

DISCUSSING THE EFFECTS OF ANTI-DUMPING AGREEMENT ON INTERNATIONAL TRADE RELATIONS AND IMPLEMENTATIONS IN TURKEY AS A DEVELOPING COUNTRY

Abstract

Within the effects of global improvements in technology, transportation and communication, the world trade volume has boomed for the last few decades. At this point, it can be said that the globalisation and the liberal economic policies have had crucial role for the world trade relations. Undoubtedly, the Effects of Anti-Dumping Agreements on International Trade have fragile role for developing countries. Turkey, as a developing country and WTO member, has significant position regarding the Anti-Dumping Agreements. This article will analyse both positive and negative effects of the Anti-Dumping Agreements for Turkey and developing countries.

Keywords: WTO, The Anti-Dumping Agreements, Developing Countries, Turkey, International Trade Relations.

ANTI-DAMPİNG SÖZLEŞMELERİNİN ETKİSİNİN ULUSLARARASI TİCARİ İLİŞKİLERE VE GELİŞMEKTE OLAN ÜLKE OLARAK TÜRKİYE'DEKİ UYGULAMALARININ TARTIŞILMASI

Özet

Son yıllardaki teknoloji, ulaşım ve iletişim alanlarındaki global gelişmelerin etkisi ile birlikte, dünya ticaret hacminde bir patlama yaşanmıştır. İşte bu noktada, globalleşmenin ve liberal ekonomik politikaların uluslararası ticaret hususunda kilit bir rol oynadığı söylenebilir. Şüphesiz, gelişmekte olan ülkeler bakımından, uluslararası ticaret üzerindeki dampinge karşı yapılan anlaşmalar kırılğan bir rol oynamaktadır. Dünya Ticaret Örgütü üyesi ve gelişmekte olan bir ülke olarak Türkiye, damping karşı yapılan anlaşmalar noktasında önemli bir pozisyona sahiptir. Söz konusu bu makale, Anti-Damping Anlaşmalarının hem negatif yönünü hem de pozitif yönünü Türkiye ve gelişmekte olan ülkeler açısından değerlendirecektir.

Anahtar Kelimeler: DTÖ, Anti-Damping Sözleşmeleri, Gelişmekte Olan Ülkeler, Türkiye, Uluslararası Ticari İlişkiler.

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INTRODUCTION

Over the last few decades, undoubtedly, international trade capacity and international trade relations among states have improved dramatically. Since, it is stressed that many states have been affected by 'globalisation' and they carried out more trade liberalization such as opening the markets and prohibiting the discrimination against foreign firms, goods and services and institutions.(http://www.wto.org/english/news_e/pres97_e/ecosoc.htm > Accessed 05 January 2013) Besides, improvements in technology like the internet, easy transportation opportunities, eliminating trade barriers, 'removing' the national boundaries among states and other similar factors show that an important intensity has been observed in international trade relations between states.(Krugman, 1995:328) As a consequence, it can be said that trade policies of the states have profound effects on international trade and world trading system.

As noted above, as a result of the developments in international trades, the WTO members required to create new polices to prevent 'unfair trade'. Therefore, agreement on implementation of Article VI of General Agreement on Tariffs and Trade 1994 (herein after "The Anti-dumping Agreement), ('Kennedy Round Code') was negotiated and concluded in 1967 at the end of the Kennedy Round.(< http://www.wto.org/english/docs_e/legal_e/prewto_legal_e.htm > Accessed 09 January 2013.) This agreement's goal is providing fair trade relations between the WTO members because, it is addressed that 'dumping' may cause harmful effects on the domestic industry of the importing state. (Bossche, 2008:508) Therefore, pursuant to Anti-dumping Agreement, member states of the WTO can take anti-dumping measures to protect their domestic economies from the negative effects of dumping policies. Conversely, it may be debated that the Anti-dumping Agreement may cause crucial trade barriers against more liberal and free international trade. In other words, there is no doubt that an-

ti-dumping measures create strict conflicts against to the spirit of the WTO Agreement. According to the Preamble to the WTO Agreement, there are two fundamental goals: (i) removing trade barriers and (ii) eliminating discrimination in international trade relations among member states. (Bossche, 2008:86) However, implementations or taxes of the anti-dumping may create both trade barriers and discriminatory treatments that are against to free international trade.

