning internal taxation (article 53), and dumping (article 56) are laid down in addition to measures to approximate the laws, and regulations (article 57).

⁵⁹ To ensure continuous balanced growth and stable prices, close coordination guided by the economic principles of the Treaty of Rome is accepted with an emphasis on pursuing a conjugal financial and monetary policy to further the objectives of the agreement with regular consultation and efforts to contribute to the development of Greek economy (article 58). While exchange rates are accepted as a matter of common concern (article 59), in case of difficulties in the balance of payment equilibrium of Greece, protective interim measures that may be necessary is allowed (article 60). Further provisions concerning the liberalization of payments, facilitating movements of capital for promoting investment in Greece (articles 61-63), and coordination of commercial policies (article 64) are laid down in the economy policy section.

⁶⁰ Ankara Agreement in a brief manner confirms each party shall pursue an economic policy to ensure the equilibrium of the balance of payments, to maintain confidence in its currency for continuous, balanced growth of the economy and stable prices (article 17) while pursuing policies in rates of exchange (article 18) and in facilitating movements of capital (article 20) in line with the objectives of the Treaty.

Ankara Agreement generally replicates the first articles of each title of the Athens Agreement. Although the same elements of the economic union are present in the Ankara Agreement these provisions are simple commitments for future action lacking detailed regulations with clear implications.⁶¹

Finally, both agreements close up with General and Final Provisions which set up the institutional framework that is very similar in both associations. However, since the role of the Association Council starts with the transitional stage the wording has been revised accordingly in the Ankara Agreement.⁶² But more importantly, as the organs for implementation and progressive developments of the associations, it is the Councils that transform provisions of the agreement into binding rules,⁶³ and due to the limited scope of the Ankara Agreement, the competencies and responsibilities of the Council remained limited for the implementation of the agreement.

Before conclusion, it should also be mentioned that both agreements continue with protocols and annexes. The Provisional Protocol regulates the preparatory period in the Ankara Agreement and the Financial Protocol regulates financial aid for promoting accelerated development of associated countries' economies. The Athens Agreement has a detailed catalog of annexes and protocols which include lists of industrial and agricultural items and invisible transactions referred to in various articles and protocols covering a wide range of issues from financial aid, public contracts, the opening of tariff quotas to amendments to the CCT. The variety and scope of the annexes in line with the wide ranging provisions and precise implementation rules also expose the comprehensive nature of the agreement.

The comparative content analysis reveals that both association agreements were similar in their structures and objectives but the Ankara Agreement, which was signed just afterwards was very different in nature and scope. These association agreements with comprehensive economic harmonization and specific provisions on future accession were certainly

⁶¹ Feld.

⁶² For instance, it is clarified that reviewing functions of the Council shall start with the transitional stage so "during the preparatory stage such reviews shall be limited to an exchange of views" or in case of joint action that the Agreement has foreseen in article 70 of the Athens Agreement, the Council shall adopt appropriate decisions "once the transitional stage has been embarked" (article 22).

⁶³ Lasok, 47.

more than simple trade agreements but the content was vaguer and the scope was limited in the Ankara Agreement. The Agreement was not merely taken from the Treaty of Rome but was also copied and simply modified from the Athens Agreement. Thus wording is stronger in the Athens agreement compared to the Ankara Agreement which is rather brief and would require supplementation with additional protocol after the completion of the preparatory stage.⁶⁴ The Ankara Agreement bared great potential as a framework for an association that may lead to full membership but unfortunately, the implementation has not lived up to this potential.⁶⁵ As a framework agreement that would only become operative upon implementation and enforcement process laid down in the agreement itself, the implementation turned out to become liable to multiple interpretations and has not fulfilled its potential in the lack of firm provisions and commitments. How can we explain this vagueness and ambiguity of the agreement which aimed to design an institutional pathway for future relations that resulted in constant interpretation and contestation?