It is known that the majority of WTO members are developing countries. (, < http://www.wto.org/english/tratop_e/devel_e/d1who_e.htm > Accessed 06 January 2013) However, in recent years, Anti-dumping measures are not only taken by developing WTO members like India (331), Argentina(150) but also the developed countries like the U.S.(239), the E.U.(231). It is beneficial to put emphasise on that these countries are called 'top' group of countries about the measures. For instance, "From 1995 to 2006, India was the most frequent user of the anti-dumping instrument, with a total of 331 measures" (Bossche, 2008:508) As will be explained below in detailed, Turkey as another 'developing' member state of the WTO, is seen 'a major user of anti-dumping and safeguard measures'.(< http://www.wto.org/english/tratop_e/tpr_e/tp359_crc_e.htm > Accessed 06 January 2013) From this point, it should be pointed out that developing countries play vital role regarding implementations of The Anti-dumping Agreement in the world Trade relations.

In this essay, The Anti-dumping Agreement and its effects will be explored deeply. This essay includes four main sections. Successively, in the first section, the meaning of 'dumping and anti-dumping' and its legal framework will be explained with the brief history of the Anti-dumping Agreement, in the second section, it will be intended to evaluate Anti-dumping policies in developing member states of the WTO and then in the third section, it will be assessed the implementations of anti-dumping

measures in Turkey, and lastly, in the fourth part, evaluation of the Anti-dumping Agreement in the WTO and its effects for free international trade will be discussed.

1. THE MEANING OF 'DUMPING, ANTI-DUMPING' TERMS AND BRIEF HISTORY OF THE ANTI-DUMPING AGREEMENT WITH ITS LEGAL FRAMEWORK.

1.1. Dumping and Anti-dumping

Under the WTO law, dumping can be defined as exporting the products at a less price than their normal value. In other words, this situation occurs when an entrepreneur exports the goods at lower prices than which they are sold in another state's local market or in its customs territory. (Jessen, in Olsen &Steinicke & Sorensen, 2012: 262) To give an example; if China exports textile products to Turkey at lower prices than its nominal value, these textile goods can be seen to be dumped. Admittedly, this 'textile dumping' may cause harmful effects and material injuries for the Textile Industry of Turkey and its domestic producers. At this point, under the Anti-dumping Agreement regime, WTO member states (in our case Turkey) are allowed to take measures to protect their domestic markets against these dumping policies. Namely, Anti-dumping can be seen the counter reaction of the dumping policies to protect from injuries effect of the dumping.

1.2. Brief History and Legal Framework of the Anti-dumping Agreement

It is essential to emphasize that rules regarding the anti-dumping have been included in international trade system since the General Agreement on Tariffs hereinafter (GATT) 1947 (Jessen, in Olsen &Steinicke & Sorensen, 2012: 263) Due to the recent global impacts and improvements in the international trade system, the WTO member states realised and got more interested in the anti-dumping policies to protect their local industries and pro-

ducers. As a consequence, in 1963, in the negotiations of Kennedy Round, many states focused on and discussed the recent developments regarding dumping regimes and the Anti-Dumping Code was concluded at the end of the round. Then, in Tokyo Round, again the Anti-dumping Code was negotiated and Article IV of the General Agreement on Tariffs was revised and detailed in negotiations and lastly, the Anti-dumping Agreement accepted at the end of the Uruguay Round.(Trebilcock,Howse,Elia-son, 2012:513)