IV- Discussion

The context and temporal processes which are embedded in institutions present path dependency as a useful conceptual and analytical tool for examining stasis and change. Path dependency as political choices made in a specific context setting the future trajectories where later choices are affected by the initial ones, while changing paths becomes increasingly costly and difficult throughout the way may be useful in explaining the Turkish decision to apply to the EEC. In this trajectory, path dependency explains the Turkish decision and persistence in EEC/EU membership as a result of structural forces of two centuries-long modernization and westernization project entrenched by the Cold War.⁶⁶ The Greek application in that regard, further strengthened this path dependency and created a lock-in effect which constrained Turkey's choices and resulted in the association application and the consequent Ankara Agreement. This line of thought explains the choices leading to the association as a pathway in which a sequence of choices constrained actors' decisions to circumvent the probability of switching paths but fails to explain the shortcomings of the institutional design of the agreement compared with the Athens Agreement.

⁶⁴ Mayer, 23.

⁶⁵ Lasok.

⁶⁶ Camyar and Tagma.

Hence, the paper argues that the application decision and the subsequent negotiations further created a critical juncture –a brief phase where structural influences relaxed and a range of options expanded- for Turkey and the EEC. The outcome of this critical juncture was a branching point which established an institutionalized association pathway but with rather a vague and incomplete design.

Therefore, both concepts explain the decision and negotiation process but also reveal the limits of historical institutionalism which fails to explain the vagueness and shortcomings of the agreement and the institutional design. A more elaborated perspective on the negotiation process is required for analyzing the actors' choices, preferences and the contested outcome of this critical juncture. The choices made during this brief era with their lasting impacts generated a self-enforcing path dependency but rather an ambiguous and contested one. For a better understanding of this critical juncture, an analysis of the goals, actions, preferences of the main actors and events that influenced them in this moment of institutional creation and a comparison with the Greek case may offer more insight in this respect. Comparing critical junctures provides for identification of negative cases, counterfactual analysis and focus on important actors, moments and choices. Comparing Greek case as a similar actor in a similar environment, with different outcomes, with a definite focus on the Turkish case may contribute to increasing the leverage of analysis.

Firstly, the agreement was copied and modified from the Athens Agreement with very limited cohesiveness due to the necessity and Turkey's insistence on equal treatment with Greece. During the negotiations, it was made clear that Turkey would not accept any agreement that differed fundamentally from the Athens agreement. On the other hand, an agreement completely identical was not also an option due to Turkey's hesitance in taking any responsibility and commitment.⁶⁷ For instance, concerning provisions on freedom of mobility, Turkey did not have any particular demands in the negotiations until the Athens agreement was signed. Afterwards the delegation made explicit demands based on the content of the relevant provisions in the Athens agreement. However, the EEC objected to having the same provisions and suggested less encompassing and vague provisions.⁶⁸ Hence, provisions regarding free movement are less

⁶⁷ Birand, *Türkiye'nin Büyük Avrupa Kavgası, 1959-2004*.

⁶⁸ Mayer.

comprehensive in the Ankara Agreement lacking the exchange of young workers and technical assistance as in its counterpart.

Although the agreement was accepted and demanded by the Turkish government, it was made clear by Prime Minister İsmet İnönü that Turkey was not willing to give any concessions or make any commitments for engagement during the final meetings for the signature of the agreement.⁶⁹ Whilst, the Greek and Turkish applications had officially been afforded equal treatment, the EEC noticed the reluctant and complex attitude of the Turkish government since the beginning of the negotiations. During the exploratory talks that took place by the end of 1959, the differences between the two countries became recognizable as Greece accepted to reduce its trade barriers in line with the EEC members while Turkey continued to demand a preparatory period before removing its trade barriers. Therefore, despite the aspiration for a certain degree of parallelism, the need to proceed with the Greek and Turkish applications separately, became apparent for the EEC as Greece adopted a more positive and committed stance towards the establishment of the association and the customs union. This difference endured all through the negotiations and resulted in a faster association agreement with Greece while making it more difficult for Turkey.⁷⁰ As integration was accelerating in the EEC with the introduction of the common external tariff earlier than planned, a consensus on the outline of the association agreement based on a reciprocal customs union with Greece was gaining prominence.⁷¹ Turkey on the other hand while demanding a similar agreement with Greece, was not ready for the same obligations and concessions for the customs union that was simultaneously taking shape. Therefore, concluding the negotiations with Greece became a priority, while postponing those with Turkey. The military coup in 1960 which resulted in the suspension of negotiations provided further justification for the differentiation between Turkey and Greece.