It should be noted that the Anti-Dumping Agreement or the WTO rules does not prevent dumping. Since, the WTO only draws basic legal frameworks and "it does not directly regulate the actions of private companies, therefore WTO law does not prohibit dumping". (Bossche,2008:513) However, pursuant to Article 16 (1) of the agreement, each of the member states sends their own representatives to a Committee which was established for guiding the member states on anti-dumping issues. In addition to this, the Committee has some obligations, for instance preparing a review about implementing and operating the agreement annually. Besides, every member state has to inform any changes to the Committee about their own law system for implementing the Anti-dumping Agreement.(http://www.wto.org/english/res_e/booksp_e/analytic_index_e/anti_dumping_04_e.htm#article16 > Accessed 10 January 2013) As a result, it can be appropriate to say that although the Anti-dumping Agreement is not mandatory, the WTO members have to notify their implementations about Anti-dumping Agreement. In addition to this, although the agreement is not boundary, according to Article 17 of the Anti-dumping Agreement, Dispute Settlement Body (hereinafter DSB) is entitled to establish a panel to evaluate and decide anti-dumping issues among member states. Namely, the DSB can play 'mandatory role' for enforcing the rules, providing balance between duties of member states and their respective rights.

1.3. Implementation Rules of the Anti-dumping Agreement

It is known that if one of the WTO members wants to implement an anti-dumping measure, both Article VI of the GATT and the Anti-dumping Agreement are applied with their legal frameworks (Jessen, in Olsen &Steinicke & Sorensen, 2012:263) because, Article 1 of the Anti-dumping Agreement emphasizes that “An anti-dumping measure shall be applied only under the circumstances provided for in Article VI of the GATT 1994 and pursuant to investigations initiated and conducted in accordance with the provisions of this Agreement.” As it is understood, member states of the WTO can apply their protectionist policies or can take measures after a proper investigation according to the Anti-dumping Agreement.

In addition to this, there are fundamental requirements to apply an anti-dumping measure. Firstly, there should be dumping and secondly, there should be a material injury to domestic market and lastly there must be a causal link between dumping application and the injury. (< http://www.wto.org/english/tratop_e/adp_e/adp_info_e.htm >Accessed 10 January 2013) We can understand that these three factors are indispensable to determine to take an anti-dumping measure. In this part of essay, these three essential factors will be explored with examples.

As it was discussed, the dumping occurs when a product is exported to another member state at lower price than its nominal value.¹ (Official Journal of the European Journal, 2009 L 343/51.) Therefore, it is obvious that while determining whether the dumping is occurred, firstly it is essential to consider nominal value, exporting price and the ‘damping margin’(Jessen, in Olsen &Steinicke & Sorensen, 2012:263) and secondly, this dumping has to cause a threatening effect or injury on do-

mestic market. For example, Turkey and Greece are two member states of the WTO (< http://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm> Accessed 10 January 2013) and if Turkey wants to export ‘dumped’ electronic products like televisions or computers to Greece at lower price than its nominal value, Greek domestic producers or industries will complain against this trade relation. Since, harmful effects of this commercial issue may decrease or prevent selling Greek appliances in the domestic market and local Greek producers may go bankrupt. For this reason, according to the Anti-dumping Agreement, the state of the Greece is allowed to take anti-dumping measure against the ‘dumped products’ which are imported from Turkey.

In the meanwhile, it is essential to stress that the causal link is vital for carrying out the anti-dumping measure in Greece. In other words, the causal link between the dumping and industrial injury is a complementary condition to imply anti-dumping policy. In our example, if there is no any causal link between ‘dumped Turkish electronics’ which are exported to the Greek and market shrinkage or bankruptcy of Greek producers, Greece government is not entitled to take any anti-dumping measure. Besides, determination of the dumping requires investigation about the dumping policy effects and takes times. Generally, after the date of the dumping claim, the national anti-dumping authority needs between 6 and 12 months to decide whether there is dumping. (http://www.wto.org/english/docs_e/legal_e/19-adp.pdf < Accessed 11 January 2013) In our example, although it is not mandatory, the Greek anti-dumping authority should collect data regarding the ‘Turkish dumping policy’ and its effects between 6 to 12 months. In a nutshell, there is no doubt that implementation of the Anti-dumping Agreement rules, requires strict and crucial conditions.