The association agreement with Greece signed on March 30, 1961, provoked discontent in Turkey who was blaming the EEC of prejudice and discrimination. The negotiations resumed in April 1961. The post-coup government in Turkey was ready for concessions to conclude an immediate agreement for close contact with Western democracies due to its undemocratic credentials. However, the EEC was again moving on to a new

⁶⁹ (Birand, 2005: 70-71)

⁷⁰ Nose, 83-84.

⁷¹ Ibid.

phase of integration. British application for accession to the EEC was followed by Ireland, Denmark, and Norway while neutral EFTA countries – Austria, Sweden, and Switzerland- preferred to apply for association as well as Sub-Saharan countries.⁷² The EEC was gaining prominence in international relations and reaching a new status as an organization which was accompanied by a discussion of the future role of the EEC and its external policies. The rejection of the British application in 1961 resulted in France's isolation and created a favorable atmosphere for Turkey where negotiations progressed rapidly as EEC directed its focus on relations with non-member European states.⁷³ An association with the objective of customs union had been accepted by the EEC members. But in contrast with the Athens agreement, this objective is expressed in a vague manner and with reservations that the schedule and decision to begin would not be fixed and would be decided upon a unanimous vote. Another conflicting issue was regarding Turkish demand for preferential treatment during the preparatory stage in which EEC would provide unilateral concession for selected Turkish export products. This was in direct contrast with the non-discrimination principle of the EEC, and would have granted Turkey a more preferential status than Greece. The EEC formed a consensus and accepted preferential treatment for four Turkish agricultural export items which meant unilateral concession by the EEC during the preparatory period. The association agreement had a tactical value for the EEC's external policy as an attempt to strengthen relations with the non-member Western European countries.⁷⁴ Therefore, vague but overreaching provisions of the Ankara Agreements should be understood in the general external policy direction of the EEC which was taking shape during that period. Turkish association was an opportunity to establish a comprehensive foreign policy mission and direction for the community while clearing the air after the British veto

⁷² Robert Lemaigen, "The Association of the Overseas Countries with the European Economic Community" in *Bulletin of the European Economic Community August/September 1960 No 8/9* (Luxembourg: Office for Official Publications of the European Communities 1960). With the associated African territories becoming independent states by 1962, the new Convention of Association -known as the first Yaoundé Convention- was agreed and initialed with the 18 African states on December 20, 1962.

⁷³ Jean Rey, "Adress by Jean Rey at the Signature of the Association Agreement between Greece and the EEC (9 July 1961)," in *Bulletin of the European Economic Communities. July/August 1961 No 7/8* (Luxembourg: Office for Official Publications of the European Communities, 1961).

⁷⁴ Nose.

crisis. For a while logic of appropriateness prevailed over the logic of consequences in the community discussions concerning Turkey.

On the Turkish side, as the application was shaped largely by external factors, the policy towards the EEC was marked by inconsistencies and contradictions.⁷⁵ There were sharp divisions in the Turkish government; while Foreign Ministry was prioritizing the application due to geopolitical and ideological reasons, new established State Planning Organization was opposing the EEC on the grounds that any association would jeopardize industrial growth.⁷⁶ Similar preoccupations were also present on the Greek side, the political and economic gains have been questioned similarly however the main political parties and opposition supported the association.⁷⁷ Therefore, the political commitment in the Greek case was much stronger than the Turkish side. From the Greek point of view, the cost of joining the EEC - as a threat to domestic industry from strong foreign competition- was the price to be paid for the economic and political advantages in the long run.⁷⁸ Thus, from the late 1950s, the shift to openness and export-oriented development emerged as a state policy in the Greek government and the Associate Agreement was a way of formalizing this approach.⁷⁹ Hence, the Greek application was privileged over Turkey in the EEC due to its commitment to trade liberalization and association which was lacking in the Turkish case that demanded a preparatory period.⁸⁰

Whereas in Turkey, state-centered economic development and inward-oriented development strategies were dominant. Therefore, despite the emphasis on increasing Turkish role in the European institutional design, the attitude towards the EEC was mainly defensive. Thus there was immense negligence if not ignorance among the Turkish public due to limited information on the subject.⁸¹ The negotiations were kept highly secret for domestic political reasons, and even the negotiators were not fully aware of the effects of the customs union and the obligations attached to the

⁷⁵ Sofos.