¹ Nominal value is the value assigned to something.

2. THE ANTI-DUMPING POLICIES IN DEVELOPING MEMBER STATES OF THE WTO

The Developing Member states consist of nearly two thirds of the all WTO members and because of this huge number, their trade relations play a vital role in developing world trade system. (< http://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm> Accessed 10 January 2013) Moreover, developing states always look for new improvements for their economy and trade capacity. Therefore, the WTO makes a special effort to meet their demands or needs. If we analyse the Part IV of the GATT, we can understand that developing countries have special rules like more time and better provisions in the WTO agreements. Similarly, in the Anti-dumping Agreement, Article 15 illustrates that "It is recognized that special regard must be given by developed country Members to the special situation of developing country Members when considering the application of anti-dumping measures under this Agreement". (<http://www.wto.org/english/docs_e/legal_e/19-adp_02_e.htm#articleXV> Accessed 15 October 2014) If we examine this, the WTO Agreements provide better opportunities for developing states, and also it underlines the special conditions of developing member states and their economic benefits.

It is worth saying that some developing member states take more Anti-dumping measures than other developing countries. Especially, Argentina, Brazil, India, Mexico, South Africa and Turkey are significant players in Anti-dumping policies in the global world. (D. Bhattasali, W. Martin, L. Shantong Eds. Washington D.C. (2004);pp. 29-47) A huge number of their anti-dumping measures or policies on their imports show that these developing states are most frequently users of Anti-dumping measures (Niels, Kate, 2006:628). For instance, The South Africa can be seen one of the remarkable example about using

the anti-dumping measure. In the last decades, the state of the South Africa has changed its economic policy and its policy of trade relations. It means that they opened their markets to global markets, eliminated trade barriers and also they took active role in the Uruguay Round. (< http://www.wto.org/english/res_e/booksp_e/casestudies_e/case38_e.htm > Accessed 11 January 2013)

As a consequence of these 'openness' to the global economy, the African domestic producers, and local markets had some challenges about surviving their profitability compare to multinational firms. Therefore, the State of South Africa faced with requests of the local industry regarding anti-dumping measures and the anti-dumping measures were started to be taken rapidly against imports in between 1995 and 2002. Conspicuously, South Africa became the fifth biggest user of the anti-dumping measures. (< http://www.wto.org/english/res_e/booksp_e/casestudies_e/case38_e.htm > Accessed 11 January 2013) Another significant user of the anti-dumping measure is Turkey. However, Turkey's position will be detailed with Turkey's implementations of the Anti-dumping Agreement in the third part of this essay.

As a result, as detailed above, the developing states consist of the majority in the WTO. For this reason, one of the fundamental purposes of the WTO is encouraging or supporting developing member states to participate and to gain more benefits from our globalising world trade system. (< http://www.wto.org/english/thewto_e/coher_e/mdg_e/mdg_e.pdf > accessed 12 January 2013)

However, it can be said that the recent improvements in the international trade may cause negative effects on local industries in developing states and these developing members are seen against to the liberalisation in the world trade regime because of their anti-dumping policies.

3. THE IMPLEMENTATIONS OF ANTI-DUMPING MEASURES IN TURKEY WITH SIGNIFICANT EXAMPLES

Until the 1980s, Turkey's economy was being controlled mostly by closed and not liberal economy systems. In this period, Turkish government's trade policy was restricting foreign international firms' exports to protect Turkish domestic markets and industries. However, Turkey has changed its trade policy after the 1980. Especially, with the election of the Turkish Prime Minister Turgut Özal, the rapid liberalisation in Turkish economy has been observed between the years 1980 and 1990. (Karabulut, < <http://web.inonu.edu.tr/~ozal.congress/pdf/57.pdf> > accessed 12 January 2013)

As understood, the state-based economy policies started to lose its influences and consequences of these improvements, free market trade policy came into prominence and vital progresses were seen for reaching the free international trade. Moreover, Turkey has decreased trade barriers, dropped its custom duties and opened its domestic markets for free international trade relations. Similarly, after the Turgut Özal period, Turkish State continued its progress to reach more liberal policy in the economy in accordance with the WTO Agreements. Even there were vital domestic economic recessions and crises in 1999 and 2001, Turkish state made significant reforms about market liberalization to support private industries' economic growth. (< http://www.wto.org/english/tratop_e/tpr_e/s259_sum_e.pdf > Accessed 12 January 2013)

On the other hand, although Turkey has been seen in favour of the free international trade, as a result of the eliminating trade barriers and removing customs duties, the Anti-dumping Code of the Turkey was enacted in 14 June 1989. (< <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.3577.pdf> > Accessed 13 January 2013) After that, anti-dumping measures such as anti-dumping taxes have become

widely used by Turkish state as an international trade policy. Moreover, in the last decades, with the China's participation to the WTO membership (< http://www.wto.org/english/thewto_e/countries_e/china_e.htm > Accessed 14 January 2013) in 11 December 2011, applying the Anti-dumping Code has stood out more actively to protect Turkish domestic markets.

There is no doubt that although China is a developing member state of the WTO, its trade relation policies and dumping policies have huge effects on other developing countries. Because, according to WTO statistics, China was ranked as the first state in export and was ranked the second state in imports in the world trade capacity. (< <http://stat.wto.org/CountryProfile/> > Accessed 14 January 2013)

As a consequence of this, China is one of the most active users of the Anti-dumping Agreement of the WTO. For instance, according to the WTO statistics, in the period of July-December 2005, China reported 13 initiations which was the highest number in the member states total initiations and 'China remains the most frequent subject of the new investigations, with 33 initiations directed at its exports'. (< http://www.wto.org/english/news_e/pres06_e/pr441_e.htm > Accessed 14 January 2013) The government of China encourages the policy of producing counterfeit goods in China. In addition to this, unfair trade competition is the main policy of the Chinese government. (Cansu, 1998:11) For this reason, Chinese trade policies affect the Turkish trade system and it causes harmful effects on Turkish domestic markets.

As seen that Turkish domestic markets are in the economic loss threshold because of the China's unfair trade competition policies. It is known that Turkey is famous with its textile products and the textile sector is the main player and based on the heart of the Turkish economy. However, in 2005 the WTO removed all the quotas and tariffs on textile products by the Agreement on Textiles and Cloth-

ing. (Şahin,2004:4) This situation caused many obstacles for domestic textile firms in Turkey because China started to export both very cheap and counterfeit textile products to Turkey, which was led to material injury on the textile industry. Also in the Turkish Grand National Assembly, both ruling party members and opposition party members claimed the harmful effects on the Turkish textile industries. < http://www.tbmm.gov.tr/develop/owa/tbmm_internet.arama?q=çin%20kota > accessed 14 January 2013) As a result of these claims, Turkish government has taken some anti-dumping measures especially on Chinese products. To give an example, 26 anti-dumping measures were in force and 7 final investigations were going on regarding the Chinese textile goods in 2006. < <http://www2.tbmm.gov.tr/d22/7/7-12786c.pdf> > Accessed 15 January 2013)

In addition to this, recent quotas are seen on the Chinese products. For instance, in 7 August 2012, The Turkish Ministry of Economy took anti-dumping measure on imports of Chinese polyester fibre (Tebliğ No:2012/17) and in 25 January 2012 Turkish government widespread the measure on cotton yarn. (Tebliğ No:2012/2) In conclusion, it is obvious that Turkish trade policy focused the protection of its domestic industries against the unfair competition trade policy of China and its 'dumped' products' threats.