⁷⁶ Birand, *Türkiye'nin Büyük Avrupa Kavgası, 1959-2004*, 165-66; Sofos, 246-47.

⁷⁷ Kazakos, 2.

⁷⁸ Kalamotousakis, 151; John Pesmazoglu, "The Meaning of the Athens Agreement," *Bulletin of the European Economic Community*. September-October 1962, no 9/10 (1962).

⁷⁹ Kostas A Lavdas, *The Europeanization of Greece: Interest Politics and the Crises of Integration* (Springer, 2016), 105-06.

⁸⁰ Nose.

⁸¹ Kaan Gaytancıoğlu, "Türkiye'nin Avrupa Ekonomik Topluluğu'na Üyelik Başvurusu'nun Basına Yansımaları," *Ankara Avrupa Çalışmaları Dergisi* 8, no. 2 (2009).

agreement.⁸² The level of ignorance and lack of commitment was even mentioned during the budget negotiations in the parliament minutes on February, 18 1962.⁸³ Throughout the negotiations between 1959-63, the public debate was dominated by two major political parties, the diplomatic corps of the Foreign Ministry and a couple of businessmen and journalists. There was almost unanimous support for the integration without any discussion on the consequences. Only a few low-level discussion and criticism can be found in the parliamentary discussions during 1961-62, while economic preparedness was questioned, foreign aid and loans to be expected from the EEC were emphasized.⁸⁴ Despite the economic character of the integration, civilizational aspect and Turkey's Europeanness have dominated the public discourse, parliamentary debates and discussions, and reached a climax during the signing ceremony on September 12, 1963, in Ankara.⁸⁵

Almost all of the Turkish newspapers were eager to praise the agreement on their front pages as a historical turning point in the westernization of the country.⁸⁶ The optimism of this period can be best followed through the speeches at the signing of the Ankara Agreement; Commission President Hallsteins's speech concluded with the statement of "Turkey is part of Europe" is among the best examples.⁸⁷ The widely celebrated treaty was to be forgotten after the signature and was not challenged until 1967 when the Justice Party (Adalet Partisi) leader Süleyman Demirel was convinced to negotiate the Additional Protocol which entails the end of the preparatory stage and move to the transitional stage with a strict calendar for gradual and mutual reduction of tariff barriers between Turkey and the EEC within 12 years – exceptional 22 year transition period will be permitted for a certain number of products - as per

⁸² Birand, *Türkiye'nin Büyük Avrupa Kavgası, 1959-2004*, 129-34.

⁸³ İrfan Neziroğlu and Tuncer Yılmaz, "Hükümetler, Programları Ve Genel Kurul Görüşmeleri," (Türkiye Büyük Millet Meclisi, 2013), 510.

⁸⁴ Ibid., 1428-29.

⁸⁵ Mehmet Dosemeci, "Turkish Opposition to the Common Market: An Archaeology of Nationalist Thought, 1967–1980," *South European society and politics* 17, no. 1 (2012).

⁸⁶ İsmail Eyyupoğlu, "Tarihsel Süreçte Ankara Antlaşması Ve Türk Basınına Yansıması " *Atatürk Dergisi* 7, no. 2 (2019).

⁸⁷ Hallstein, "Allocaiton Du Professeur Walter Hallstein, President De La Commission De La Communaute Economique Europeenne a L'ocasion De La Signature De La Convention D'association Avec La Turquie a Ankara, 12 Septembre 1963," in *Voyage a Ankara l'ocassion De Signature De L'accord D'associaiton Avec La Turquie, 11-15/09*, ed. EN-1617 (1963).

the same model stipulated for the Athens Agreement with the aim of establishing a Customs Union by the end of this period. The opposition waged by the State Planning Organization had spread to parliamentary discussions while affecting the entire political spectrum. As well as the negotiations, the progress through the stages that have been stipulated in the treaty had been marked by tensions, delays, and mutual suspicion. During the transitional stage that was launched by the signature of the Additional Protocol, relations have almost stalled due to the interpretation and application of the agreement and protocol.