As discussed, China's trade policy is seen one of the most dangerous threat on Turkish domestic industries by both local producers and Turkish parliaments. China has harmful effects for not only Turkish Textile sector but also electronic white goods. As a result of this situation, domestic Turkish producers (<http://www.kesid.org/sayfalar/hakkimizda.asp> > Accessed 15 January 2013) demanded to impose safeguard measures on certain electronic appliances and these measures were taken as a result of the Turkish Ministry of Economy's investigations in 21 April 2012. (< <http://www2.tbmm.gov.tr/d22/7/7-12786c.pdf> > Accessed 15 January 2013) On the

other hand, although the anti-dumping duties have been taken by Turkish government, Turkey faced 25 dumping investigations on its exported products between the years 1997 and 2003. These investigations were resulted and 21 anti-dumping measures were taken on the Turkish products by other member states of the WTO. Especially, the United States of America (The USA), European Union (EU) and India took anti-dumping duties against Turkish 'dumped' products. (Türkcan, Dişbudak,2005: 233) Turkey is the most frequent user of the anti-dumping measures in the WTO members. This issue may be explained by that Turkish firms or producers have been kept informed about ways of using anti-dumping measures and investigations against dumped products of other member states.

As a result, on the one hand, Turkey has been taking the anti-dumping measures to protect its domestic industries against harmful effects and severe injuries of the dumped products; on the other hand, it has been struggling with the investigations of Turkish 'dumped products'. When the sectorial analysis is considered deeply, Turkey's protectionist trade policy can be understood. It is known the majority of the anti-dumping measures were taken in the Turkish textile sector and it is true that Turkish textile actors always make a pressure for using more anti-dumping duties. This trade policy may be beneficial for protection of the domestic markets especially in times of recessions or economic crisis.

Conversely, Turkish government should be aware of principles of the free trade and should not go beyond the Anti-dumping Agreement goals for just protection of Turkish local producers. Moreover, the implementations of the Turkish Anti-dumping agreement have to be in accordance with the WTO Anti-dumping agreement. It is obvious that if there is a conflict between these agreements or if a suspicious of circumvention, the WTO Anti-dumping Agreement will be the dominant over the Turkish Code.

4. EVALUATION OF THE WTO ANTI-DUMPING AGREEMENT AND ITS EFFECTS ON FREE INTERNATIONAL TRADE, ESPECIALLY FOR DEVELOPING STATES AND TURKEY

There is no doubt that all states aim to increase the life standards of their citizens and try to rise the wealthy of the country in accordance with the GATT principles. To reach this goal, many member states especially developing members of the WTO, have determined protective policies on their trade issues, national rights and interests in the last two decades. They took several duties to protect their national industries and as a consequence of this intensity, using the Anti-dumping Agreement has extended in the world trading system.(Neils, Kate, 2006:634) Conversely, both the GATT and the WTO aims the free international trade system, more liberalisation, high life standards and ensuring the trade relations as freely as possible. (< http://www.wto.org/english/thewto_e/whatis_e/what_we_do_e.htm > Accessed 16 January 2013) At this point, the main problem is whether the Anti-dumping Agreement measures and its effects on member states are beneficial for more liberalisation or whether this agreement is conform to the spirit of the WTO or the GATT.

The effects of the Anti-dumping measures have to be analysed deeply to explore whether it is useful or not for the main objective and framework of the WTO. Undoubtedly, this question can be concluded with two separate views. On the one hand, some statistics demonstrated that the Anti-dumping Agreement implementations were not against of the WTO policy. For instance, even India, as a developing member state, has taken 218 anti-dumping duties in the years between 1992 and 2004, its percentages of average imposed quotas decreased from 62 percentages to 32 percentages. (Moore, Zanardi,2006) In this context, it may be true that both the Anti-dumping Agreement orders and

trade liberalisation policies can be implemented by WTO members and its developing states. Moreover, taking the Anti-dumping measures is not harmful for improvements about opening the markets between the WTO states.