Finally, if it is general economic and political problems that have led to the protraction of negotiations for an association agreement, then we would assume the Greek application would also have moved slowly considering the low levels of economic development. Thus, the concerns regarding Europeanness have barely emerged in the discussions, as the application and negotiations were foremost driven by economic parameters in Greece. For the sake of comparisons, it should be noted that the implementation of the Greek association was neither stable nor problem free. Following the colonels' coup in April 1967, the EEC immediately decided to freeze the association treaty only 6 years after its signature. As democracy was restored in 1974, rebuilding the association was not the only objective for the newly established Karamanis government, but also effective membership was the only option for stability and consolidation of democracy. Despite the criticism over the material benefits of association, both during and after the signature of the agreement and even during the frozen stage, Greece has continued to abide by its legal provisions. The tariff cutting process was continued as planned although the loans were terminated and harmonization of the CAP was frozen. And as of 1980, the tariff barriers between the EEC and Greece were almost abolished which was a condition towards full membership.⁸⁸ In other words, the implementation of the association has essentially fulfilled its objective of contributing to the full membership in the Greek case. Whereas the Ankara agreement and the institutionalized pathway established would be open to contestation for years to come due to its institutional shortcomings.

⁸⁸ Konstantinos Christou and Alexander Sarris, "Trade Effects of the Greek Association with the European Economic Community, 1963-1977," in *Working Paper no 109*, ed. Division of Agricultural Sciences University of California (1980).

Conclusion

As the first two examples of association agreements, the Athens and the Ankara Agreements were categorized separately due to encompassing economic provisions for the establishment of the Common Market and references to the full membership in their content. However, this study argues that despite the formal similarities, both agreements envisage different procedures and processes, therefore are very different from each other in nature and scope. However, this difference does not emerge from the discriminative attitude of the EEC, but from the different economic structures and varying levels of political commitments between the two applicant countries. Although the continuing Westernization trajectory, its political implications, and the Greek application created pressures for the establishment of an association with the EEC, low levels of political and economic commitment resulted in a vague and incomplete institutional design which would be open to interpretation and contestation for years to come in Turkey.

According to the rationalist approach which explains the institutions as the results of material cost-benefit calculations, the calculations in Turkey were mostly based on long-term ambiguous political benefits of membership. Meanwhile, the short and long-term economic costs were rarely discussed and considered. Therefore, the function of the association - which is designed to facilitate the economic integration of Turkey into the common market - is never fully intended. From the EEC perspective, relations with Turkey were embedded in deep cost-benefit calculations of foreign policy objectives. The sociological institutionalist approach on the other hand explains actors' motivations through the logic of appropriateness which motivates institutional designs that are perceived to be appropriate, not just instrumental. For a brief timespan, the logic of appropriateness triumphed in the relations. While the ideational aspect of Turkish Europeanness is expressed rhetorically, the economic aspect of European integration is overlooked in the process whether intentionally or not. Despite the endogenous and exogenous factors along with the path dependency created an impetus for the association since neither party had strong clear specific interests, the negotiation process resulted in a vague agreement which opened the way for interpretation hence contestation till today. In other words, in the lack of clear material gains and shared beliefs between the signatory parties, the agreement and the institutionalized pathway it created had a limited capacity to constrain contestations rather than a

detailed and specific agreement which would limit the scope of interpretation and provide a clear pathway.

Finally, it should be mentioned that although the relations have changed considerably as well as the integration and global context, as we discuss a new set of parameters, concerns this retrospective look at the early relations and design of the institutional scheme can contribute to our contemporary understanding of the relations and current problems. However, the limits and constraints of the research should be stated as well as venues for future research. Foremost, as the article specifically focuses on the time period between 1959-1963, it is obvious that further study on the negotiations, the signature, political positions, and public discussions and contestations of the Additional Protocol is necessary. The subsequent document which replicates the Athens Agreement for the concrete road map and timeframe for the establishment of the Customs Union, requires further attention in the light of the proposed new institutionalist framework for testing the hypothesis and argument development of the current study.