On the other hand, although the Anti-dumping policies can be accepted as 'harmless' for free international trade, some analysts underlined that lack of information about imposing Anti-dumping Agreement measures and high discretions of Anti-dumping may cause more prevented trade relations or less open markets in the world trade system. (Moore, 2007:360) Besides, several developing members of the WTO, faced with nearly 6% trade capacity loss which was equal \$ 14.5 billion because of the Anti-dumping Agreement implementations.(Bossche, Zanardi, 2006:597)

Similarly, Turkey may have to deal with some obstacles or trade capacity losses in its trade relations in the globalising world. Since, as it was discussed above, although the Turkish Anti-dumping Agreement and its implementations reference the WTO Anti-dumping Agreement principles, Turkish Anti-dumping authority has wide determination power while in the process of the Anti-dumping investigations and in this case, arbitrary treatments can be observed in Turkey's trade relations. In a nutshell, it should be accepted that implementations of the Anti-dumping Agreement has had profound harmful effects on trade policy of member states.

CONCLUSION

The aim of this essay was to explain the meaning of the dumping and anti-dumping terms according to the WTO agreements and then to highlight the implementations of the Anti-dumping Agreement on the WTO trade system. Besides, its applications have been discussed with in the scope of developing member states' policies. Moreover, Turkey's position and its applications about anti-dumping measures have been assessed with significant example trade relations like with China and lastly, the

criticisms of the Anti-dumping Agreement have been done with our own comments and critical interpretations.

In the lights of these reasons that were explained above and with the effects of the globalizing world, the WTO has looked for more liberalisation in the world trade system and more free international trade has been targeted in the last decades by member states. On the other hand, anti-dumping duties have been discovered and international trade relations have been restricted with these anti-dumping measures. There is no doubt that these two issues have been conflicting for 1980s because various member states, in particular, developing member states use anti-dumping measures only for its protectionist policies. Namely, the main goal of these policies is protecting their local industries against imports. To give an example, 95 percentages of the total Anti-dumping Agreement are directly related with protectionist policies against imports. (Nuefeld,2001:1) In other words, only 5 percentages of the total anti-dumping duties have been taken to prevent unfair competition in the trade relations. It is clear that the Anti-dumping Agreement aim is preventing the unfair competition conditions in the world trade system. (< http://www.wto.org/english/tratop_e/dda_e/meet08_brief04_e.htm > Accessed 18 January 2013)

In the Doha Round, various discussions have been observed among member states and some member states which were calling themselves as 'Friends of Anti-dumping'(Brazil,Chile,Colombia,Costa Rica, Hong Kong, China,Israel,Japan, Rep of Korea,Mexico,Norway,Singapore,Switzerland, Chinese Taipei,Thailand and Turkey) claimed that the WTO Anti-dumping Agreement provide superabundant power to the national Anti-dumping Authorities. (Tan,2008: 246) In addition to this, these countries indicated that these overmuch discretions were used arbitrarily for only protectionist purposes in the trade relations. Similarly, Turkey as member of the 'Friends of Anti-dumping' supported these

claims. On the other hand, although these countries are seen in favour of the strict rules about imposes of the Anti-dumping orders, in the reality, they are most frequent users and several arbitrary treatments are observed in their anti-dumping investigations. If we look from the perspective of Turkey, other member states may take anti-dumping measures as counter reactions of the Turkish anti-dumping policies.

In conclusion, to solve these problems, some radical decisions and significant steps have to be taken in the WTO. The solution offers may be (i) conditions of the dumping investigations should be clear, (ii) there should be an effective mechanism that to protect domestic industries' or member states' incorrect dumping claims, (iii) transparency should be procured in the investigations, (iv) The National Anti-dumping authorities must be objective while evaluating the damping claims, (v) discretions of the National Anti-dumping Authorities must be restricted, (vi) opening new investigation after the previous one which is related with the same product must be restricted and lastly the periods of the anti-dumping measures must be reduced and limited for every WTO member states. To sum up, if these offers are managed, there is no doubt that the Anti-dumping Agreements' harmful effects will be restricted, greater free trade will provide various advantages for all member states in particular for developing members and lastly sustainable free international trading system and the spirit of the WTO Agreement (GATT) will be achieved.

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