Bibliography

- "Agreement Establishing an Association between the European Economic Community and Greece (63/107/EEC)."
- "Agreement Establishing an Association between the European Economic Community and Turkey".
- Arat, Tuğrul, and Çağrı Erhan. "AET'yle İlişkiler." In *Türk Dış Politikası*, edited by Baskın Oran, 808-53. İstanbul: İletişim Yayınları 2009.
- Arikan, Harun. *Turkey and the Eu: An Awkward Candidate for Eu Membership?* : Routledge, 2017.
- Bennett, Andrew, Tasha Fairfield, and Hillel David Soifer. "Comparative Methods and Process Tracing." *American Political Science Association Organized Section for Qualitative and Multi-Method Research, Qualitative Transparency Deliberations, Working Group Final Reports, Report III 1* (2019).
- Birand, Mehmet Ali. "Turkey and the European Community." *The World Today* 34, no. 2 (1978): 52-61.
- . *Türkiye'nin Büyük Avrupa Kavgası, 1959-2004*. Doğan Kitap, 2005.
- Camyar, Isa, and Halit Mustafa Tagma. "Why Does Turkey Seek European Union Membership? A Historical Institutional Approach." *Turkish Studies* 11, no. 3 (2010): 371-86.

- Capoccia, Giovanni, and R Daniel Kelemen. "The Study of Critical Junctures: Theory, Narrative, and Counterfactuals in Historical Institutionalism." *World politics* 59, no. 3 (2007): 341-69.
- Christou, Konstantinos, and Alexander Sarris. "Trade Effects of the Greek Association with the European Economic Community, 1963-1977." In *Working Paper no 109*, edited by Division of Agricultural Sciences University of California, 1980.
- Collier, David. "Understanding Process Tracing." *PS: Political Science & Politics* 44, no. 4 (2011): 823-30.
- European Commission. "Turkey-Eec Relations 1963-1967." Brussels, 1968.
- Dinan, Desmond. *Ever Closer Union: An Introduction to European Integration*. Palgrave Macmillan, 2005.
- Dosemeci, Mehmet. "Turkish Opposition to the Common Market: An Archaeology of Nationalist Thought, 1967–1980." *South European society and politics* 17, no. 1 (2012): 87-107.
- Conseil des Ministres de la Communauté Economique Europeenne. *Note D'information Confidentielle (26 Février 1959) CM 2/1959 vols.: Archive Historiques de'Union Européenne-Florence, 1959.*
- Eyyupoğlu, İsmail. "Tarihsel Süreçte Ankara Antlaşması Ve Türk Basımına Yansımaları". *Atatürk Dergisi* 7, no. 2 (2019): 31-53.
- Feld, Werner. "The Association Agreements of the European Communities: A Comparative Analysis." *International Organization* 19, no. 2 (1965): 223-49.
- Gaytancıoğlu, Kaan. "Türkiye'nin Avrupa Ekonomik Topluluğu'na Üyelik Başvurusu'nun Basına Yansımaları." *Ankara Avrupa Çalışmaları Dergisi* 8, no. 2 (2009): 47-64.
- Hall, Peter A, and Rosemary CR Taylor. "Political Science and the Three New Institutionalisms." *Political studies* 44, no. 5 (1996): 936-57.
- Hallstein. "Allocaiton Du Professeur Walter Hallstein, President De La Commission De La Communaute Economique Europeenne a L'occasion De La Signature De La Convention D'association Avec La Turquie a Ankara, 12 Septembre 1963." In *Voyage a Ankara l'ocassion De Signature De L'accord D'associaiton Avec La Turquie, 11-15/09*, edited by EN-1617, 1963.
- Icoz, Gülay, and Natalie Martin. "Historical Institutionalism and Eu–Turkey Relations: Path Dependence and Critical Junctures in the Accession Process." In *Eu-Turkey Relations*, 83-106: Palgrave Macmillan, Cham, 2021.
- Kalamotousakis, George J. "Greece's Association with the European Community: An Evaluation of the First Ten Years." In *The Eec and the Mediterranean*

- Countries*, edited by A Shlaim and G.N. Yannopolulus, 141-60. Cambridge: Cambridge University Press, 1976.
- Kazakos, Panos. "Greece and the Ec: Historical Review." In *Greece and EC Membership Evaluated*, edited by Panos Kazakos and P.C. Iokimidis, 1-9. London: Pinter Publishers, 1994.
- Lalumiere, Catherine "Interview with Catherine Lalumière: Turkey and the European Union (Paris, 17 May 2006)." (2006).
- Lasok, Dominik. "The Ankara Agreement: Principles and Interpretation." *Marmara Üniversitesi Avrupa Topluluğu Enstitüsü Avrupa Araştırmaları Dergisi* 1, no. 1&2 (1991): 27-47.
- Lavdas, Kostas A. *The Europeanization of Greece: Interest Politics and the Crises of Integration*. Springer, 2016.
- Lemaigen, Robert. "The Association of the Overseas Countries with the European Economic Community ". In *Bulletin of the European Economic Community August/September 1060 No 8/9*, 5-13. Luxembourg: Office for Official Publications of the European Communities 1960.
- Lindner, Johannes, and Berthold Rittberger. "The Creation, Interpretation and Contestation of Institutions—Revisiting Historical Institutionalism." *JCMS: Journal of Common Market Studies* 41, no. 3 (2003): 445-73.
- Mayer, Matthias M. "Governmental Preferences on Liberalising Economic Migration Policies at the Eu Level: Germany's Domestic Politics, Foreign Policy, and Labour Market." London School of Economics and Political Science, 2011.
- Neziroğlu, İrfan, and Tuncer Yılmaz. "Hükümetler, Programları Ve Genel Kurul Görüşmeleri." Türkiye Büyük Millet Meclisi, 2013.
- Nose, Kazuhiro. "External Policy of the European Economic Community During the Association Negotiations with Turkey (1959–63): Reconsidering the Origin of Eu-Turkey Relations." *国際公共政策研究* 25, no. 1 (2020): 79-96.
- Öniş, Z. "The Role of the European Union in Greek-Turkish Relations: Perpetuator of Conflict or Contributor to Peace?". In *Greece and Turkey in the 21st Century: Conflict or Cooperation. A Political Economy Perspective*, edited by C. Kollias and G Günlük-Şenesen, 165-74. New York: Nova Science Publishers, 2003.
- Pesmazoglu, John. "The Meaning of the Athens Agreement." *Bulletin of the European Economic Community*. September-October 1962, no 9/10 (1962): 7-12.

- Pierson, Paul. "Increasing Returns, Path Dependence, and the Study of Politics." *American political science review* 94, no. 2 (2000): 251-67.
- . "The Limits of Design: Explaining Institutional Origins and Change." *Governance* 13, no. 4 (2000): 475-99.
- . "The Path to European Integration: A Historical Institutional Analysis." *Comparative Political Studies* 29, no. 2 (1996): 123-63.
- Pollack, Mark A. "The New Institutionalisms and European Integration." University of Hamburg, Faculty for Economics and Social Sciences, Department ..., 2007.
- Reiners, Wulf, and Ebru Turhan. *Eu-Turkey Relations: Theories, Institutions, and Policies*. Springer Nature, 2021.
- Rey, Jean. "Adress by Jean Rey at the Signature of the Association Agreement between Greece and the EEC (9 July 1961)." In *Bulletin of the European Economic Communities. July/August 1961 No 7/8*, 33-34. Luxembourg: Office for Official Publications of the European Communities, 1961.
- Saatçioğlu, Beken, Funda Tekin, Sinan Ekim, and Nathalie Tocci. "The Future of Eu-Turkey Relations: A Dynamic Association Framework Amidst Conflictual Cooperation." Istituto Affari Internazionali, 2019.
- Saraçoğlu, Tevfik. "Türkiye-Avrupa Ekonomik Topluluğu İlişkiler." *Marmara Üniversitesi Avrupa Topluluğu Enstitüsü Avrupa Araştırmaları Dergisi* 1, no. 1&2 (1992): 49-55.
- Shlaim, Avi. "The Eec and Eastern Europe." *Cambridge Books* (2008).
- Sofos, Spyros A. . "Reluctant Europeans? European Integration and the Transformation of Turkish Politics." In *Europeanization and the Southern Periphery*, edited by Kevin Featherstone and Geōrgios A. Kazamias, 243-60. London: Frank Cass, 2001.
- Tsalicoglou, Iacovos S. *Negotiating for Entry: The Accession of Greece to the European Community*. Dartmouth Publishing Company, 1995.

